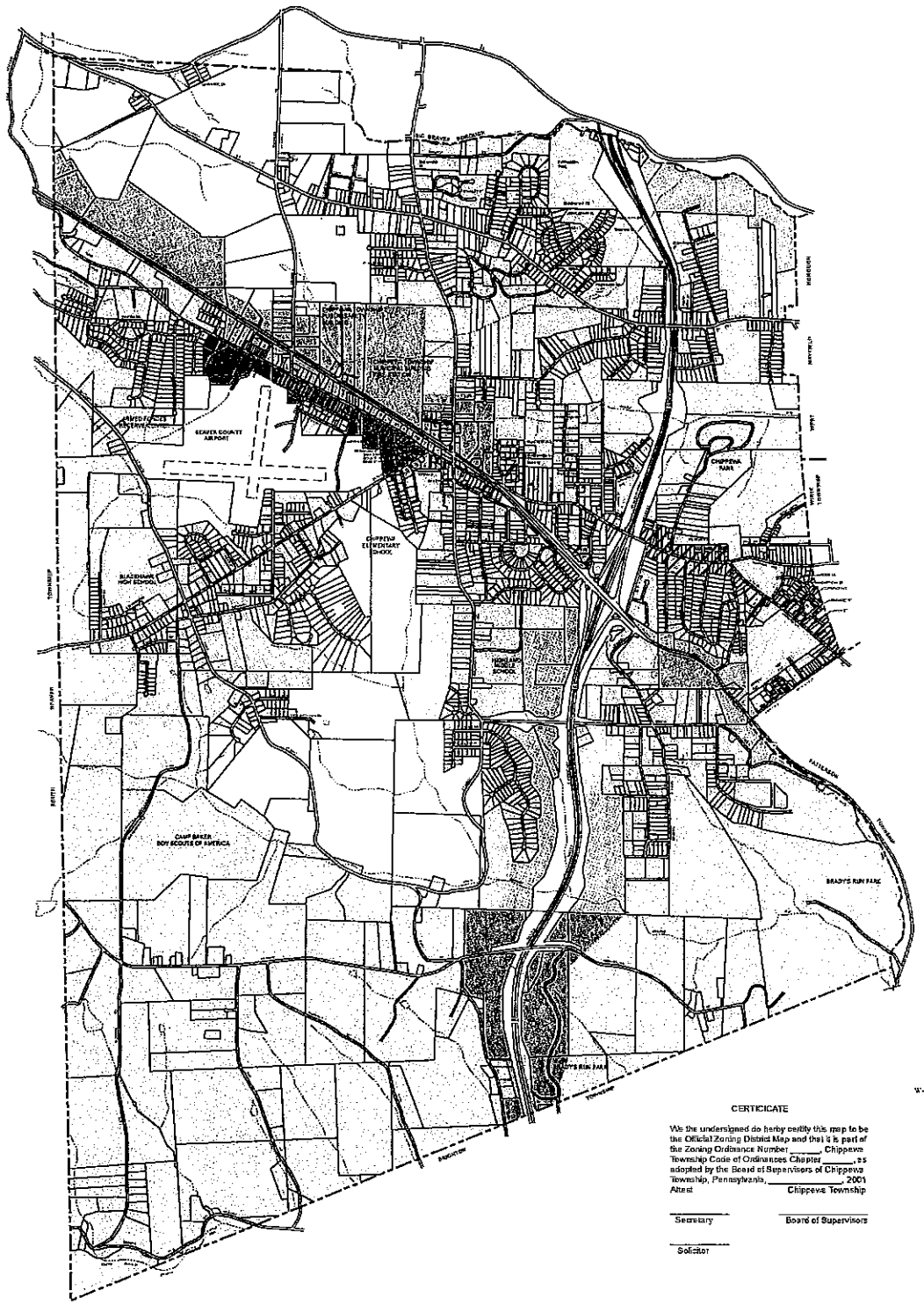

CERTICICATE

We the undersigned do hereby certify this map to be the Official Zoning District Map and that it is part of the Zoning Ordinance Number _____, Chippewa Township Code of Ordinances Chapter _____, as adopted by the Board of Supervisors of Chippewa Township, Pennsylvania, _____, 2001

Attest Chippewa Township

Secretary Board of Supervisors

Solicitor

OFFICIAL ZONING DISTRICTS

CHIPPEWA TOWNSHIP

BEAVER COUNTY, PENNSYLVANIA

ZONING DISTRICTS

- AR-1 AGRICULTURAL RESIDENTIAL
- R-2 RURAL RESIDENTIAL
- R-3 SUBURBAN RESIDENTIAL
- C-1 NEIGHBORHOOD COMMERCIAL
- PC PLANNED COMMERCE
- SG SPECIAL GROWTH
- IC INDUSTIAL CORRIDOR
- AIRPORT SURFACE OVERLAY DISTRICT
- PRD PLANNED RESIDENTIAL DISTRICT
- ARTD AGRICULTURAL RESIDENTAL TRANSITION DISTRICT
- RCO RESIDENTIAL COLLECTOR OVERLAY

2,500 1,250 0 2,500 5,000 Feet

1 inch equals 2,500 feet

CHIPPEWA TOWNSHIP
ZONING ORDINANCE
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PART I

AUTHORITY AND GENERAL PURPOSE

SECTION 100 GRANT OF POWER

Pursuant to the Authority contained in the Pennsylvania Municipalities Planning Code, Act 247 of 1968, as amended, the Aviation Code, Act 164 of 1984, as amended, and the Flood Plain Management Act, Act 166 of 1978, as amended and for the purpose of promoting the health, safety and general welfare of the residents of Chippewa Township. The Board of Supervisors do hereby enact this Chapter to regulate and restrict height, number of stories, size and location of buildings and other structures, their construction, alteration, extension, repair, maintenance of all facilities and services in or about such buildings and structures, density of lot development, size of lots, yards, courts, and other open spaces, the density of population in relation to land use, and the location and use of buildings, structures, land, and water courses for trade, industry, commerce, residence, public service and other purposes.

SECTION 101 CONTINUATION OF EFFECT

The provisions of this Ordinance, so far as they are common to those zoning regulations in force immediately prior to the enactment of this Ordinance, are intended as a continuation of such prior regulations and not as new enactments. Such parts of the prior regulations that are omitted from this Ordinance shall be deemed as abrogated, except as they may continue to apply to uses, structures, and subdivided lots, existing legally as of the date of enactment of this Ordinance and protected by express provisions of this Ordinance.

SECTION 102 ESTABLISHING ZONING DISTRICTS

A. For any or all said purposes, the Board of Supervisors hereby divides the Township into districts, of such number, shape, and areas as may be deemed best suited to carry out the purposes of this section. Within such districts, the Board of Supervisors hereby regulates and restricts the erection, construction, reconstruction, alteration, repair or use of buildings, structures or land.

B. All such regulations shall be uniform for each class or kind of construction or development throughout each district, but the regulations in one district may differ from those in another district.

PART II

SHORT TITLE AND PURPOSE

SECTION 200 SHORT TITLE

This Ordinance shall be known and may be cited as "The Zoning Ordinance, Chapter 27 of the Chippewa Township Code of Ordinances" and the district map shall be known and may be cited as the "Official Zoning Map," adopted by reference herein.

SECTION 201 PURPOSE AND OBJECTIVES

A. The purposes of this Chapter are to lessen congestion in the roads and highways, secure safety from fire, panic and other danger, promote health and the general welfare, provide adequate light and air, prevent the overcrowding of land, avoid undue congestion of population, facilitate the adequate provision of transportation, water, sewerage, schools, parks and other requirements. It is also the purpose of this Chapter to encourage the utilization of appropriate construction practices in order to prevent and minimize flood damage, minimize danger to public health by protecting the water supply and natural drainage, and to reasonably regulate the height of structures for the takeoff, landing and maneuvering of aircraft while at the same time not unreasonably impairing the development and growth of Chippewa Township. It is not the intent of this Chapter to restrict, control or place a hardship upon the continued agricultural use of land within its area of jurisdiction and control.

B. The objectives of this Chapter are generally the coordination of the diversified physical elements and the protection of the health, safety, morals and general welfare of the public. The specific Community Development Objectives relate to physical resources, environmental enhancement and the provision of community identity and are as follows:

1. To strengthen economic conditions within the township by attracting a variety of commercial and industrial development to the community.
2. To maintain the residential character of the township by designating appropriate quantities of land areas for all housing types and providing controls to insure other land uses do not unreasonably conflict with residential districts.
3. To improve the quality of life for township residents by providing coordinated services and facilities through appropriate public, semi-public and private organizations.
4. To control growth within the township by enacting appropriate zoning, subdivision and land development and other land use regulations.

SECTION 202 INTERPRETATION

A. In interpreting and applying the provisions of this Chapter, they shall be held to be the minimum requirements for the promotion of health, safety, morals, and the general welfare of Chippewa Township and its citizens. It is not intended by this Chapter to interfere with or abrogate or annul any rules or regulations previously adopted or permits previously issued by the Township which **are not** in conflict with any provisions of this Chapter, nor is it intended by this Chapter to interfere with or abrogate or annul any easements, covenants, building restrictions, or other agreements between parties.

B. Where this Chapter imposes a greater restriction upon the use of the buildings or premises or upon the height of the building, or requires a larger open space than is imposed or required by such Chapter, rules, regulations or permits, or by easements, covenants, building restrictions or agreements, the provisions of this Chapter shall control.

SECTION 203 USES NOT LISTED

When a land use proposed by a property owner is not listed as a permitted use, a conditional use or a use by special exception in any of the established zoning districts or overlay zoning district, the Zoning Officer shall, at the request of the owner, refer such proposed land use to the Zoning Hearing Board following denial of the zoning permit. The proposed use shall be reviewed as a request for a special exception. The Zoning Hearing Board shall apply the general standards outlined in Part XXI, Sections 2134 and 2135.

PART III

DEFINITIONS

SECTION 300 INTERPRETATION OF WORDS

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

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

B. Words used in plural shall include the singular.

C. The words "person", "owner", or "developer" include a profit or nonprofit corporation, company, partnership, association or individual.

D. The words "used" or "occupied" as applied to any land, water, or building shall include the words "intended," "arranged," or "designed" to be used or occupied.

E. The word "building" shall include the word "structure" and shall be construed as if followed by the phrase "or part thereof."

F. The word "lot" shall include a plot, parcel, or tract of land and/or water area.

G. The word "street" shall include "highway" and "road."

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

I. The word "may" is permissive.

J. Unless otherwise specified, all distances shall be measured horizontally.

SECTION 301 MEANING OF WORDS

Unless otherwise expressly stated, the following words shall for the purpose of this Chapter have the meaning herein indicated.

ACCESS - An improved way to permit vehicular access to a building, structure, land, or water area from the public street.

ACCESS DRIVE - The principal means of access into all parking areas with over fifty (50) parking spaces and the principal means of access to public and semi - public uses and to multi-family developments, and the principal means of access to on-site buildings and structures, or to loading and unloading areas in the C-1, PC, and IC districts of this Chapter.

ACCESSORY BUILDING - A subordinate building or a portion of the principal building on the lot, the use of which is customarily incidental to that of the principal building and the accessory building shall not occupy or exceed fifty (50) percent of the space of the principal building.

(Revised by Ord. 182, 9/8/1997)

ACCESSORY USE - A use on the same lot with, and of a nature customarily associated with, and of a nature customarily incidental and subordinate to the principal use.

ADULT BOOK STORE - An establishment having, as a substantial or significant portion of its stock in trade, for sale or rental books, magazines, video tapes, computer disks, or other materials which are distinguished or characterized by their emphasis on matter depicting, describing or relating to "sexual activities" or "nudity" as defined herein. (Revised by Ord. 173)

ADULT CABARET - A cabaret, tavern, bar, nightclub, theater or similar club which features strippers, female topless and/or bottomless waitresses or employees, male or female impersonators or similar entertainers who exhibit, display or engage in nudity, sexual conduct or sadomasochistic abuse, as defined in this Chapter and the Pennsylvania Obscenity Code. (Revised by Ord. 173)

ADULT MINI-MOTION PICTURE THEATER - An enclosed building or structure offering video presentations distinguished or characterized by an emphasis on matter depicting, describing or relating to "sexual activities" or "nudity," as defined herein, for observation by patrons within private viewing booths and/or by use of token or coin operated projectors or other video machines. (Revised by Ord. 173)

ADULT RELATED BUSINESS - Any adult book store, adult cabaret, adult mini-motion picture theater or adult theater as defined herein and which, under the Pennsylvania Obscenity Code, must exclude minors or may not knowingly disseminate to minors. Also, a massage establishment as defined herein. (Revised by Ord. 173)

ADULT THEATER - Any business which exhibits an indoor motion picture show or other presentation which in whole or in part depicts nudity, sexual conduct or sadomasochistic abuse as defined in the Pennsylvania Obscenity Code. Any adult theater which proposes to exhibit a motion picture show or other presentation, as defined above, outside the confines of a building or structure is prohibited. (Revised by Ord. 173)

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 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.

AIRCRAFT - Any contrivance, except an empowered hang- glider or parachute, used, for manned ascent into or flight through the air. See 74 PA Cons. Stat. 5102.

AIRPORT - Refers to the Beaver County Airport. Defined as: Any area of land or water which is used, or intended to be used, for the landing and takeoff of aircraft and any appurtenant areas which are used, or intended to be used, for airport buildings on air navigation facilities or rights-of-way, together with all airport buildings and facilities thereon. See 74 PA Cons. Stat. 5102. As used herein the term "Airport" shall not include heliports. Private and public airports are defined separately in this section.

AIRPORT ELEVATION - The highest point of an airport's usable landing area measured in feet from sea level. Here: 1,252 feet above mean sea level.

AIRPORT HAZARD AREA - Any area of land or water upon which a hazard to air navigation (an airport hazard) might be established if not prevented as provided by these regulations and the 1984 PA Laws 164.

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

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.

APPROACH SURFACE - A surface longitudinally centered on the extended runway centerline, extending outward and upward from the end of the primary surface and at the same slope as the approach zone height limitation slope set forth in Part XIII of this Chapter. In plan, the perimeter of the approach surface coincides with the perimeter of the approach zone.

APPROACH, TRANSITIONAL, HORIZONTAL, AND CONICAL ZONES - These zones are set forth in Part XIII of this Chapter.

AREA, GROSS FLOOR - The sum of the gross horizontal areas of the several floors of a building, excluding basement floor area not devoted to residential use, porches, patios, breeze ways, carports, sun porches or other similar structural additions.

AREA, GROSS FLOOR - As applied to off-street parking, the area used or intended for services to the public as customers, patrons, clients or tenants, including areas occupied for fixtures and equipment used for display or sale of merchandise. Floor areas which are used exclusively for storage, housing of mechanical equipment integral with the building, for maintenance facilities, or for those areas so restricted that customers, patients, clients, salesmen and the general public are denied access are

also included.

ASSISTED LIVING FACILITY - See Nursing and Personal Care Facility.

AUTOMOTIVE SERVICE STATION - Any premises used primarily for supplying gasoline, oil, minor accessories, or service for automobiles at retail, direct to the motorist consumer, including the making of minor repairs, but excluding painting.

BASEMENT - A story partly underground but having at least one half (1/2) 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 five (5) feet or if used for business or dwelling purposes, other than a game or recreation room.

BED AND BREAKFAST - An existing residential structure converted for use from a single family dwelling to a facility for the boarding of overnight guests on a limited basis. (Ord. 191, 5/10/1999)

BED AND BREAKFAST OWNER - A person or persons or partner or partners in a partnership owning the fee simple title to the real estate upon which the Bed and .Breakfast use is operated subject to any bona fide encumbrances and conveyance of legal title for mortgage financing purposes. When the Bed and Breakfast real estate is owned by more than one person or a partnership, the operator and full time resident of the Bed and Breakfast must own at least a twenty-five (25) percent interest in said real estate. (Ord. 191, 5/10/1999)

BOARD OF SUPERVISORS - The Board of Supervisors of the Township of Chippewa, Beaver County, Pennsylvania.

BUILDING - Anything constructed or erected with a fixed location on the ground or attached to something having a fixed location *on* the ground that has a roof supported by columns or walls.

BUILDING, FRONTLINE OF - The line of that face of the building nearest the frontline of the lot. This face includes covered or roofed patios, porches, or entrance ways, whether enclosed or unenclosed, but does not include steps, or entrance walks.

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 ridges for gable, hip, and gambrel roofs.

BUILDING LINE - A line located on the lot or parcel at a fixed distance from the street right-of-way line and interpreted as being the nearest point that a building may be constructed to the street right-of-way. The building line shall limit the location of porches, patios, and similar construction to the face of this line.

BUILDING, MAIN OR PRINCIPAL - A building in which is conducted the principal use or uses of the lot on which it is located.

BUSINESS SERVICES - Establishments engaged in rendering services to other

businesses on a fee or contract basis including, but not limited to, advertising, maintenance, personnel and employment services, protective services or equipment rental services.

CARPORT - A private parking area for the storage of one (1) or more vehicles which may be covered by a roof supported by columns or posts and which shall have no more than two (2) walls. A carport is an accessory building or extension to a principal building and shall not extend into the front yards.

CARTWAY - That portion of the street right-of-way surfaced for vehicular use. Width is determined from one (1) edge of driving surface to the other edge of driving surface and shall not include the storm water gutter or face of curb.

CLUSTER DEVELOPMENT - See "Planned Residential Development."

CLUSTERED HOUSING DEVELOPMENTS - A subdivision in which individual lots are designated in somewhat tighter arrangements that a conventional subdivision with a significant percentage of the total plot or parcel being dedicated and held as common open space.

COLLECTION AREA -See "Refuse and Waste Collection Areas."

COLLECTOR STREET - See "Street, Collector."

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

COMMERCIAL CENTER INTEGRATED MALL - Integrated business centers wherein the establishments in said centers are wholly or partially served by access through a common enclosed mall area, and the establishments in each said center are comprised of but not limited to retail sales, service or recreation. This center shall be intended to draw from a regional or township-wide service area.

COMMERCIAL, PLAN SCALED - For the purposes of this Ordinance, Chapter 27, commercial uses developed in conjunction with a Planned Residential Development with reduced footprints at a scale comparable to surrounding residential structures.

COMMISSION, PLANNING - The legally appointed Planning Commission of Chippewa Township.

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.

COMMUNICATION ANTENNA - A structure used in point to point communication services, including radio, wire, cellular or television broadcasting or information exchange.

COMMUNICATION TOWER - A support structure which is usually very tall in proportion to its other dimensions, usually constructed of steel or wood and utilized to install, hold, and support an antenna or antennas at or near the top of the tower in order for the antenna or antennas to be functional.

COMMUNITY/NEIGHBORHOOD CENTER - A structure or area whose use is limited to the nonprofit recreational pursuits of the community or neighborhood in which it is located.

COMPREHENSIVE PLAN - The Comprehensive Plan for the Township of Chippewa.

CONDITIONAL USE - A use permitted in a particular zoning district pursuant to the provisions of Article VI of the Pennsylvania Municipalities Planning Code, Act 247 of 1968, as amended.

CONDOMINIUM - Real estate portions of which are designated for separate ownership and the remainder of which is designated for common ownerships solely by the owners of those portions. The undivided interest in the common elements must be vested in the unit owners for the real estate to be a condominium.

CONICAL SURFACE - A surface extending outward and upward from the periphery of the horizontal surface at a slope of 20 to 1 for a horizontal distance of 4,000 feet.

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

COVERAGE, LOT - That portion or percentage of the plot or lot area covered by the buildings and/or structures.

CROPLANDS - A land area without structures which is used for the raising of agricultural crops.

CUSTOMARILY INCIDENTAL - As applied to accessory uses, those uses of a secondary or related nature to principal permitted uses on the same lot or parcel.

DECISION - Final adjudication of any board or other body granted jurisdiction under any land use Chapter or the Pennsylvania Municipalities Planning Code, Act 247, 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 Beaver County.

DECK - See "Patio."

DENSITY - A measure of the number of dwelling units which occupy, or may occupy, an area of land.

DEPARTMENT - Pennsylvania Department of Transportation.

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

1. The Township Board of Supervisors;
2. The Zoning Hearing Board; or

3. The Planning Commission, only if and to the extent the Planning Commission is charged with final decision on preliminary or final plans under the Subdivision and Land Development Ordinance or planned residential development provisions.
   Determination 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 landowner, who makes or causes to be made a subdivision of land or a land development.

DEVELOPMENT - Any man-made change to land or water areas including but not limited to buildings, structures, mining, dredging, filling, grading, paving, excavation, drilling operations, or in the case of flood plain regulations the storage of materials and equipment. (Revised by Ord. 182, 9/8/1997)

DEVELOPMENT OF REGIONAL SIGNIFICANCE AND IMPACT - Any land development that, because of its character, magnitude, or location will have substantial effect upon the health, safety, or welfare of citizens in more than one (1) municipality.

DEVELOPMENT PLAN - The provisions for development, including a planned residential development, a plat of subdivision, all covenants relating to use, location and bulk of buildings and other structures, intensity of use or density of development, streets, ways and parking facilities, common open space and public facilities. The phrase "provisions of the development plan" when used in the Pennsylvania Municipalities Planning Code, Act 247, as amended, shall mean the written and graphic materials referred to in this definition.

DOMESTIC ANIMALS - Any animal that has been bred and/or raised to live in or about the habitation of humans and is dependent on people for food and shelter.

DRIVEWAY - The improved access to a single-family residential dwelling and to parking areas of less than fifty (50) parking spaces.

DUMP - A lot or land area or part thereof in excess of one hundred (100) square feet used primarily for the disposal by abandonment, dumping, burial, burning, storage, or other means and for whatever purpose of garbage, trash, refuse, junk, discarded machinery, vehicles, or part thereof, or waste material of any kind being organic or nonorganic.

DWELLING - A building or other structure used primarily for human habitation whether permanent or seasonal that includes separate kitchen and bathroom facilities and separate entrance for each unit. The word "dwelling" shall not include hotels, motel, boarding houses, nursing homes, rooming house, tourist home, or similar uses for group residence.

DWELLING UNIT - Any structure or portion thereof, which is designed and used for residential purposes and includes kitchen and bathroom facilities. (Revised by Ord. 182, 9/8/1997)

DWELLING TYPES

A. CONVERSION APARTMENT - A form of multi-family dwelling where a single-family dwelling is converted into two (2) or more separate living units each having an average of five hundred (500) square feet of interior habitable area, exclusive of basement and/or cellar dwellings. Each unit shall have separate sanitary, cooking and sleeping facilities. (Revised by Ord. 182, 9/8/1997)

B. APARTMENT BUILDING DWELLING - A type of multi-family dwelling containing at least three (3) but no more than twelve (12) dwelling units per building or structure. Each apartment dwelling shall contain a minimum of five hundred (500) square feet of interior habitable area, shall have a kitchen and bathroom facilities, and shall be permanently constructed or affixed to a foundation. (Revised by Ord. 182, 9/8/1997)

C. EARTH SHELTERED DWELLING - A dwelling unit constructed primarily beneath the exterior surface grade having a minimum of nine hundred (900) square feet of interior habitable area. (Revised by Ord. 182, 9/8/1997)

D. MOBILE HOME - A transportable, single family dwelling intended for permanent occupancy, contained in one (1) unit, or in two (2) or more units designed to be joined into one (1) integral unit capable of again being separated for repeated towing, which arrives at a site complete and ready for occupancy except for minor and incidental unpacking and assembly operations, and constructed so that it may be used without a permanent foundation.

E. MULTI-FAMILY DWELLING - Any building or structure having more than four (4) dwelling units which have separate entrances. The dwellings shall be permanently constructed or affixed to a foundation. (Revised by Ord. 182, 9/8/1997)

F. NURSING, CONVALESCENT HOME or HOME FOR THE AGED - Any building or other structure with sleeping rooms where persons are housed or lodged and furnished with meals and nursing care for hire, or a home operated as an institution. Such facility shall be licensed by the Commonwealth of Pennsylvania to provide the appropriate human services based on required staffing levels.

G. SINGLE-FAMILY DETACHED DWELLING - One (1) dwelling unit accommodating a single family, *having* two (2) side yards, and permanently constructed or affixed to a foundation and having a minimum of nine hundred (900) square feet of habitable area exclusive of storage and utility areas. A single family detached dwelling may be an on-site constructed structure or may be

a factory fabricated structure consisting of a minimum of two (2) separate modular units permanently combined on-site and permanently affixed to a foundation to form a single-family detached dwelling.

H. SINGLE-FAMILY SEMI-DETACHED DWELLING - Two (2) dwelling units each accommodating one (1) family which are attached side by side through the use of a common wall or adjoining walls extending through the attic to the roof. Each dwelling unit shall contain a minimum of nine hundred (900) square feet of interior habitable area, shall be permanently constructed or affixed to a foundation, and shall have one (1) side yard adjacent to each dwelling unit. Also, each dwelling unit shall be situated on a lot of record. (Revised by Ord. 182, 9/8/1997)

I. TWO-FAMILY DETACHED DWELLING (DUPLEX) - Two (2) dwelling units each accommodating one (1) family which are located one (1) over the other and having two (2) side yards. Each dwelling unit shall contain a minimum of nine hundred (900) square feet of interior habitable area and shall be permanently constructed or affixed to a foundation. (Revised by Ord 182, 9/8/1997)

J. TOWNHOUSE DWELLING - Any building containing at least three (3) but not more than eight (8) dwelling units which share one (1) common wall with at least (1) one other dwelling unit and in which each dwelling unit has living space on the ground floor and a separate, ground floor entrance. Furthermore, each dwelling unit shall contain a minimum of nine hundred (900) square feet of interior habital area, be situated on a lot of record, contain an integral, attached, detached, or basement garage, and shall be permanently constructed or affixed to a foundation. (Revised by Ord. 182, 9/8/1977)

EFFECTIVE DATE - The date on which this Chapter, or any amendment thereto, is duly adopted by the Township or as specified in the Chapter adopting same.

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

ESSENTIAL PUBLIC SERVICE FACILITIES - The erection, construction, alteration, or maintenance by public utilities, municipal authorities, or Township agencies of underground or overhead water, sanitary sewers, or storm sewers, 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 and where reasonably necessary for the furnishing of adequate service, buildings, and structures. Specifically excluded from this definition are communication towers and communication antennas. (Revised by Ord. 182, 9/8/1997)

EXTENSION - An increase in the area or use of a building, other structure and/or land.

FAA - Federal Aviation Administration of the United States Department of

Transportation.

FAMILY - Any member of individuals living and cooking together as a single housekeeping unit, as distinguished from a group occupying a boarding house.

FLOOD - A temporary inundation of normally dry land areas.

FLOODPLAIN AREA - A relatively flat or low land area which is subject to partial or complete inundation from an adjoining or nearby stream, river or watercourse; and/or any area subject to the unusual and rapid accumulation of surface waters from any source, as established by the Federal Emergency Management Agency.

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

FLOOD WAY - The designated area of a flood plain required to carry and discharge flood waters of a given magnitude. For the purposes of this *Chapter,* the flood way shall be capable of accommodating a flood of the one hundred (100) year magnitude. (Revised by Ord. 182, 9/8/1997)

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.

FRONT YARD - See "Yard, Front."

GARAGE, PRIVATE - An enclosed and covered private parking space for the use of the occupants of the premises for the storage of one (1) or more motor vehicles, provided that no business, occupation, or service is conducted for profit therein.

GARAGE, PUBLIC - A building or structure where motor vehicles can be temporarily parked.

GAS STATION - See Automotive "Service Station."

GOVERNING BODY - The Board of Supervisors, Township of Chippewa, Beaver County, Pennsylvania.

GRADE, FINISHED - The completed surfaces of lots, walks, streets, and roads brought to grades as shown on official plans or designs relating thereto.

GROSS RESIDENTIAL DENSITY - The number of dwelling units in relationship to the development area (land area) actually in use or proposed to be used for residential purposes. The development area shall exclude public rights-of-ways whether within or adjacent to the development. The development area shall include parking areas and access drives, sidewalks, parks, playgrounds, common open space, and other commonly owned facilities within the development.

GROUP RESIDENCE - A nonprofit residential service excluding hotels, motels, boarding, and rooming houses but including health service and social service related uses of a residential nature. Such group residential use is not a dwelling or dwelling unit.

HAZARD TO AIR NAVIGATION - Any structure or object, natural or manmade, or use of land which obstructs the airspace required for reasonable flight or aircraft in landing or taking off at an airport.

HEIGHT - The height of building shall be measured from the mean level of the ground at the front of the building to the highest point on the roof. Chimneys, spires, towers, tanks and similar projections shall not be included in calculating the height.

HEIGHT (ELEVATION) - For the purpose of determining the height limits in all zones set forth in this Chapter and shown on the zoning map, the datum shall be mean sea level elevation unless otherwise specified.

HOME GARDENING - The use of cultivating herbs, fruits, flowers, or vegetables on a piece of ground adjoining the dwelling, excluding the keeping of animals.

HOME OCCUPATION - Any accessory use customarily conducted entirely within a single-family detached dwelling and carried on by the inhabitants residing therein providing that the use conforms to the requirements of this Chapter. Kennels and stables, the keeping of four (4) or more household pets, or the keeping of one (1) or more animals other than a household pet are not uses classified as a home occupation.

HOME OFFICE - An accessory use conducted within a dwelling unit by the inhabitants residing therein providing that the use conforms to the requirements of this Chapter. (Revised by Ord. 182, 9/8/1997)

HORIZONTAL SURFACE - A horizontal plan 150 feet above the established airport elevation, the perimeter of which in plan coincides with the perimeter of the horizontal zone.

HOUSEHOLD PETS - A domesticated animal that is normally or can generally be kept within the immediate living quarters of a residential structure. Any member of the swine, sheep, poultry, bovine or equidae family of quadrupeds, or reptiles having a venomous or constrictor nature does not constitute a household pet under any provision of the Chapter.

ICE CREAM STANDS - The retail sale of ice cream products and subordinate food items and beverages, including but not limited to hot dogs, hamburgers, sandwiches, french fries, pretzels and soft drinks, from a building with a fixed location and catering to customers served inside and/or outside the confines of the building. (Revised by Ord. 182, 9/8/1997)

ILLUMINATING SIGN - Signs which produce or reflect light by electrical, mechanical or other means as well as luminous paint or reflectorized glass.

INDUSTRIAL OR MANUFACTURING - The storage, warehousing, compounding, assembling, processing, recycling, salvaging, packing, or treatment of raw materials or other products.

INTEGRATED BUSINESS CENTER - A combination of commercial uses designed, structured and located so as to result in a shopping plaza, mall or other acceptable structural configuration or architectural modification thereof.

INTEGRATED MALL COMMERCIAL CENTER - See "Commercial Center, Integrated Mall."

INTERIOR LOT LINE - See "Lot Line, Interior."

JUNK - Any worn, cast-off, or discarded article or material which is ready for destruction or which has been collected or stored for sale, resale, salvage, or conversion to some other use. Any such second hand article or material shall not be considered junk if unaltered or unchanged, and without need of further reconditioning or disassembly it can be used for its original purpose as readily as when new.

JUNKYARD - The use of more than one hundred (100) square feet of the area of any lot for more than seven (7) continuing days for the storage, keeping, or abandonment of junk, including scrap material from the dismantling, demolition, or abandonment of automobiles, or other vehicles or machinery or parts thereof. A "junkyard" shall include an automobile graveyard or motor vehicle graveyard, or automobile parts recycling center and/or automobile recycling center.

KENNEL - The keeping of four (4) or more household pets that are more than six (6) months old. A kennel is not a home occupation and is not an accessory use to a residential dwelling unless specifically permitted.

LANDOWNER - A legal or beneficial owner or owners of land located within the Township of Chippewa, Beaver County, Pennsylvania including the holder of an option or contract to purchase (whether or not such option or contract is subject to any condition), a lessee if he is authorized under the lease to exercise the rights of the landowner, or other persons having a legally recognized proprietary interest in land.

LARGER THAN UTILITY RUNWAY - A runway that is constructed for and intended to be used by propeller driven aircraft of greater than 12,500 pounds maximum gross weight and jet powered aircraft.

LEGISLATIVE BODY - The Chippewa Township Board of Supervisors.

LINE, BUILDING - See "Building Line."

LINE, STREET - The boundary line between the street and the lot, also known as the right-of-way.

LOADING/UNLOADING FACILITIES - The total composite of all off-street structures and facilities for a loading/unloading area to include but not limited to the loading/unloading space(s), docking approach, access drive(s), and all related accessory facilities.

LOADING/UNLOADING SPACE - A space not less than twelve (12) feet wide and thirty (30) feet deep with an overhead clearance of fourteen (14) feet six (6) inches plus an additional thirty (30) feet in depth for a docking approach. This space may be inside, enclosed, or outside of a structure and shall be used exclusively for the temporary standing of a motorized vehicle while loading or unloading merchandise or materials. This space shall be located off or beyond the public right-of-way and shall have direct access to a public street without the use of parking aisles. This space shall be on the same lot with a use or structure *for* which the loading/unloading space is being

provided.

LOCAL STREET - See "Street, Local."

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 AREA - The area of a horizontal plane measured at grade and bounded by the front, side, and rear lot lines as measured from the street right-of-way line and not including any part of an alley, public space or public street. Lot area shall also be defined to include parcel or tract area.

LOT, CORNER - A lot abutting upon two (2) or more intersecting streets or other public spaces.

LOT DEPTH - The average horizontal distance between the front and rear lot *boundary* lines.

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

LOT LINE, EXTERIOR - Any property line that divides said lot from a public right-of-way.

LOT LINE, FRONT - The dividing line separating the front of a lot from a street or road right of way that the lot fronts upon. (Revised by Ord. 174)

LOT LINE, INTERIOR - Any property line that divides said lot from another lot. Said lot line may be a side or rear lot line.

LOT LINES - The lines bounding a lot.

LOT WIDTH - The total horizontal distance (including actual arc distances) between the side lot lines along a line parallel to the front lot line. In case of an irregularly shaped lot, the minimum required lot width shall be measured at the building line. Minimum lot width shall also be defined to include minimum parcel or tract width.

LOWEST FLOOR - The lowest floor of the lowest fully enclosed area (including basement). An unfinished, flood resistant partially enclosed area, used solely for parking of vehicles, building access, and incidental storage, in an area other than a basement area is not considered the lowest floor of a building, provided that such space is not designated and built so that the structure is in violation of the applicable non-elevation design requirements of this Chapter. (Revised by Ord. 182, 9/8/1997)

MASSAGE ESTABLISHMENT - *A* business which provides the services of massage and body manipulation, including exercises, heat and light treatments of the body and all forms of physiotherapy unless operated by a medical practitioner, chiropractor or professional physical therapist licensed by the Commonwealth of Pennsylvania. This definition does not include an athletic club, school, gymnasium, reducing salon, spa or similar establishment where massage or similar manipulation of the human body is offered as an incidental or accessory service. (Ord No. 173)

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.

MINOR ARTERIAL STREET - See "Street, Minor Arterial."

MOBILE HOME - A transportable, single family dwelling intended for permanent occupancy, contained in one (1) unit, or in two (2) or more units designed to be joined into one (1) integral unit capable of again being separated for repeated towing, which arrives at a site complete and ready for occupancy except for minor and incidental unpacking and assembly operations, and constructed so that it may be used without a permanent foundation.

MOBILE HOME PARK - A parcel or contiguous parcels of land which has been so designated and improved that it contains two (2) or more mobile home lots for the placement thereon of mobile homes.

MOTEL OR HOTEL - An establishment providing sleeping accommodations with a majority of all rooms having direct access to the outside without the necessity of passing through the main lobby of the building.

NATURAL GAS COMPRESSOR STATION - A facility designed and constructed to compress natural gas that originates from an oil and gas well or collection of such wells operating as a midstream facility for delivery of oil and gas to a transmission pipeline, distribution pipeline, natural gas processing plant, or underground storage field, including one or more natural gas compressors, associated buildings, pipes, valves, tanks and other equipment. (Ord. 238, 10/20/10) Repealed (Ord. 244, 8/08/2012).

NATURAL GAS PROCESSING PLANT - A facility designed and constructed to remove materials such as ethane, propane, butane, and other constituents or similar substances from natural gas to allow such natural gas to be of such quality as is required or appropriate for transmission or distribution to commercial markets but not including facilities or equipment that are/is designed and constructed primarily to remove water, water vapor, oil or naturally occurring liquids from natural gas. (Ord. 238, 10/20/10) Repealed (Ord. 244, 8/08/2012).

NEW CONSTRUCTION - Structures for which the start of construction commenced on or after the adoption of Ordinance No. 116 on July 28, 1986 and includes any subsequent improvements thereto. (Revised by Ord. 182, 9/8/1997)

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 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.

NONPRECISION INSTRUMENT RUNWAY - A runway having an existing instrument approach procedure utilizing air navigation facilities with only horizontal guidance, or area type navigation equipment, for which a straight-in non-precision instrument approach procedure has been approved or planned.

NUDITY - Nudity shall be defined as completely without clothing; or with the human male or female genitals, pubic area or buttocks with less than a full opaque covering or the showing of the female breasts with less than a fully opaque covering of any portion thereof below the top of the nipple, or the covered male genitals in discernible turgid state. (Revised by Ord. 173)

NURSING AND PERSONAL CARE FACILITY - Residential use for the care of elderly persons where services include assistance with daily activities such as dressing, grooming, bathing and non-medical services including laundry, recreation and transportation.

OBSTRUCTION - Any wall, dam, wharf, embankment, levee, dike, pile abutment, projection, excavation, channel, rectification, culvert, building, fence, stockpile, refuse, fill, structure, or matter in, along, across, or projecting into any channel, watercourse, or flood prone area, which may impede, retard, or change the direction of the flow of water either in itself or by catching or collecting debris carried by such water or is placed where the flow of the water might carry the same downstream to the damage of life and property.

OCCUPANCY PERMIT - A statement signed by the Zoning 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 uses or both.

OFF-SITE SEWER SERVICE - A sanitary sewage collection system in which sewage is carried from an individual lot or dwelling unit(s) by a system of pipes to a central treatment and disposal plant located beyond the limits of the lot being served and which shall be publicly owned and operated or privately owned and operated upon approval of the Board of Supervisors.

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

OFFICIALLY RECEIVED APPLICATION - An application that has been submitted along with the required exhibits, plans, and fee, that has been declared by said official as a completed application and therefore officially received for review.

OIL AND GAS - Crude oil, natural gas, methane gas, coal bed methane gas, propane, butane and/or any other constituents or similar substances that are produced by drilling a well of any depth into, through, below the surface of the earth. (Ord. 238, 10/20/10) Repealed (Ord. 244, 8/08/2012).

OIL AND GAS DEVELOPMENT OR DEVELOPMENT - The well site preparation, well site construction, drilling, hydraulic fracturing, and/or site restoration associated with an oil and gas well of any depth; water and other fluid storage, impoundment and transportation used for such activities; and the installation and use of all associated equipment, including tanks, meters and other equipment and structures whether permanent or temporary; and the site preparation, roads and rights-of-way to and from the development, construction, installation, maintenance and repair of oil and gas pipelines and associated equipment and other equipment and activities associated with the exploration for, production and transportation of oil and gas, other than natural gas compressor stations and natural gas processing plants or facilities performing the equivalent functions that operate as midstream facilities. Natural gas compressor stations and natural gas processing plants or facilities performing the equivalent functions that operate as midstream facilities are only authorized consistent with the Township of Chippewa Zoning Ordinance subject to change by additional legislation. This development shall require a Land Use Development Plan in accordance with the Township's Land Development Ordinance. (Ord. 238, 10/20/10) Repealed (Ord. 244, 8/08/2012).

ON-SITE SANITARY SEWER SERVICE - A single system of piping, tanks, or other facilities serving only a single lot and disposing of sanitary sewage in whole or in part into the soil, as approved by Chippewa Township.

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

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

OPEN SPACE - An unoccupied space containing no buildings open to the sky on the same lot with the building.

OPERATOR - Any person partnership, company, corporation and its subcontractors and agents who has an interest in real estate for the purpose of exploring or drilling for, producing, or transporting oil or gas, including the lessee or successor of a lessee under an oil and gas lease. (Ord. 238, 10/20/10) Repealed (Ord. 244, 8/08/2012).

PARKING SPACE - An off-street space having an area of not less than one-hundred and sixty-two (162) square feet, whether inside or outside of a structure, for the temporary standing of automotive vehicles to be used exclusively as a parking stall for one (1) automotive vehicle. The parking space shall be located off or beyond the public right-of-way.

PARKING FACILITIES - The total composite of all off-street structures and facilities for a parking area to include but not limited to parking spaces(s), parking aisles, stand-by/stacking lanes, driveways, access drive(s), and all related accessory facilities.

PARKS - Recreational facilities owned and operated by local governing bodies.

PASTURE, PASTURAGE - A fenced land area without other structures covered with grass or similar vegetation used in the feeding or grazing of cattle, horses, sheep, and similar animals.

PATIO/DECK/PORCH/STOOP - An uncovered or covered outdoor living area, in excess of twenty-four (24) square feet in area projecting from the front, side, or rear walls of a building. These are considered part of the principal building and shall not extend beyond the building line or into the front yard.

PERSON - Unless otherwise specified person shall mean both the singular and plural, male or female, firm, business, partnership, association or corporation.

PERSON - An individual, firm, partnership, corporation, company, association, joint stock association, or governmental entity; includes a trustee, a receiver, and assignee, or a similar representative of any of the above.

PERSONAL CARE FACILITY - A residential facility licensed by the Commonwealth, whether public or private, which provides twenty-four (24) hour per day substitute care, food, lodging, supervision, habilitation, rehabilitation and treatment which cannot be provided in the person's own home.

PERSONAL SERVICES - An establishment engaged in the provision of frequent or recurrent services of a personal nature including but not limited to, beauty and barber shops, shoe repair shops and tax-preparation businesses.

PLANNING COMMISSION - The duly appointed members of the Chippewa Township Planning Commission which provides recommendations to the Township Supervisors on land use and community development issues.

PLANNED RESIDENTIAL DEVELOPMENT - An area of land, controlled by a landowner, to be developed as a single entity for a number of dwelling units, or combination or residential and nonresidential uses, the development plan for which does not correspond in lot size, bulk, type of dwelling, or use, density, or intensity, lot coverage and required open space to the regulations established in any one district created, from time to time, under the provisions of The Chippewa Township zoning ordinance.

PORCH - See "Patio."

PRECISION INSTRUMENT RUNWAY - A runway having an existing instrument approach procedure utilizing an Instrument Landing System (ILS) of a Precision Approach Radar (PAR). It also means a runway for which a precision approach system is planned and is so indicated on an approved airport layout plan or any other planning document.

PREMISES - Any lot, parcel, or tract of land or body of water and any building constructed thereon.

PRIMARY SURFACE - A surface longitudinally centered on a runway. When the runway has a specially prepared hard surface, the primary surface extends 200 feet beyond each end of that runway; for military runways or when the runway has no specially prepared hard surface, or planned hard surface, the primary surface ends at each end of that runway. The width of the primary surface is set forth this Chapter. The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway centerline.

PRIME AGRICULTURAL LAND - Land used for agricultural purposes that contains soils of the first, second or third class as defined by the United States Department of Agriculture natural resource and conservation services county soil survey.

PRINCIPAL ARTERIAL STREET - See "Street, Principal Arterial."

PRINCIPAL USE - The major or dominant use of the lot on which it is situated.

PRIVATE AIRPORT - An airport which is privately owned and which is not open or intended to be open to the public in 74 PA Cons. Stat. 5102.

PRIVATE RIGHT-OF-WAY - Land reserved for use as a road, street, alley, etc. and not intended for use **by general public.**

PROFESSIONAL OFFICE - Any office or business conducted by an individual or association including but not limited to engineers, lawyers, doctors, dentists, architects, chiropractors and veterinarians who or that must be licensed under the laws of the State.

PROTECTED STRUCTURE - Any occupied residence, commercial business, school, religious institution or other public building located within 1,000 feet of the surface location of a well that may be impacted by noise generated from drilling or hydraulic fracturing activity at a well site. The term shall not include any structure owned by an oil and gas lessor who has signed a lease with the operator granting surface rights to drill the subject well or whose owner (or occupants) has (have) signed a waiver relieving the operator from implementation of the measures established in Section 1625 P. or this Ordinance for the owner's (occupants') benefit. (Ord. 238, 10/20/10) Repealed (Ord. 244, 8/8/2012).

PUBLIC AIRPORT - An airport which is either publicly or privately owned and which is open to the public as defined in 74 PA Cons. Stat. 5102.

PUBLIC ASSEMBLY - A place being a use, structure, or area being on land or water for the temporary or occasional assembly of people.

PUBLIC FACILITIES - An essential public service installation and public streets or roads all being necessary for the public health, safety, or general welfare.

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; and
3. Publicly owned or operated scenic and historic sites.

PUBLIC HEARING - A formal meeting held pursuant to public notice by the Board of Supervisors or the Planning Commission, intended to inform and obtain public comment, in accordance with the Pennsylvania Municipalities Planning Code, Act 247, as amended.

PUBLIC LANDS - Lands owned by the township, county, state, or federal government, their agencies or authorities.

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 two (2) successive weeks in a newspaper of general circulation in the Township. Such a notice shall state the time and place of the hearing and the particular nature of the matter to be considered at the hearing. The first publication shall be not more than thirty (30) days *and* the second publication shall not be less than seven (7) days from the date of the hearing. (Revised by Ord. 182, 9/8/1997)

PUBLIC RIGHT-OF-WAY - Land reserved by way of public ownership or dedication for use as a road, street, alley, crosswalk, pedestrian way, or other public purpose.

QUADRUPLEX - A typed of multi-family dwelling structure with four attached dwellings, each with two open space exposures and one or two common walls.

RECREATIONAL VEHICLE - A vehicle which is (i) built on a single chassis; (ii) not more than four hundred (400) square feet, measured at the largest horizontal projections; (iii) designed to be self-propelled or permanently towable by a light duty truck; (iv) not designed for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel or seasonal use. (Revised by Ord. 182, 9/8/1997)

RECREATIONAL VEHICLE TRAILER CAMP - A tract of land where three (3) or more trailers are parked or which is used or held out for the purpose of supplying to the public a parking space for three (3) or more Recreational Vehicle trailers. (See the Chippewa Subdivision and Land Development Ordinance)

REFUSE AND WASTE COLLECTION AREA - Visually screened areas for the collection of refuse not to exceed one hundred (100) square feet in area and not used for

the storage or disposal of refuse materials beyond seven (7) days.

REGULATORY FLOOD ELEVATION - The one hundred (100) year flood elevation plus a Freeboard safety factor of one and one-half (1-1/2) feet.

RELATIVELY UNIFORM BUILDING LINE - A front yard building setback line maintained by at least seventy-five (75) percent of the buildings, within a variance of five (5) feet, on a street, block or subdivision plan. (Revised by Ord. 182, 9/8/1997)

RETAIL CENTERS - Multi-use commercial developments with at least one anchor tenant and with direct access to a collector roadway.

RETAIL USES - Establishments engaged in selling goods or merchandise to the general public for personal or household consumption and rendering services incidental to the sales of such goods. (Revised by Ord. 182, 9/8/1997)

ROADSIDE STAND - A permanent or temporary structure used for the display, support and protection of products such as vegetables, fruits, poultry, and dairy or other products.

ROOMING HOUSE - A residential building other than a hotel or motel in which part or parts are kept, used or held out to be a place where sleeping accommodations are offered for hire.

RUNWAY - A defined area on an airport prepared for landing and takeoff of aircraft along its length.

SANITARY LANDFILL - A lot or land or part thereof used primarily for the disposal of garbage, refuse and other discarded materials including, but not limited to, solid and liquid waste materials resulting from industrial, commercial, agricultural and residential activities. The operation of a sanitary landfill normally consists of depositing the discarded material in a planned controlled manner, compacting the discarded material in thin layers to reduce its volume, covering the discarded material with a layer of earth and compacting earth cover.

SCHOOLS, PUBLIC/PRIVATE - A building or group of buildings the use of which meets Commonwealth requirements for primary, secondary or higher education, not including trade or business schools or schools for the performing or martial arts.

SERVICES, ESSENTIAL - See "Essential Public Service Installations."

SEXUAL ACTIVITIES - Sexual activities shall be defined as (1) acts of masturbation, homosexuality, sexual intercourse or physical contact with a person's clothed or unclothed genitals, pubic area, buttocks, or if such a person is a female, breasts; (2) the condition of human male or female genitals when in a state of sexual stimulation or arousal; and/or (3) flagellation or torture by or upon a person clad in undergarments, a mask or bizarre costume or the condition of being fettered, bound or otherwise physically restrained on the part of one so clothed. (Revised by Ord. 173)

SIGHT TRIANGLE INTERSECTION OF ACCESS DRIVE OR DRIVEWAY WITH STREET - The triangular area formed by an intersecting street center line with the access drive or

driveway center line and a line interconnecting points established on each center line forty (40) feet from their point of intersection. This entire area is to remain clear of obstructions to sight above a plane established at three and one half (3-1/2) feet and below a height of ten (10) feet as measured from grade level at the intersection of the street center lines. Excluded from this definition and excluded from the applicable regulations of this Chapter is the area (clear sight triangle area) adjacent to a driveway for a single family detached residential dwelling.

SIGHT TRIANGLE AT STREET INTERSECTION - The triangular area formed by two (2) intersecting street center lines and a line interconnecting points established on each center line, seventy-five (75) feet from their point of intersection. This entire area is to remain clear of obstructions to sight above a plane established three and one-half (3-1/2) feet and below a height of ten (10) feet as measured from grade level at the street center line.

SIGN - A sign shall mean a structure used as an advertisement, identification, announcement, or direction.

SPECIAL EXCEPTION - A use permitted in a particular zoning district pursuant to the provisions of Article VI and IX of the Pennsylvania Municipalities Planning Code, Act 247 of 1968, as amended.

SPECIAL PERMIT - A special approval which is required for hospitals, nursing homes, jails, and new mobile home parks and substantial improvements to such existing parks, when such development is located in all, or a designated portion of a flood plain.

SPECIALTY RETAIL - Retail operations that specialize in one type or line of merchandise including, but not limited to, bookstores, antique shops, shoe stores and sporting goods stores.

STABLE - The keeping of one (1) or more animals other than three (3) household pets within a roofed enclosure. A stable is not a home occupation, but may be an agricultural use, and is not an accessory use to a residential dwelling unless specifically permitted.

STOOP - See "Patio."

STORY - That area of a building or structure between the top of the finished floor and the bottom of the floor above.

STREET - Includes street, avenue, boulevard, road, highway, freeway, parkway, lane, alley, viaduct, and any other way used by vehicular traffic or pedestrians, whether public or private.

STREET, COLLECTOR - Those public or private ways identified in the Chippewa Township Comprehensive Plan as collector thoroughfares that are designed to carry a moderate traffic flow.

STREET LINE - The line defining the edge of the legal width of a dedicated street right-of-way.

STREET, LOCAL - Those public ways identified in the Chippewa Township Comprehensive Plan as local thoroughfares and those other public ways which are not

identified in any manner in said Comprehensive Plan and are designed to carry minimal traffic flow.

STREET, MINOR ARTERIAL - Those public ways identified in the Chippewa Township Comprehensive Plan as minor arterial thoroughfares that are designed to carry moderate to heavy traffic flow.

STREET, MAJOR ARTERIAL – Those public ways identified in the Chippewa Township Comprehensive Plan as arterial thoroughfares that are designed to carry a heavy traffic flow.

STREET PUBLIC - A public way which affords principal means of access to abutting properties, dwellings, or dwelling units.

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 re-division 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 ten (10) acres, not involving any new street or easement of access or residential dwellings shall be exempted.

SUBSTANTIAL DAMAGE - Damage from any cause sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed fifty (50) percent or more of the market value of the structure before the damage occurred. (Revised by Ord. 182, 9/8/1997)

SUBSTANTIAL IMPROVEMENT - Any reconstruction, rehabilitation, addition or other improvement of a structure, the cost of which equals or exceeds fifty (50) percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage," regardless of the actual repair work performed. The term does not include any project for improvement of a structure to correct existing, violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe use conditions. (Revised by Ord. 182, 9/8/1997)

SUBSTANTIALLY COMPLETED - Where, in the judgment of the Township Engineer, at least ninety percent (90%) (based on the cost of the required improvements for which financial security was posted pursuant to Section 509 of the Pennsylvania Municipalities Planning Code, Act 247, as amended) of those improvements required as a condition for final approval have been completed in accordance with the approved plan, so that the project will be able to be used, occupied or operated for its intended use.

SURFACE AREA OF SIGN - The entire area within a single continuous perimeter enclosing the extreme limits of writing, representation, emblem, or any figure or similar character together with any frame or other material or color forming an integral part of the display or used to differentiate sign from the background against which it is placed, excluding

necessary supports or uprights upon which such sign is placed. For signs utilizing individual letters or figures or characters mounted directly on the wall or face of a structure, the gross surface area shall be the entire area within a single continuous perimeter enclosing the extreme limits of this sign.

SWIMMING POOL - Any reasonably permanent pool or open tank, not located within a completely enclosed building, and containing or normally capable of containing water to a depth at any point greater than one and one half (1112) feet. Farm ponds and/or lakes are not included, provided that swimming was not the primary purpose for their construction.

TOWNHOUSE - See "Dwelling Type."

TOWNSHIP - Chippewa Township, Beaver County, Pennsylvania. (Ord. 238, 10/20/10) Repealed (Ord. 244, 8/08/2012).

TRAILER - Any licensed or unlicensed piece of mobile equipment designed or constructed to be towed or pulled by a motor vehicle.

TRANSITIONAL SURFACES - These surfaces extend outward at 90 degree angles to the runway centerline and the runway centerline extended at a slope of seven (7) feet horizontally for each foot vertically from the sides of the primary and approach surfaces to where they intersect the horizontal and conical surfaces. Transitional surfaces which project through and beyond the limits of the conical surface, extend a distance of 5,000 feet measured horizontally from the edge of the approach surface and at 90 degree angles to the extended runway centerline.

TRIPLEX - A type of multi-family dwelling structure containing three dwelling units, each of which has direct access to the outside or to a common hall.

UNIFIED SITE - A group of two (2) or more retail sales and service facilities planned and developed as a single development with common access and architectural themes.

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

USE, MIXED - The occupancy of a building or of a lot for more than one (1) use, such as both a business and a residential use.

USE, UNLAWFUL - A use whether of land, water body, or structure which was not in existence prior to the enactment of this Zoning Chapter or its amendment(s) and does not comply with the regulations of this Zoning Chapter or its amendment(s).

UTILITY - Within the framework of this Chapter, utilities shall include community and public water or sanitary sewer facilities only.

UTILITY RUNWAY - A runway that is constructed for and intended to be used by propeller driven aircraft of 12,500 pounds maximum gross weight and less.

VARIANCE - Relief granted pursuant to the provisions of Article VI and IX of the Pennsylvania Municipalities Planning Code, as amended.

VISUAL RUNWAY - A runway intended solely for the operation of aircraft using visual approach procedures.

VISUAL SCREEN - Including but not limited to the following: A masonry wall; an opaque wooded fence (finished side toward adjacent use); or a screen planting used to conceal from the view of the occupants of an adjoining use, the structures and uses on the premises on which the visual screen is located.

WELL SITE - A graded pad designed and constructed for the drilling of one or more oil and gas wells. (Ord. 238, 10/20/10) Repealed (Ord. 244, 8/08/2012).

WHOLESALE USES - The storage and selling of commodities to retailers or jobbers rather than to households or ultimate consumers.

YARD- A required unoccupied space open to the sky on the same lot with a building or structure.

YARD, FRONT - An open unoccupied space on the same lot with a main building, extending the full width of the lot and situated between the street right-of-way line and the front line of the building projected to the side lines of the lot. The depth of the front yard shall be measured between the front line of the building and the street right-of-way line. Covered porches, whether enclosed or unenclosed, shall be considered as part of the main buildings and shall not project into a required front yard.

YARD, REAR - An open unoccupied space on the same lot with a main building, extending the full width of the lot and situated between the rear line of the lot and the rear line of the permitted building area.

YARD, SIDE - An open unoccupied space on the same lot with the building situated between the permitted building area and side line of the lot and extending from the front yard to the rear yard. Any yard not a rear yard or a front yard shall be deemed to be a side yard.

ZONING - A legal, administrative process whereby a municipality divides its territory into districts and applies to each district a number of regulations to control the use of land, the height and bulk of buildings, and the area of ground to be built upon.

ZONING AMENDMENT - A revision to the text regulating activities in any Zoning District which may include other revisions additions or deletions to this Chapter text and/or the official zoning map.

ZONING HEARING BOARD - The Board assigned the duties of judging various appeals of persons aggrieved by the interpretation of the terms of this Chapter.

ZONING OFFICER - That individual authorized by the Board of Supervisors to be the administrator of the day to day application of the provisions contained in this *Chapter.*

ZONING PERMIT - A statement signed by the Zoning Officer indicating the application for permission to construct, alter or add is approved and in accordance with the

requirements of the terms of this Chapter.

ZONING HEARING OFFICER - A member of the Zoning Hearing Board selected by the Zoning Hearing Board to, in some circumstance, conduct hearings for the Zoning Hearing Board.

ZONING MAP, OFFICIAL - The official map of the Township of Chippewa delineating the zoning districts.

PART IV

DESIGNATION OF ZONING DISTRICTS

SECTION 400 ESTABLISHMENT OF ZONING DISTRICTS AND OFFICIAL ZONING MAP (Revised by Ord. 218, 3/17/2004)

A. The following zoning districts are hereby established in the Township of Chippewa:

AR-1	Agricultural Residential District
ART	Agricultural Residential Transition District
R-2	Rural Residential District
R-3	Suburban Residential District
C-1	Neighborhood Commercial District
PC	Planned Commerce District
SG	Special Growth District
IC	Industrial Corridor District
PRD	Planned Residential District
AO	Airport Surface Overlay District
RCO	Residential Collector Overlay

(Revised by Ord. 184, 1/12/98)

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

1. Appendix A, the official zoning map as adopted on the 9th day of October, 2002, is hereby amended to change the zoning district of Tax Parcels 57-007-0101-000,
57-007-0102-000, 57-007-0103-001, 57-007-0105-000, 57-007-0106-000 and 57- 007-0107-000 from R-3, Suburban Residential, to PC, Planned Commerce. (Revised by Ord. 228, 1/17/07)

SECTION 401 INTERPRETATION OF DISTRICT BOUNDARIES

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

1. District boundary lines, unless otherwise indicated on the map, follow or are parallel to the center line of streets and streams, and to lot or property . lines as they exist on a recorded deed or plan of record in the Beaver County Recorder of Deeds Office at the time of the adoption of this Chapter.
2. In unsubdivided land or where a district boundary divides a lot, the location of such boundary, unless the same is indicated by dimensions, shall be determined by the use of the scale appearing on the Official Zoning Map.
3. Where streets, streams, property lines, or other physical boundaries and delineations are not applicable, boundaries shall be determined by.-the scale shown on the Official Zoning Map.
4. Where a district boundary is not fixed by dimensions and where it approximately follows lot lines, and where it does not scale more than ten (10) feet therefrom, such lot lines shall be construed to be such boundaries unless specifically shown otherwise.

B. In circumstances not covered by this section, the Zoning Hearing Board shall interpret the intent of the Official Zoning Map as to the location of district boundaries.

PART V

AR-1 AGRICULTURAL RESIDENTIAL DISTRICT

SECTION 500 PURPOSE

The purpose of the AR-1 Agricultural Residential District is to provide land best suited for agricultural production and low density residential use in areas with rural characteristics where public services and utilities are not immediately available.

SECTION 501 PERMITTED USES

A. Principal Uses

1. Agricultural operations on parcels of ten (10) acres or more including dairying, farming, pasturage, agriculture, horticulture, floriculture, viticulture, and animal and poultry husbandry. (See Section 1606).
2. Single family detached dwellings.
3. Private recreation facilities including, but not limited to, golf courses, country clubs, game clubs, riding stables, rifle clubs and sportsman clubs.
4. Publicly owned parks and playgrounds.
5. Schools, elementary or secondary.
6. Churches and other places of worship.
7. Forestry.
8. Oil and Gas Development. (See Section 301 of Part III). In addition to all the other matters pertaining to permitted uses in the AR-1 District, the provision of Section 1625 shall also be applicable to this permitted use. (Ord. 238, 10/20/10) Repealed (Ord. 244, 8/08/2012).

B. Accessory Uses

1. A pasture, kennel or stable for animals on the lot of a single family detached residential dwelling when said lot is a minimum of five (5) acres.
2. Home occupations. (See Section 1623)
3. Private garages and parking areas. (See Part XVII)
4. Other accessory uses customarily incidental to a permitted principal use.
5. Signs in accordance with Part XVIII of this Chapter.

SECTION 502 CONDITIONAL USES

A. Mobile Home Parks in accordance with the Chippewa Township Subdivision and Land Development Ordinance, Part 6.

B. Correctional Institutions. (See Section 2110)

C. Research and Development (Revised by Ord. 182, 9/8/1997). (See Section 2126)

D. Scrap and Waste Material Storage and Disposal (in accordance with Pennsylvania Act 97 of 1980). (See Section 2130)

E. Mineral extractions (when permitted by the Pennsylvania Department of Environmental Protection) (Revised by Ord. 182, 9/8/1997) (See Section 2119)

F. Amateur Radio Communication Towers. (See Section 2103).

SECTION 503 USES BY SPECIAL EXCEPTION

A. Earth sheltered dwellings. (See Section 2139)

B. Fraternal organizations. (See Section 2140)

C. Recreational Vehicle and Trailer Parks. (See Chippewa Township Subdivision and Land Development Ordinance)

D. Bed and Breakfast. (Ord. 191, 5/10/1999) (See Section 2136)

SECTION 504 LOT REQUIREMENTS

A. For Permitted Uses and Uses by Special Exception
   1. Minimum Lot Area - forty three thousand, five hundred sixty (43,560) square feet (1 acre).
   2. Minimum Lot Width (Ord. No. 174)- 125 feet at right-of-way line.
   3. Minimum Front Yard - forty (40) feet measured from right-of-way line.
   4. Minimum Side Yards - two (2) required.
      (a) For a principal use -20 feet measured from closest property line.
      (b) The side yard of any corner lot shall be equal to the front yard for each yard abutting a right-of-way line.
      (c) For an accessory use - five feet (5') from closest side or rear property line except on a corner lot where a twenty foot (20') side yard is required.

5. Minimum Rear Yard
   (a) For a principal use - forty feet (40') measured from the closest property line or right-of-way line.
6. Maximum Lot Coverage (Bulk) - forty percent (40%) of gross lot-area.
7. Maximum Building Height
   (a) For a principal use - three and one-half (3 1/2) stories or forty (40) feet.
   (b) For an accessory use - twenty (20) feet.
8. Parking Requirements - off street parking shall be in accordance with Part XVII of this Chapter.

B. For Conditional Uses
1. Minimum Lot Area
   (a) For a Mobile Home Park - in accordance with the Chippewa Township Subdivision and Land Development Ordinance.
   (b) For all other conditional uses - forty three thousand, five hundred sixty (43,560) square feet (1 acre).
2. Minimum Lot Width
   (a) For a Mobile Home Park - in accordance with the Chippewa Township Subdivision and Land Development Ordinance.
   (b) For all other conditional uses - two hundred (200) feet at the right-of-way line.
3. Minimum Front Yard
   (a) For a Mobile Home Park - in accordance with the Chippewa Township Subdivision and Land Development Ordinance.
   (b) For all other conditional uses - fifty (50) feet, measured from the right-of-way line.
4. Minimum Side Yards - two (2) required
   (a) For a Mobile Home Park - in accordance with the Chippewa Township Subdivision and Land Development Ordinance.
   (b) For all other conditional uses - thirty feet (30') per side measured from the closest property line.
   (c) For an accessory use - ten feet (10') from the closest side or rear property line.
5. Minimum Rear Yard
   (a) For a Mobile Home Park - in accordance with the Chippewa

Township Subdivision and Land Development Ordinance.

(b) For all other conditional uses - fifty (50) feet measured from the closest property line or right-of-way line.

(c) For an accessory use - ten feet (10') measured from the closest property line or right-of-way line.

6. Maximum Lot Coverage

(a) For a Mobile Home Park - in accordance with the Chippewa Township Subdivision and Land Development Ordinance.

(b) For all other conditional uses - forty percent (40%) of the total lot area.

(c) For an accessory use - five percent (5%) of the total lot area.

7. Maximum Building Height

(a) For a Mobile Home Park - in accordance with the Chippewa Township Subdivision and Land Development Ordinance.

(b) For all other conditional uses - two and one- half (2 1/2) stories or thirty feet (30').

(c) For an accessory use - twenty (20) feet.

8. Parking Requirements - off street parking shall be in accordance with Part XVII of this Chapter.

PART V-A

(Ord.218, 3/17/2004)

AGRICULTURAL RESIDENTIAL TRANSITION DISTRICT

SECTION 550 LOCATION AND DISTRICT BOUNDARIES

This Agricultural Residential Transition District is located in the area adjoining Bradys Run Park and Achortown Road. A portion of the Beaver Valley Expressway (Route 60) runs through the middle of this District.

SECTION 551 PLANNING OBJECTIVE

This District presently contains uses that are primarily Agricultural-Residential. The infrastructure presently is adequate to support the present Agricultural-Residential uses but there is not sufficient infrastructure to support the uses permitted in the PC Planned Commerce District. If the Pennsylvania Department of Transportation or the Pennsylvania Turnpike Commission or its successors creates an interchange to enter the Beaver Valley Expressway (Route 60) from Achortown Road, adequate infrastructure would then be constructed in order to service the interchange and the uses that would be built as a result of the interchange. That infrastructure would then be available to service the permitted or conditional uses in the PC Planned Commerce District. The planning purpose of this District is to continue the present uses Agricultural-Residential uses as the primary use and permits PC Planned Commerce District uses as a conditional use only if an interchange is constructed.

SECTION 552 PERMITTED USES AND ACCESSORY

All the principal and accessory uses that are enumerated in Agricultural-Residential District under Section 501.

SECTION 553 CONDITIONAL USES AND SPECIAL EXCEPTIONS

A. All the conditional uses and Special Exceptions that are enumerated in Sections 502 and 503 that govern the Agricultural-Residential District.

B. All principal uses, accessory uses, conditional uses and special exceptions that are enumerated in Sections 900-905 that govern the PC Planned Commerce District, only if the Pennsylvania Department of Transportation or the

Pennsylvania Turnpike Commission or its successors construct an interchange to enter the Beaver Valley Expressway (Route 60) from Achortown Road.

PART VI

R-2 RURAL RESIDENTIAL DISTRICT

SECTION 600 PURPOSE

The purpose of the R-2 Rural Residential District is to provide for residential land use with rural characteristics, at low or moderate densities.

SECTION 601 PERMITTED USES

A. Principal Uses
1. Single family detached dwellings.
2. Duplex (two-family) dwellings.
3. Home gardening without the sale of products.
4. Nursing and personal care facility.
5. Public recreation.
6. Places of worship.
7. Forestry.
8. Traditional Neighborhood Infill Model (See Section 1624) (Ord. 233, 4/16/08)
9. Oil and Gas Development (See Section 301 of Part III). In addition to all of the other matters pertaining to permitted uses in the R-2 District, the provision of Section 1625 shall also be applicable to this permitted use. (Ord. 238, 10/20/10) Repealed (Ord. 244, 8/08/2012)

B. Accessory Uses
1. Private garages and parking areas. (See Part XVII)
2. Signs in accordance with Part XVIII of this Chapter.
3. Home occupations. (See Section 1623)
4. Other accessory uses customarily incidental to a permitted principal use.

SECTION 602 CONDITIONAL USES

A. Multi-family dwellings, townhouses and condominium dwellings (See Section 2121)

B. Child daycare for six (6) or less not including residents of the dwelling whether or not for compensation. (See Section 2108.)

C. Planned Residential Development in accordance with Part XV of this Chapter.
D. Bed and Breakfast (Ord. 191, 5/10/1999) (See Section 2106)
E. Amateur Radio Communication Towers. (See Section 2103)

SECTION 603 SPECIAL EXCEPTION USES

A. Earth Sheltered Dwellings. (See Section 2139)

B. Domestic animals on the premises of a single family detached dwelling for use of the occupants only. (See Section 2138)

SECTION 604 LOT REQUIREMENTS

A. For Permitted Uses

1. Minimum Lot Area
   (a) With public sanitary sewers - fourteen thousand five hundred and twenty (14,520) square feet.
   (b) With on lot septic disposal - twenty-one thousand seven hundred and eighty (21,780) square feet.
2. Minimum Lot Width (Ord. 174)
   (a) One hundred feet (100') at the right-of-way line for linear property lines.
   (b) Sixty feet (60') at the right-of-way line for curvilinear property lines including arc distance.
3. Minimum Front Yard - thirty (30) feet measured from the right-of-way line. (Revised by Ord. 182, 9/8/1997)
4. Minimum Side Yards - Two (2) required.
   (a) For a principal use: Ten (10) feet measured from closest property line.
   (b) For an accessory use - five (5) feet measured from the closest side or rear property line.
5. Minimum Rear Yard
   (a) For a principal use - fifty (50) feet.
   (b) For an accessory use - ten (10) feet.
6. Maximum Lot Coverage

(a) For all principal and accessory buildings combined - forty percent (40%) of gross lot area.

7. Maximum Building Height

(a) For a principal use - two and one-half (2 1/2) stories or thirty (30) feet, provided that any structure because of its location which is hazardous to air traffic shall be restricted in height in accordance with the applicable rules and regulations of Part XIII of this Chapter.

(b) For an accessory use - twenty (20) feet.

8. Parking Requirements - off street parking shall be in accordance with Part XVII of this Chapter.

B. For Conditional Uses

1. Minimum Lot Area - one (1) acre (43,560 square feet) except as otherwise specified for a conditional use.

2. Minimum Lot Width - one hundred and twenty (120) feet, except that a corner lot shall be a minimum of one hundred fifty (150) feet.

3. Minimum Front Yard - forty (40) feet measured from the right-of-way line.

4. Minimum Side Yards - Two (2) required.

(a) For a conditional use - twenty- (20) feet on each side yard except for corner lots where the side yard shall be fifty (50) feet.

(b) For an accessory use to the side or rear of the principal structure - twenty (20) feet.

5. Minimum Rear Yard

(a) For a conditional use - fifty (50) feet.

(b) For an accessory use - ten (10) feet.

6. Maximum Lot Coverage (Bulk) - Forty percent (40%) of gross lot area for all principal and accessory buildings combined.

7. Maximum Building Height

(a) For a principal structure - two and one-half (2 1/2) stories or thirty (30) feet.

(b) For an accessory structure - twenty (20) feet.

8. Parking Requirements - off street parking shall be in accordance with Part XVII of this Chapter.

C. For Special Exceptions:

1. Minimum Lot Area - one (1) acre (43,560 square feet).

2. Minimum Lot Width - one hundred and eight (180) feet, except that a corner lot shall have a minimum width of two hundred (200) feet.
3. Minimum Front Yard - forty (40) feet.
4. Minimum Side Yards:
   (a) For a principal use - twenty-five (25) feet on each side yard.
   (b) For an accessory use to the side or rear of the principal structure - twenty (20) feet.
   (c) For a principal use on the street side of a corner lot - fifty (50) feet.
5. Minimum Rear Yard:
   (a) For a principal use - fifty (50) feet.
   (b) For an accessory use - ten (10) feet.
6. Maximum Lot Coverage: For all principal and accessory structures combined - forty percent (40%) of the gross lot area.
7. Maximum Building Height:
   (a) For a principal use - two and one-half (2 1/2) stories or thirty (30) feet, provided any structure that may because of its location be hazardous to air traffic shall be restricted in height in accordance with applicable rules and regulations of Part XIII of this Chapter.
   (b) For an accessory use - twenty (20) feet.
8. Parking Requirements - off street parking shall be in accordance with Part XVII of this Chapter.

D. Infill Models: (Ord. 233, 04/16/2008)

1. Minimum lot area - ten (10) acres.
2. Maximum density - five (5) dwelling units per acre.
3. Minimum open space - fifteen percent (15%) of gross area.
4. Nonresidential uses - none permitted.
5. Primary access:
   (a) Thirty (30) dwelling units or less - local or minor collector roadway.
   (b) Thirty-one (31) dwelling units and over, collector or arterial roadway.
6. Maximum building height:
   (a) Principal use - two and a half (2½) stories or thirty feet (30').
   (b) Accessory use - twenty feet (20').
7. Parking requirements - two (2) spaces per dwelling unit.

PART VII

R-3 SUBURBAN RESIDENTIAL DISTRICT

SECTION 700 PURPOSE

To provide for a residential living environment with a broad range of residential types while protecting the personal enjoyment of individual residential properties through flexible design, screening and controlled use of local streets. (The maximum permitted density shall be three and six-tenths [3.6] dwelling units per acre in conventional and clustered developments. The maximum density for multi-family shall be six [6.0] dwelling units per acre.)

SECTION 701 PERMITTED USES

A. Principal Uses
1. Single family detached residential dwellings.
2. Duplex, triplex and quadraplex structures as a single principal use on a single lot or parcel.
3. Publicly owned parks and playgrounds.
4. Cemeteries and mausoleums.
5. Funeral homes and crematoriums.
6. Forestry.
7. Traditional Neighborhood Infill Model (See Section 1624) (Ord. 233, 4/16/08)

B. Accessory Uses
1. Private garages and parking areas. (See Part XVII)
2. Other accessory uses customarily incidental to a permitted use.
3. Signs in accordance with Part XVIII of this Chapter.
4. Home occupations. (See Section 1623)
5. Home gardening excluding the sale of products.

SECTION 702 CONDITIONAL USES

A. Multi-family dwellings (townhouses and condominiums). (See Section 2121)

B. Chippewa Township municipal uses and uses directly related to Chippewa Township's municipal programs and services. (Revised by Ord. 182, 09/08/1997) (See Section 2122.)

C. Home day care in a single family detached dwelling by a resident of such dwelling for the day care of six (6) or fewer children other than those who reside on the site, whether or not for compensation. (See Section 2112).

D. Clustered Subdivision developments in accordance with Section 2109 of this Chapter and the Chippewa Township Subdivision and Land Development Ordinance.

E. Planned Residential Development in accordance with Part XV.

F. Hospitals and clinics. (See Section 2115).

G. Home museums. (See Section 2114).

H. Amateur Radio Communication Towers. (See Section 2103).

I. Oil and Gas Development (See Section 301 of Part III). In addition to all of the other matters pertaining to conditional uses in the R-3 District, the provision of Section 1625 shall also be applicable to this conditional use. (Ord. 238, 1020/10) Repealed (Ord. 244, 8/8/12)

I. Municipal and non-profit public service administrative offices (general administrative offices of municipal authorities and non-profit organizations providing municipal and general services to the public). (Ord. 243, 6/20/2012)

SECTION 703 SPECIAL EXCEPTION USES

A. Earth sheltered dwellings. (See Section 2139)

B. Religious and educational uses. (See Section 2144)

C. Nursing and personal care facility. (See Section 2142)

SECTION 704 LOT REQUIREMENTS

A. For permitted Uses

1. Minimum Lot Area

   (a) With public sanitary sewers - ten thousand eight hundred and ninety (10,890) square feet per dwelling unit.

   (b) With on lot septic disposal - twenty-one thousand seven hundred and eighty (21,780) square feet per dwelling unit.

2. Minimum Lot Width - (Ord. 174)

   (a) Eighty-five feet (85') at the right-of-way line for linear property lines.

   (b) Fifty feet (50') at the right-of-way line for curvilinear property lines, including arc distance.

3. Minimum Front Yard - thirty (30) feet measured from the right of way line.

4. Minimum Side Yard

   (a) For a principal use

      (1) Single family detached residential dwelling - ten (10) feet on each side yard.

      (2) Duplex, triplex and quadraplex - fifteen (15) feet on each side yard.

(3) For an accessory use - to the side or rear of the principal structure.

i. To the interior side lot line - five (5) feet.

ii. To the abutting right-of-way line (corner lot) ten (10) feet.

5. Minimum Rear Yard

(a) For a principal - forty (40) feet.

(b) For an accessory use - ten (10) feet.

6. Maximum Lot Coverage - For all principal and accessory uses - forty percent (40%) of the gross lot area.

7. Maximum Building Height

(a) For a principal use - two and one-half (2 1/2) stories or thirty (30) feet, provided any structure that may because of its location be hazardous to air traffic shall be restricted in height in accordance with applicable rules and regulations of Part XIII of this Chapter.

(b) For an accessory use - twenty (20) feet.

8. Parking Requirements - off-street parking shall be in accordance with Part XVII of this Chapter.

B. For Conditional Uses

1. Minimum Lot Area - one (1) acre (43,560 square feet) principal.

2. Minimum Lot Width - one hundred and eighty (180) feet, except that a corner lot shall be a minimum of two hundred (200) feet.

3. Minimum Front Yard - forty (40) feet.

4. Minimum Side Yards

(a) For a principal use - twenty (20) feet on each side yard.

(b) For an accessory use to the side or rear of the principal structure - fifteen (15) feet.

(c) For a principal use on the street side of a corner lot - fifty (50) feet.

5. Minimum Rear Yard

(a) For a principal use - forty (40) feet.

(b) For an accessory use - ten (10) feet.

6. Maximum Lot Coverage (Bulk): For all principal and accessory structures combined - forty percent (40%) of the gross lot area.

7. Maximum Building Height

(a) For a principal use - three and one-half (3 1/2) stories or forty (40) feet, provided any structure that may because of its location be hazardous to air traffic shall be restricted in height in accordance with applicable rules and regulations of Part XIII of this Chapter.

(b) For an accessory use - twenty (20) feet.

8. Parking Requirements - off street parking shall be in accordance with Part XVII of this Chapter.

C. For Special Exceptions:

1. Minimum Lot Area - one (1) acre (43,560 square feet) per principal.

2. Minimum Lot Width - one hundred and eighty (180) feet, except that a corner lot shall be a minimum of two hundred (200) feet.

3. Minimum Front Yard - forty (40) feet.

4. Minimum Side Yard

(a) For a principal use - twenty-five (25) feet on each side yard.

(b) For an accessory use to the side or rear of the principal structure - twenty (20) feet.

(c) For a principal use on the street side of a corner lot - fifty (50) feet.

5. Minimum Rear Yard

(a) For a principal use - forty (40) feet.

(b) For an accessory use - ten (10) feet.

6. Maximum Lot Coverage (Bulk) - For principal and accessory uses - combined forty percent (40%) of the gross lot area.

(a) For an accessory use - forty percent (40%) of the rear yard area.

7. Maximum Building Height

(a) For a principal use - three and one-half (3 1/2) stories or forty (40) feet, provided any structure that may because of its location be hazardous to air traffic shall be restricted in height in accordance with applicable rules and regulations of Part XIII of this Chapter.

(b) For an accessory use - twenty (20) feet.

8. Parking Requirements - off street parking shall be in accordance with Part XVII of this Chapter.

D. Infill Models: (Ord. 233, 4/16/2008)

1. Minimum lot area — five (5) acres.
2. Maximum density — six (6) dwelling units per acre.
3. Minimum open space — ten percent (10%) of gross area with a one (1) acre minimum.
4. Nonresidential uses — none permitted.
5. Primary access:
   (a) Thirty (30) dwelling units or less - local or minor collector roadway.
   (b) Thirty-one (31) dwelling units and over - collector or arterial roadway.
6. Maximum building height:
   (a) Principal use — two and a half (2 'A) stories or thirty feet (30').
   (b) Accessory use — twenty feet (20').
7. Parking requirements — two (2) spaces per dwelling unit.

PART VIII

C-1 NEIGHBORHOOD COMMERCIAL DISTRICT

SECTION 800 PURPOSE

The purpose of the C-1 Neighborhood Commercial District is to provide land for commercial and service uses that supplement and support surrounding residential areas.

SECTION 801 PERMITTED USES

All business activities shall be conducted entirely within an enclosed structure.

A. Principal Uses:

1. General Retail, including, but not limited to the sale and storage of: Food, Paint, Furniture, Hardware, Electronics, Housewares and Clothing.
2. Personal services and offices including, but not limited to Finance, Insurance, Real Estate and Legal.
3. Personal Services and offices including but not limited to Dentists, Doctors, Chiropractors, Physical Therapists and Psychologists.
4. Commercial day care centers.
5. Public/private schools.
6. Dwelling units on the second or third floor when a commercial use is established on the first floor and when said units are within the principal structure, where the habitable area of said dwelling units occupy no more than forty percent (40%) of the gross floor area of the principal structure.
7. Dry cleaning drop-off and pickup.
8. Forestry.
9. Oil and Gas Development (See Section 301 of Part III). In addition to all of the other matters pertaining to permitted uses in the C-1 District, the provision of Section 1625 shall also be applicable to this permitted use. (Ord. 238, 10/20/10) Repealed (Ord. 244, 8/08/2012).

B. Accessory Uses:

1. Parking, loading, and unloading areas in accordance with Part XVII of this Chapter.
2. Accessory uses customarily incidental to the principal use.

3. Signs in accordance with Part XVIII of this Chapter.

SECTION 802 CONDITIONAL USES:

A. Specialty retail including, but not limited to the storage and sale of major appliances, sporting goods and antiques. (See Section 2131)
B. Restaurants without drive through facilities. (See Section 2128)
C. Printing and Publishing. (See Section 2124)
D. Veterinary Service. (See Section 2133)

SECTION 803 THERE ARE NO SPECIAL EXCEPTION USES IN THE C-1 DISTRICT

SECTION 804 LOT REQUIREMENTS

A. All Permitted and Conditional Uses:

1. Minimum Lot Area - twenty one thousand seven hundred eighty (21,780) square feet.
2. Minimum Lot Width - one hundred (100) feet.
3. Minimum Front Yard - twenty (20) feet. (Revised by Ord. 182, 9/8/1997)
4. Minimum Side Yard
   (a) When abutting other commercial uses within the C-1 District or abutting uses in the PC and SG Zoning Districts:
      (1) Individual structures on individual lots fifteen (15) feet per side.
      (2) Structures abutting on single lots or individual lots with one multiple use structure on a lot or a use on each lot - where a signed agreement is provided in writing by the adjoining property owners, a zero side yard shall be permitted where two (2) or more commercial uses adjoin side to side, provided:
         i. In no case shall common walls be permitted between properties of separate ownership.
         ii. In cases of such a series of adjoining structures on lots of single and separate ownership, abutting and paralleling a public right-of-way, an unobstructed passage of at least thirty (30) feet in width shall be provided at grade level at intervals not more than four hundred (400) feet apart.

(b) When abutting an existing single-family residential use, school, church, or a residential zoning district boundary line - no building or structure shall be located within fifty (50) feet of the Zoning District boundary or lot line or existing use on an adjacent property and, further, a planted screen shall be maintained along the perimeter of the zoning district boundary line or lot line of the abutting use. (Revised by Ord. 182, 9/8/1997)

(c) For a principal use on the street side of a corner lot - forty (40) feet.

5. Minimum Rear Yard

(a) When abutting other commercial uses within the C-1 District or abutting uses in the PC and IC Zoning Districts:

(1) For a principal use - twenty (20) feet.

(2) For an accessory use - ten (10) feet.

(b) When abutting an existing single-family residential use, school, church, or a Residential Zoning District boundary line - no building or structure shall be located within fifty (50) feet of the zoning district boundary or lot line or existing use on an adjacent property and, further a visual screen shall be maintained the length of said boundary of the zoning district or the lot line of the abutting use. (Revised by Ord. 182, 9/8/1997)

6. Maximum Lot Coverage - Impervious coverage, including building, pavement and sidewalks shall be no greater than sixty-five (65) percent of the total lot area. (Revised by Ord. 182, 9/8/1997)

7. Maximum Building Height

(a) For a principal use - two and one-half (2 1/2) stories or forty (40) feet, provided any structure that may because of its location be hazardous to air traffic shall be restricted in height in accordance with the applicable rules and regulations of Part XIII of this Chapter.

(b) For an accessory use - twenty (20) feet.

8. Parking Requirements - Off street parking shall be in accordance with Part XVII of this Chapter.

9. Landscaping - Shall be in accordance with Section 1614 of this Chapter. (Revised by Ord. 187, 6/8/1998

SECTION 805 ACCESS DRIVES

Lots or parcels within the C-1 District shall provide direct access to a public collector, minor arterial, or principal arterial road without the use of an existing local road.

PART IX

PC PLANNED COMMERCE DISTRICT

SECTION 900 PURPOSE

The purpose of the Planned Commerce Zoning District (PC) is to provide land for the development of business and light industrial uses on development sites with unified design features, in areas of the Township where access to major transportation facilities is available.

SECTION 901 PERMITTED USES

A. Principal Uses:

1. Planned office and commerce parks including business incubator facilities.
2. Single tenant office buildings (medical or general).
3. Motels and hotels.
4. Restaurants.
5. Retail centers a minimum of fifty thousand (50,000) square feet of gross floor area.
6. Business and personal services.
7. Public or private recreation.
8. Banks and financial institutions.
9. Automotive service stations (See section 1621).
10. New and used automobile sales.
11. Car wash.
12. Single use general retail.
13. Forestry.
14. Oil and Gas Development Oil and Gas Development (See Section 301 of Part III). In addition to all of the other matters pertaining to permitted uses in the C-1 District, the provision of Section 1625 shall also be applicable to this permitted use. (Ord. 238, 10/20/10) Repealed (Ord. 244, 8/08/2012).

B. Accessory Uses:

1. Garages and storage buildings incidental to the principal use.
2. Restaurant or cafeteria as an accessory to of the principal use.
3. Accessory uses incidental to the permitted uses.
4. Satellite dishes.

SECTION 902 CONDITIONAL USES

1. Light manufacturing. (See Section 2118)
2. Assembly an processing. (See Section 2104)
3. Home improvement centers. (See Section 2113)
4. Research and development facilities. (See Section 2126)

SECTION 903 USES BY SPECIAL EXCEPTION

There are no special exception uses in the PC District.

SECTION 904 LOT REQUIREMENTS

A. All permitted and conditional uses:

1. Minimum lot area: forty-three thousand five hundred and sixty (43,560) square feet (1 acre).
2. Minimum lot width: one hundred (100) feet at the right-of-way line.
3. Minimum front yard: forty (40) feet measured from the right-of-way line.
4. Minimum side yard:
   (a) When adjoining other commercial uses within the PC District or adjoining uses in the SG and AO Zoning Districts:
      (1) Individual structures on individual lots - a side depth of fifteen (15) feet per side.
      (2) Structures adjoining on individual lots with one (1) structure on each lot - where a mutual agreement is provided in writing by the adjoining property owners, no side yard shall be required where two (2) or more commercial uses adjoin side to side.
         i. In no case shall common walls be permitted between lots of separate ownership.
         ii. In cases of such a series of adjoining structures on lots in single and separate ownership, an unobstructed passage of at least thirty (30) feet in width shall be provided at grade level at intervals not more than four hundred (400) feet on center.
   (b) When adjoining a lot within a residential zoning district - seventy-five (75) feet from said lot line.
   (c) When adjoining a school, public park, or public playground - two hundred (200) feet from said lot line.
   (d) When adjoining a church, hospital, or library - one hundred (100) feet from said lot line.

(e) The front yard requirement shall be maintained on all frontages abutting on public or private street rights-of-way.

(f) For a principal use of over forty (40) feet in height when authorized the minimum side yard requirement shall be increased by one (1) foot in width for every one (1) foot in height over forty (40) feet. (Revised by Ord. 182, 9/8/1997)

5. Minimum Rear Yard

(a) When adjoining other commercial uses within the PC District or adjoining uses in the SG and AO zoning Districts:

(1) For a principal use — fifteen (15) feet.

(2) For an accessory use — ten (10) feet.

(b) When adjoining residential district AR1, R2, R3:

(1) Principal use fifty (50) feet.

(2) Accessory use — twenty (20) feet.

6. Maximum lot coverage. (Ord. 217, 7/14/03)

(a) Impervious coverage including buildings, pavement and sidewalks shall be no greater than 65% and in compliance with the minimum landscaping standard of Section 1614 of this Chapter 27.

(b) Impervious coverage, including building, pavement and sidewalks can be increased from 65% to a maximum of 80% provided that one deciduous or evergreen tree of at least two inches in caliper be planted on the lot for every percent over 65% of lot coverage plus complying with the minimum landscaping standards of Section 1614 of this Chapter 27.

7. Maximum building height.

(a) For a principal use (structure), seventy-five feet (75') or three and one-half (3-1/2) stories.

(b) For an accessory use, twenty (20) feet or two (2) stories.

8. Accessory use. Minimum distance shall be as follows:

(a) Minimum side yard: twenty-five (25) feet.

(b) Minimum rear yard: twenty-five (25) feet.

(c) Separation from other buildings: twenty-five (25) feet.

9. Parking requirements - off-street parking shall be in accordance with Part XVII of this Chapter.

10. Landscaping shall be in accordance with Section 1614 of this Chapter.

SECTION 905 PLANNED OFFICE AND COMMERCE PARKS

A. Intent. Planned land development is intended to: encourage innovations in design and construction benefiting the public interest through efficient land planning; provide for a

variety of business activities; attract new employment opportunities; expand the fiscal capacity of the Township by encouraging a broader property tax base; and ensure that the flexibility of regulations for land development authorized in this Section, encourage the disposition of such proposals.

B. All applications for approval of a planned office and commerce park shall be filed with the Zoning Officer and shall be subject to the submission and review requirements of a land development as established the Chippewa Township Subdivision and Land Development Ordinance.

C. Permitted Uses. Planned commerce parks shall consist of two (2) or more of the uses which are listed as permitted in Section 901 of this Part. The uses which are defined as conditional uses in Part XXI of this Chapter shall be considered and reviewed as such in a planned office and commerce park.

D. Bulk Area Regulations. Planned PC development parks shall be subject to the following requirements:

1. Minimum park area — 10 acres
2. Minimum lot area — 2 acres
3. Minimum park and lot frontage — 200 feet
4. Maximum building height — 3-1/2 stories or 40 feet
5. Where a planned commerce park is to be developed as a single entity according to a master site development plan with established site, building design and maintenance controls, the following standards for access roadways shall apply.
   (a) Minimum setback from private or public street line: Seventy-five (75) feet for lots located along a planned commerce park internal access road with a fifty (50) foot landscape area at the street right-of-way; and one hundred (100) feet with a seventy-five (75) foot landscape area at the street right-of-way when located along any public road as designated in the Township of Chippewa Comprehensive Plan.
   (b) Minimum setback from side and rear property lines: The minimum setback shall be thirty (30) feet except where such yards abut a Residential Zoning District boundary or an existing residential use where the minimum set back shall be sixty (60) feet.
   (c) Where more than one structure is located on a lot, the structures shall be no closer to each other than thirty-five (35) feet.
6. Within bufferyards as required by this Chapter a continuous planted screen shall be maintained as specified in Section 1614.
7. Service area screening. All service area in a planned commerce park, including trash receptacles and loading docks, whether located to the side or to the rear of the building, shall be screened from public view as specified in Section 1614.

E. No merchandise, products, refuse, discarded materials or similar items may be displayed or stored or stored outside except as follows:

1. The parking of trucks which are used for delivery or shipping shall be adequately screened from surrounding properties as well as public streets, roads, or highways. The screening shall consist of landscaping and, if necessary, wood fencing at a height necessary to screen the storage area from adjacent properties. Such screening shall be in accordance with Section 1614 of this Chapter. No trucks shall be stored or parked in the front yard of any business or building and further, the storage area for all trucks shall be set back a minimum of ten (10) feet from for properties located to the side and rear of the parcel of land if abutting or facing another use within the Planned Commerce Zoning District. If adjoining or facing any district other than the Planned Commerce Zoning District, the storage of all trucks shall be set back a minimum of twenty (20) feet from the closest abutting property line.
2. The outside storage of supplies, such as pipes, wood, building materials, steel coils, and other related industrial supplies, shall also be adequately screened from surrounding properties as well as public streets, roads, or highways. The screening shall consist of planting and, if necessary, wood fencing at a height necessary to screen the storage area from adjacent properties. Such screening shall be in accordance with Section 1614 of this Chapter. No supplies shall be stored in the front yard of any business or building and further, the storage of all supplies shall be set back a minimum of twenty (20) feet from the closest abutting property line located to the side and rear of the parcel of land.
3. Construction equipment, including dump trucks, graders, bulldozers and backhoes, shall be adequately screened from surrounding properties as well as public streets, roads, or highways. The screening shall consist of planting and, if necessary, wood fencing at a height necessary to screen the storage area from adjacent properties. Such screening shall be in accordance with Section 1614 of this Chapter. No construction equipment shall be stored or parked in the front yard of any business or building and further, the storage of all construction equipment shall be set back a minimum of twenty (20) feet from the closest abutting property line located to the side and rear of the subject parcel.
4. Any other material not described herein but proposed for outside storage shall be adequately screened from surrounding properties as well as public streets, roads or highways.

F. The applicant shall submit with the land development plan a traffic impact analysis which shall identify the extended trip generation and proposed traffic control facilities both at the primary point(s) of access and within the site. An interior circulation plan shall be included with the land development plan submittal.

G. The configuration and layout of the land development plan shall also demonstrate that all proposed buildings within the site can be reasonably accessed by emergency fire, ambulance and rescue equipment.

H. No traffic designs which are likely to create a hazard or traffic congestion endangering the public safety in general shall be approved. Traffic control devices may include traffic signals (both lights and signs), median barriers, acceleration and deceleration lanes, turning lanes, restricted and one-way traffic flow, and speed control devices. The applicant shall be responsible for the design, engineering, construction and installation of all access and circulation plan required and approved for the site. The entire approved traffic control system for the site shall be in place and operational before any occupancy permit is issued for any building or unit within a building on the site.

PART X
S-G SPECIAL GROWTH ZONING DISTRICT

SECTION 1000 PURPOSE

The purpose of the Special Growth Zoning District is to provide within prime development areas of Chippewa Township provisions for commercial and industrial development, whether planned as a unified site or stand-alone use, which will result in the best use of land in terms of economic considerations, site design and compatibility with adjacent land use types.

Prior to receipt of preliminary or final approvals for use and development of land within any Special Growth Zoning District the applicant shall demonstrate to the Planning Commission the following:

A. All contemplated uses, whether single or multiple uses, are part of a unified site design which promotes compatibility with the activities within the district and the community in general.

B. The land development plan provides for adequate ingress, egress, and circulation for all projected vehicular activity.

C. The land development plan provides for architectural, design elements, landscaping and specific use requirements for the purpose of promoting openness and a park like character which are appropriate for the harmonious integration of the district within the land use plan of Chippewa Township.

SECTION 1001 PERMITTED USES

A. Principal Uses:

1. Single family detached dwellings.
2. General offices.
3. Business services, including but not limited to machine repair and maintenance, office supplies and copying.
4. Medical offices.
5. Professional offices, including but not limited to engineering, architectural and surveying services.
6. Research and development.
7. Personal Services.
8. Restaurants, excluding drive through.

9. Commercial recreation, including but not limited to bowling alleys, health clubs, exercise salons, health fitness spas, racquetball clubs, tennis clubs, swimming clubs and skating rinks.
10. Vocational/educational services, except heavy equipment operation, truck driving, automobile driving, flying instruction and survival schools.
11. Public facilities (local, county, state or federal).
12. Assisted living facilities.
13. Specialty retail.
14. Forestry
15. Oil and Gas Development (See Section 301 of Part III). In addition to all of the other matters pertaining to permitted uses in the S-G District, the provision of Section 1625 shall also be applicable to this permitted use. (Ord. 238, 10/20/10) Repealed (Ord. 244, 8/08/2012)

B. Accessory Uses:

1. Accessory uses on the same lot with and customarily incidental to a principal use, except signs.
2. Signs in accordance with Part XVIII of this Chapter.

SECTION 1002 CONDITIONAL USES

A. New and used automobile sales. (See Section 2105)

B. Drive-through restaurants shall only be permitted in conjunction with shopping centers on unified sites, office centers or similar commercial centers only after a finding of fact by the Board of Supervisors that vehicular access to such facility will be from the internal circulation network of such a center. (See Section 2127)

C. Religious facilities. (See Section 2125)

D. A group of retail sales and service facilities planned and developed as a unit, with off-street parking provided on the property, and related in its location, size and type of shops to the trade area which the use serves. (Ord. 187, 6/8/1998) (See Section 2129)

E. Multi-family dwellings, townhouses and condominium dwellings. (See Section 2121)

F. Hotels and motels. (See Section 2116)

G. Ice Cream Stands. (See Section 2117)

H. Veterinary service. (Revised by Ord. 182, 9/8/1997) (See Section 2133)

SECTION 1003 USES BY SPECIAL EXCEPTIONS

A. Automotive service stations. (See Section 2145).

SECTION 1004 LOT REQUIREMENTS

A. Permitted Uses:

1. Minimum Lot Area - one half (1/2) acre.
2. Minimum Lot Width - sixty feet (60')
3. Minimum Front Yard - thirty feet (30') measured from the right-of-way line.
4. Minimum Side Yard:
   (a) Fifteen feet (15') when adjoining a lot in the C-1, SG, A-C, PC or IC districts.
   (b) Twenty-five feet (25') when adjoining the AR-1, R-2 or R-3 districts.
5. Minimum Rear Yard:
   (a) Twenty feet (20') for principal buildings and ten feet (10') for accessory buildings when adjoining the C-1, S-G, A-C, PC or IC districts.
   (b) Thirty feet (30') for principal buildings and ten feet (10') for accessory buildings when adjoining the AR-1, R-2 and R-3 districts.
6. Maximum Building Height:
   (a) Principal buildings - seventy-five feet (75') or three and one half (3 1/2) stories.
   (b) Accessory buildings - one (1) story or twenty feet (20').
7. Maximum Lot Coverage, including building, pavement and sidewalks shall be no greater than sixty percent (60%) of the total lot area. (Revised by Ord. 182, 9/9/1997).
8. Parking Requirements: Off-street parking shall be in accordance with Part XVII of this Chapter.
9. Landscaping - Shall be in accordance with Section 1515 of this Chapter. (Revised by Ord. 187, 6/8/1998).

B. Conditional Uses and uses by special exception (except as otherwise specified):

1. Minimum Lot Area - one (1) acre.
2. Minimum Lot Width - one hundred feet (100').
3. Minimum Front Yard - same as permitted uses.

4. Minimum Side Yard - same as permitted uses.
5. Minimum Rear Yard - same as permitted uses.
6. Maximum Building Height – same as permitted uses.
7. Maximum Lot Coverage, including building, pavement and sidewalks shall be no greater than sixty percent (60%) of the total lot area. (Revised by Ord. 812, 9/8/97)
8. Parking Requirements - Off-street parking shall be in accordance with Part XVII of this Chapter.
9. Landscaping - Shall be in accordance with Section 1614 of this Chapter. (Revised by Ord. 187, 6/8/1998).

PART XI
IC-INDUSTRIAL CORRIDOR ZONING DISTRICT

SECTION 1100 PURPOSE

The purpose of the Industrial Corridor Zoning District (IC) is to provide employment opportunities related to the development of light industrial, commercial and transportation related uses in areas of the Township where access to a major transportation corridor is available.

SECTION 1101 PERMITTED USES

A. Principal Uses:

1. Light manufacturing.
2. Distribution and warehousing.
3. Contractor supply yards.
4. Motels and hotels.
5. Mini-storage facilities.
6. Retail centers in excess of 100,000 square feet in gross floor area.
7. Assembly and processing.
8. Research and development facilities.
9. Planned industrial parks.
10. Distribution and warehousing.
11. Forestry.
12. Oil and Gas Development (See Section 301 of Part III). In addition to all of the other matters pertaining to permitted uses in the IC District, the provision of Section 1625 shall also be applicable to this permitted use. (Ord. 238, 10/20/10) Repealed (Ord. 244, 8/08/10)

B. Accessory Uses:

1. Garages and storage buildings incidental to the principal use.
2. Restaurant or cafeteria which caters to the needs of employees and guests of the principal use.
3. Accessory uses incidental to the permitted uses.

C. Supplemental Design Regulations - Applicable to all permitted uses. (See Section 1608).

SECTION 1102 CONDITIONAL USES

A. Dispatch centers for trucks, buses or taxi cabs. (See Section 2111).

B. Research and development facilities. (See Section 2126).

C. Trucking maintenance and bulk commodity terminals. (See Section 2132).

D. Adult businesses. (See Section 2102)

E. Cellular Communications Towers. (See Section 2107).

F. Billboard Signs. (See Section 1809). (Ord. 218, 3/17/2004)

SECTION 1103 USES BY SPECIAL EXCEPTION

A. Business and personal services. (See Section 2137).

B. Home improvement centers. (See Section 2141).

C. Religious and educational uses. (See Section 2144).

SECTION 1104 LOT REQUIREMENTS

A. All permitted and conditional uses and uses by special exception (except as otherwise specified):

1. Minimum lot area: eighty-seven thousand (87,120) square feet (2 acres).
2. Minimum lot width: two hundred (200) feet.
3. Minimum front yard: forty (40) feet.
4. Minimum side yard: thirty (30) feet.
5. Minimum rear yard setback: thirty (30) feet.
6. Maximum lot coverage: impervious coverage, including building, pavement and sidewalks shall be no greater than seventy percent (70%).
7. Maximum building height.
   (a) For a principal use (structure), seventy-five (75) feet or three and one-half (3-1/2) stories.
   (b) For an accessory use, twenty (20) feet or two (2) stories.

8. Accessory use. Minimum distance shall be as follows:
   (a) Minimum side yard: twenty-five (25) feet.
   (b) Minimum rear yard: twenty-five (25) feet.
   (c) Separation from other buildings: twenty-five (25) feet.
9. Parking requirements - off-street parking shall be in accordance with Part XVII of this Chapter.
10. Landscaping shall be in accordance with Section 1515 of this Chapter.

PART XII

PRD PLANNED RESIDENTIAL DEVELOPMENT DISTRICT

SECTION 1200 PURPOSE

The purposes of the PRD District are as follows:

A. To allow innovations in residential development and redevelopment so that the changing demand for housing may be met by greater variety in type, design, and layout of dwellings together with the conservation and more efficient use of open space ancillary to said dwellings;

B. To provide greater opportunities for better housing and recreation for all who are or will be residents of the Township;

C. To encourage a more efficient use of land and public services and to reflect changes in the technology of land development so that the economies so secured may ensure to the benefit of those who need homes;

D. To safeguard personal well-being and property by preserving the natural environment and protecting sensitive, critical, and/or irreplaceable natural resources;

E. To encourage innovations in residential developments that are designed to minimize energy consumption and maximize the impact of development on natural ecosystems;

F. To protect the stability of existing residential neighborhoods and surrounding areas from being adversely affected by the proximity of incompatible land uses;

G. To ensure consistency with the objectives of the zoning and subdivision and land development regulations that would otherwise be applicable and in aid of these purposes, provide a sound, expeditious and fair administrative procedure which allows the developer and the Township to relate the type, design, and layout of residential development to the particular site and the particular demand for housing existing at the time of development, while preserving the character, quality and property values of the Township's existing residential areas.

SECTION 1201 PERMITTED USES

A. Principal Uses:

1. Single family detached dwellings.
2. Nursing and personal care facilities.

3. Places of worship.
4. Planned Residential Development Type 1. (See Part XV)
5. Planned Residential Development Type 2. (See Part XV)
6. Forestry.
7. Oil and Gas Development (See Section 301 of Part III). In addition to all of the other matters pertaining to permitted uses in the PRD District, the provision of Section 1625 shall also be applicable to this permitted use. (Ord. 238, 10/20/10) Repealed (Ord. 244, 8/08/2012).

B. Accessory Uses:

1. Private garages and parking areas in accordance with Part XVII of this Chapter.
2. Other accessory uses customarily incidental to a permitted use.
3. Signs in accordance with Part XVIII of this Chapter.
4. Home occupations. (See Section 1623).
5. Home gardening excluding the sale of products.

SECTION 1202 CONDITIONAL USES

A. Bed and Breakfast. (See Section 2106)

B. Business and personal Services. (See Section 2137)

SECTION 1203 USES BY SPECIAL EXCEPTION

There are no special exceptions in the PRD District.

SECTION 1204 LOT REQUIREMENTS

A. For Permitted Uses other than Type 1 and Type 2 PRD's:

1. Minimum Lot Area

(a) With public sanitary sewers - ten thousand eight hundred and ninety (10,890) square feet per dwelling unit.

(b) With on lot septic disposal - twenty-one thousand seven hundred and eighty (21,780) square feet per dwelling unit.

2. Minimum Lot Width
   (a) Eighty-five feet (85') at the right-of-way line for linear property lines.
   (b) Fifty feet (50') at the right-of-way line for curvilinear property lines, including arc distance.
3. Minimum Front Yard - forty (40) feet measured from the right of way line.
4. Minimum Side Yard
   (a) For a principal use
      (1) Single family detached residential dwelling - ten (10) feet on each side yard.
      (2) Duplex, triplex and quadraplex - fifteen (15) feet on each side yard.
      (3) For an accessory use - to the side or rear of the principal structure.
         i. To the interior side lot line - five (5) feet.
         ii. To the abutting right-of-way line (corner lot) ten (10) feet.
5. Minimum Rear Yard
   (a) For a principal - forty (40) feet.
   (b) For an accessory use - ten (10) feet.
6. Maximum Lot Coverage - For all principal and accessory uses - forty percent (40%) of the gross lot area.
7. Maximum Building Height
   (a) For a principal use - two and one-half (2 1/2) stories or thirty (30) feet, provided any structure that may because of its location be hazardous to air traffic shall be restricted in height in accordance with applicable rules and regulations of Part XII of this Chapter.
   (b) For an accessory use - twenty (20) feet.
8. Parking Requirements - off-street parking shall be in accordance with Part XVII of this Chapter.

B. For Conditional Uses

1. Minimum Lot Area - one (1) acre (43,560 square feet) principal.
2. Minimum Lot Width - one hundred and eighty (180) feet, except that a corner lot shall be a minimum of two hundred (200) feet.
3. Minimum Front Yard - fifty (50) feet.

4. Minimum Side Yards
   (a) For a principal use - twenty (20) feet on each side yard.
   (b) For an accessory use to the side or rear of the principal structure - fifteen (15) feet.
   (c) For a principal use on the street side of a corner lot - fifty (50) feet.
5. Minimum Rear Yard
   (a) For a principal use - forty (40) feet.
   (b) For an accessory use - ten (10) feet.
6. Maximum Lot Coverage (Bulk): For all principal and accessory structures combined - forty percent (40%) of the gross lot area.
7. Maximum Building Height
   (a) For a principal use - three and one-half (3 1/2) stories or forty (40) feet, provided any structure that may because of its location be hazardous to air traffic shall be restricted in height in accordance with applicable rules and regulations of Part XIII of this Chapter.
   (b) For an accessory use - twenty (20) feet.
8. Parking Requirements - off street parking shall be in accordance with Part XVII of this Chapter.

SECTION 1205 PERMITTED USES AND MIX OF USES IN TYPE 1 AND TYPE 2 PLANNED RESIDENTIAL DEVELOPMENTS

A. Type 1 PRD:

1. Single family detached dwellings - minimum of fifty percent (50%).
2. Duplex dwellings - maximum of twenty-five percent (25%) of total number of dwelling units.
3. Triplex and quadraplex dwellings - maximum of twenty-five percent (25%) of total number of dwelling units.
4. Townhouse dwellings - maximum of twenty-five percent (25%) of total number of dwelling units.
5. Passive recreation - undisturbed open space.
6. Active recreation - prepared for use, with or without facilities.
7. Residential accessory uses.

B. Type 2 PRD:

1. Single family detached dwellings - minimum of twenty-five percent (25%) of total number of dwelling units.
2. Duplex dwellings - maximum of twenty-five percent (25%) of total number of dwelling units.
3. Triplex and quadraplex dwellings - maximum of twenty-five percent (25%) of total dwelling units.
4. Townhouse dwellings - maximum of twenty-five percent (25%) of total dwelling units.
5. Plan scaled commercial - maximum of ten percent (10%) of gross land area.
6. Passive recreation - undisturbed open space.
7. Active recreation - prepared for use, with or without facilities.
8. Residential accessory uses.

SECTION 1206 DENSITY

In permitted uses, Subsection A, Numbers 4 and 5, the maximum density shall not exceed the following:

PRD Type 1 - Four (4) dwelling units per gross acre.

PRD Type 2- Six (6) dwelling units per gross acre.

SECTION 1207 DEVELOPMENT STANDARDS

All proposed Planned Residential Developments shall be consistent with the provisions of Part XV, Planned Residential Developments, of this Chapter and shall be reviewed as per the procedures outlined in that Part.

PART XIII

AIRPORT SURFACE OVERLAY ZONING DISTRICTS

SECTION 1300 PURPOSE

To identify the boundary of the Beaver County Airport and recognize its effect on the Township's land development. Airport related facilities and commercial enterprises shall be contained within the Beaver County Airport boundary limits.

SECTION 1301 PERMITTED USES

A. Principal Uses

1. Airport related services, transportation facilities and activities.
2. Plan Scale Commercial.
3. Development of Regional Significance and Impact.
4. Professional and general offices.
5. Public or private recreation.
6. Restaurants with or without drive-through.
7. Motel/hotel.
8. Specialty retail.
9. Accessory uses customarily incidental to permitted principal uses.
10. Oil and Gas Development (See Section 301 of Part III). In addition to all of the other matters pertaining to permitted uses in the Airport Surface Overlay District, the provision of Section 1625 shall also be applicable to this permitted use. (Ord. 238, 10/20/10) Repealed (Ord. 244, 8/08/2012)

SECTION 1302 ACCESS DRIVES

Uses within the A-C District shall provide direct access to a public collector, minor arterial, or principal arterial road without the use of an existing local road.

SECTION 1303 LOT REQUIREMENTS (Revised by Ord. 182,9/8/1997)

A. Minimum lot size - ten (10) acres

B. Minimum lot frontage - two hundred fifty (250) feet

C. Minimum front yard - fifty (50) feet

D. Minimum rear and side yards - fifty (50) feet

E. Maximum building height - three and one half (3 1/2) stories or forty (40) feet

Impervious coverage, including buildings, pavement and sidewalks, shall be no greater than sixty five (65) percent of the total lot area.

SECTION 1304 AIRPORT ZONING DISTRICTS

A. In order to carry out the provisions of this part, there are hereby established certain Airport Surface Overlay Zoning Districts (AZD's) which include all of the land lying beneath the approach surfaces, transitional surfaces, horizontal surfaces, and conical surfaces as they apply to the Beaver County Airport. Such zones are visually depicted on the Height Limitation and Airport Zoning District Map prepared by the Southwestern Pennsylvania Commission, and dated Spring of 1986, which is attached to this Chapter and made a part hereof. An area located in more than one (1) of the following zones is considered to be only in the zone with the more restrictive height limitation. The following AZD's are established for the Beaver County Airport.

Primary Surface Zoning District AZD-1

Runway Larger than Utility Visual Approach Zoning District AZD-2

Runway Larger than Utility with a Visibility Minimum Greater than 3/4 Mile, Nonprecision Instrument Approach Zoning District AZD-3

Transitional Zoning District (adjacent to approach zoning districts) AZD-4

Horizontal Zoning District AZD-5

Conical Zoning District AZD-6

B. The Airport Zoning Districts for the Beaver County Airport are defined as follows:

1. PRIMARY SURFACE ZONE - (AZD-1) - A surface longitudinally centered on a runway. When the runway has a specially prepared hard surface, the primary surface extends 200 feet beyond each end of the runway. The width of the primary surface is set forth, for each runway, in the following definitions.
2. RUNWAY LARGER THAN UTILITY VISUAL APPROACH ZONE - (AZD-2) - The inner edge of this approach zone coincides with the width of the

primary surface and is 500 feet wide. The approach zone expands outward uniformly to a width of 1,500 feet at a horizontal distance of 5,000 feet from the primary surface. It's centerline is the continuation of the centerline of the runway.

3. RUNWAY LARGER THAN UTILITY WITH A VISIBILITY MINIMUM GREATER THAN 3/4 MILE, NON PRECISION INSTRUMENT APPROACH ZONE - (AZD-3) The inner edge of this approach zone coincides with the width of the primary surface and is 500 feet wide. The approach zone expands outward uniformly to a width of 3,500 feet at a horizontal distance of 10,000 feet from the primary surface. It's centerline is the continuation of the centerline of the runway.
4. TRANSITIONAL ZONES - (AZD-4) - The transitional zones are the areas beneath the transitional surfaces. (See definition of Transitional Surfaces in Part III)
5. HORIZONTAL ZONE - (AZD-5) - The horizontal zone is established by swinging arcs of 10,000 feet radii from the center of each end of the primary surface of each runway and connecting the adjacent arcs by drawing lines tangent to those arcs. The horizontal zone does not include the approach and transitional zones.
6. CONICAL ZONE - (AZD-6) - The conical zone is established as the area that commences at the periphery of the horizontal zone and extends outward therefrom a horizontal distance of 4,000 feet.

SECTION 1305 AIRPORT ZONING REQUIREMENTS

USE RESTRICTIONS - Notwithstanding any other provisions of this Part, no use may be made of land or water within any zone established by this Part in such a manner as to create electrical interference with navigational signals or radio communications between the airport and aircraft, make it difficult for pilots to distinguish between airport lights and others, result in glare in the eyes of pilots using the airport, impair visibility in the vicinity of the airport, create bird strike hazards, or otherwise endanger or interfere with the landing, takeoff, or maneuvering of aircraft intending to use the airport.

SECTION 1306 NONCONFORMING USES

A. REGULATIONS NOT RETROACTIVE - The regulations prescribed by this Part

shall not be construed to require the removal, lowering, or other change or alteration of any structure or tree not conforming to the regulations as of the effective date of this Chapter, or otherwise interfere with the continuance of any nonconforming use, except as provided in Part XXIII (relating to permits.) Nothing contained herein shall require any change in the construction, alteration of which was begun prior to the effective date of this Chapter.

B. MARKING AND LIGHTING - Notwithstanding the preceding provision of this Section, the owner of any existing nonconforming structure or tree is hereby required to permit the installation, operation, and maintenance thereon of such markers and lights as shall be deemed necessary by the Airport Manager to indicate to the operators of aircraft in the vicinity of the airport the presence of such airport obstruction. Such markers and lights shall be installed, operated, and maintained at the expense of Beaver County.

SECTION 1307 PERMITS AND VARIANCES

A. FUTURE USE - Except as specifically provided in this Part, no material change shall be made in the use of land, no structure shall be erected or otherwise established, and no tree shall be planted in any zone hereby created unless a permit therefore shall have been applied for and granted. Each application for a permit shall indicate the purpose for which the permit is desired, with sufficient particularity to permit it to conform to the regulations herein prescribed. If such determination is in the affirmative, the permit shall be granted. No permit for a use inconsistent with the provisions of this Chapter shall be granted unless a variance has been approved in accordance with this Chapter.

1. In the zoning districts lying within the limits of the horizontal zone and conical zone, no permit shall be required for any tree or structure less than seventy-five feet of vertical height above the ground, except when, because of terrain, land contour, or topographic features, such tree or structure would extend above the height limits prescribed for such zones.
2. In the zoning districts lying within the limits of the transition zones beyond the perimeter of the horizontal zone, no permit shall be required for any tree or structure less than seventy-five feet of vertical height above the ground, except when such tree or structure, because of terrain, land contour, or topographic feature, would extend above the height limit prescribed for such transition zones.

B. Nothing contained in any of the foregoing exceptions shall be construed as permitting or intending to permit any construction, or alteration of any structure, or growth of any tree in excess of any of the height limits established by this Part.

C. Existing Uses - a permit shall be obtained before any existing use or structure may be substantially changed, but no permit is required to make maintenance repairs to or replace parts by existing structures which do not enlarge or increase the height of the existing structure. However, a permit must be obtained from the Township Zoning Officer before any existing nonconforming structure or tree is replaced, repaired or planted which is higher than the original nonconforming use height.

D. NONCONFORMING USES ABANDONED OR DESTROYED: Whenever the Zoning Officer determines that a nonconforming tree or structure has been abandoned or more than 80 percent torn down, physically deteriorated, or decayed, no permit shall be granted that would allow such structure or tree to exceed the applicable height limit or otherwise deviate from the use or dimensional regulations.

E. VARIANCES: Any person desiring to erect or increase the vertical height of any structure or permit the growth of any tree to a height which exceeds the limitations imposed in the various surface overlay districts by this Part may apply to the Chippewa Township Zoning Hearing Board for a variance from these limitations. A variance shall be granted for the zones AZD-1, AZD-2, AZD-3, and AZD-4 where a literal application or enforcement of this Chapter limitations would result in practical difficulty or unnecessary hardships and the relief granted would not be contrary to the public interest, but would do substantial justice, and would promote the development of the Township while not constituting an unreasonable interference with aviation safety.

1. The Zoning Hearing Board may as a matter of course grant any variance in the AZD-5 and AZD-6 zones up to a vertical height of one hundred fifty (150) feet unless it can be conclusively proven by a preponderance of the evidence by either the Beaver County Airport Manager, the Pennsylvania Department of Transportation and/or the Federal Aviation Administration that the vertical height of the structure would constitute a hazard to aviation and that the use of the airspace above the land for which the variance is sought is essential for normal and reasonable utilization of the Beaver County Airport and that there is no alternative airspace which can be reasonably used by aircraft taking-off and landing at the Beaver County Airport.

2. The cost of the variance procedure shall be paid by the applicant. These costs shall include, but not be limited to, postage, copying and printing, stenographic fees, advertising, notice preparation, and legal fees of the Zoning Hearing Board. All costs shall be paid by the applicant prior to the issuance of the decision of the Zoning Hearing Board.
3. Notice of an application for a variance and the date, time, and place of the hearing shall be furnished to the Airport Manager of the Beaver County Airport, the Pennsylvania Department of Transportation, and the Federal Aviation Administration at least twenty (20) days prior to the hearing by certified mail, return receipt requested.

F. HAZARD MARKING AND LIGHTING: In granting any permit or variance under this Part, the Board shall, if it deems the action advisable to effectuate the purpose of this Chapter and reasonable under the circumstances, so condition the permit or variance as to require the owner of the structure or object of natural growth in question to permit the municipality, at it's own expense, or require the person or persons requesting the permit or variance, to install, operate, and maintain thereon such markers and lights as may be required by guidelines or regulations adopted by the FAA.

SECTION 1308 AIR SAFETY

A. ADOPTION: Following the adoption of these regulations, the Manager of the Beaver County Airport in conjunction with the FAA shall submit to the Township Board of Supervisors detailed regulations concerning aircraft use of the Beaver County Airport including but not limited to flight patterns for landing and take off of all fixed and rotary winged aircraft, altitude and distance limitations before turning upon take off, procedures for noise abatement during takeoffs and landings.

B. LIMITED AIRSPACE: So as to protect the health, safety, and general welfare of the residents of Chippewa Township, the children of the Blackhawk School District and the property values of Chippewa Township, no aircraft shall be permitted to fly at an elevation of less than 1,752 feet above mean sea level (National Ocean Survey Datum) in the AZD-5 and AZD-6 districts as delineated on the attached Airport Zoning District map. The landing and take-off patterns to be adopted by the Beaver County Airport shall reflect this restricted height limitation.

C. In addition to the penalties imposed by this Chapter, any aircraft which, absent an emergency, flies within the limited air space of the AZD-5 or AZD-6 district as set forth herein shall be deemed to constitute a public nuisance and present injuries

to the health, safety, and general welfare of the persons and property below and shall be immediately enjoined from making any future flights into said limited airspace, in an action in equity or law which may be brought in the name of Chippewa Township or any resident or property owner with land in the AZD-5 and AZD-6 surface overlay zones.

D. Failure of the Beaver County Airport to adopt and enforce necessary regulations for landing and take-off shall also constitute an admission that the unlimited and unrestricted use of the Beaver County Airport for landing, take-off, and flight, far outweighs the safety to and ownership enjoyment of the inhabitants and owners of the lands and water of Chippewa Township and the County shall acquire the rights and lands over which the aircraft fly pursuant to this Chapter.

SECTION 1309 LOCAL ENFORCEMENT

A. It shall be the duty of the Zoning Officer to administer and enforce the regulations prescribed herein. Applications for permits and variances shall be made to the Zoning Officer upon a form provided by Chippewa Township for that purpose. Applications required by this Chapter shall be submitted to the Zoning Officer and shall be acted upon in accordance with this Chapter.

B. Not withstanding any other provision of law, the Zoning Officer or Zoning Hearing Board which decides to grant a permit or variance under this Chapter shall notify the Department of Transportation in writing of its decision.

SECTION 1310 ACQUISITION OF AIR RIGHTS

In any case in which it is desired to remove, lower or otherwise terminate a nonconforming structure or use, or the approach protection necessary cannot, because of constitutional limitations, be provided by airport zoning regulations, or it appears advisable that the necessary approach protection be provided by acquisition of property rights, rather than airport zoning regulations, the County Board of Commissioners and/or the Airport Authority shall acquire by purchase, grant or a condemnation, in the manner provided by the law under which municipalities are authorized to acquire real property for public purposes, such air right, aviation easement or other estate or interest in the property or nonconforming structure or use in question as may be necessary to effectuate the purpose of this Chapter. In the case of the purchase of any property or any easement or estate, or interest therein, or the acquisition thereof by the power of eminent domain, the County Board of Commissioners

or the Airport Authority making the purchase or exercising the power shall, in addition to the damages for the taking, injury or destruction of property, also pay the cost of the removal and relocation of any structure or any public utility which is required to be moved to a new location.

SECTION 1311 CONFLICTS

In the event of conflict between any airport zoning regulations adopted under this Chapter and any other regulations applicable to the same area, whether the conflict be with respect to the height or structures of trees, and the use of land, or any other matter, and whether the other regulations were adopted by the municipality which adopted the airport zoning regulations or by some other municipality or otherwise, the more stringent limitation or requirement shall govern and prevail.

SECTION 1312 JUDICIAL REVIEW

Any person aggrieved, or any taxpayer affected, by any decision of the Zoning Hearing Board, may appeal to the Court of Common Pleas as provided by law.

PART XIV

RCO RESIDENTIAL COLLECTOR OVERLAY DISTRICT

SECTION 1400 LOCATION AND DISTRICT BOUNDARIES

The RCO Residential Collector Overlay District is situated within the Legislative Route 4120 (Darlington Road) Corridor specifically identified on the Official Zoning map.

SECTION 1401 PLANNING OBJECTIVE

The establishment of the RCO Residential Collector Overlay District is to provide for a variety of commercial land use options with direct or indirect access to the Darlington Road Corridor at a scale and with structural elements which are in concert with the existing residential and nonresidential development in that area of Chippewa Township.

SECTION 1402 PERMITTED USES

A. Principal uses:

1. Specialty retail including, but not limited to the sale of antiques, sporting goods, electronics, gifts or books.
2. Bed and breakfast.
3. Professional offices including, but not limited to doctors, attorneys, dentists, and financial consultants.
4. Banks and financial institutions.
5. General retail including, but not limited to the sale of food, clothing and households goods.
6. Dry cleaning drop-off and pick-up, including sewing and alterations.
7. Personal services including, but not limited to barber and beauty shops, dance studios, or physical therapy centers.
8. Administrative offices (general).
9. Oil and Gas Development (See Section 301 of Part III). In addition to all of

the other matters pertaining to permitted uses in the RCO Overlay District, the provision of Section 1625 shall also be applicable to this permitted use. (Ord. 238, 10/20/10) Repealed (Ord. 244, 8/08/2012).

B. Accessory Uses

1. No accessory structure occupied by a permitted accessory use shall exceed the square footage of the footprint of a permitted principal use on the same lot.
2. No accessory structure shall be permitted in the front yard and all accessory structures shall be set back in conformance with setbacks established for principal uses and structures, except as otherwise specified.
   (a) Accessory storage buildings.
   (b) Parking, loading areas and planted bufferyards (as specified).
   (c) Signs.
   (d) Satellite and telecommunications dishes not to exceed seven (7) meters in diameter.
3. Uses of land or of a building or portion thereof customarily incidental and subordinate to the principal permitted use of the land or building and located on the same lot with the principal use.

C. Lot Requirements: Dimensional standards for lots in each underlying zoning district shall dictate minimum areas, setbacks and maximum heights.

D. Parking and Loading: Off-street parking and loading shall be in accordance with Part XVII of this Chapter.

E. Applicability:

1. All undeveloped parcels whether previously recorded or created through the subdivision review and approval process, as outlined in the Chippewa Township Subdivision and Land Development Ordinance, which are situated in whole or in part in the RCO Residential Collector Overlay District shall be developed in conformance with the standards established in this Part or other parts referenced herein except as specifically indicated.
2. In addition to the standards enumerated herein, all proposed new development redevelopment or changes of use on lots situated in whole or in part in the RCO Residential Collector Overlay District shall be reviewed in compliance with the land development provisions of the Township's Subdivision and Land Development Ordinance where applicable.

PART XV

PLANNED RESIDENTIAL DEVELOPMENT

SECTION 1500 PLANNED RESIDENTIAL DEVELOPMENT STANDARDS

A. General Site Design:

1. All structures shall be designed with regard to the topography and natural features of the site. The effects of prevailing winds, seasonal temperatures, and hours of sunlight and shadow on the physical layout and form of the proposed buildings shall be taken into account.
2. All housing shall be sited so as to enhance privacy and ensure natural light for all principal rooms.
3. Variation in setbacks shall be provided to avoid the development of all units along the minimum.
4. Each building shall be so arranged as to avoid undue exposure to concentrated loading or parking facilities and be so oriented as to preserve visual and audible privacy between buildings and adjacent lots. A building containing a dwelling unit shall be arranged so as to provide easy access to emergency vehicles.
5. Housing and other facilities near the periphery of the planned residential development shall be designed so as not to be detrimental to existing or prospective adjacent structure or to existing or prospective development of the neighborhood.

B. Conservation of Trees and Natural Features

1. The development shall be designed and programmed so as to minimize earthmoving, erosion, tree clearance, and the destruction of natural features and environmentally sensitive areas.
2. Floodplains:
   (a) All floodplains, as defined in this Chapter, shall remain as permanent open space in a PRD. Only the following uses shall be permitted in the floodplain:
      (1) Recreational uses not requiring permanent or temporary structures, such as picnic areas, fishing sites, trails,

and similar uses.

(2) Most essential road and utility facilities, such as bridges, transmission lines, sewage treatment plant outlets and similar facilities, which cannot be placed elsewhere on the site outside the floodplain, provided all necessary approvals and permits have been obtained from the Pennsylvania Department of Environmental Protection.

(b) Any use or facility in a floodplain shall comply with all applicable provisions of the Chippewa Township Floodplain Ordinance.

3. Ponds, Wetlands, Watercourses:

(a) These areas shall remain as permanent open space.

(b) No realignment, development, filling, piping, and concentrating, or diverting shall be permitted except for most essential road and utility facilities which cannot be placed elsewhere on the site or as otherwise directed by the Township and the Pennsylvania Department of Environmental Protection.

4. Steep Slopes:

(a) In areas with slopes fifteen to twenty-five percent (15-25%), no more than seventy-five percent (75%) of such areas shall be regraded, stripped of vegetation and/or developed (i.e., construction of dwellings, road, etc.).

(b) In areas with slopes twenty-five to forty percent (25-40%), no more than forty percent (40%) of such areas shall be regraded, stripped of vegetation or developed.

(c) No dwelling or other structure shall be permitted in areas with slopes forty percent (40%) or greater. However, the Township Supervisors may approve limited regrading for the constructing or installation of roads, utilities or similar facilities which cannot be located elsewhere. Such approval shall be upon the recommendation of the Township Engineer.

C. Stormwater Management

1. Standards: Any landowner and any person engaged in the alteration or development of land which may affect stormwater runoff characteristics shall implement such measures as the Board of Supervisors determines are necessary to prevent injury to health, safety, or other property. Such measures shall include such action as are required:

(a) To assure that the maximum rate of stormwater runoff (from any storm

described in this Section, is not greater after development than prior to development activities; or

(b) To manage the quantity, velocity, and direction of resulting stormwater runoff in a manner which otherwise adequately protects health and property from possible injury; and

(c) If the development site is located within a watershed for which a stormwater management plan has been adopted by the Township, then any proposed stormwater control measures shall be consistent with the watershed plan. In preparing the stormwater management plan for the site, the applicant shall utilize information and recommendations contained in other study or document, which is supplied by the Township.

2. Site Stormwater Management Plans:

(a) All stormwater management plans for the proposed PRD shall be prepared and sealed by a registered professional engineer with expertise and training in hydrology/hydraulics, who is acceptable to the Township Engineer and Township Supervisors. Calculations of pre- and post-development hydrographs and discharges shall be prepared for the 2-, 10-, and 100-year storms, using the U.S. Soil Conservation Soil Cover Complex Methods (S.C.S. Publication TR-55).

(b) Any storage facilities (on or off-site) must be designed to control post-development discharged for the 2-, 10-, and 100-year design storms, unless otherwise specified by the Township Engineer and approved by Township Supervisors. Proposed design of the facility and the design computations shall be approved by the Township Engineer.

(c) Where the site's stormwater management plan proposes to tie into existing storm sewer or drainage systems, the developer must demonstrate that there is sufficient storm sewer capacity, as well as channel capacity from the point where the storm sewer outlets into the natural drainage system and downstream to the base of the watershed. All storm sewer and/or other drainage structures shall be designed in accordance with the current Township construction standards.

D. Soil Erosion and Sedimentation

1. Measures to control erosion/sedimentation (E/S), both during and after construction, shall be in accordance with the current Township regulations. A proposed E/S plan shall be submitted with the tentative

application and the Township shall forward it to the County Conservation District for review and comments. Where a DEP permit is required, the permit must be obtained prior to final plan approval.

2. No development, grading, excavating, removal of topsoil or vegetative cover shall take place, and no grading permit issued, until the E/S plan for the development has been approved by the Supervisors.

E. Landslide Hazard Areas

1. The planned residential development applicant shall identify any areas on the site with potential landslide hazards.
2. If the site contains any areas identified by the developer or Township as moderate to high landslide risk, the developer shall submit a detailed geotechnical investigation prepared and sealed by a registered professional engineer, identifying any potential limitations to construction or requirements for special protective measures. The Township may impose special construction requirements for special protective measures. The Township may impose special construction requirements and/or restrictions based on the findings of the investigation. The engineer responsible for the investigation shall possess the highest degree of geotechnical training and experience, applicable in this subject area of engineering and be satisfactory to the Township Engineer, and the developer shall pay the full cost of the investigation.

F. Traffic Access and Circulation and Parking

1. Traffic Access:

(a) The adequacy of the existing street capacity and/or safety to carry the additional traffic generated by the proposed development shall be demonstrated by the traffic impact study for the development as required by this Section.

(b) Where the traffic study projects street deficiencies with the additional traffic generated by the PRO, the developer must submit proposed solutions to the problems along with cost estimates, and the proposed methods of financing, and actions/approval required by the Township, Beaver County or PennDOT. A plan approved by the Township Engineer for correcting or eliminating any identified street capacity and/or safety problems shall be a condition of approval for the PRD application.

(c) The cost of all on-site traffic improvements shall be borne by the developer. A proportional share of the cost of any off-site improvements shall be paid by the developer. The proportional share shall be based on need created by, and the benefits received by, the proposed development. Such costs shall be determined during the review of the application and included in the Development Agreement.

(d) All entrances/exits to the PRD, and streets and driveways within the PRD, shall comply with Pennsylvania Department of Transportation (PennDOT) requirements ("Access to and Occupancy of Highways by Driveways and Local Roads," 67 PA Code, Chapter 1) and applicable Township specifications. If access is proposed from a state or county-owned road, a copy of the required access permit must be submitted to the Township prior to final approval of the PRD.

(e) Entrances/exits for the PRD shall not be located within one hundred and fifty feet (150') of any other street intersection. No application shall be approved for any PRD, unless all entrances/exits meet the minimum acceptable sight distance requirements contained in the most current PennDOT regulations.

(f) Principal (primary) access to a Planned Residential Development site shall be from either an arterial or collector street. Planned residential development of sixty (60) dwellings or more shall provide one (1) or more secondary accesses, also from an arterial or collector street, as determined necessary during the development plan review.

2. Traffic and Pedestrian Circulation:

(a) The PRD's internal street and walkway systems shall be designed so as to relate harmoniously with land uses and adjacent streets and to minimize through-traffic in residential areas. All residential parking and recreational areas shall be connected by pedestrian walkways. Walkways that connect residential areas and parking areas shall be hard-surfaced.

(b) Separation of vehicular from pedestrian and bicycle traffic is encouraged. Where pedestrian walkways are not within a street right-of-way, a walkway easement at least five feet (5') in width shall be designated. Where a walkway crosses over open space land, however, the easement shall not be subtracted from the open space land for purposes of calculating the area thereof.

3. Construction Standards: The construction of streets, parking areas, and sidewalks, whether or not they are to be dedicated to the Township, shall conform to Township specifications and regulations. However, the Township Supervisors may waive or modify certain standards where the Township finds that such specifications are not consistent with the planned residential development site or overall design and that such modifications are not inconsistent with the interests of the entire Township.
4. Parking:
   (a) There shall be a minimum of two (2) off-street parking spaces for each dwelling unit.
   (b) A conventional parking space shall measure a minimum of nine feet (9') by twenty feet (201 exclusive of curbs and maneuvering space, and a handicapped parking space shall be of sufficient area to comply with the provisions of the Americans with Disabilities Act.
   (c) Each off-street parking space shall open directly upon an aisle or driveway of such width and design to provide safe and efficient vehicular access to the parking space. The following standards for minimum aisle width shall apply:

Parking Angle	Aisle Width
90°	24 ft.
60°	20 ft. (one-way)

   (d) No off-street parking space other than single-family driveway, shall open directly onto a public or private street. Parking areas shall be arranged so as to prevent through traffic to other parking areas.
   (e) Common parking areas shall be adequately screened from adjacent structures, roads, and properties by such means as hedges, dense plantings, earth berms, changes in grade, or walls of not less than four feet (4') in height. All parking areas shall be at least twenty feet (20') from all structures, roads, and other parking areas. Clear sight triangles shall be maintained, as defined in this Chapter.
   (f) Landscaping, in accordance with this Section, shall be provided for every ten (10) parking spaces. Exterior lighting shall also be provided in accordance with this Section.

(g) Each parking area shall contain a maximum of forty (40) parking spaces.

(h) All parking and off-street loading areas shall be designed and constructed in accordance with Township specifications.

(i) Whenever possible, parking areas and lots shall be level except for necessary drainage purposes. The maximum permissible slope of any parking area shall be seven percent (7%). If parking spaces are provided in areas which exceed five percent (5%) slope, all stalls shall be parallel to the contour lines of the area.

G. Sanitary Sewage Disposal

1. All planned residential developments shall be served by a public sanitary sewage collection and treatment system. Proposed connections to the existing municipal sewer system shall be approved by the Township and other applicable governmental agencies.
2. All costs of the extension of municipal sewer lines and on-site collector systems to serve the development shall be borne by the developer.
3. In the event that the developer can demonstrate that at the time of development it will be infeasible to provide public sewage treatment, then the developer may submit a plan for interim sewage treatment and disposal until such time as the connection to a public treatment system can be made. This option is not available where the Board of Supervisors determines that it conflicts with Chippewa Township's current Act 537 Plan.

   (a) The proposed interim on-site sewage treatment facilities shall be designed in strict accordance with the requirements and specifications of the PA Department of Environmental Protection or any other applicable governmental entity and the proposed facilities must be approved by the Township Supervisors and PA Department of Environmental Protection. Copies of the approvals and permits must be submitted prior to approval of the final plan. Plans and designs for the proposed system shall be submitted in accordance with the provisions of this Section.

   (b) The developer shall provide the highest quality of sanitary sewage disposal facility consistent with existing physical, geographical and geological conditions and in conformance with all applicable Township Ordinances and state, county, and federal regulations.

   (c) On-site treatment facilities must be operated at the level of efficiency prescribed by the permitting agencies. Operation of the facilities shall be under the supervision of an operator who is duly licensed by the Commonwealth.

(d) All installation costs for the interim treatment system shall be borne by the developer. In addition, the developer shall submit a plan identifying ownership and continuing operation and maintenance responsibilities, whether the system is proposed for private ownership (e.g., homeowner's association) or to be dedicated to the Township. The maintenance plan shall identify sources for funding to cover annual operation and maintenance costs, such as homeowner's fees or assessments. The developer shall be required to establish an escrow account equivalent to the cost of the system's operation and maintenance for a ten (10) year period or developer must maintain said facility for that ten (10) year period. The specific provisions for the escrow account shall be set forth in the Development Agreement.

H. Water Supply: The development shall be served by a public central water supply. A distribution system shall be designed to furnish an adequate supply of water to each dwelling unit, with adequate main sizes and fire hydrant locations. The system shall be designed to meet applicable standards and specifications of the PA DEP (Public Water Supply Manual, current edition) and local municipal water supplier (if applicable). Fire hydrants shall be provided as required by the Township Fire Marshall.

I. Street Lighting

1. Lighting facilities shall be designed and located so as not to shine directly into residential buildings, private yards or streets, and lighting standards shall not exceed twelve feet (12') in height.
2. All common parking areas, steps, ramps, walkways of high pedestrian use, and directional signs shall be adequately lighted. In off-street parking areas, the lighting system shall furnish minimally an average of one-foot candles during hours of operation, and lighting standards shall be located not more than eighty feet (80') apart.
3. The Township Supervisors may require lighting in other areas for reasons of public safety.

J. Landscaping and Buffers:

1. All parking areas shall be landscaped with trees and shrubs of varying species. At least one (1) shade tree of minimum two inch (2") caliper and six foot (6') height shall be provided within the interior of each parking lot for every six (6) parking spaces.
2. Shade trees of varying species shall be planted along all streets within the street right-of-way. At least one (1) tree of minimum two inch (2") caliper and six foot (6') height on each side of the street shall be provided for each forty feet

(40') of street length, or fraction thereof.

3. The provisions of Section 1614 shall not apply to bufferyards and screening in Planned Residential Developments. The entire perimeter of the tract undergoing development shall be provided with a twenty foot (20') minimum planted buffer area, based upon the following:
   (a) All existing trees more than six inches (6") and/or evergreen trees six feet (6') in height or more shall be preserved, except when cutting thereof is specifically approved by the Township or is necessary for ensuring adequate sight distance or the placement of residential dwelling structures.
   (b) The amount, density of planting, and types of plantings shall be based upon physiographic features, proximity to existing dwellings, compatibility of adjacent uses, and natural views. The planting strip shall be of sufficient density and contain sufficient evergreen material to effectively screen the portions of the PRD from surrounding properties for which the privacy is desired. In other areas, particularly where the physiographic features and existing vegetation provide an attractive setting, the planting strip may be left in its natural state or enhanced with additional plant material of lesser density than a full screen.
   (c) No plantings shall be placed with their center closer than five feet (5') from a property line of the tract.
   (d) Plantings shall be permanently maintained and replaced in the event of non-survival within one (1) year, to maintain an effective year-round screen.
   (e) Planting species shall be mixed; generally, a minimum of twenty-five percent (25%) shall be evergreen, twenty-five percent (25%) deciduous and ten percent (10%) of flowering material.

4. In addition to the perimeter planted buffer, the following landscaping requirements shall be met:
   (a) Disturbed topsoil shall be stockpiled, protected from erosion, and redistributed after construction.
   (b) Planting and protection of landscape material shall be in accordance with a plan and schedule prepared by a registered landscape architect and shall be completed within six (6) months of initial occupancy of each stage of development. Maintenance specifications for all plant material shall be submitted with the Final Plan.

5. Provision for continuing maintenance of all landscaping, planting, and buffer areas shall be provided in the plans for ownership of common open space.

K. Utilities: All utilities shall be placed underground within the PRD and all transformers shall be located on public ground.

L. Signs:

1. An identification sign for the PRD may be placed at the principal access to the development. This sign shall not exceed twelve (12) square feet on each side or be more than five feet (5') in height, as measured from the ground level at the base of the sign. If free standing, the sign must be set back a minimum of ten feet (10') from the street right-of-way. The sign shall be screened from adjacent properties by land forms and/or shrubbery, but must be clear of sight line of intersection.
2. All other rear estate signs advertising the sale or lease of dwelling units or commercial facilities or temporary construction signs shall be in accordance with Part XVIII.
3. No flashing or animated signs shall be permitted. Illuminated signs shall be designed and placed so as not to interfere with, distract, confuse or blind motorists. Only flood lighting shall be permitted for the PRO identification sign, and this must be directed so as not to cause glare on any adjacent property.
4. Provisions for maintenance of all private signs within the PRD shall be included in the agreements for common open space or deed or lease agreement of an individual property.
5. Unless otherwise specified here, all signs in the PRD shall comply with the requirements otherwise applicable to the zoning district in which the PRD is located.

SECTION 1501 STANDARDS FOR LOCATION AND MANAGEMENT OF COMMON OPEN SPACE AND FACILITIES

A. Applicability: Provisions for the continuing operation, administration and maintenance of all common open spaces and facilities shall be set forth in the "Common Open Space and

Facilities Management Plan" for the PRD, which shall be approved by the Township Supervisors. The Management Plan shall cover all common areas or facilities, such as undeveloped open space, recreation areas, streets, utilities or stormwater control facilities. The plan may provide for either public or private ownership and maintenance, or a combination of both.

B. Ownership: Any of the following methods may be used, either individually or together, to preserve, own, and maintained common open space and facilities: condominium, homeowners association, dedication in fee simple, conveyance of development rights or easements, and transfer of fee simple title or development rights and easements to a private conservation organization. Such land or facility shall not be eligible for transfer to another party except for transfer to another method of ownership permitted under this Section, and then only where there is not change in the open space ratio or with each of the various methods:

1. Condominium: The common areas may be controlled through the use of condominium agreements. Such agreement shall be in conformance with the Uniform Condominium Act of 1980 (68 PA GSA, 3101-3414). All open space land and/or common facilities shall be held as "common element."
2. Homeowners Association: Common areas may be held in common ownership by a homeowner's association. This method shall be subject to all of the provisions for homeowner's associations set forth in Article VII, Section 705-d(2) of the Pennsylvania Municipalities Planning Code.
3. Fee Simple Dedication: The Township may, but shall not be required to, accept any portion or portions of the common open space or facilities, provided:
   (a) Such land is accessible to the residents of the Township;
   (b) There is no cost of acquisition (other than any costs incident to the transfer of ownership such as title insurance); and
   (c) The Township agrees to and has access to maintain such lands.
4. Dedication of Development Rights or Easements: The Township may, but shall not be required to, accept easements for public use of, and/or development rights to, any portion or portions of common areas, title of which is to remain in ownership by condominium or homeowner's associations, provided:
   (a) Such land is accessible to the residents of the Township;
   (b) There is no cost of acquisition (Other than any costs incident to the transfer of ownership, such as title insurance); and

(c) A satisfactory maintenance agreement is reached between the developer and the Township.

5. Transfer to a Private Conservation Organization: With permission of the Township, an owner may transfer either the fee simple title, with appropriate deed restrictions running in favor of the Township, or the development rights or easements, to a private, nonprofit organization, among whose purposes is to conserve open space land and/or natural resources, provided that:
   (a) The organization is acceptable to the Township, and is a bona fide conservation organization with perpetual existence;
   (b) The Conveyance contains appropriate provision for proper reverter or retransfer in the event that the organization becomes unwilling or unable to continue carrying out its functions; and
   (c) A maintenance agreement acceptable to the Township is entered into by the developer and the organization which provides that the Township shall be a third party beneficiary to said agreement.

C. Specific Requirements for Homeowner's Associations: If a homeowner's association is formed, it shall be governed according to the following regulations:

1. The developers shall provide to the Township a description of the organization, including its by-laws and methods for maintaining the open space.
2. The organization shall be established by the developers and shall be operating (with financial subsidization by the developers, if necessary) before the sale or lease of any lots or units within the development.
3. Membership in the organization is mandatory for all purchasers of property therein and their successors.
4. The organization shall be responsible for maintenance of and insurance and taxes on common open space and facilities.
5. The members of the organization shall share equitably the costs of maintaining and developing common open space and facilities in accordance with the procedures established by them.
6. In the event of any proposed transfer of common open space land by the homeowner's association within the methods here permitted, or of the assumption of maintenance of common open space or facilities by the Township as hereinafter provided; notice of such action shall be given to all property owners within the planned residential development.

7. The organization shall have or hire adequate staff to administer and maintain common facilities and open space.

8. The property owners' organization may lease back open space lands to the developer, his heirs or assigns, or to any other qualified person or corporation for operation and maintenance of such areas, but such a lease agreement shall provide:
   (a) That the residents of the planned residential development shall at all times have access to the common open space lands or facilities contained therein;
   (b) That the common area(s) to be leased shall be maintained for the purposes set forth in this Part;
   (c) That the operation of the area or facility may be either for the benefit of the residents only or open to the residents of the Township.

8. The lease shall be subject to the approval of the Township Solicitor and any transfer or assignment of the lease shall be further subject to the approval of the Township Supervisors. Lease agreements so entered into shall be recorded with the Recorder of Deeds of Beaver County within thirty (30) days of their execution and a copy of the recorded lease shall be filed with the Manager of the Township.

D. Maintenance

1. In the event that the organization established to own and maintain a common open space and/or facilities (i.e., common area) or any successor organization, shall at any time after establishment of the planned residential development fail to maintain such areas in accordance with the development plan, the Township may serve written notice upon such organization or upon the residents and owners of the planned residential development, setting forth the manner in which the organization has failed to maintain the common areas. This notice shall include a demand that such deficiencies of maintenance be cured within thirty (30) days thereof, and shall state the date and place or a hearing thereon which shall be held within fourteen (14) days of the notice. At such hearing the Township may modify the terms of the original notice as to the deficiencies and/or may give an extension of time within which they must be corrected.

(a) If the deficiencies set forth in the original notice or in the modifications thereof are not corrected within thirty (30) days or any extension thereof, the Township, in order to preserve the taxable values of the properties within the planned residential development and to prevent the common areas from becoming a public nuisance, may enter upon said common area and maintain the same for a period of one (1) year.

(b) Such entry and maintenance shall not constitute a taking of said common area and shall not vest in the public any rights to use the common area except when the same is voluntarily dedicated to the public by the residents and owners and such dedication is acceptable to the Township. Before the expiration of said year, the Township shall, upon its initiative or upon the request of the organization previously responsible for the maintenance of the common area call a public hearing upon notice to such organization, or to the residents and owners of the planned residential development, to be held by the Township. At this hearing such organization or the residents and owners of the planned residential development shall show cause why such maintenance by the Township shall not, at the election of the Township, continue for a succeeding year.

(c) If the Township shall determine that such organization is ready and able to maintain said common area in reasonable condition, the Township shall cease to maintain said common area at the end of the said year. If the Township shall determine such organization is not ready and able to maintain said common open space in a reasonable condition, the Township may, in its discretion, continue to maintain said common area during the next succeeding year and subject to a similar hearing and determination in each year thereafter. The decision of the Township in any case shall constitute a final administrative decision subject to judicial review.

2. The cost of such maintenance and enforcement proceedings by the Township shall be assessed ratably against the properties within the planned residential development that have a right of enjoyment of the common area, and if said costs are not recovered then they shall become a lien on said properties. The Township, at the time of entering upon such said common area for the purpose of maintenance, shall file such a notice of such lien, in the office of the Prothonotary of Beaver County, upon the properties affected by such lien within the planned residential development.

SECTION 1502 DEVELOPMENT IN STAGES

A developer may construct a PRD in stages provided the following criteria are met:

A. The application for tentative approval must cover the entire planned residential development and show the location and approximate time of final application for each stage, in addition to other information required by this Ordinance. This development schedule must be updated annually and submitted to the Township Manager on the anniversary of the approval of the tentative application, until such time as the PRD is completed and accepted.

B. At least fifteen percent (15%) of the total dwelling units in the PRD plan given tentative approval must be included in the first stage and any subsequent stage.

C. Each phase must be capable of being served adequately and economically by all necessary community facilities and services, such as streets and sanitary sewers, water supply, storm drainage, and recreation, in accordance with the approved tentative application.

D. Average net density may be varied from stage to stage. However, final approval shall not be given to any stage if the average net density of the area, which includes previously approved or completed stages to date and the stage for which final approval is being sought, exceeds by more than ten percent (10%) the maximum average net density established for the entire PRD in the tentatively approved plan. Where it is necessary to allocate open space to early stages from stages to be developed later to avoid exceeding average residential densities, the developer may be required to grant an open space easement or covenant to the Township specifying the amount and location of open space.

SECTION 1503 ADMINISTRATION

A. Relationship of the PRD Part to the MPC and Other Township Ordinances.

1. It is the intention of the Township Supervisors that all provisions in this PRD Part shall be consistent at all times with the authorities and requirements of the Municipalities Planning Code. Wherever there is an inconsistency between the Planning Code and this Part, the Planning Code shall take precedence.
2. Where any provision of this Chapter is in conflict with any other requirements or regulations of other portions of the Township Zoning Ordinance the more restrictive requirement or regulations shall apply. Where any provision or requirement of this Chapter is in conflict with any requirement or specification of the subdivision and land

development or other applicable ordinance of the Township, the provision of this Chapter shall apply.

3. All other provisions of this Zoning Ordinance shall be applicable to development under this Part except for where noted in this Part or where said provisions or requirements conflict with this Part.

B. Modification of Provisions of this Part: For any particular development, the Township Supervisors shall not act to modify the maximum average residential densities, common open space ratios and permitted use requirements of this Part.

C. Development Agreement: Following the approval of the final PRD application but prior to the issuance of any building, grading or other Township permit, the developer and the Township Supervisors shall sign a Development Agreement prepared by the Township Solicitor, which guarantees the completion of all required improvements, and incorporates any specific actions which the developer shall take in accordance with the tentative and final PRD plan approvals. The Development Agreement shall be in the form and content and acceptable to the Township Supervisors and Township Solicitor.

D. Performance Guarantee:

1. Prior to the release of the approved final plan for recording, the developer shall guarantee the installation of all required improvements by posting a performance guarantee, in accordance with Pennsylvania Law. The amount shall be one hundred and ten percent (110%) of the cost of all improvements for that portion of the development for which final plan approval has been granted. The costs shall be based on bona fide bid(s) by the contractor(s) chosen by the developer to complete the improvement.
2. The performance guarantee may be either a performance bond with a corporate surety, an escrow deposit, or other security acceptable to the Township. The performance guarantee shall be submitted in a form and with a surety approved by the Township Solicitor guaranteeing the construction and installation of all improvements within one (1) year of the date fixed in the final approval.
3. The amount of performance guarantee may be reduced as and when portions of the required improvements have been installed, and shall be released upon satisfactory completion of all improvements.

E. Dedication and Maintenance Guarantee:

1. All streets, recreational facilities, surface drainage, water and sewer facilities, and other improvements shown on the final plan shall be privately owned until such time as they have been offered for dedication to the Township and accepted by ordinance by the Township Supervisors.
2. Before accepting any such offer of dedication, the Township shall require the developer to file a maintenance guarantee in an amount not less than fifteen percent (15%) of the actual cost of the installation of the improvements. Such maintenance guarantee shall be in a form and with a surety approved by the Township Solicitor, guaranteeing that the developer shall maintain all such improvements in good condition for a period of eighteen (18) months after the date of acceptance of dedication.
3. At the end of the said period, if the improvements shall be in good condition, the Township shall release the maintenance bond. Prior to such release, the Township may require any needed items of maintenance to be completely and satisfactorily performed.
4. Before the Township accepts dedication of any improvements, the developer shall submit two (2) copies of an "as built" plan The "as built" plan shall show the location, dimension elevation of all improvements proposed for dedication, and it shall note all deviations from the previously approved final plan and drawings.

F. Permits

1. Issuance of permits, and all matter pertaining to administration of the plan as finally approved, shall be the responsibility of the Township Zoning Officer, Building Official or Township Engineer, as appropriate.
2. Upon application of the landowner showing compliance with the requirements of final approval, the Building Official shall issue permits for construction pursuant to the plan, or any section thereof.
3. The provisions of Part XXIII of this Zoning Ordinance, as amended, governing "Administration," shall be fully applicable to the plan as finally approved insofar as the provisions thereof are consistent with the provisions of this Part and the conditions of final approval. The Building Official shall review the progress and status of construction of the plan and render monthly reports thereon to the Township Supervisors in order to assure compliance with the provisions of this Part and the conditions of final approval.

SECTION 1504 FEES

The Township Supervisors shall establish by resolution a schedule of fees to be paid by the developer at the time of filing the tentative and final applications, which schedule shall be available upon request.

SECTION 1505 PROCESSING OF TENTATIVE PLANS

A. The application for a proposed planned residential development shall be submitted by or on behalf of the landowner of the subject tract for tentative approval to the Zoning Officer for distribution to the Planning Commission and shall include eight (8) copies of all the materials required by this Part. In addition, the landowner shall provide six (6) copies of the plan to the Beaver County Planning Commission.

B. The Planning Commission shall review the application and send one (1) copy to the Board of Supervisors together with recommendations as herein specified.

C. Within sixty (60) days after the filing of the application, the Board of Supervisors shall call and hold a public hearing on it. The hearing may be continued from time to time but shall be concluded not later than sixty (60) days after being first convened. Notice of the hearing shall appear twice in a newspaper of general local circulation, the first time not less than thirty (30) days before the hearing and the second time not less than seven (7) days thereafter, and shall announce the date, time, place, and purpose of the hearing and the times and place when and where the application may be examined prior to the hearing. In addition, the property on which the planned residential development is proposed shall be posted in at least one prominent place with the same information contained in the notice.

D. The Board shall conduct the hearing. The Chairman may administer oaths and compel the attendance of witnesses. All testimony shall be given under oath and every party of record shall have the right to cross examine adverse witnesses. A verbatim record shall be made but costs of copying shall be borne by those requiring copies. All exhibits accepted in evidence shall be identified and preserved until the conclusion of the hearing.

E. Not later than sixty (60) days after the conclusion of the hearing, the Board shall officially notify the landowner in writing that the Board has either:

1. Granted tentative approval of the plan as submitted;
2. Granted tentative approval subject to specified conditions not included in the submitted plan; or
3. Denied tentative approval of the plan.
4. Failure of the Board to schedule or hold a public hearing or communicate a decision within the sixty (60) day limits shall be deemed as approval of the plan as submitted.

F. If conditions are attached to approval the applicant may either:

1. notify the Board within thirty (30) days that he cannot accept all of them, in which case tentative approval with the attached conditions shall be presumed denied.
2. do nothing within thirty (30) days, in which case tentative approval with the attached conditions shall be presumed granted.

G. The official written grant or denial of tentative approval shall include not only conclusions but also findings of fact related to the specific proposal and shall set forth the reasons for approval or denial and any attached conditions to approval, as well as specific reasons why the plan would or would not be in the public interest on the proposed site, including but not limited to the following:

1. In those respects in which the development plan is or is not consistent with the comprehensive plan for Chippewa Township;
2. The extent to which the development plan departs from zoning and for subdivision regulations otherwise applicable to the subject property, including but not limited to density, bulk and use, and the reasons why such departure is or is not deemed to be in the public interest;
3. The purpose, location and amount of the common open space in the planned residential development, the reliability of the proposals for maintenance and conservation of the common open space, and the adequacy or inadequacy of the amount and purpose of the common open space as related to the proposed density and type of residential land development;

4. The physical design of the development plan and the manner in which said design does or does not make adequate provision for public services, provides adequate control over vehicular traffic, and furthers the amenities of light and air, and visual enjoyment;
5. The relationship, beneficial or adverse, of the proposed planned residential development to the neighborhood in which it is proposed to be established; and
6. In the case of a development plan which proposes development over a period of years, the sufficiency of the terms and conditions intended to protect the interests of the public and of the residents of the planned residential development in the integrity of the development plan.

H. General Requirements:

1. Area Requirements:
   (a) Minimum twenty (20) acre tract with all land contiguous where more than one (1) recorded parcel is proposed for development.
   (b) Minimum thirty percent (30%) of gross area to be designated as active or passive open space, and may include land in conservation easements.
2. Use Requirements:
   (a) Permitted Uses (except as otherwise indicated)
      (1) Single family detached dwellings;
      (2) Double dwellings;
      (3) Townhouses;
      (4) Active recreation (all districts where PRD's are permitted);
      (5) Passive open space (all districts where PRO's are permitted).
   (b) Accessory Uses:
      (1) Private garages;
      (2) Parking areas for guests;
      (3) Garden and storage sheds;
      (4) Pet shelters;
      (5) Signs.

I. Upon receiving tentative approval, the applicant shall, not more than one (1) year thereafter, file an application for final approval of the first phase of the plan.

J. The official written communication provided for in this Part shall be certified by the Secretary of Chippewa Township and shall be filed in the office of the Secretary. A certified copy shall be mailed to the landowner; where tentative approval has been granted, this shall be recorded on the official Chippewa Township Zoning Map.

K. Tentative approval of a development plan shall not qualify the planned residential development for recording nor authorize development or the issuance of any building permits. A development plan which has been given tentative approval as submitted, or which has been given tentative approval with conditions acceptable to the landowner, shall not be modified or revoked nor otherwise impaired by action of Chippewa Township pending an application or applications for final approval, without the consent of the landowner, provided an application for final approval is filed or, in the case of development over a period of years, provided applications are filed, within the periods of time specified in the official written communications granting tentative approval.

L. If a development plan is given tentative approval, and thereafter, but prior to final approval, the landowner elects to abandon the development plan and shall so notify Chippewa Township in writing, or in the event the landowner shall fail to file an application or applications for final approval within the required period of time or times, as the case may be, the tentative approval shall be deemed to be revoked and all that portion of the area included in the development plan for which final approval has not been given shall be subject to the zoning regulations that applied prior to tentative approval of the development plan or as they may be amended from time to time, and the same shall be noted on the Township's Official Zoning Map and in the records of the Secretary of Chippewa Township.

SECTION 1506 PLANS REQUIRED FOR TENTATIVE APPROVAL

A. A written statement by the landowner setting forth the reasons why, in his opinion, a planned residential development would be in the public interest and would be consistent with the comprehensive plan for the development of Chippewa Township;

B. The location, size, and topography of the site and the nature of the landowner's interest in the land proposed to be developed;

C. The density of residential land use to be allocated to parts of the site to be developed;

D. The location and area of the common open space and the form of organization proposed to own and maintain the common open space and services;

E. The use and the maximum height, bulk and location of buildings and other structures;

F. The feasibility of proposals for the disposition of sanitary wastes and storm water and the provision of a potable water supply to all dwellings;

G. The substance of covenants, grants of easements or other restrictions proposed to be imposed upon the use of the land, buildings, and structures including proposed easements or grants for public utilities;

H. The provisions for parking of vehicles and the location and width of proposed streets and public ways;

I. In the case of development plans which call for development over a period of years, a schedule showing the proposed times within which applications for final approval of all sections of the planned residential development are intended to be filed and this schedule, must be updated annually on the anniversary of its approval until the development is completed and accepted.

J. The location, size and type of landscaping for buffer yards;

K. The Planning Commission may, at its discretion, require a traffic study to be prepared if it is clear the project will have a significant impact on roads adjacent to and near the project. Such study shall address existing traffic volumes and volumes generated by the project, particularly with reference to intersections providing access to the project, and shall recommend specific improvements to alleviate congestion at intersections and on adjacent roads.

SECTION 1507 PROCESSING OF FINAL PLANS

A. An application for final approval may be for all the land included in a development plan, or, to the extent set forth in the tentative approval, for a section thereof. The application shall be made to the Township Zoning Officer within the time or times specified by the official written communication granting tentative

approval. The application shall include the documents required by Section 1506 as well as any covenants, easements, performance bonds and conditions set forth in the official written communication at the time of tentative approval. A public hearing on an application for final approval of the development plan, or part thereof, shall not be required provided the development plan, or the part thereof, submitted for final approval, is in compliance with the development plan theretofore given tentative approval and with any specified conditions attached thereto.

B. The application shall be immediately forwarded to the Planning Commission which shall review it at its next regular meeting thereafter and recommend approval or further action as provided, in this Section, to the Board of Supervisors.

C. In the event the application for final approval has been filed together with all drawings, specifications and other documents in support thereof, and as required by the ordinance and the official written communications of tentative approval, Chippewa Township shall, within forty-five (45) days of such filing, grant such development plan final approval and authorize the issuance of building permits.

D. In the event the development plan as submitted contains variations from the development plan given tentative approval, the Board of Supervisors shall refuse to grant final approval and shall, within thirty (30) days from the filing of the application for final approval, so advise the landowner in writing of said refusal, setting forth in said notice the reasons why one or more of said variations are not in the public interest. In the event of such refusal, the landowner may either:

1. re-file his application for final approval without the variations objected, or
2. file a written request with the Board that it hold a public hearing on his application for final approval. If the landowner wishes to take either such alternate action, he may do so within thirty (30) additional days after being informed of the Board's action. In the event the landowner shall fail to take either of these alternate actions within said time, he shall be deemed to have abandoned the development plan. Any such public hearing shall be held pursuant to public notice within thirty (30) days after request for the hearing is made by the landowner, and the hearing shall be conducted in the manner prescribed in this part for public hearing on applications for tentative

approval. Within thirty (30) days after the conclusion of the hearing, the Board shall be official written communications either grant final approval to the development plan or deny final approval.

E. A development plan, or any part thereof, which has been given final approval shall be so certified without delay by the Board and shall be filed of record forthwith in the office of the recorder of deeds before any development shall take place in accordance therewith. Upon filing of record of the development plan the zoning and subdivision regulations otherwise applicable to the land included in such plan shall cease to apply thereto. Pending completion within a reasonable time of the planned residential development or of that part thereof, as finally approved, no changes in the conditions of approval shall be made by the Township, except with the consent of the landowner.

F. In the event that a development plan, or a section thereof, is given final approval and thereafter the landowner abandons such plan or the section thereof that has been finally approved, and shall so notify the governing body in writing or, in the event the landowner shall fail to commence and carry out the planned residential development within the time limitations contained in the tentative approval, no further development shall take place on the property included in the development plan until after said property is re-subdivided and is reclassified by enactment of an amendment to the Chippewa Township Zoning Chapter unless written request for an extension of the time period is granted by the Board of Supervisors to the landowner.

SECTION 1508 PLANS REQUIRED FOR FINAL APPROVAL

A. Tract boundary lines, right-of-way lines of streets, easements and other rights-of-way, and property lines of residential lots and other sites, when applicable, with accurate dimensions, bearings or deflection angles and radii, arcs and central angles of all curves;

B. Name and right-of-way width of each street or other right-of-way;

C. Location and dimension and purpose of easements;

D. Number to identify each lot and/or site when applicable;

E. Purpose for which sites other than residential, are dedicated or reserved;

F. Minimum building setback line on all lots and other sites;

G. Location and description of survey monuments;

H. Names of owners of record of adjoining unplatted land;

I. Reference to recorded subdivision plats of adjoining platted land by record name, date, and number.

J. Certification by surveyor or engineer certifying the accuracy of the survey and plat;

K. Certification of title showing that applicant is the land owner;

L. Statement by owner dedicating streets, right-of-way and sites for public uses;

M. Title, scale, north arrow, and date.

PART XVI
SUPPLEMENTARY REGULATIONS

SECTION 1600 APPLICATION OF REGULATIONS

A. No building or land shall hereafter be used or occupied and no building or part thereof shall be erected, moved or altered unless it is in conformity with the regulations herein specified for the district in which it is located.

B. All construction and/or development shall meet all regulations of each zoning district and the following supplemental regulations as applicable.

C. The use or occupation of any building, land area, or water area, or part thereof, which is not specifically permitted by any rule or regulation of this Chapter, is a violation of this Chapter. (Revised by Ord. 182, 9/8/1997)

D. The classification of a use as permitted, by special exception, conditional or accessory within this Chapter 27 does not mean that said use can ultimately be implemented in the district. In addition to the requirements set forth herein, all uses within the Township must meet and continue to meet all applicable environmental and health and safety laws and regulations of the federal and state government in effect for the particular use. Owners, tenants, and developers must meet and obtain any and all necessary and required permits from all applicable governmental agencies and entities (federal, state and local) before the proposed use can be implemented within the applicable zoning district. Proper waste, residue and by- product disposition and disposal must be provided and obtained for the particular use before the use can commence within the applicable zoning district. No permanent occupancy or use of the property shall be made unless and until all applicable permits have been obtained and all necessary facilities have been constructed and are in proper working order. Temporary occupancy may be granted for a period not to exceed thirty (30) days in order to test operating systems within the building or development. (Revised by Ord. 184, 1/12/98)

SECTION 1601 ONE PRINCIPAL USE

Every use, building, and/or structure hereafter erected or structurally altered shall be situated so that in no case shall more than one (1) principal building, structure, or use be located on one (1) lot except as specifically noted below.

A. Where a lot, parcel or tract is used for a nonresidential purpose, more than one (1) principal use, building, or structure may be located upon the lot, parcel, or tract, but only when such uses, buildings, or structures conform to all open space and yard requirements around the perimeter of the lot, parcel, or tract for the district in which the lot, parcel or tract is located. A structure shall be a minimum of ten (10) feet from any other structure on the same lot or tract unless affixed by way of adjoining walls.

B. Individual lots or subdivided parcels less than ten (10) acres in size shall have no residential building, structure, or use in addition to the principal building, structure, or use on the same lot except in the case of clustered housing or where ten (10) acres or more in size shall be limited to one (1) single family detached residential structure per ten (10) acre unit of undivided land area (i.e. thirty (30) acres of undeveloped land area equals three (3) dwelling units). Additional single family residential dwelling shall, at a minimum, be located fifty (50) feet apart and shall be so situated that the land surrounding the dwellings may be effectively subdivided in the future. (Revised by Ord. 182, 9/8/1997)

SECTION 1602 SUPPLEMENTARY YARD AND AREA REQUIREMENTS

A. The following may project into the required yards as established herein:

1. Steps or stoops not exceeding twenty-four (24) square feet of area.
2. Eaves, cornices, and belt courses not exceeding two (2) feet.
3. Open fire escapes not exceeding fifty-four (54) inches.

B. On streets in an existing recorded subdivision plan where a relatively uniform building line has been established, a building proposed to be constructed on the street on a lot in the recorded subdivision plan may reduce the required front yard setback specified in the zoning district in order to conform with the existing building line which has been established in the original subdivision plan; however, if such a relatively uniform building line has been established on a street where the required front yard setback exceed that specified in the zoning district, the required minimum front yard setback shall be increased in order to conform with the existing building line which has been established in the subdivision plan. (Revised by Ord. 182, 9/8/1997)

C. The minimum setback allowable for any structure within any zoning district shall be measured from that part of the structure which is closest to the lot line from which the set back is being measured.

D. A lot containing a slope of 3:1 (three feet horizontal to one foot vertical) or greater for a distance of fifty (50) percent of its total depth shall have a minimum twenty-five (25) percent total increase in lot depth than is otherwise required by this Chapter prior to the granting of a zoning permit.

SECTION 1603 SUPPLEMENTARY HEIGHT REQUIREMENTS

A. Measurement of height shall be the vertical distance from the mean level of the ground at the front of the building to the point on the roof measured as follows:

1. In case of flat roof structures - highest point of coping.
2. In case of mansard roof structures – deck line of roof.
3. In case of gable or hipped roof – average height of roof.

B. A habitable attic shall be counted as one story when determining height as required in this Chapter.

C. The height limitations of this Chapter shall not apply to flag poles, church spires, belfries, domes or similar projections not used for human occupancy nor to chimneys, ventilators, sky lights, water tanks, public utility facilities, bulkheads, silos, agricultural accessory structures and other necessary mechanical and operational apparatus usually carried above the roof level.

SECTION 1604 DWELLINGS ON SMALL LOTS OF RECORD

A. Nothing in the district regulations shall be held to prohibit the erection of a one-family dwelling in a district where permitted upon a lot whose size is inadequate to meet the lot area regulations set for the district, provided that such lot on the effective date of this Chapter was held under separate ownership from the adjoining lots or is a lot in a recorded plan which complies with all district regulations for building lines and yard requirements except lot area requirements.

SECTION 1605 AGRICULTURAL OPERATION

A. Agricultural operations conducted on plots of land less than ten (10) acres in size shall be subject to the following:

1. The movement of livestock and/or poultry is limited by a fence or other method of enclosure.
2. No other structure or use is permitted within less than ten (10) acre area during the period of continued agricultural use.
3. Roadside stands offering for sale only the products produced on the premises shall be permitted and there shall be a minimum of ten (10) off street parking spaces provided for roadside stands.
4. Any agricultural accessory building shall be located at least fifty (50) feet from any residential lot line.

SECTION 1606 FENCES, HEDGES OR BARBED WIRE, POINTED AND ELECTRICALLY CHARGED MATERIALS

A Fences, hedges or other plantings, structures or walls shall not be located at street corners so as to interfere with vision clearance across the corner lots. The height of such objects is restricted to three (3) feet within the sight triangle described as that triangular area formed by the intersecting street lines and a line joining points on the street lines and equidistant from the point of intersection. This dimension shall be as per the standard details attached as an appendix to the Chippewa Township Subdivision and Land Development Ordinance.

B. No barbed wire or other sharp pointed material or electrically charged material shall be used in the construction of a fence unless said material is at least eight (8) feet above the ground level except where used to contain livestock within the R-1 zoning districts.

C. The Township of Chippewa shall not require a building/zoning permit to erect a fence. If a fence is erected up to the property line, the Township shall not be responsible for determining the location of the property line. The applicant shall be responsible for determining the location of his property line and any claims which arise out of the erection of a fence shall be the responsibility of the person who erected the fence. (Revised by Ord. 182, 9/8/1997)

SECTION 1607 SUPPLEMENTARY DESIGN REGULATIONS

A. Any principal building in the IC Industrial Corridor District may contain more than one (1) use and/or business or organization. Any lot in the IC Industrial Corridor Zoning District may contain more than one (1) principal structure, provided that each principal structure shall be located in a manner which will allow the future subdivision of the lot resulting in a lot which conforms to the existing zoning and subdivision ordinances and dimensional regulations.

B. The areas twenty (20) feet in width adjacent to any street right-of-way line and twenty (20) feet in width adjacent to any lot boundary line shall not be used for parking and shall be planted and maintained as lawn area, ground cover or landscaped with low level evergreen shrubbery and separated from the parking area by poured concrete or Belgian block curbing.

C. No merchandise, products, waste or similar material or objects shall be displayed or stored on the exterior of the lot except as specified herein.

1. The parking area for trucks which are used for delivery or shipping, shall be adequately screened from surrounding properties as well as public streets, roads, or highways. The screen shall consist of planted material and, if necessary, wood fencing at a height necessary to screen the storage from adjacent properties. Such screening shall be in accordance with Section 1614 of this Chapter. No trucks shall be stored or parked in the front yard of any business or building and further, the storage area for all trucks shall be set back a minimum of ten (10) feet from abutting properties located to the side and rear of the parcel of land if adjoining or facing another use within the IC Zoning District. If adjoining or facing any district other than the IC Zoning District, the storage area for all trucks shall be set back a minimum of twenty (20) feet from surrounding property boundary lines.
2. The outside storage of supplies, such as pipes, wood, building materials, steel coils, and similar industrial supplies, shall be adequately screened from surrounding properties as well as public streets, roads, or highways. The screening shall consist of planted material and, if necessary, wood fencing at a height necessary to screen the storage area from adjacent properties. Such screening shall be in accordance with Section 1614 of this Chapter. No supplies shall be stored in the front yard of any business or building and further the storage area for all supplies shall be set back a minimum of twenty (20) feet from abutting property boundary lines

located to the side and rear of the parcel of land.

3. Construction equipment, including, but not limited to, dump trucks, graders, bulldozers and backhoes, shall be adequately screened from surrounding properties as well as public streets, roads, or highways. The screening shall consist of landscaping and, if necessary, wood fencing at a height necessary to screen the storage area from adjacent properties. Such screening shall be in accordance with Section 1614 of this Chapter. No construction equipment shall be stored or parked in the front yard of any business or building and further, the storage area for all construction equipment shall be set back a minimum of twenty (20) feet from abutting property boundary lines located to the side and rear of the parcel of land.

D. All building walls facing any street right-of-way or residential district boundary shall be finished with masonry material excluding unpainted or painted concrete block walls. All stand alone buildings or buildings in a planned development shall be designed and constructed with similar architectural features and similar materials with other buildings on multiple use development sites, whether constructed simultaneously or in stages over a period of time.

E. All portions of the property not developed with buildings or paved surfaces shall be landscaped, utilizing combinations of treatment such as landscape fencing, shrubbery, lawn area, ground cover, rock formations, and landscape mounds. Existing foliage and the planting of conifers and/or deciduous trees in order to either maintain or reestablish the vegetation in the area and lessen the visual impact of the structures and paved areas shall also be options in addition to the requirements of Section 1614 for planting in bufferyards. The established grades on any site shall be planned for both aesthetic and drainage purposes. The grading plan, drainage facilities and landscaping shall be coordinated to prevent soil erosion and siltation, as well as assuring that the capacity of the natural and/or man-made drainage systems are sufficient to detain and discharge anticipated stormwater both from the subject property and contributing upstream areas. Landscaping requirements of Section 1614 of this Chapter shall apply.

F. A minimum "Bufferyard A" shall be provided along the perimeter of any common property line with a residential zoning district boundary line or lot line of

an existing residential use. "Bufferyard A" shall be provided along the perimeter of any common property line with a residential zoning district boundary line or lot line of an existing residential use. This bufferyard shall not be used for any development including buildings, parking areas or equipment/materials storage areas. This bufferyard shall be designed with landscaping and/or fencing materials to screen adjoining residential zones or uses. Landscaping requirements of Section 1614 of this Chapter shall apply.

G. Off-street parking, loading and unloading regulations of Part XVII of this Chapter shall apply.

H. Signs shall comply with the provisions of Part XVIII of this Chapter.

I. Primary vehicular access to any development site within the IC Zoning District shall not connect to an existing street or roadway in an established residential neighborhood.

SECTION 1608 MINIMUM STANDARDS FOR MOBILE HOMES OR MODULAR ON INDIVIDUAL LOTS

A. A lot on which a mobile or modular home is installed shall conform with the minimum lot size and width of this district.

B. A lot on which mobile or modular home is installed shall conform to all front yard, rear yard, and side yard requirements of the district applicable to single family dwellings.

C. Mobile or modular homes shall be installed on permanent, mortared, and frost free foundations.

D. Mobile or modular homes shall be anchored to poured in place concrete footers.

E. The mobile or modular home base shall be enclosed entirely by materials compatible to the design.

F. Mobile or modular homes shall have pitched and shingled roof and siding comparable to the design.

G. Mobile or modular homes shall be a minimum nine hundred (900) square feet.

H. Water supply and sewage systems shall be the same as required for single family dwellings.

I. An accessory building, garage, or other structure accessory to the mobile or modular home shall conform to standards established in the zoning district.

J. The application for a building permit shall include a sketch indicating location site of mobile or modular home, size of mobile or modular home, materials used for enclosure and external finish of mobile or modular home, and proposed anchorage. Anchorage shall meet minimum standards of the Mobile Home Manufacturers Association recommendations.

K. A mobile or modular home shall be eligible to be installed if it is certified under the National Manufactured Housing Construction and Safety Standards Act of 1974 and was issued an insignia of approval by the U.S. Department of Housing and Urban Development and has not been altered in violation of applicable codes.

L. All electrical, gas, water and drain connections shall be made permanent. Gas shut-off valves, meters and regulators shall not be located beneath the manufactured home.

M. The delivery system consisting of wheels, tires, axles and towing hitch shall be removed within thirty (30) days of occupancy.

SECTION 1609 MOBILE HOME, CAMPING RECREATIONAL EQUIPMENT AND COMMERCIAL EQUIPMENT STORAGE

A. Trailers, as defined within the terms of this Chapter and including mobile homes, travel trailers, pickup coaches, motorized homes and boat trailers, may be parked or stored other than in mobile home parks provided, at no time shall such parked or stored camping and recreation equipment be occupied or used for living, sleeping or housekeeping purposes.

B. All commercial equipment, including trucks having a hauling or towing capacity of eleven (11) tons or more, tandems, tractor-trailers, tractors or trailers having a capacity of eleven (11) tons or more, or trailers in excess of fourteen (14) feet in length, construction or transportation vehicles or equipment, or cargo hauling or moving vehicles and equipment with a capacity of eleven (11) tons or more, shall not be stored or parked overnight in any residential zoning districts, unless a building permit has been issued by the Township for the lot or lots within such residential districts (AR-1, ART, R-2, R-3 and PRD), or the vehicles or equipment relate directly to the Township's municipal programs or services. (Ord. 231, 7/25/2007)

SECTION 1610 SWIMMING POOLS

Swimming pools are permitted in all districts as accessory uses to principal residential uses and principal commercial uses provided that they comply with the following conditions and requirements:

A. The pool is intended and is to be used for the enjoyment of the occupants using the principal use of the property on which it is located.

B. The pool may be located only in the rear yard or side yard of the property on which it is an accessory use.

C. The pool paved areas and accessory structures adjacent thereto shall not be located closer than ten (10) feet to any property line of the property on which it is located.

D. The swimming pool area or the entire property on which it is located shall be so walled or fenced or otherwise protected as to prevent uncontrolled access from the .street or from adjacent properties. Said barrier shall not be less than four (4) feet in height and maintained in good conditions. All openings in the barrier shall be equipped with self closing gates or doors which shall be locked when not in use.

SECTION 1611 TEMPORARY USES (Ord. 222, 7/21/2004)

A. The following uses are considered temporary permitted uses in all zoning districts of the Township:

1. Selling of seasonal products such as fruits and vegetables.

2. Selling of Christmas trees by any charitable organization.

3. Selling of any goods or products by any charitable organization for fund raising purposes.

4. Carnivals, circuses and street fairs sponsored by and for the benefit of any charitable organization.

5. Arts and crafts shows and exhibits sponsored and for the benefit of any charitable organization.

6. Antique and custom car shows sponsored by and for the benefit of any charitable organization.

7. Multi-family, multi-day yard and garage sales.

B. For the purposes of this section, a charitable organization is a not for profit corporation, group or association existing for philanthropic, religious, educational, athletic, public or quasi-public purposes.

C. A temporary use shall not last longer than four (4) weeks within any calendar year. An extension of four (4) additional weeks may be granted for good cause shown to the Zoning Officer.

D. Where the charitable organization is not the owner of the real property upon which the temporary use is to take place, the organization shall produce a lease, license agreement or permit from the property owner indicating the consent to such temporary use.

E. Sites for a temporary use must meet the following criteria:

a) The site has direct access to a collector, minor arterial or principal arterial road with the use of a local road. This criteria can be waived when the applicant can take measures to maintain adequate crowd and traffic control or maintain the public security and safety; and

b) Adequate off-street parking is provided.

F. The Board of Supervisors shall establish the fees for the temporary use permits from time to time by resolution.

SECTION 1612 ROADSIDE STANDS (Ord. 222, 7/21/2004)

A. Roadside stands are permitted as a temporary use in all zoning districts of the Township subject to the criteria set forth in this section and section 1611.

B. The sale and storage area of the roadside stand shall not exceed four hundred (400) square feet.

C. When the roadside stand is not located on the real property owned by the operator of the stand, a lease or license agreement must be presented indicating that the real property owner consents to the location and existence of the stand.

D. No roadside stand may be located within a Township or PennDOT road right-of-way.

E. The operator of the roadside stand shall adhere to the applicable off-street parking and sign regulations as set forth in Parts XVII and XVIII of this Chapter.

F. Only one (1) roadside stand shall be permitted per lot or ten (10) acre tract of land.

G. The operator of a roadside stand shall complete a temporary use application and secure a temporary use permit from the Zoning Officer prior to the operation of the roadside stand.

SECTION 1613 ADDITIONAL REGULATIONS CONCERNING ACCESSORY RESIDENTIAL BUILDING AND USES

A. For all single family residential dwellings, the following regulations shall apply concerning the construction of garages. A garage shall be considered as an accessory use.

1. Integrally attached garages.

   (a) A garage shall be considered integrally attached if it shares at least one (1) common wall with the dwelling unit and has a door which leads directly from the garage to the dwelling unit, or is attached to the dwelling unit by a fully enclosed hallway which is heated, has electricity, and is not more than ten (10) feet in length.

   (b) The maximum permitted square footage for an integrally attached garage shall be based on the gross square footage of the structure not including the garage. An applicant desiring to construct an integral garage shall submit an accurate floor plan with the measurements of all rooms included in the dwelling unit in order for the Zoning Officer to determine the maximum allowable garage space permitted. The Zoning Officer shall be permitted to enter dwelling units with the owner present in order to confirm the amount of gross square footage within the dwelling unit prior to the issuance of any building permit.

   (c) The maximum permitted square footage of an integral or detached garage shall not be greater than the gross square footage of the principal structure not including a garage.

2. Detached garages.

   (a) The maximum permitted square footage of a detached garage shall be based on the gross square footage of the principal structure not including garage. An applicant desiring to construct a detached garage shall submit an accurate floor plan with the measurements of all rooms included in the dwelling unit in order for the Zoning Officer to determine the maximum allowable garage space permitted. The Zoning Officer shall be permitted to enter dwelling units with the owner present in order to confirm the amount of gross square footage within the dwelling unit.

   (b) The maximum permitted square footage of a detached garage shall not be greater than one hundred (100) percent of the gross square footage of the residential dwelling structure not including a garage.

(c) Detached garages shall be, at a minimum, ten (10) feet from the dwelling unit; however, breeze ways may attach the dwelling unit and the detached garage.

(d) Detached garages shall be permitted only one (1) full floor and shall not have a full second floor above the garage space. However, the space above the garage floor space may be utilized for storage.

(e) Detached garages may be placed in the side or rear yards of lots in accordance with all setbacks prescribed in the applicable zoning district. However, the front of the detached garage shall not be closer to the front lot line than the principal structure on the same lot. For corner lots, the detached garage shall meet all of the setback requirements prescribed in this Chapter for corner lots. No detached garages shall be placed in the front yard of any lot.

B. Sheds and Storage Buildings:

1. For single family residential dwellings, only one (1) shed, storage building or outbuilding shall be permitted per dwelling unit. The maximum floor space of the shed, storage building or outbuilding shall be not more than fifteen (15) percent of the gross square footage of the dwelling unit but shall not exceed two hundred twenty-five (225) square feet regardless of the gross square footage of the dwelling unit. However, regardless of the amount of gross square footage space of the dwelling unit, every dwelling unit shall be permitted to erect a shed, storage building or outbuilding not in excess of one hundred twenty (120) square feet.

2. For duplex residential dwellings, only (1) shed, storage building or outbuilding shall be permitted per dwelling unit (except as prescribed in 2(a) below); accordingly, two (2) sheds, storage buildings or outbuildings shall be permitted per one (1) duplex dwelling structure. Regardless of the amount of gross square footage in the dwelling unit, the maximum floor space of the shed, storage building or outbuilding shall not exceed one hundred (100) square feet each. The two (2) permitted sheds, storage buildings or outbuildings may be constructed as one (1) integral unit (not to exceed 200 square feet) or may be constructed as two (2) separate units. If constructed as two (2) separate units, the sheds, storage building or outbuildings shall have a minimum of ten (10) feet between the buildings.

   (a) If a unit of a duplex residential dwelling has a detached garage, it shall not be permitted to have a shed, storage building or outbuilding on the lot.

3. For any other multi-family residential dwelling except duplex dwellings, no sheds, storage buildings or outbuildings shall be permitted as accessory storage space for multi-family residential dwelling.

SECTION 1614 SCREENING AND LANDSCAPING

A. Bufferyards Described:

1. 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.
2. 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 the Township Subdivision and Land Development Ordinance.
3. 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 Board of Supervisors, 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 Board of Supervisors to guarantee that the existing topography and/or vegetation will not be disturbed or removed from the approved bufferyard.
4. None of the plantings in the required bufferyard shall encroach across any property line. All plantings shall be located a minimum of two and one-half feet (2-1/2') from the property line which constitutes the exterior boundary of the bufferyard.
5. In the event that a public street right-of-way, dedicated and accepted by the Township or any dedicated right-of-way recorded in a plan of subdivision, whether or not accepted by the Township, separates the two (2) dissimilar uses specified, the bufferyard shall not be required, provided the width of the right-of-way equals or exceeds the width of the required bufferyard and one (1) 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.

6. Bufferyard "A" shall contain two (2) rows of plantings. Each row shall consist of a mixture of deciduous and evergreen trees which are a minimum of sixty percent (60%) evergreen spaced within the row ten feet (10') apart, measured from the vertical centerlines of adjacent trees. The two (2) rows shall be staggered which shall result in adjacent trees on two (2) different rows being no more than five feet (5') apart, measured from the vertical centerline of the trees. The depth of Bufferyard "A" shall be a minimum of twenty feet (20') as measured from the property line.
7. Bufferyard "B" shall contain one (1) row of plantings consisting of a mixture of deciduous and evergreen trees which are a minimum of sixty percent (60%) evergreen spaced within the row ten feet (10') apart, measured from the vertical centerline of the trees. The depth of Bufferyard "B" shall be a minimum of fifteen feet (15') as measured from the property line.
8. 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 six feet (6') in height at the time of planting. The depth of Bufferyard "C" shall be a minimum of ten feet (10') as measured from the property line. Bufferyard "C" shall be used in conjunction with all required service area screening.
9. Where twenty (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.

B. Bufferyards Required:

1. Bufferyard "A" shall be required:

   (a) Along all property lines where any development in a PC, SG, or IC District adjoins developed property in a residential district, excluding overlay districts.

   (b) Where the express standards and criteria for a conditional use or use by special exception in Part XXI of this Chapter specify that Bufferyard "A" is required.

   (c) 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 or light industrial district.

   (d) Along all property lines where development in any commercial or light industrial district adjoins property in any residential district.

2. Bufferyard "B" shall be required:

   (a) Along all property lines where any development in a commercial (C-1, P-C) district adjoins property in a residential district.

(b) Where the express standards and criteria for a conditional use or use by special exception in Part)0(1 of this Chapter specify that Bufferyard "B" is required.

3. Bufferyard "C" shall be required:

(a) Where the express standards and criteria for a conditional use or use by special exception in Part XXI of this Chapter specify that Bufferyard "C" is required.

(b) Along all property lines where any development in a commercial district adjoins property in a residential district.

(c) 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 Board of Supervisors, upon recommendation of the Planning Commission, may authorize the use of a screening fence along the property line which is not less than four feet (4') and no more than six feet (6') 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.

4. Where twenty (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 passenger cars. These low level shrubs or hedges or mounds shall be installed so that a person facing a passenger car with the shrubs or hedges or mounds between him/her and the car could observe the car'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 three feet (3') in height at its centerpoint with a minimum width at the base of ten feet (10'). Low level shrubs or hedges shall be a minimum of three feet (3') at the time of planting.

C. Conflict Between Bufferyard and Yard Requirements: When the width of a required bufferyard is in conflict with the minimum yard requirements of Articles V through XIV, the greater distance shall apply. The bufferyard planting requirement shall be adhered to regardless of what the yard requirement is.

D. 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.

E. 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 county as a required tree if it is a minimum of two inches (2") in diameter at a point one foot (1') above the ground.

F. Size of Trees in Required Bufferyards: Any existing trees within the required bufferyard which are a minimum of two inches (2") in diameter at a point one foot (1') 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.

G. All trees required to be planted within the bufferyard shall be a minimum of two inches (2") in diameter at a point one foot (1') above the ground measured along the trunk of the planted tree which tree shall be planted in accordance with accepted conservation practices.

H. 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 XXIII of this Chapter.

I. Stormwater Management Facilities in Buffer Areas: When required by the Township 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.

J. 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 thirty (30) days after construction activities are completed, unless those activities are completed between November 1 through April 1 time period.

K. In such case, the required sodding or seeding must occur within thirty (30) days of April 1.

L. Landscaping Specifications: Landscaping shall be provided in accordance with the following specifications:

1. Planting required in bufferyards as outlined in Section 1614 cannot be substituted for any required planting mandated in this Section.
2. 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:

(a) 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.

(b) 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.

(c) Any planting in excess of the requirements in Section 1614 of this Chapter.

(d) Any existing trees or vegetation which are to be preserved, accurately identifying type, size and their relative location.

(e) Any existing trees or vegetation which will be removed, accurately identifying their type, size and relative location.

3. For nonresidential developments which have a building or buildings with a gross floor area of ten thousand (10,000) square feet or more and/or which have parking areas containing more than fifty (50) spaces, a Landscaping Plan shall be required which shows compliance with this Section 1614, subject to approval by the Township.
4. For residential land developments containing townhouses or garden apartments on lots which have a total area of one (1) acre or more, at least one (1) deciduous tree shall be planted for each ten (10) multi-family dwelling units or portion thereof.
5. All trees which are required to be planted as per the regulations of this Section shall be a minimum of two inches (2") in diameter at a point one foot (1') 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.
6. Whenever an open parking area abuts a public street, a planting strip, at least five feet (5') 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.
7. 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 one (1) year following the completion of grading and/or construction activities. Continued maintenance of soil erosion and sedimentation control techniques as approved by the

Township Engineer shall be required until such planting can be accomplished.

M. Posting of Bonds for Landscaping:

1. An Amenities Bond, or other assurance, as required by the Township Subdivision and Land Development Ordinance, shall be posted prior to development of the site to guarantee proper installation of the required landscaping materials as shown on the approved Landscaping Plan.
2. A Maintenance Bond in the form of cash, certified check or letter of credit shall be posted with the Township in the amount of fifteen percent (15%) of the total cost of landscaping shown on the approved landscaping plan for a period of eighteen (18) months from the date of installation of the landscaping materials during the term of the bond.

N. Special Yard Requirements: In addition to the yard requirements specified in each Zoning District, the following yard requirements shall apply in all zoning districts to the applicable circumstances described below:

0. Corner Lots: Corner lots shall provide front yards on each street frontage or in the alternate, the frontage upon which the face of the structure with the main entrance is facing may be considered the front yard and all corresponding yards designated in relation to that yard beginning with the rear yard which is opposite the front yard. The remaining two (2) yards shall constitute side yards.

1. Nonconforming Lots of Record: See Part XX.
2. Temporary construction trailers shall be used only as temporary field offices and for storage of incidental equipment and supplies and shall not be used as a dwelling whether temporary or permanent.
3. No combustible materials shall be stored in temporary construction trailers.
4. Model homes shall be located on a recorded lot and shall meet all the requirements for permanent dwellings in the zoning district in which they are located. Sales offices may be located in a model home or may be located in a modular office located on a vacant lot in the plan or on the site of construction. If the sales office is located in a trailer, the trailer shall not be located within twenty-five feet (25') of any property line adjoining an existing residential use.
5. Model homes or sales offices located in a trailer shall not be utilized as a temporary dwelling during the time they are approved as a temporary use or structure in accordance with the provisions of this Section.
6. Model homes or sales offices shall be used primarily for sales associated with the development in which they are located and shall not be used as the only place of business for the listing realtor.

P. Basement Structures: Occupancy of a basement or foundation structure prior to the completion of the total structure shall not be permitted. This provision shall not be interpreted to prohibit the construction of an earth sheltered dwelling.

Q. Storage:

1. Outdoor Storage in Commercial Districts: Except for nurseries, garden supply, building supply and similar business which customarily require outside storage of materials, storage and display of materials outside a completely enclosed structure shall not be permitted. In the case of nurseries, garden supply, building supply and similar businesses, outside display and storage areas shall be completely enclosed by a security fence and shall be screened by an opaque fence or hedge which is at least six feet (6') in height. All other commercial activities shall take place within a completed enclosed building.
   (a) Temporary display and sales on the site of an existing commercial business shall be subject to the requirements of Section 2305 of this Chapter.
   (b) All organized rubbish and discarded materials shall be contained in tight, vermin-proof containers which shall be fully enclosed on four (4) sides and shall be screened from public view by an opaque fence or hedge which is at least six feet (6') in height
2. Storage of Commercial and Construction Equipment: Commercial and construction equipment or vehicles, including without limitation, trucks with a Gross Vehicle Weight (GVW) of eleven thousand (11,000) pounds or greater, tractors of forty (40) horsepower or larger, tandems, tractor-trailers, cargo-moving equipment and construction equipment or vehicles, shall not be stored or parked temporarily or permanently in any residential zoning district, except within a completely enclosed building.

SECTION 1615 TRAFFIC ACCESS/IMPACT STUDIES WHEN REQUIRED:

A. A traffic access/impact analysis study shall be required when a proposed development will generate fifty (50) or more new peak direction trips to or from the site during the adjacent roadways' peak hours.

B. Traffic Impact Study Requirements:

1. A Traffic Access/Impact Study shall be submitted as part of a subdivision or land development application, a zoning permit application or as part of an application for conditional use approval. A scope of work for the Study shall first be submitted for Township Planning Commission for approval. The specific roadways and intersections to be studied shall be identified along with the planned data collection and analysis procedures. The Study shall be performed by a qualified professional traffic engineer. The

study shall contain the following information, provided that the Township may waive some, or add to the requirements on a case-by-case basis:

(a) Description of the proposed project in terms of land use type and magnitude.

(b) An inventory of existing conditions in the site environs (1/2 mile for a minor development, and 1.5 miles for a major development) including:

(1) Roadway network and traffic control;

(2) Existing traffic volumes in terms of peak hours and average daily traffic (ADT);

(3) Planned roadway improvements by others;

(4) Intersection levels of service;

(5) Roadway levels of service (where appropriate); and

(6) Other measures of roadway adequacy; i.e., lane widths, traffic signal warrants, vehicle delay studies, et cetera.

(c) An analysis of existing traffic conditions including:

(1) Intersection levels of service;

(2) Roadway levels of service (where appropriate); and

(3) Other measures of roadway adequacy; i.e., lane widths; traffic signal warrants; vehicle delay studies, etc.

(d) Projected site-generated traffic volumes in terms of:

(1) Peak hours and ADT;

(2) Approach/departure distribution including method of determination;

(3) Site traffic volumes on roadways; and

(4) Comparison of existing zoning to proposed site generation.

(e) An analysis of future traffic conditions including:

(1) Future design year (development fully completed) combined volumes (site traffic plus future roadway traffic);

(2) Intersection levels of service;

(3) Roadway levels of service (where appropriate); and

(4) Other measures of roadway adequacy; i.e., lane widths, traffic signals warrants, vehicle delay studies, et cetera.

2. A description of the recommended access plan and off-site improvements, including.

(a) Schematic plan of access and on-site circulation;

(b) General description of off-site improvements required.

SECTION 1616 CORNER LOTS

A. On corner lots, the required front yard setback shall be maintained on the yard designated by the property owner as the front yard. The front yard shall be that portion of the space between the street right-of-ways line and the front of the building erected or to be erected on the lot.

B. •With the designation of the front yard, corner lots shall have one (1) front yard, two (2) side yards and one (1) rear yard.

1. The subdivider or developer or builder shall be permitted either at the time of subdivision or building construction to designate the front yard of a corner lot, the rear yard shall then be the yard directly behind the dwelling unit. the remaining yards shall be the side yards.
2. For existing dwellings or buildings, the front yard shall be the yard which the front of the dwelling or building faces. The rear yard shall then be defined as the yard directly behind the dwelling unit which parallels the primary front yard. The remaining yards shall be the side yards. (Revised by Ord. 182, 9/8/97)

SECTION 1617 GENERAL OVERLAY DISTRICT PROVISIONS

A. Overlay Zoning District boundaries shall be identified on the Official Zoning Map or separate zoning map which is hereby adopted by reference and declared to be a part of this Chapter.

B. Determination as to whether a property is situated within an Overlay Zoning Districts shall be made by the Zoning Officer as per the rules established in Section 401.

C. Where a recorded parcel situated within a designated Overlay Zone, abuts in whole or in part the Legislative Route 4120 right-of-way line and is divided by an Overlay Zone boundary line, the following is applicable:

1. A land use or uses permitted in the Overlay Zone wherein the property is situated may be developed on that portion of the recorded parcel which extends beyond the Overlay Zone boundary line provided that:
   (a) At least 51% of the gross area of the recorded parcel is located within the Overlay Zone; and
   (b) The remnant which is developed does not extend beyond the established overlay boundary distances from the Legislative Route 4120 centerline by 100%.
2. Uses listed as permitted on land situated within a designated Overlay Zoning District shall be reviewed for compliance with the land development provisions of the Township's Subdivision and Land Development Ordinance where applicable.

3. Uses listed as permitted on land situated within a designated Overlay Zoning Districts shall be developed or the use changed in conformance with the lot requirements established for the underlying zoning district.

SECTION 1618 COMMERCIAL AMUSEMENT AND RECREATION

A. Commercial amusement and recreation shall be no less than twenty-five (25) feet from any side lot line and fifty (50) feet from any rear lot line.

B. There shall be a visual screen of a minimum of eight (8) feet in height when such use adjoins a residential use or any residential zoning district.

C. Outdoor amusement and recreation shall be permitted only when such use is in excess of one hundred (100) feet of a residential use, a residential zoning district, a school, or church. An eight (8) foot visual screen shall be maintained along the side and rear lot lines.

D. Whenever specifically permitted, such uses shall provide direct access to a Collector, Minor Arterial, or Principal Arterial road without the use of an existing Local road.

SECTION 1619 CEMETERIES AND MAUSOLEUMS

A. All cemeteries and mausoleums shall provide direct access to a collector, minor arterial, or principal arterial road without the use of an existing local road.

B. No permit shall be approved until a grading and storm water drainage plan of the total site has been reviewed and approved by the Township Engineer in accordance with applicable Ordinances and regulations.

C. A visual screen, a minimum of six (6) feet in height shall be provided when such use adjoins a residential use, Local street, or any residential zoning district.

D. Such screen shall be provided in a minimum ten foot (10') wide bufferyard planted with a fifty-fifty (50/50) mix of deciduous and evergreen trees with a minimum two inch (2") caliper, in staggered rows.

SECTION 1620 REFUSE AND WASTE COLLECTION AREAS

A. Refuse and waste collection areas appropriate to serve all uses are required and such areas shall be visually screened from adjacent properties and the public way by an approved screen constructed of material similar to the principal structure on the property or by mature landscaping material.

Adequate provisions shall be made for access to the refuse and waste collection area by disposal agency equipment.

C. No person shall use any refuse and waste collection area unless such area complies with these provisions.

D. These requirements shall not apply to single-family detached residential dwellings.

SECTION 1621 AUTOMOTIVE OR SERVICE STATIONS AND OTHER DRIVE-THROUGH USES

Gasoline service stations and other drive-in uses where permitted shall meet the following requirements:

A. No street entrance or exit for vehicles and no portion or equipment of such service station or other drive-in uses shall be located:

1. Within two hundred (200) feet of a street entrance or exit of any school, park, or playground conducted for and attended by children.
2. Within one hundred (100) feet of any hospital, church, or library.
3. Within seventy-five (75) feet of a lot in a residential district as established in this Chapter.
4. No equipment above the surface of the ground for service of motor vehicles shall be closer that thirty (30) feet to any property line.

B. At the access from the public street to such gasoline service station or other drive-in use, the access width shall not exceed thirty (30) feet at its intersection with the curb line or edge of pavement.

C. No two (2) accesses leading from a public street to such gasoline service station or other drive-in use shall be within fifteen (15) feet of each other at their intersection with the curb or street line.

D. Parking and vehicle access shall be in accordance with requirements of Part XVII of this Chapter.

E. Parking and vehicle access shall be so arranged that there will be no need for the motorist to back over sidewalks or into streets.

F. Such service station shall be situated on a separate parcel of land and not be included in a unified development site plan.

G. Direct ingress and egress shall be provided to a collector or arterial road.

SECTION 1622 HOME OFFICES AND HOME OCCUPATIONS

A. Procedure:

1. Application: Application for a home occupation permit shall be made to the Zoning Officer on a form provided by the Township and shall be accompanied by the prevailing filing fee as established by resolution of the Township Board of Supervisors. The Zoning Officer will make a decision and notify the applicant in writing within thirty (30) calendar days of the date the application is received.

2. Scope: In cases where the Zoning Officer considers the application not within the scope of the home occupation criteria, the application shall be denied.
3. Time Limit: All home occupation permits shall be valid for as long as the occupation or office is in operation consistent with the provisions of this Section.
4. Voiding of Permit: The Zoning Officer may void any home occupation permit for noncompliance with the criteria set forth in this Chapter. Revocation may take place at any time prior to the expiration date of the permit. If the permit is revoked or is not renewed, it becomes null and void, and said use shall be terminated.
5. Appeal to Zoning Hearing Board: The decision of the Zoning Officer concerning approval or revocation shall be final unless a written appeal is filed with the Zoning Hearing Board within thirty (30) calendar days of the decision. An appeal may only be filed by the applicant or persons residing within three hundred feet (300') of the subject property.
6. Inspection: Home occupation applicants shall permit a reasonable inspection of the premises by the Zoning Officer to determine compliance with this Chapter.
7. Renewal: Home occupation permits shall renew automatically annually provided there has not been any violation of the provisions of this Chapter.

B. A home office or occupation shall be allowed in all residential zoning districts as a permitted accessory use and a home office shall be allowed in all other zoning districts as a permitted accessory use if situated in a dwelling unit which is a legal nonconforming use, where the home office conforms to the following requirements:

1. The location of the home office shall be within the confines of the dwelling unit or within the confines of a garage attached to the dwelling unit.
2. The home office shall not occupy more than twenty (20) percent of the total floor area of the dwelling unit.
3. The occupant of the dwelling unit who shall be either the owner or tenant shall maintain the dwelling unit used for a home office as his/her official residence.
4. Up to one nonresident individual may be employed on the premises of the dwelling.
5. Two (2) additional off-street parking spaces shall be provided in conjunction with any approved home occupation.

6. No materials utilized in the conduct of the home office shall be stored outside the confines of the dwelling unit.
7. No sign of any type shall be erected to identify the home office.
8. No patrons, clients or individuals shall visit the home office for appointments or consultation. If patrons or clients will visit the dwelling unit, the proposed use shall not qualify as a home office.
9. The home office use shall be clearly incidental and secondary to the use of the structures for dwelling purposes.
10. The exterior appearance of the dwelling unit shall remain constructed and maintained as a residential use.
11. Home offices or occupations include but are not limited to the following as permitted accessory uses: real estate appraisers, insurance sales, data entry, manufacturer's representative and musical instrument instruction.
12. Retail sales, manufacturing, warehousing and animal related activities or the purchase of merchandise for display and resale to the public are not considered as permitted accessory uses.

SECTION 1623 PERFORMANCE STANDARDS

A. 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 or rodents or 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 Township. All uses in all districts shall be subject to the following standards of operation.

B. Environmental Performance Standards: The developer shall determine the presence of environmental or natural features on any site proposed for land development and shall meet the following standards for environmental protection. Site alterations, 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, shall be a violation of this Article.

1. Floodway Delineation: One hundred (100) year floodways shall be delineated as per the provisions of the current Township ordinance. Within the floodway, the following uses and activities having a low flood damage potential and not obstructing flood flows shall be permitted, provided that they are in compliance with the provisions of the underlying District and are not prohibited by any other Ordinance, and do not require structures, fill or storage of materials and equipment:
   (a) Agricultural uses;

(b) Public and private recreational uses and activities such as parks, picnic grounds, hiking and horseback riding trails, wildlife and nature preserves, hunting and fishing;

(c) Accessory residential uses such as yard areas, gardens and play areas.

2. 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 activities shall be regulated as per the provisions of the current Township ordinance.

3. Steep Slopes: In areas of steep slopes, i.e., those above fifteen percent (15%), the following standards shall apply, except as approved by the Township Engineer:

   (a) 16-24%: No more than sixty percent (60%) of such areas shall be developed and/or regraded or stripped of vegetation.

   (b) 25% or more: Earth disturbance activities in these areas in preparation for development are restricted except as approved by the Township Engineer.

4. Forest: No more than fifty percent (50%) of any forest as defined may be cleared or developed, unless trees are the primary crop being harvested.

5. 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.

6. Stormwater Drainage and Management: All plans shall comply with the provisions of the Chippewa Township Subdivision and Land Development, and all amendments thereto.

7. 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", Chapter 102 of Title 25 of the Pennsylvania Code, 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 Township 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.

C. 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 Township representative shall refer the matter to the Pennsylvania Department of Environmental Protection (PADEP) where it has jurisdiction relative to an established airshed.

D. Storage and Waste Disposal:

1. No highly flammable, explosive or toxic liquids, solids or gases shall be stored in bulk (over five hundred [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.
2. All new permanent bulk outdoor storage facilities for fuel over five hundred (500) gallons, raw materials and products and all fuel, raw materials and products stored outdoors, shall be enclosed by an approved safety fence.
3. 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 Township for review by the Township Engineer prior to the issuance of any required permit.
4. Any materials or wastes which might cause fumes or dust or which constitute a fire hazard or which may be edible or otherwise attractive to rodents or insects shall be stored outdoors only if enclosed in containers adequate to eliminate such hazards.

E. 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.

F. 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.

G. 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 two (2) foot-candles per square foot beyond the property line.

H. 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.

I. 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.

J. 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.

K. Noise: No new 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, will be permitted:

1. Residential Uses:

   (a) In excess of sixty (60) dba for any period of time between the hours of 10:00 p.m. and 7 a.m.

   (b) In excess of eighty (80) dba for any period of time between the hours of 7:01 a.m. and 9:59 p.m.

   (c) The use of maintenance equipment including, but not limited to, power mowers, on a temporary basis, in residentially zoned districts shall be exempt from the standards in this Section.

2. Commercial Uses: In excess of ninety (90) dba for more than two (2) hours during a twenty-four (24) hour period.

3. Industrial Uses: In excess of ninety (90) dba for two (2) hours during a twenty-four (24) hour period.

L. 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.

M. 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:

1. All portions of the property shall be kept free of junk, debris, disabled motor vehicles, and dangerous, or noxious material.

N. Vehicle and Equipment Maintenance:

1. In industrial and 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.
2. 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 forty-eight (48) hours, unless said vehicles are stored in an enclosed building.

0. Water Supply: All new water wells which provide the primary source of potable water for the residence of the same lot shall produce at a minimum 3.5 gallons per minute, per well, continuously.

1. Documentation shall be submitted to the Township which verifies the capacity of each new well providing the primary source of potable water.
2. No subdivision or land development which relies on well water as the primary source of potable water shall be approved unless the minimum capacity identified herein is met.

P. Access: Residential subdivisions or land development with a maximum of sixty (60) dwelling units proposed may be provided with only one (1) primary point of access. When sixty-one (61) or more units are proposed, the subdivision or land development shall exhibit two (2) points of vehicular access where access is physically possible to construct.

Q. Bufferyards: Where screening or bufferyards are not specified or but called for in this Ordinance, they shall consist of a minimum fifteen foot (15') wide area with plantings of a mix of fifty percent (50%) evergreen and fifty percent (50%) deciduous trees, of a minimum two inch (2") caliper, planted in two (2) staggered rows on ten foot (10') centers. All other bufferyards, where specified, shall be prepared and planted as per the provisions of Section 1614.

SECTION 1624 TRADITIONAL NEIGHBORHOOD INFILL MODEL

(Ord. 233, 4/16/2008)

A. Purpose and Authority: This Section derives its purpose and authority from Article VI-A of the Pennsylvania Municipalities Planning Code, as specifically revised:

1. To insure that the zoning regulations which are concerned in part with the uniform treatment of dwelling type, bulk, density, intensity and open space within each zoning district shall not be applied to the improvement of land on a lot-by-lot basis in a manner that would distort the objectives of the Township's Community Development Goals and Objectives.

2. To encourage innovations in residential development and renewal which makes use of a mixed-use form of development so that the growing demand for housing and other development may be met by greater variety in type, design and layout of dwellings and other buildings and structures and by the conservation and more efficient use of open space ancillary to said dwellings and uses.

3. To extend greater opportunities for better housing and recreation to all citizens and residents of the Township of Chippewa.

4. To encourage a more efficient use of land and of public services to reflect changes in the technology of land development so that economies secured may benefit those who need homes and for other uses.

5. To allow for the development of fully integrated, mixed-use pedestrian-oriented neighborhoods.

6. To minimize traffic congestion, infrastructure costs and environmental degradation.

7. To promote the implementation of the objectives of the Township of Chippewa's Comprehensive Plan for guiding the location of growth.

8. To provide a procedure in aid of these purposes which can relate the type, design and layout of residential development to the particular site and the particular demand for housing existing at the time of development in a manner consistent with the preservation of the property values within existing residential areas.

9. To insure that the increased flexibility of regulations over land development authorized herein is carried out under such administrative standards and procedures as shall encourage the disposition of proposals for land development without undue delay.

B. Procedures: Traditional Neighborhood Infill Models shall be designated as a permitted use where specified in this Ordinance and shall be approved as a land development. The application for, and approval of, a Traditional Neighborhood Infill Model shall be consistent with procedures outlined in this section.

1. Application for Approval of a Traditional Neighborhood Infill Model: In order to provide an expeditious method for processing a development plan for a Traditional Neighborhood Infill Model under the provisions of this Ordinance and the Chippewa Township Subdivision and Land Development Ordinance, it is hereby declared to be in the public interest that all Traditional Neighborhood Infill Models and the continuing administration thereof shall be approved consistent with the following provisions:

   (a) The application for approval shall be filed by the applicant/developer in such form, upon the payment of such a fee as is specified by the Township. The application shall be filed with the Zoning Officer.

   (b) All planning, zoning, and subdivision matters relating to the platting, use and development of the Traditional Neighborhood Infill Model and subsequent modifications of the regulations

relating thereto, to the extent such modification is vested in the municipality, shall be determined and established by the Board of Supervisors upon recommendation of the Planning Commission.

(c) The following information shall be provided with the application for approval:

i. General Data:

(a) Name of proposed Traditional Neighborhood Infill Model.

(b) Development narrative outlining the socio-economic benefits of the proposed Traditional Neighborhood Infill Model.

(c) North point.

(d) Graphic scale and legend describing all symbols shown on the plan.

(e) Day, month and year the plan was prepared and date and description of revisions to the plan occurring after formal submission.

(f) Statement of ownership by the proposed applicant/developer within the zoning district, or property being developed on behalf of another owner and any agreements relative to ownership.

(g) Name, address and seal of the individual or firm preparing the plan.

(h) An Offer of Dedication Signature Block.

(i) Municipal Approval Signature Block.

(j) Recorder of Deeds Signature Block.

ii. Existing Features:

(a) Total acreage of the property and total square feet within each lot of the development.

(b) Existing features, including sewer lines and laterals, water mains and fire hydrants, electrical lines and poles, culverts and bridges, railroads, buildings, streets, including right-of-way and cartway widths and approximate grades, development of abutting properties, including location and types of uses.

(c) Land and building uses for all property within the proposed Traditional Neighborhood Infill Model, including pre-existing neighborhood density and how the proposed development compares to pre-existing densities in the zoning district where proposed.

iii. Subdivision and land development ordinance provisions:

(a) All data required as per the provisions of Section 22-403.7 of the Chippewa Township Subdivision and Land Development Ordinance for preliminary land developments.

(b) All data required as per the provisions of Section 22-403.8 of the Chippewa Township Subdivision and Land Development Ordinance for preliminary land developments.

iv. Proposed Development: The Traditional Neighborhood Infill Model is envisioned as an area in which an integrated development will occur which incorporates a variety of residential and related uses. The respective areas of the site plan devoted to specific residential or recreational uses should be shown and within each area, the following should be included:

(a) The location, and use of buildings and other structures (all area dimensions shall be indicated in square feet).

(b) The approximate location and area of driveways and parking and loading areas.

(c) The approximate property lines of lots to be subdivided, measured to the nearest foot.

(d) The approximate location of sidewalks and bike or footpaths and methods proposed to eliminate conflicts between vehicular and pedestrian circulation.

(e) The approximate location of utility and drainage easements.

(f) The approximate location and pipe diameter of sewer and water mains.

(g) The approximate location of fire hydrants.

(h) Perimeter setbacks and buffer yards.

(i) Street information including: location and width of rights-of-way and paved cartway, proposed street names, approximate road profiles along the center line of each proposed street, showing finished grade at a scale of one (1) inch equals fifty (50) feet horizontal and one (1) inch equals five (5) feet vertical or as otherwise specified in Part 4 of the Chippewa Township Subdivision and Land Development Ordinance.

(j) A conceptual landscaping plan indicating the treatment of materials and landforms used for private and common open space.

(k) A general grading plan showing existing and proposed contours and the topography of the site.

(l) The approximate location and area of proposed common or dedicated open space, including: the proposed use and improvements of common open space, the approximate location and use of common recreational facilities, and the approximate location and area of land to be dedicated for public purposes, where applicable.

(m) A table shall be included on the plan describing each phase or section with quantitative data, including the total area of the development and approximate area of each phase, consistent with the provisions of Part 5 of the Chippewa Township Subdivision and Land Development Ordinance.

(n) The total area devoted to each use, the number of residential units and the percentage of each type of use.

(o) Building footprints in the entire development and for each phase, where applicable.

(p) The area of streets, parking, sidewalks, and walkways and the total area paved and percent of area paved or covered by the structures in the entire development and each phase or section.

(q) The total area devoted to planned recreational or open space use throughout the entire development and in each phase.

(r) The calculations of impervious surface within the entire development and in each phase.

(s) An exterior lighting plan for the interior street system with illumination levels, and type of illumination sources proposed, and at standard intervals consistent with the Illuminating Engineering Society (I.E.S.) criteria.

v. The following information must be included with a narrative statement submitted with the Traditional Neighborhood Infill Model Site Plan:

(a) A statement of the ownership of all of the land included within the land development plan.

(b) An explanation of the design pattern of the Traditional Neighborhood Infill Model, with particular attention as to how the proposed development relates to existing forms of development within the zoning district.

(c) A statement describing any proposed innovative design concepts included in the plan, including their purpose and perceived benefits.

(d) The substance of covenants, grants of easements or other restrictions proposed to be imposed on the use

of land, buildings and structures, including proposed easements or grants for public use or utilities. The covenants should specifically indicate that any land proposed for parks, recreation or open space shall be used for such purposes in perpetuity.

(e) A description shall also be included as to how the proposed development compares to the density standards outlined in this Zoning Ordinance for the district or districts where proposed.

(f) A statement of the proposed use and improvement of common open space and recreational facilities, if applicable.

(g) Where all property in the proposed development is not owned by the landowner, a statement of how development will be integrated to present a cohesive neighborhood, or tentative acquisition plans.

(h) A statement of consistency with the Township's Comprehensive Plan, particularly any Land Use Plans, and consistency with any design manuals or illustrative guidelines the Township may adopt pursuant to this Section.

vi. Development Schedule: When it is anticipated that development will occur in phases over a period of years, the following shall be included with the application for land development approval:

(a) The phases in which the land development will be submitted for final approval and the approximate date when each phase will be submitted for final plan approval.

(b) The approximate date when each phase will be completed.

(c) Any phase of development shall be able to function independently of the undeveloped phases while being compatible with adjacent or neighboring land use.

(d) If development is to be done in phases over a period of years and according to an approved schedule, the gross density of any phase, or in combination with previously developed phases, shall be in general proportion to residential density requirements as specified for this infill model.

(d) The application for land development approval of a Traditional Neighborhood Infill Model shall include a written statement by the applicant/developer setting forth the reasons why, in his opinion, a Traditional Neighborhood would be in the public interest and would be consistent with the comprehensive plan for the development of the municipality.

(e) The application shall be forwarded to the municipality's planning agency for their review and comments as per the provisions of Part 4 of the Chippewa Township Subdivision and Land Development Ordinance.

C. Recording and Revision:

1. A development plan, or any part thereof, which has been given final approval shall be filed of record forthwith in the office of the recorder of deeds before any development shall take place in accordance therewith. Pending completion, in accordance with the time provisions stated in Section 508 of the Pennsylvania Municipalities Planning Code, of said Traditional Neighborhood Infill Model or of that part thereof, as the case may be, that has been finally approved, no modification of the provisions of said development plan, or part thereof, as finally approved, shall be made except with the consent of the applicant/developer. Upon approval of a final plat, the applicant/developer shall record the plat in accordance with the provisions of Section 513 of the Pennsylvania Municipalities Planning Code and post financial security in accordance with Section 509 of the Pennsylvania Municipalities Planning Code, as amended.

2. In the event that a development plan, or a section thereof, is given final approval and thereafter the applicant/developer shall abandon such plan or the section thereof that has been finally approved, and shall so notify the Township in writing; or, in the event the applicant/developer shall fail to commence and carry out the Traditional Neighborhood Development Infill Model in accordance with the time provisions stated in Section 508 of the Pennsylvania Municipalities Planning Code after final approval has been granted, no development or further development shall take place on the property included in the development plan until a revised development scheduled has been submitted and approved by the Board of Supervisors.

SECTION 1625 ADDITIONAL REQUIREMENTS FOR OIL AND GAS DEVELOPMENT (Ord. 238, 10/20/2010) Repealed (Ord. 244, 8/08/2012)

A. At least thirty days prior to initial development activities in the Township, the Operator shall attend a public meeting to present general information about the Operator's Development plans in the Township, and allow for questions and answers related thereto. The Operator shall advertise in a newspaper of general circulation with the Township, the date, time and location of the meeting, and the approximate location of the proposed well site or well sites, at least once not more than 30 days and not less than 7 days in advance of the meeting. If requested by the Township, and if drilling activities continue for more than twelve months, the Operator shall attend additional meetings and present information, but shall not be required to do so more often than annually, unless additional well sites not previously discussed at a public meeting are proposed.

B. Operator shall comply with any generally applicable bonding and permitting requirements for Township roads that are to be used by overweight vehicles and equipment for Development activities.

C. Operator shall take the necessary safeguards to ensure that the Township roads utilized remain free of dirt, mud and debris resulting from development activities and/or shall ensure such roads are promptly swept or cleaned if dirt, mud and debris occur.

D. Operator shall take all necessary precautions to ensure the safety of person in areas established for road crossing and/or adjacent to roadways (for example persons waiting for public or school transportation). Where necessary and permitted during periods of anticipated heavy or frequent truck traffic associated with development, Operator will provide flagmen to ensure the safety of children at or near schools or school bus stops, and include adequate signs and/or other warning measures for tuck traffic and vehicular traffic.

E. Operator shall not clear brush or trees by way of burning, and shall chip, grind or remove all tree stumps from properties it clears for development purposes.

F. Prior to development, Operator shall provide to the Township's First Responders, through its Police Department Coordinator and to the Zoning Officer, a copy of its Preparedness, Prevention and Contingency ("PPC") Plan.

G. Before drilling, the Township shall ascertain whether the Township's First Responders have secured adequate information to deal with any potential dangerous conditions that may result due to development activities. First Responders shall have on site orientation and

be provided adequate awareness information. Upon request from the Township, Operator will, prior to the drilling of an oil and gas well, make available with at least 30 days notice at its sole cost and expense, an appropriate site orientation for First Responders. Such site orientation shall be made available at least annually during the period when the Operator anticipates drilling activities in the Township.

H. Operator shall take the necessary safeguards to ensure appropriate dust control measures are in place.

I. Recognizing that the specific location of equipment and facilities is an important and integral part of oil and gas development, as part of the planning process, Operator shall strive to consider location of its temporary and permanent operations, where prudent and possible, so as to minimize interference with Township residents' enjoyment of their property and future Township development activities as authorized by the Township of Chippewa Zoning Ordinance.

J. Recognizing that adequate and appropriate lighting is essential to the safety of those involved in the development of oil and gas, the Operator shall take steps to the extent practicable, to direct site lighting downward and inward toward the drill site, wellhead, or other area being developed so as to attempt to minimize glare on public roads and adjacent buildings within 300 feet of the drill site, wellhead, or other area being developed.

K. Prior to drilling an oil and gas well, or multiple oil and gas wells at a location, but no later than two (2) weeks beforehand, the Operator shall provide the following information to each resident within 1,000 feet of the planned surface location of the well(s):

1. A copy of the well survey plat showing the location(s) of the planned well(s);

2. A general description of the planned operations at the planned well(s) and associated equipment used in the development of the well(s);

3. The contact information for the Operator; and

4. The availability of the Operator to hold a meeting with such residents to present Operator's plans for the well(s) and to allow for questions and answers. The meeting(s) shall be held prior to well site construction.

L. For informational purposes only, the Operator shall provide to the Township Zoning Officer at least 10 days prior to well site construction:

1. A map showing the planned access route to the well site(s) on public roads;

2. Information on the status of road bonding;

3. The Operator's Erosion & Sedimentation Plan;

4. The well survey plat showing the planned surface location(s) of the well(s); and

5. The contact information for the Operator.

M. For informational purposes only, at least ten (10) days prior to commencement of drilling, the Operator shall provide to the Township Zoning Officer a copy of the drilling permit issued by the Pennsylvania Department of Environmental Protection ("DEP").

N. In addition to the requirements in subsections A-M above, for any oil and gas well where the planned surface location of the well will be within 1,000 feet of a Protected Structure, the Operator shall:

1. Install fencing at least ten (10) feet in height around drilling and hydraulic fracturing equipment and storage facilities, and install permanent fall protection fencing meeting OSHA requirements around any pits that contain or could contain water or other liquids at depths greater than two (2) feet;

2. Install warning signs providing notice of the potential dangers at the well site; and

3. Provide at least one security guard 24/7 at all times when a drilling rig or hydraulic fracturing equipment is on the well site.

O. Prior to the commencement of drilling activities, no construction activities involving excavation of, alteration to, or repair work on any access road or well site shall be performed during the house of 10:00 pm to 6:00 am.

P. Township recognizes and acknowledges that oil and gas development is accompanied by inherent noise. However, the Operator shall take the following steps to minimize to the extent practicable, the noise resulting from the development:

1. Prior to drilling of an oil and gas well, the Operator shall establish a continuous seventy-two (72) hour ambient noise level at the nearest Protected Structure property line, or one hundred (100) feet from the nearest Protected Structure (as measured to the closest exterior point of the building), whichever is closer to the Protected Structure or, alternatively, and in lieu of establishing the above 72 hour ambient noise level, the Operator may assume and use, for the purposes of compliance with this Ordinance, a default ambient noise level of 55 dBA. The sound level meter used in conducting any evaluation shall meet the American National Standard Institute's standard for sound meters, or an instrument and the associated recording and analyzing equipment which will provide equivalent data;

2. The Operator shall provide documentation of any established seventy-two (72) hour evaluation, relied upon to establish an ambient noise level greater than 55 dBA to the Township's Zoning Officer within three (3) business days of such a request from the Zoning Officer;

3. The noise generated during drilling and hydraulic fracturing activities when measured at the nearest Protected Structure property line, or one hundred (100) feet from the nearest Protected Structure (as measured to the closest exterior point of the building), whichever is closer to the Protected Structure, shall not exceed the average ambient noise level (as determined by the seventy-two [72] hour evaluation) or default level, whichever is higher:

a. during drilling activities by more than seven (7) decibels during the hours of 6:00 a.m. to 10:00 p.m.;

b. during drilling activities by more than five (5) decibels during the hours of 10:00 p.m. to 6:00 a.m.; or

c. by more than ten (10) decibels during hydraulic fracturing operations.

The Operator shall inform the Township of which level (average ambient noise level or default level) is being used.

d. Adjustments to the foregoing noise limits may be permitted in accordance with the following:

Permitted Increase (dBA)	Duration of Increase (minutes)*
5	15
10	5
15	1

*cumulative minutes during any one hour

e. If a complaint is received by the Township form any person, whether a resident or otherwise, using the Protected Structure as defined herein for any lawful purpose, regarding noise generated during drilling or hydraulic fracturing activities, the Operator shall, within twenty-four (24) hours of receipt of the complaint from the Township, continuously monitor for a forty-eight (48) hour period at a point which is the closer to the complainant's building of:

(1) the complainant's Protected Structure property line nearest to the well site or equipment generating the noise; or

(2) one hundred (100) feet from the Protected Structure;

(3) If the Operator engages in any noise testing as required by this Ordinance, it will provide preliminary data to the Township no later than 10 business days following completion of the noise testing. Once the monitoring is complete, Operator will meet with the Township representatives and affected residents to discuss whether possible noise abatement measures are warranted, if the permitted levels set forth herein were exceeded.

(4) Exhaust from any internal combustion engine or compressor used in connection with the drilling of any well or for use on any production equipment, or used in development shall not be discharged into the open air unless it is equipped with (i) an exhaust muffler, or (ii) an exhaust box. The exhaust muffler or exhaust box shall be constructed of non-combustible materials designed and installed to suppress noise and disruptive vibrations. Moreover, all such equipment with an exhaust muffler or exhaust box shall be maintained in good operating condition according to manufacturer's specifications.

(5) All workover operations shall be restricted to the hours of 6:00 a.m. to 10:00 p.m., except in the extend of an emergency, as reasonably determined by the Operator. "Workover operations" shall mean work performed in a well after its completion in an effort to secure production where there has been none, restore production that has ceased, or increase production.

Q. Sections A, F, G, N and P of this Ordinance shall not apply to coal bed methane and conventional oil and gas well drilling and completion activities, i.e. those wells drilled to depths shallower than the base of the Elk Sandstone or its stratigraphic equivalent, and such oil and gas wells that are planned to involve drilling of a single well on a well site for no more than seven (7) consecutive days total in any calendar year.

PART XVII

PARKING REQUIREMENTS

SECTION 1700 GENERAL REQUIREMENTS

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

B. Off-lot parking may be permitted with the conditional approval of the Township Board of Supervisors provided the same shall be within a maximum distance of four hundred (400) lineal feet from the use for which the parking is being provided.

C. All off-street parking or loading/unloading area(s) shall be so arranged or located as to provide for orderly and safe parking, loading, unloading, and storage of vehicles. No application for a building permit for a new, enlarged, or altered structure or improvement of use shall be accepted unless there is included a plot plan drawn to scale, showing the location, layout, and other necessary details of the off-street parking, loading/unloading facilities required.

1. All parking spaces shall be independently accessible such that a vehicle may enter or exit any space without the necessity of moving another vehicle.

2. No off-street parking, loading, or unloading space shall be located or arranged so as to permit or cause any vehicle to be backed out onto any collector, minor arterial, or principal arterial road.

3. In parking areas of one (1) to six (6) parking spaces an additional ninety (90) square feet per parking space shall be required for turning access.

4. In parking areas containing more than six (6) parking spaces, a parking aisle shall be required.

   (a) The width of the aisle between lanes of parking stalls which provides access to individual parking spaces shall be sized in accordance to the degree of parking angle provided in such parking spaces as follows:

Parking Angle	Minimum Aisle Width	
	One-way traffic	Two-way traffic
30 degrees	10 feet	20 feet

Parking Angle	Minimum Aisle Width	
	One-way traffic	Two-way traffic
45 degrees	12 feet	*
60 degrees	18 feet	*
70 degrees	19 feet	24 feet
90 degrees	23 feet	24 feet

NOTE: Additional aisle width shall be required where the aisle serves as a principal means of access (access drive) to on- site buildings or structures.

* Where parking angles of 45 degrees to 60 degrees are planned, one-way traffic on aisle shall be provided.

(b) One-way aisle shall not be "dead-ended". A functional exit shall be provided.

D. Adequate standby/stacking lane(s) to serve as reservoir capacity into parking areas or to drive-in service areas shall be provided adjacent to but separate from the parking aisle and access drives.

Facility/Use	Reservoir Capacity of Stand-by/Stacking Lane(s)*
(1) Drive-in Banks, Financial, similar uses.	4 spaces/auto teller station
(2) Drive-in Theater or similar uses.	15% of theater parking space
(3) Drive-in Retail Trade or Services	6 spaces attendant station.
(4) Mechanical Car Washes or similar uses	15 spaces.
(5) Gasoline Service Stations or uses	2 spaces/gasoline pump.

"Space" as used above shall be defined as being the minimum parking space specified by the terms of this *Chapter*.

E. There shall be adequate provision for ingress and egress to all parking and loading spaces designed for use by employees, customers, delivery services, sales people and/or the general public. There shall be provided an access drive of not less than twelve (12) feet in width per lane of traffic; and not less than eighteen (18) feet in width in all cases where the access is to storage areas or loading and unloading spaces required hereunder. One (1) lane shall be used for ingress and one (1) for egress. A single-family detached residential dwelling use is excluded from this requirement.

F. Fire Lanes shall be provided for, of sufficient width and approved by the Chippewa Township Fire Department.

G. All parking spaces, parking areas, parking aisles, standby/stacking lanes, loading, and unloading spaces and areas plus fire lanes, access drives and driveways shall be designed in accordance with the Township's Subdivision

and Development Ordinance. All parking spaces, parking areas, parking aisles, standby/stacking lanes, loading, and unloading spaces and areas plus access drives and driveways shall be graded, drained and surfaced in such a manner that there will be no free flow of water onto either adjacent property, sidewalks, or public streets. All grading and storm water drainage design must meet the Township's Subdivision and Land Development Ordinance requirements. All areas and lanes shall be separated from the right-of-way lanes of a public street or adjoining property line by a planting strip at least ten (10) feet in depth. (Revised by Ord. 187, 6/8/1998)

H. Lighting to illuminate any off-street parking area shall be so arranged as to reflect the light away from adjoining premises and public right-of-way.

I. All parking and traffic movements shall be controlled by signs and/or curbing approved by the Township Board of Supervisors.

J. Sight Triangle must be maintained.

K. Yards and Setbacks for off-street and unloading facilities shall be maintained.

L. An area or structure used as an off-site parking and/or loading/unloading facility may be constructed under a side yard or rear yard. The space above the underground/subsurface garage may be regarded as part of the required yard space (open space) of the lot on which it is located provided that a minimum of three (3) sides of the underground garage are below the level of the exterior grade of the surrounding yard.

SECTION 1701 SPECIFIC PARKING REQUIREMENTS

Any structure or building hereafter erected, converted, or enlarged for any of the following uses or combination of uses or any open areas hereafter used for one or several uses shall be provided with not less than the minimum off-street parking spaces as set forth below. Said parking spaces shall be developed in accordance with applicable General Requirement within this Part. Fractional numbers or parking spaces shall be increased to the next whole number. In the PC Planned Commerce Zoning District no parking on streets is permitted. All parking where possible is to be located to the side or rear of the building except for limited visitor parking which may occur in the area fronting upon the street. All areas used for driveway, loading, service, parking or vehicular storage shall be surfaced with an approved pavement. All paved areas must be properly drained so that erosion will not be created on the property or adjacent properties. Uses listed herein are defined under Part III of this Chapter.

A. Residential Uses:

1. Residential conversion dwelling, single-family detached dwelling, single-family semi-detached dwelling, and two- family detached dwelling shall be provided with two (2) off-street parking spaces per dwelling unit.

2. Two-family semi-detached dwelling and multi-family dwelling shall be provided with off-street parking spaces per dwelling unit based on the following schedule:
   (a) Studio apartment unit - one (1) parking space per unit.
   (b) One (1) bedroom unit - 1.5 parking spaces per unit.
   (c) Two (2) or more bedroom unit - two (2) parking spaces per unit.
   (d) In addition, guest parking in the amount of one (1) space shall be provided for each five (5) dwelling units.
3. All mobile homes and mobile home parks shall provide two (2) off-street parking spaces per berth intended for a mobile home installation.
4. Community buildings being part of a planned residential development area, a single or multi-family residential development or a mobile home park development shall provide one (1) parking space per ten (10) dwelling units within the development.
5. Home occupations shall provide one (1) parking space for each non resident employee and two (2) parking spaces for patron use in addition to the required residential parking.

B. Other Uses

USES	PARKING REQUIREMENTS
Agricultural production of crops and livestock	One (1) parking space per employee plus one (1) parking space for every two hundred (200) square feet of gross floor space open to public plus off-street parking adequate for all equipment used in the listed activities. If animals are boarded one (1) additional parking space for every six (6) boarding units is required.
Forestry and fishing, hunting and trapping	One (1) parking space per employee plus off-street for all equipment used in the listed above activities.
Mining, Manufacturing, Transportation, Communications, Electric, Gas and Sanitary Services, Services, Wholesale Trade, Construction,	One (1) parking space for every employee on the two (2) largest shifts combined plus one (1) parking space for every two hundred (200) square feet of gross floor space open to the general public plus adequate off-street parking for all equipment used in the listed activities.
Eating and Drinking Place and Uses,	One (1) parking space per four (4) seats plus one (1) parking space per employee.
Quick food, prepared food, and Drive-in eating places.	Three (3) parking spaces per one hundred (100) square feet of gross floor area with a

USES	PARKING REQUIREMENTS
	minimum of twenty-five (25) parking spaces plus one (1) parking space per employee.
Retail Nurseries, Lawn and Garden Supply stores and uses,	One (1) parking space per one thousand five hundred (1,500) square feet of gross lot area available for public use for sale and display of merchandise plus one (1) parking space per employee.
Food stores, Integrated commercial malls.	One and one-half (1 1/2) parking spaces per three hundred (300) square feet of gross floor space plus one (1) parking space per employee.
Hotels, motels, and Tourists Courts	One (1) parking space per guest room plus one (1) parking space per employee.
Sporting, Educational, Religious, and Recreational Industry	One (1) parking space per four (4) beds provided for campers and staff personnel.
Trailering Parkings and Camp Sites for transients	One (1) parking space per trailer berth or camp/tent plus one (1) parking space per employee.
Agricultural related residential dwellings for transient workers. Services to dwelling and other buildings	One (1) parking space per two hundred (200) square feet of gross floor space.
Automotive Rental and Leasing, without drivers,	One (1) parking space per two hundred (200) square feet of gross floor space in addition to the parking required for motorized vehicles and equipment which are part of the business.
Automobile parking,	One (1) parking space per employee in addition to the parking required as part of this business.
Automobile Repair Shops, Gasoline Service Stations, and Other Service Stations	One (1) parking space per two hundred (200) square feet of gross floor space devoted to repair or service facilities and one (1) parking space per each employee in addition to space allocated to the normal storage of motor vehicles required as part of this business.
Motion Picture Theaters except drive-ins	One (1) parking space per each three (3) seats plus one (1) parking space per employee.
Drive-in Motion Picture Theaters.	One (1) parking space per each employee in addition to the parking required as part of the business.

USES	PARKING REQUIREMENTS
Bowling Alleys	Four (4) spaces per alley, plus one (1) parking space per employee.
Billiard and Pool Establishments	Four (4) spaces per pool or billiard table plus one (1) parking space per employee.
Commercial Sports Uses, and Similar Large Assembly, Commercial or Noncommercial Activities. Fixed seating for public assembly.	One (1) parking space for each three (3) seats.
Nursing and Personal Care Facilities, Hospitals	One (1) and one-half (1/2) parking spaces for every bed plus one (1) parking space per employee.
Elementary and Junior High/Middle Schools	One (1) parking space per teacher or other staff members plus a minimum of twenty (20) parking spaces for general use.
Senior High and Secondary Schools	One (1) parking space per every four (4) students plus one (1) parking space for each teacher or other staff member and a minimum of twenty (20) parking spaces for visitors or the general public.
Colleges, Universities, Professional School, Junior Colleges, and Vocational Schools	One (1) parking space per every two (2) students plus one (1) parking space for each employee on the two (2) largest shifts combined.
Stadium, Theaters, auditoriums, and similar places of public assembly available for general public use within school facility. Fixed seating Interior places without fixed seating	 One (1) parking space for each three (3) seats. One (1) parking space for every one hundred (100) square feet of gross floor area.
Child Day Care Services	One (1) parking space for each employee plus one (1) parking space for every two (2) children enrolled.
Residential Care,	One (1) parking space for every three (3) beds plus one (1) parking space per employee.
Museums, Art Galleries, Botanical and Zoological Garden Uses	One (1) parking space for every five hundred (500) square feet of gross floor area plus one (1) parking space for every two thousand five hundred (2,500) square feet of gross lot area devoted to or used in

USES	PARKING REQUIREMENTS
	relationship to or with the use plus one (1) parking space per employee.
Professional Offices, Legal, Medical, Engineer, Financial Consultant	One (1) parking space per employee plus one (1) parking space for every two (2) waiting room seats provided.
Office Building, Printing and Copying Centers.	One (1) parking space per employee plus at least one (1) visitor parking space for each one thousand (1,000) square feet of floor area or fraction thereof.
Dance Halls, Roller Rinks, Club Lodges and other similar places.	One (1) parking space per employee plus one (1) parking space per two hundred (200) square feet of floor area.
Swimming Pools.	One (1) parking space for every three (3) persons according to pool capacity.
Outdoor Recreation, Golf, Miniature and Driving Range.	Parking space per tee. Other: One (1) parking space per two thousand five hundred (2,500) square feet of area or fraction thereof.
Mortuaries, Funeral Home and Undertaking Establishments.	One (1) parking space per employee plus one (1) parking space per one hundred (100) square feet for public use plus adequate off-street parking for all equipment used in the activity.
Tailor Shops, Shoe Repair Shops, Beauty and Barber Shops, Photographic Studios Specializing in Portrait Photography and Other Similar Services.	One (1) parking space pere employee plus one (1) parking space per two hundred (200) square feet of floor area.
General Retail Stores, i.e. pharmacy, shoe stores, dress shops, etc.	One (1) parking space per employee plus one parking space per three hundred (300) square feet of floor space.

C. Where a new structure or uses are developed that are not classified in the above specific parking requirements, the required parking facilities shall be based on the most appropriate or closely associated use of activity.

D. Where two or more uses are combined the parking spaces required shall be the sum of the individual requirements for each use.

SECTION 1702 LOADING/UNLOADING SPACE REQUIREMENTS

In additions to the off-street parking facilities required and in accordance with the applicable General Requirements in Section 1700, any structure or building hereafter

erected, converted, or enlarged for any of the following uses or combination of uses shall be provided as set forth below.

A. All commercial, business, and industrial establishments shall provide loading/unloading and vehicle storage spaces adequate for their needs, in addition to the established requirements for patron and employee parking.

1. public right-of-way shall not be used for loading/unloading requirement.

SECTION 1703 ACCESS TO OFF-STREET PARKING AND LOADING AREAS

Access to and from all off-street parking, loading and vehicle service area along private right-of-ways shall consist of well defined separate or common entrances and exits and shall comply with the following provisions:

A. Access drives shall not open upon any public right-of-way within eighty (80) feet of the nearest right-of-way line of any intersecting public thorough fare.

B. Access drives on state highways, shall not be allowed until a Pennsylvania Department of Transportation Highway Occupancy permit is issued and a copy submitted to the Township.

PART XVIII

SIGNS

SECTION 1800 GENERAL REQUIREMENTS

The following regulations and restrictions shall apply to all signs created in all Zoning Districts of this Township.

A. Signs Within Public Rights-Of-Ways

1. No sign shall be constructed, erected, or so located that any portion of the sign structure projects over or is placed within the right-of-way lines of any public highway or street except for official traffic signs or for street or road signs as required and erected by local, state, and/or federal governmental agencies or authorities.

2. Street or road signs as required and erected by local, state, and/or federal governmental agencies or authorities are permitted at a height of not less than seven (7) feet above the top level of established or proposed curb. Such signs may have a reflective surface. Signs guiding or controlling traffic movement may be permitted at a height to exceed seven (7) feet above adjacent grade level and may be illuminated if such is judged to be appropriate and necessary by the governmental agency or authority responsible for the erection and maintenance of said signs.

3. Any sign which does not comply with the provisions of this Chapter shall constitute a public nuisance in addition to being in and of itself a violation of this Chapter.

B. Sign Location and Construction

1. All signs shall be a minimum of ten (10) feet from the right-of-way or four (4) feet inside public sidewalk and the clear sight triangle must be maintained.

2. No permanent sign shall be erected, placed, or constructed in any Zoning District on a movable base, sled, trailer vehicle, or any other portable device. Temporary signs shall be erected and maintained in accordance with the appropriate provisions of this Chapter.

C. Sign Lighting

1. Signs that flash, rotate, oscillate or move shall not be permitted. Digital signs are not included in this reference.

2. Any sign other than official governmental traffic control signs using the words "Stop", "Look", "Listen", "Slow", "Danger", or any other words,

phrase symbol, or character in such a manner as to interfere with, mislead, or confuse traffic shall be prohibited.

3. A sign may be illuminated, according to the provisions of this Chapter. The illumination is confined to or directed to the surface of the sign.
4. All illumination shall be by diffuse or indirect light.
5. All lighting shall be so arranged as to reflect the light away from adjoining premises and public right-of-way.
6. No artificial light or reflecting device shall be used where such will interfere with, compete for attention with, or may be mistaken for a traffic signal.
7. No illumination utilizing red, green, or yellow lights, or a combination thereof, shall be utilized if such sign interferes with the effective visibility of any adjacent traffic signal or if such sign is located adjacent to a roadway where such illumination might give the appearance or impression of a traffic signal.

D. Sign Removal

1. Any sign which is in violation of this Chapter or which creates a public nuisance or hazard shall be removed by the Owner(s) following receipt of a notice of violation.
2. In the case of a nonconforming sign determined to be a public nuisance or hazard which has not been removed by the Owner(s) within ten (10) days of receipt of a formal notice of violation issued at the direction of the Township Board of Supervisors, then the Township, in order to prevent such sign from becoming injurious to public health and welfare, may enter upon the premises upon which such sign is erected and remove said sign along with its supporting structure or hanging devices. All costs and expenses of removal shall be the obligation of the Owner(s) of said signs and the Township may proceed to collect said costs and expenses by any legal procedure that said Township deems advisable, including, without limitation, the filing of a municipal lien.
3. A public nuisance or hazard shall be defined as any condition that is created as a result of sign disrepair which in the opinion of the Township Board of Supervisors will likely cause injury or damage to persons or property or any sign because of its content would violate the intent of Chapter 6, Part 6 of the Chippewa Township Code of Ordinances.

SECTION 1801 SIGNS ADVERTISING THE SALE, RENTAL OR DEVELOPMENT OF REAL ESTATE

A. Off-premises signs indicating the location and direction of premises available for or in the process of development within the Township, may be, erected and maintained in any Zoning District of this Township provided:

1. The gross surface area of such sign shall not be in excess of four (4) square feet.
2. No more than two (2) such signs shall be erected for each property available for, or in the process of development.
3. Such signs shall not be reflective or illuminated.
4. No signs shall be permitted on public lands, as defined.
5. At no time will such signs be placed on any utility pole.
6. Banners may be permitted as a Conditional Use upon the approval of the Township Board of Supervisors through the procedure established in Part XXI.

B. On-premises signs indicating the location and direction of premises available or in the process of development, erected upon such premises, and having inscribed thereon the name of the Owner, Developer, Builder, or Agent may be erected and maintained provided:

1. The gross surface area of such sign shall not be in excess of twenty (20) square feet in all districts.
2. The total height of such sign shall not exceed six (6) feet above adjacent ground grade.
3. Such sign shall be located not less than ten (10) feet from the right-of-way line of any public street or highway and not less than twenty (20) feet from any interior (side) property line.
4. Not more than one (1) such sign shall be erected on each one thousand (1,000) linear feet of street frontage.
5. Such sign shall not be reflective or illuminated.
6. Such sign shall be removed within thirty (30) days from the date of issuance of the occupancy permit for the use requiring the sign.

C. Temporary on-premises signs advertising the sale or rental of the premises when erected by the Owner or Broker or any other person interested in the sale or rental of such premises, shall adhere to the following:

1. The gross surface area of such sign shall not be in excess of four (4) square feet.
2. Not more than one (1) such sign shall be placed upon each property except when:

(a) A property fronts upon more than one (1) public street, in which event one (1) such sign may be erected on each frontage.

(b) A property is in a tract of land in excess of seventy-five (75) acres, then such signs shall be placed at a maximum rate of one (1) for every five hundred (500) feet of street frontage.

3. Such signs shall not be reflective or illuminated.

D. Signs bearing the word "sold" or the word "rented" with the name of the persons or corporate entity effecting the sale or rental may be erected and maintained when erected upon the premises effected provided that the conditions in this Part hereof are complied with and such signs are removed within thirty (30) days of the date of the final sale or rental.

SECTION 1802 TEMPORARY SIGNS

A. Temporary off-premises signs may be erected on real estate located in any Zoning District by the Owner or Owners of that property provided:

1. The gross surface area of such sign shall not exceed twenty (20) square feet in all districts.
2. The total height of such sign shall not exceed six (6) feet above adjacent ground grade.
3. Only one (1) such sign shall be erected and maintained on each property unless such property fronts on more than one (1) public street, in which event one (1) such sign may be erected on each frontage.
4. Such signs shall only be erected and maintained during the time period beginning four (4) weeks before an event and terminating one (1) week following that event or use.
5. The owner of the property upon which such sign is erected shall be responsible for the placement, maintenance, and removal of such sign in accordance with the terms of this Part.
6. No sign shall be reflective or illuminated.
7. All such signs shall be self-supporting or wall- mounted. Overhead signs, arched signs, and banners are prohibited.
8. The sign is utilized to advertise a nonprofit or community organization. (Revised by Ord. 182, 9/8/1997)
9. At no time shall such signs be placed on any utility pole.

B. Signs of mechanics, painters, and other artisans may be erected and maintained during the period such persons are performing work on the premises on which such signs are erected provided:

1. The gross surface area of such sign shall not be in excess of twenty (20) square feet.
2. Such signs shall not be reflective or illuminated.
3. No more than one (1) such sign shall be placed upon each property.
4. Such signs when pertaining to remodeling or rehabilitation work being performed on an existing structure shall be displayed for a period not to exceed sixty (60) days in any one (1) calendar year.
5. Such signs when pertaining to the construction of a new structure or an addition to an existing structure shall be removed within fifteen (15) days of the completion of work or the issuance of an Occupancy Permit, as applicable, except as mandated by State or Federal regulations.

C. Temporary signs advertising the sale of farm products, when said sale is not the primary use of the premises and where such sale is permitted under the terms of the district of this Chapter, may be erected provided:

1. The gross surface area of such sign shall not be in excess of six (6) square feet.
2. No more than two (2) such signs shall be erected on each property.
3. The signs shall be displayed only when such products are on sale.
4. The signs shall not be illuminated or reflective.

SECTION 1803 NO TRESPASSING SIGNS

A. Trespassing sign, or sign indicating the private nature of a driveway or property, or restricting the use of a driveway or property, may be erected and maintained provided that the gross surface area of any such sign shall not exceed two (2) square feet. Only one (1) such sign is permitted for every one hundred (100) feet of public street frontage. Such sign shall not be an overhead or be illuminated.

B. For any nonresidential property, a trespassing sign, or sign indicating the private nature of a driveway or property, or restricting the use of a driveway or property, may be erected and maintained provided that the gross surface area of any such sign shall not exceed four (4) square feet. Only two (2) such signs are permitted per property unless such property fronts on more than (1) street in which event two (2) such signs may be erected on each frontage. Such signs shall not be overhead signs or illuminated, but may be reflective.

SECTION 1804 RESIDENTIAL SIGNS

A. Nameplate signs that indicate the name of the Owner or occupant of a residential use and the street number may be erected and maintained provided:

1. Nonilluminated nameplate signs shall not exceed a gross surface area of six (6) square feet.
2. Illuminated nameplate signs shall not exceed two (2) square feet in gross surface area and shall not be larger than twelve (12) inches by twenty-four (24) inches.
3. Nameplate signs shall be wall-mounted or self- supporting.
4. Only one (1) such sign shall be permitted per dwelling unit.

B. If a home occupation is permitted under the terms of the district and this Chapter, a sign designating the name, address, and occupation of the Occupant of the premises and including the logotype or trademark, if appropriate, of the practitioner may be erected and maintained provided:

1. The gross surface area of such sign shall not exceed six (6) square feet and shall not be larger than twenty-four (24) by thirty-six (36) inches.
2. Only one (1) such sign shall be erected on each property.
3. Such sign shall not be illuminated or reflective.
4. Such sign shall not be an overhead sign. Only a wall-mounted or self-supporting sign is permitted and all wall- mounted signs shall be affixed to or displayed on the face of a building. Such signs shall not project or extend above or beyond the roof or eave line.

C. Residential Development Designation (Ord. 182, 9/8/1997)

1. Two (2) such signs may be erected at the entrance/exit of roads which service a particular residential development.
2. Such a sign may be erected on a wall or a pillar but the sign shall not be more than five (5) feet in height. The pillar or wall that the sign is attached to shall be not more than eight (8) feet in height.
3. Such a sign shall be set back a minimum of five (5) feet from the public right-of-way unless approval is given by the Board of Supervisors.
4. Such a sign shall not exceed twenty (20) square feet in area, exclusive of supporting pillars.
5. Such a sign shall not be flashing, contain moving parts, be changeable or constructed of reflective or fluorescent materials.
6. The placement of such a sign shall not obstruct the sight triangle.

SECTION 1805 IDENTIFICATION SIGNS FOR NONCOMMERCIAL PUBLIC AND SEMI-PUBLIC FACILITIES

A. Identification signs located on the premises or building in all districts, which serve only to tell the name or use of a public or semi-public facility such as

churches, schools, camps, hospitals, recreational place, municipal facility, or other institutions of similar nature when permitted under the terms of the District and this Chapter may be erected and maintained provided:

1. The gross surface area of any such sign shall not be in excess of thirty-six (36) square feet. The gross surface area of any such arched sign shall not be in excess of one hundred and twenty-five (125) square feet.
2. Any self-supporting identification sign may be allowed up to one-third additional sign area over that allowed for such sign under the provisions of this Chapter to be used for ornamentation of the upright or structural portion of the sign; provided that such ornamentation is designed in such a manner as to form an integral background element to the remainder of the sign and the design otherwise enhances the appearance of the sign.
3. No more than two (2) such signs shall be placed on each property unless such property fronts upon more than one (1) public street in which event two (2) such signs may be erected on each frontage.
4. Such signs shall not be overhead signs. Only wall- mounted or self-supporting signs are permitted. Arched signs shall be permitted as a Conditional Use subject to approval by the Township Board of Supervisors.
5. Self-supporting or wall-mounted signs may be reflective and may be illuminated in accordance with the provisions of the Chapter. Arched signs may not be illuminated or reflective.

SECTION 1806 BUSINESS IDENTIFICATION SIGNS

A. Business identification signs bearing the name of the occupant and the service offered or products sold or displayed may be erected and maintained on a tract or parcel when said tract or parcel contains only one (1) business enterprise provided:

1. No more than two (2) such signs may be placed on each property unless such property fronts on more than one (1) public street, in which event two (2) signs may be erected on each frontage.
   (a) A combination of self-supporting, wall-mounted, or overhead signs are permitted provided that the total number shall not exceed two (2) signs except as provided in item 1. above.
   (b) The gross surface area of an overhead sign shall not exceed twenty (20) square feet and shall not project beyond the building line.

(c) The gross surface area of a wall-mounted sign shall not exceed one and one-half (1.5) square feet of gross sign surface area per one (1) linear foot of building frontage.

(d) The gross surface area of a self-supporting sign shall be as follows:

(1) The gross surface area of such self- supporting sign located ten (10) feet to fifty (50) feet from a public street or road right-of-way shall not exceed fifty (50) square feet.

(2) The gross surface area of such self- supporting sign located more than fifty (50) feet from a public street or road right-of-way shall not exceed seventy-five (75) square feet.

2. Such signs may be illuminated in accordance with the provisions of this Chapter.

3. Each business may erect signs directing and guiding traffic and parking on private property, but bearing no advertising matter. Such signs shall be limited to such information or instructions as necessary for the convenience of vehicular traffic in reaching such business.

(a) Such signs shall not exceed a gross surface area of three (3) square feet.

(b) Such signs may be illuminated in accordance with the provisions of this Chapter.

4. No sign shall exceed the height of thirty-five (35) feet above adjacent ground level and subject to this Part.

5. All wall-mounted signs shall be affixed to or displayed on the face of a building. Such signs shall not project or extend above or beyond the roof or eave line.

6. Overhead signs shall be at least nine (9) feet high measured from the adjacent ground grade.

7. No wall-mounted sign shall project over a sidewalk area available for public use more than twelve (12) inches.

B. Business identification signs bearing the name of the integrated commercial development, the commercial occupants, and the services offered or products sold or displayed may be erected and maintained on a parcel when:

1. Only one (1) self-supporting sign identifying only the name of the integrated commercial development may be erected and maintained per land parcel unless such property fronts on more than one (1) street, in which event one (1) such sign may be erected on each frontage.

(a) There shall be only one (1) sign of any nature on any standard erected to hold a self-supporting sign.

(b) The gross surface area of such identification sign shall not exceed two (2) square feet of gross sign surface area per one (1) linear foot of street frontage not to exceed three hundred (300) square feet in gross surface area.

2. Each business enterprise shall be permitted one (1) wall-mounted business identification sign not to exceed two (2) square feet of gross sign surface area per one (1) linear foot of frontage of the building or portion of the building occupied by said business enterprise.

3. As applicable, each business enterprise shall be permitted one (1) additional wall-mounted business identification sign for each auxiliary or accessory use. Such sign shall not exceed forty (40) square feet of gross surface area.

4. Overhead signs shall not be permitted.

5. No combination of business enterprises may combine their interest to permit larger signs or increase the number of signs.

6. Such signs may be illuminated in accordance with the provisions of this Chapter.

7. Each business may erect signs directing and guiding traffic and parking on private property, but bearing no advertising matter. Such signs shall be limited to such information or instructions as necessary for the convenience of vehicular traffic in reaching such business.

   (a) Such signs shall not exceed a gross surface area of three (3) square feet.

   (b) Such signs may be illuminated in accordance with the provisions of this Part.

8. No sign shall exceed the height of thirty-five (35) feet above adjacent ground level and subject to this Part.

9. All wall-mounted signs shall be affixed to or displayed on the face of a building. Such signs shall not project or extend above or beyond the roof or eave line.

10. Overhead signs shall be at least nine (9) feet high measured from the adjacent ground grade.

11. No wall-mounted sign shall project over a sidewalk area available for public use more than twelve (12) inches.

C. Business sponsorship signs bearing the name, logo, general service offered, location and/or telephone number shall be permitted on off-premises recreation locations where the sign is posted as part of a fund raising program for the recreational activity. Such signs shall be subject to the following requirements:

1. Signs hung from or applied to baseball or football fences, soccer field fences and tennis courts shall not exceed a total gross sign area of more than sixteen (16) square feet.
2. Signs hung from fences shall not interfere with the line of sight for motor vehicle traffic along the public roads and streets.
3. The sing may only be displayed during the playing season and must be removed at the end of the playing season.
4. No permit fee shall be required.

SECTION 1807 POLITICAL SIGNS

Political signs designed and intended to influence the vote of the electorate on a law, statute, ordinance, amendment, rule, regulation or other measure, or on the nomination or election of a candidate for any public office, shall be stationary, temporary, and unlighted except as otherwise permitted.

A. Political signs are permitted in all zoning districts if stationary and non-illuminated. This section does not apply to political signs which are also billboards.

B. Non-illuminated temporary political signs erected during a political campaign shall be permitted provided that the surface area of such signs shall not exceed thirty-two (32) square feet. The signs shall not be erected before thirty (30) days prior to the election and shall be removed within ten (10) days after the election for which they were erected. The Township may immediately remove and dispose of any political sign which is not removed within ten (10) days after the election for which it was erected.

C. Political signs shall not be attached to street signs or poles.

SECTION 1808 PUBLIC SERVICE SIGNS

Public service signs located for the purpose of providing a public service message or directions to a public use not readily visible from a street or roadway, e.g., public restrooms, telephone, parking, business district, hospital or school, shall not be located within an existing Township, County or Commonwealth right-of-way unless authorized by the applicable agency.

A. The public service sign necessary for public safety and convenience shall not exceed four (4) square feet in area.

B. The public service sign shall not exhibit commercial advertising.

SECTION 1809 BILLBOARD SIGNS (Ord. No. 218, 3/17/2004)

A. Billboard signs shall only be permitted in a Highway (IC) Corridor Zoning District. Billboard signs are regulated as a Conditional Use and must be the principal use to which the property is devoted. There shall be no more than one (1) billboard sign on any premises at any one time. The minimum lot size shall be five thousand (5,000) square feet.

B. Billboard shall not be located within one hundred (100) feet of the centerline of an arterial street, as defined by this ordinance.

C. Billboards shall be freestanding, ground-mounted, single column post supported displays which have no structural contact with any building or other structure.

D. The maximum surface area of the sign shall be two hundred (200) square feet. This area includes both sides if it is a two (2) sided sign.

E. The maximum height of the sign shall be thirty-five (35) feet, measured from the average ground level at the base of the pole to the top of the sign.

F. No billboard shall be placed within five hundred (500) feet of any property within a Residential Zoning District classification, or any public or private school property, park, library or church when the display face of the billboard will be visible therefrom. This required distance shall be measured along the frontage of the street or highway on which the billboard is located.

G. No part of any billboard shall be located closer than fifteen (15) feet to any street right-of-way. Billboards shall be subject to the side yard and rear yard setback requirements of the IC District.

H. No billboard shall be erected closer than one thousand (1,000) feet to any other existing or proposed billboard.

I. Billboards shall be either non-illuminated or indirectly illuminated, providing all lighting is shielded and directed in a downward direction from the top of the sign toward the ground.

J. The location of a billboard shall not obstruct visibility of any other business sign nor shall it obstruct visibility for traffic entering or leaving any property or traveling on any street.

PART XIX
REGULATION OF FLOOD PRONE AREAS

SECTION 1900 PURPOSE

The intent of this Part is to:

A. Promote the general health, welfare and safety of the community.

B. Encourage the utilization of appropriate construction practices in order to prevent or minimize flood damage in the future.

C. Minimize danger to public health by protecting water supply and natural drainage.

D. Reduce financial burdens imposed on the community, it's governmental units, and it's residents, by preventing excessive development in areas subject to flooding.

E. Comply with federal and state flood plain management requirements.

SECTION 1901 WARNING AND DISCLAIMER OF LIABILITY

The degree of flood protection sought by the provisions of this Part is considered reasonable for regulatory purposes and is based on acceptable engineering methods of study. Larger floods may occur. Flood heights may be increased by man-made or natural causes, such as ice jams and bridge openings restricted by debris. This Part does not imply that areas outside any identified flood plain area, or that land uses permitted within such areas will be free from flooding or damages.

This Part shall not create liability on the part of the Township of Chippewa or any officer or employee thereof for any flood damages that result from reliance on this Part or any administrative decision lawfully made thereunder.

SECTION 1902 IDENTIFICATION

The identified flood plain area shall be any area of the Township of Chippewa, subject to the one hundred (100) year flood, which is identified as Zone A (Area of Special Flood Hazard) on the Flood Hazard Boundary Map (FHBM) dated December 27, 1974, as issued by the Federal Emergency Management Agency (FEMA), for the Township of Chippewa or the most recent revision thereof, or on the most recent Flood Insurance Rate Map (FIRM) if such a map has been prepared for the Township.

SECTION 1903 DETERMINATION OF THE ONE-HUNDRED FLOOD ELEVATION

For the purpose of this Part, the one hundred (100) year flood elevation shall be used as the basis for regulation. To determine the one-hundred year flood elevation, the

elevation at a given point on the boundary of the identified flood plain area which is nearest the construction site in question will be used. In helping to make this necessary elevation determination, other sources of data, where available, shall be used such as:

A. Corps of Engineers - Flood Plain Information Reports

B. U.S. Geological Survey - Flood Prone Quadrangles

C. U.S.D.A., Soil Conservation Service - County Soil Survey (Alluvial Soils) or P.L. 566 Flood Information.

D. Pennsylvania Department of Environmental Protection - Flood Control Investigations.

E. Known highwater marks from past floods.

F. Other sources

In lieu of the above, the Township may require the applicant to determine the elevation with hydro logic and hydraulic engineering techniques. Hydro logic and hydraulic analyzes shall be undertaken only by professional engineers or others of demonstrated qualifications, who shall certify that the technical methods used correctly reflect currently accepted technical concepts. Studies, analysis, computations, etc. shall be submitted in sufficient detail to allow a thorough, technical review by the Township of Chippewa. In additional, available information from other Federal, State and other acceptable sources shall be used to determine a flood way area, if possible.

SECTION 1904 CHANGES IN IDENTIFICATION OF AREA

The identified flood plain area may be revised or modified by the Board of Supervisors where studies or information provided by a qualified agency or person documents the need for such revision. However, prior to any such change, approval must be obtained from the Federal Insurance Administration (FIA).

SECTION 1905 BOUNDARY DISPUTES

Should a dispute concerning any identified flood plain boundary arise, an initial determination shall be made by the Township Planning Commission and any party aggrieved by this decision may appeal to the Board of Supervisors. The burden of proof shall be on the applicant.

SECTION 1906 GENERAL

A. In the identified flood plain area, the development and/or use of any land shall be permitted provided that the development and/or use complies with the restrictions and requirements of this and all other applicable codes and ordinances in force in the municipality.

B. Within any identified flood plain area, no new construction or development shall be located within the area measured fifty (50) feet landward from the top-of-bank of any watercourse.

C. Within any identified flood plain area, the elevation of the lowest floor (including basement) of any new construction or substantial improvement of any residential structure shall be one and one-half (1 1/2) feet or more above the one-hundred (100) year flood elevation.

D. Within any identified flood plain area, the elevation of the lowest floor (including basement) of any new construction or substantial improvement of a nonresidential structure shall be one and one-half (1 1/2) feet or more above the one hundred (100) year flood elevation or be flood-proofed up to that height.

E. Any nonresidential structure, or part thereof, which will not be completely or adequately elevated, shall be flood-proofed in accordance with the provisions of this *Part*. Additional information may be obtained from the publication entitled "Flood- Proofing Regulations" (U.S. Army Corps of Engineers, June 1972). All plans and specifications for such flood proofing 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.

F. Space below the lowest floor.

1. Fully enclosed space below the lowest floor (including basement) is prohibited.

2. Partially enclosed space below the lowest floor (including basement) which will be used solely for the parking of a vehicle, building access or incidental storage in an area other than a basement, shall be designed and constructed to allow for the automatic entry and exit of flood waters for the purpose of equalizing hydrostatic forces on exterior walls. The term "partially enclosed space; also includes crawl spaces.

   Designs for meeting this requirement must either be certified by a registered professional engineer or architect, or meet or exceed the following minimum criteria:

   (a) A minimum of two openings having a net total area of not less than one (1) inch for every square foot of enclosed space.

   (b) The bottom of all openings shall be no higher than one (1) foot above grade.

   (c) Openings may be equipped with screens, louvers, etc. or other coverings or devices provided that they permit the automatic entry and exit of flood waters.

G. Within any flood way area, no new construction or development shall be permitted that would cause any increase in the one hundred (100) year flood elevation.

SECTION 1907 DESIGN AND CONSTRUCTION STANDARDS

The following minimum standards shall apply to all construction and development proposed within any identified flood plain area:

A. Fill Material - if fill material is used, it shall:

1. extend laterally at least fifteen (15) feet beyond the building from all points;
2. consist of soil or small rock materials only - Sanitary Landfills shall not be permitted;
3. be compacted to provide the necessary permeability and resistance to erosion, scouring, or settling;
4. be no steeper than one (1) vertical to two (2) horizontal feet, unless substantiated data justifying steeper slopes is submitted to and approved by the Township Engineer; and
5. be used to an extent which does not adversely affect adjacent properties.

B. Drainage Facilities: Storm drainage facilities shall be designed to convey the flow of storm water runoff in a safe and efficient manner. The system shall insure proper drainage along streets and provide positive drainage away from buildings. The system shall also be designed to prevent the discharge of excess runoff onto adjacent properties.

C. Water and Sanitary Sewer Facilities and Systems

1. All new or replacement water and sanitary sewer facilities and systems shall be located, designed and constructed to minimize or eliminate flood damages and the infiltration of flood waters.
2. Sanitary sewer facilities and systems shall be designed to prevent the discharge of untreated sewage into flood waters.
3. No part of any on-site sewage system shall be located within any identified flood plain area except in strict compliance with all State and Local regulations for such systems. If any such system is permitted, it shall be located so as to avoid impairment to it or contamination from it during a flood.

D. Other Utilities: All other utilities such as gas lines, electrical and telephone systems shall be located, elevated (where possible) and constructed to minimize the chance of impairment during a flood.

E. Streets: The finished elevation of all new streets shall be no more than one (1) foot below the Regulatory Flood Elevation.

F. Storage: All materials that are buoyant, flammable, explosive, or in times of flooding could be injurious to human, animal, or plant life, and not listed in Section 1908, Development Which May Endanger Human Life, shall be stored at or above the Regulatory Flood Elevation and/or flood-proofed to the maximum extent possible.

G. Place of Buildings and Structures: All buildings and structures shall be designed, located, and constructed so as to offer the minimum obstruction to the flow of water and shall be designed to have a minimum effect upon the flow and height of flood water.

H. Anchoring:

1. All buildings and structures shall be firmly anchored in accordance with accepted engineering practices to prevent flotation, collapse or lateral movement.

2. All air ducts, large pipes, storage tanks and other similar objects or components located below the Regulatory Flood Elevation shall be securely anchored or affixed to prevent flotation.

I. Floors, Walls, and Ceilings

1. Wood flooring used at or below the Regulatory Flood Elevation shall be installed to accommodate a lateral expansion of the flooring, perpendicular to the flooring grain without causing structural damage to the building.

2. Plywood used at or below the Regulatory Flood Elevation shall be of a "marine" or "water-resistant" variety.

3. Walls and ceilings at or below the Regulatory Flood Elevation shall be designed and constructed of materials that are water-resistant and will withstand inundation.

4. Windows, doors, and other components at or below the Regulatory Flood Elevation shall be made of metal or other water- resistant material.

J. Paints and Adhesives

1. Paints or other finishes used at or below the Regulatory Flood Elevation shall be of "marine" or water-resistant quality.

2. Adhesives used at or below the Regulatory Flood Elevation shall be of a "marine" or water-resistant quality.

3. All wooden components (doors, trim, cabinets, etc.) shall be finished with a "marine" or water-resistant paint or other finishing material.

K. Electrical Components

1. Electrical distribution panels shall be at least three (3) feet above the one-hundred (100) year flood elevation.

2. Separate electrical circuits shall serve lower levels and shall be dropped from above.

L. Equipment: Water heaters, furnaces, air conditioning and ventilating units, and other mechanical or utility equipment or apparatus shall not be located below the Regulatory Flood Elevation.

M. Fuel Supply Systems: All gas and oil supply systems shall be designed to prevent the infiltration of flood waters into the system and discharges from the system into flood waters. Additional provisions shall be made for the drainage of these systems in the event that flood water infiltration occurs.

SECTION 1908 DEVELOPMENT WHICH MAY ENDANGER HUMAN LIFE

A. In accordance with the Pennsylvania Flood Plain Management Act, and the regulations adopted by the Department of Community and Economic Development as required by the Act, and new or substantially improved structures which:

1. will be used for the production or storage or any of the following dangerous materials or substances; or,

2. will be used for any activity requiring the maintenance of a supply of more than 550 gallons, or other comparable volume, of any of the following dangerous materials or substances on the premises; or

3. will involve the production, storage, or use of any amount of radioactive substances;

4. shall be prohibited within fifty (50) feet landward from the top-of-the-bank of any watercourse:

(a) Acetone
(b) Ammonia
(c) Benzene
(d) Calcium carbide
(e) Carbon disulfide
(f) Celluloid
(g) Chlorine
(h) Hydrochloric acid
(i) Hydrocyanic acid
(j) Magnesium

(k) Nitric acid and oxides of nitrogen

(l) Petroleum products (gasoline, fuel oil, etc.)

(m) Phosphorus

(n) Potassium

(o) Sodium

(p) Sulfur and sulfur products

(q) Pesticides (including insecticides, fungicides and rodenticides)

(r) Radioactive substances, insofar as such substances are not otherwise regulated.

B. Within any identified flood plain area, any new or substantially improved structure of the kind described in this section, shall be prohibited within the area measured fifty (50) feet landward from the top-of-bank of any watercourse.

C. Where permitted within any identified flood plain area, any new or substantially improved structure of the kind described in this section, shall be:

1. elevated or designed and constructed to remain completely dry up to at least one and one-half (1 1/2) feet above the one hundred (100) year flood and,

2. designed to prevent pollution from the structure or activity during the course of a one hundred (100) year flood.

D. Any such structure, or part thereof, that will be built below the Regulatory Flood Elevation shall be designed and constructed in accordance with the standards for completely dry flood-proofing contained in the publication "Flood-Proofing Regulations" (U.S. Army Corps of Engineers, June 1972), or with some other equivalent watertight standard.

SECTION 1909 GENERAL

In accordance with the administrative regulations promulgated by the Department of Community and Economic Development to implement the Pennsylvania Floodplain Management Act, the following activities shall be prohibited within any identified flood plain area:

A. The commencement of any of the following activities; or the construction, enlargement, or expansion of any structure used, or intended to be used, for any of the following activities:

1. Hospitals

2. Nursing Homes

3. Jails or Prisons

B. The commencement of, or any construction of, a new mobile home park or mobile home subdivision, or substantial improvement to an existing mobile home park or mobile home subdivision.

SECTION 1910 SPECIAL REQUIREMENT FOR MOBILE HOMES

A. Within any identified flood plain area, all mobile homes and any additions thereto shall be prohibited within the area measured fifty (50) feet landward from the top-of-bank of any watercourse.

B. Where permitted within any identified flood plain area, all mobile homes and additions thereto shall be:

1. Anchored to resist flotation, collapse, or lateral movement by providing over-the-top and frame ties to ground anchors in accordance with the American National Standards as specified in the Standard for the Installation of Mobile Homes Including Mobile Home Park Requirements (NFPA No. 501A-1974) ANSI A119.30-1975) as amended for Mobile Homes in Hurricane Zones or other appropriate standards such as the following:

   (a) Over-the-top ties shall be provided at each of the four (4) corners of the mobile home, with two (2) additional ties per side at intermediate locations for units fifty (50) feet or more in length, and one (1) additional tie per side for units less than fifty (50) feet in length.

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

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

2. Elevated in accordance with the following requirements:

   (a) The stands or lots shall be elevated on compacted fill, or on pilings so that the lowest floor of the mobile home will be one and one-half (1 1/2) feet or more above the elevation of the one hundred (100) year flood.

   (b) Adequate surface drainage is provided.

   (c) Adequate access for a hauler is provided.

   (d) Where pilings are used for elevation, the lots shall be large enough to permit steps; piling foundations shall be placed in stable soil no more than ten (10) feet apart; reinforcement shall be provided for pilings that will extend for six (6) feet or more above the ground level.

3. Placed on a permanent evaluation.

C. An evacuation plan indicating alternate vehicular access and escape routes shall be filed with the appropriate Township officials for mobile home parks.

SECTION 1911 EXISTING STRUCTURES

The provisions of this Part do not require any changes or improvements to be made to lawfully existing structures. However, when an improvement is made to any existing structure, the provisions of this Section shall apply.

SECTION 1912 IMPROVEMENTS

The following provisions shall apply whenever any improvement is made to an existing structure located within any identified flood plain area:

A. Any modification, alteration, reconstruction, or improvement, of any kind to an existing structure, to an extent or amount of fifty percent (50%) or more of it's market value, shall constitute a substantial improvement and shall be undertaken only in full compliance with the provisions of this Part.

B. Any modification, alteration, reconstruction, or improvement of any kind to an existing structure, to an extent or amount of less than fifty percent (50%) of it's market value, shall be elevated and/or flood-proofed to the greatest extent possible.

C. No expansion or enlargement of any existing structure shall be allowed within any flood way area that would cause any restriction or impediment to the flood way.

SECTION 1913 VARIANCE CRITERIA

A. If compliance with any of the requirements of this Part would result in an exceptional hardship to a prospective builder, developer or landowner, the Township of Chippewa Zoning Hearing Board may, upon request, grant relief from the strict application of the requirements as provided for in this Section.

B. Request for variances shall be considered by the Zoning Hearing Board in accordance with the procedure outlined in Section 2205 and the following:

1. Except for a possible modification of the one and one- half (1 1/2) foot freeboard requirement, no variance shall be granted for any of the other requirements pertaining specifically to Development Which May Endanger Human Life (Section 1908). In addition, no variance shall be granted allowing any of the development specifically prohibited in Section 203.

2. No variance shall be granted for any construction, development, use or activity within any flood way area that could cause any increase in the one hundred (100) year flood elevation.

3. If granted a variance shall involve only the least modification necessary to provide relief.

4. In granting any variance the Township of Chippewa Zoning Hearing Board may attach reasonable conditions and safeguards it considers necessary in order to protect the public health, safety and welfare and to achieve the objectives of this Chapter.

5. Whenever a variance is granted, the Township of Chippewa shall notify the applicant in writing that:

   (a) The granting of the variance may result in increased premium rates for flood insurance.

   (b) Such variances may increase the risks to life and property.

6. In reviewing any request for a variance, the Township of Chippewa Zoning Hearing Board shall consider, at a minimum, the following:

   (a) That there is good and sufficient cause to grant relief from the provisions of this Part.

   (b) That failure to grant the variance would result in exceptional hardship to the applicant.

   (c) That the granting of a variance will (i) neither result in an unacceptable or prohibited increase in flood heights, additional threats to public safety or extraordinary public expense, (ii) nor create nuisances, cause fraud on or victimize the public or conflict with any other applicable state or local ordinances and regulations.

7. A complete record of all variance requests from this Part and related actions shall be maintained by the Township Zoning Hearing Board. In addition, a report of all variances granted during the year from this Part shall be included in the annual report to the Federal Insurance Administration.

8. Notwithstanding any of the above, however, all structures shall be designed and constructed so as to have the capability of resisting the one hundred (100) year flood.

SECTION 1914 OIL AND GAS OPERATIONS (Ord. 244, 8/8/2012)

I DEFINITIONS

The following words and phrases when used in this Chapter and Part shall have the meanings given to them in this section unless the context clearly indicates otherwise:

ACT 13 – Act 13 of 2012 (H.B. 1950), P.L. 87 §1, approved February 14, 2012, 58 Pa.C.S. §2301, et seq., which is also known as the Unconventional Gas Well Impact Fee Act, as well as any amendments thereto and regulations promulgated thereunder.

APPLICANT – Any person, owner, operator, partnership, company, corporation or other entity seeking to conduct oil and gas operations within the Township.

BUILDING – An occupied structure with walls and a roof within, which persons live or customarily work.

COLLECTOR STREET – A public street or road which, in addition to providing access to abutting lots, intercepts local streets and provides a route for carrying considerable volumes of local traffic to community facilities and arterial streets. See also Section 300.

DEPARTMENT – The Department of Environmental Protection of the Commonwealth of Pennsylvania.

DERRICK – Any portable framework, tower mast and/or structure which is required or used in connection with drilling, or re-drilling a well for the production of oil or natural gas.

EMERGENCY RESPONDERS – The Police Department of Chippewa Township, the Pennsylvania State Police, the Chippewa Township Volunteer Fire Department, all EMT and ambulance companies serving the Township, and the Township and Beaver County Emergency Management offices.

ENVIRONMENTAL ACTS – All statutes enacted by the Commonwealth relating to the protection of the environment or the protection of public health, safety and welfare, that are administered and enforced by the department or by another Commonwealth agency, including an independent agency, and all Federal statutes relating to the protection of the environment to the extent those statutes regulate oil and gas operations.

LOCAL STREET – A public street or road designed to provide access to abutting lots and to discourage through traffic. See also Section 300.

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

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

NATURAL GAS PROCESSING PLANT – A facility designed and constructed to remove materials such as ethane, propane, butane and other constituents or similar substances from natural gas to allow such natural gas to be of such quality as is required or appropriate for transmission or distribution to commercial

markets, but not including facilities or equipment that is designed and constructed primarily to remove water, water vapor, oil or naturally occurring liquids from the natural gas.

OIL – Hydrocarbons in liquid form at standard temperature of 60 degrees Fahrenheit and pressure 14.7 PSIA. This term is also referred to as petroleum.

OIL AND GAS OPERATION(S) – The term includes the following:

1) Well location assessment, including seismic operations, well site preparation, construction, drilling, hydraulic fracturing and site restoration associated with an oil or gas well of any depth;
2) Water and other fluid storage or impoundment areas used exclusively for oil and gas operations;
3) Construction, installation, use, maintenance and repair of:
   a) Oil and gas pipelines;
   b) Natural gas compressor stations; and
   c) Natural gas processing plants or facilities performing equivalent functions.
4) Construction, installation, use, maintenance and repair of all equipment directly associated with activities specified in paragraphs 1), 2) and 3) above, to the extent that:
   a) The equipment is necessarily located at or immediately adjacent to a well site, impoundment area, oil and gas pipeline, natural gas compressor station or natural gas processing plant; and
   b) The activities are authorized and permitted under the authority of a Federal or Commonwealth agency.

OIL OR GAS WELL – A pierced or bored hole drilled or being drilled in the ground for the purpose of, or to be used for, producing, extracting or injecting gas, oil, petroleum or another liquid related to oil or gas production or storage, including brine disposal. This term shall include an "unconventional gas well".

OIL OR GAS WELL SITE – The location where facilities, structures, materials and equipment, whether temporary or permanent, necessary for the preparation, construction, drilling, production or operation of an oil or gas well. This definition also includes exploratory wells.

OPERATOR – The person designated as the well operator or the operator of another oil and gas operation on the permit application or well registration.

OUTDOOR RECREATION FACILITY – A public or private recreation facility, except one located on a residential lot, which shall include soccer fields, basketball courts, baseball fields, golf courses, tennis courts, playgrounds and other similar sports facilities that are used for leisure and recreation purposes.

OWNER – A person or entity that owns, manages, leases, controls or possesses an oil or gas well or other oil and gas operation.

PERMITTED USE – A use which, upon submission of written notice to and receipt of a permit issued by a zoning officer or equivalent official, is authorized to be conducted without restrictions other than those set forth in Section 3304 of Act 13 of 2012.

STORAGE WELL – A well that is used for, and in connection with, the underground storage of natural gas, including injection into or withdrawal from an underground storage reservoir for monitoring or observation of reservoir pressure.

UNCONVENTIONAL FORMATION – A geological shale formation existing below the base of the Elk Sandstone, or its geologic equivalent stratigraphic interval where natural gas generally cannot be produced at economic flow rates, or in economic volumes except by vertical or horizontal well bores stimulated by hydraulic fracture treatments, or by using multilateral well bores or other techniques to expose more of the formation to the well bore.

UNCONVENTIONAL GAS WELL – A bore hole drilled or being drilled for the purpose of or to be used for the production of natural gas from an unconventional formation. The term shall also include wells that utilize hydraulic fracture treatment through a single vertical well bore and produce natural gas in quantities greater than that of a stripper well.

WELL PAD – The area of surface operations immediately surrounding the surface location of a well or wells. Such area shall not include an access road to the well pad and shall not include the entirety of an oil or gas well site.

II ZONING CLASSIFICATIONS

Subject to the provisions of this Ordinance, and in order to allow for the reasonable development of oil and gas resources, the following zoning classifications shall apply:

A. WELL AND PIPELINE ASSESSMENT OPERATIONS – Well and pipeline assessment operations, including seismic operations and related activities, shall be a permitted use within all zoning districts (See Section 400), provided that such activities are conducted in accordance with all applicable Federal and State laws and regulations relating to the storage and use of explosives.

B. OIL OR GAS WELLS and OIL OR GAS WELL SITES – Oil or gas wells and oil or gas well sites shall be a permitted use within all zoning districts, provided that the well site must be placed so that the wellhead is at least 500 feet from any existing building. In addition, the following restrictions shall also apply in the AR-1, ART, R-2, R-3, C-1, SG, PRD, AO and RCO districts (See Section 400):

1) Oil or gas well sites are prohibited unless the outer edge of the well pad is at least 300 feet from an existing building.

2) Oil and gas operations, other than the placement, use and repair of oil and gas pipelines, water pipelines, access roads and security facilities, are prohibited from taking place within 300 feet of an existing building.

C. IMPOUNDMENT AREAS – Impoundment areas used for oil and gas operations shall be a permitted use within all zoning districts, provided that the edge of the impoundment area shall not be closer than 300 feet from an existing building.

D. NATURAL GAS COMPRESSOR STATIONS –

1) Permitted Use – Natural gas compressor stations shall be a permitted use only within the AR-1, ART and IC districts (See Section 400), provided that the natural gas compressor stations satisfy the distance and noise restrictions set forth in Section II(D)(3).

2) Conditional Use – Natural gas compressor stations shall be a conditional use within all zoning districts, other than the AR-1, ART and IC zoning districts (See Section 400), provided that the natural gas compressor stations satisfy the distance and noise restrictions set forth in Section II (D)(3).

3) Distance and noise restrictions – In order to be eligible for approval as a permitted use or conditional use, natural gas compressor stations must:

a) be located 750 feet or more from the nearest existing building, or 200 feet from the nearest lot line, whichever is greater, unless waived by the owner of the building or adjoining lot; and

b) operate in such a manner that the noise level generated by the natural gas compressor station does not exceed a noise standard of 60dbA at the nearest property line, or the applicable standard imposed by federal law, whichever is less.

E. NATURAL GAS PROCESSING PLANTS –

1) Permitted Use – Natural gas processing plants shall be a permitted use only within the IC district (See Section 400), provided that the natural gas processing plants satisfy the distance and noise restrictions set forth in Section II(E)(4).

2) Conditional Use – Natural gas processing plants shall be a conditional use only within AR-1 and ART districts, provided that the natural gas processing plans satisfy the distance and noise restrictions set forth in Section II(E)(4).

3) Prohibition – Natural gas processing plants shall be prohibited in all zoning districts other than set forth in Sections II(E)(1) and II(E)(2).

4) Distance and noise restrictions – In order to be eligible for approval as a permitted use or conditional use, natural gas processing plants must:

a) be located 750 feet or more from the nearest existing building, or 200 feet from the nearest lot line, whichever is greater, unless waived by the owner of the building or adjoining lot; and

b) operate in such a manner that the noise level generated by the natural gas processing plant does not exceed a noise standard of 60dbA at the nearest property line, or the applicable standard imposed by federal law, whichever is less.

F. OIL AND GAS OPERATIONS – Oil and gas operations shall be a permitted use within all zoning districts, subject to the restrictions specifically set forth in Sections II(B) through (E), as well as generally set forth in this Ordinance and Section 1914.

G. When a conditional use is designated as set forth above, the provisions of Chapter 27, Part XXI, Sections 2100 and 2101 shall also be applicable.

III APPLICABILITY

A. This Ordinance applies to all oil and gas operations, including but not limited to, well and pipeline assessment operations, oil or gas well sites, impoundment areas used exclusively for oil and gas operations, natural gas compressor stations and natural gas processing plants that will be permitted or constructed after the effective date of the Ordinance.

B. Oil and gas operations, including but not limited to, well and pipeline assessment operations, oil or gas well sites, impoundment areas used exclusively for oil and gas operations, natural as

compressor stations and natural gas processing plants that were permitted or constructed prior to the adoption of this Ordinance shall not be required to meet the requirements of this Ordinance. However, any owner and/or operator seeking to make a modification to existing oil and gas operations after the effective date of this Ordinance that alters the size, type, location, number of wells or physical modifications to existing structures or the situs of oil and gas operations shall comply with the terms of this Ordinance.

C. The Township acknowledges that it is pre-empted from enacting or enforcing ordinances that impose conditions, requirements or limitations on the same features of oil and gas operations regulated in Chapter 32 of Act 13 of 2012, or that accomplish the same purposes set forth in Chapter 32 of Act 13 of 2012. In addition, the Township acknowledges that environmental acts are of statewide concern, and that it is pre-empted from regulating oil and gas operations to the extent that such operations are regulated by the environmental acts. This Ordinance is intended to comply with such pre-emptive restrictions.

IV PERMIT REQUIREMENT

A. No oil and gas operations shall be performed, constructed or located within the Township until the owner and/or operator of the oil and gas operations has made a written request for a permit, and a permit has been issued by the Township's Zoning Officer, or Assistant Zoning Officer, approving the performance, construction or location of the oil and gas operations.

B. The written notice of request for a permit, or amended written notice if necessary, shall be accompanied by payment of a fee payable to the Township, as established and set forth by resolution in the Township's schedule of fees.

C. Prior to making any modification to an existing and permitted oil or gas well site that alters the size, location, number of wells or accessory equipment or structures, the owner and/or operator shall make a written notice of request for and obtain a modified permit from the Township, pursuant to this Ordinance. Like-kind modifications and replacements shall be exempt from this requirement.

D. Prior to making any modification to any other existing oil and gas operation, including but not limited to, a natural gas compressor station, natural gas processing plant or impoundment area, other than like-kind modifications and replacements, the owner and/or operator shall make a written notice of request for and obtain a modified permit from the Township pursuant to this Ordinance.

E. The owner or operator of a proposed oil and gas operation shall obtain a building permit and certificate of occupancy as appropriate for the use.

V PRE-PERMIT CONFERENCES

A. PURPOSE – Before seeking a permit to construct or conduct oil and gas operations, the applicant is strongly encouraged to meet with the Township's staff to determine the requirements of, and the procedural steps and time relating to the written notice of request. The intent of this process is for the applicant to obtain necessary information and guidance from the Township's staff before entering into any commitments, or incurring substantial expenses with regard to the site and plan preparation.

B. PROCESS – A pre-permit conference is voluntary on the part of the applicant and shall not be deemed the beginning of the time period for review as prescribed by law. The pre-permit conferences are intended for the benefit of the applicant in order to address the required permit submittals and are

advisory only, and shall not bind the Township to approve any written request for a permit, or to act within any time limit relative to the date of such conference.

VI WRITTEN NOTICE OF REQUEST FOR PERMIT

A. The applicant's written notice of request for a permit to conduct oil and gas operations shall include the following:

1) A brief narrative of the project, the address and County Tax Parcel Number where the oil and gas operations will take place, and the contact information for the individual(s) responsible for the oil and gas operations, including a phone number where such individual(s) can be contacted twenty-four (24) hours a day, three hundred sixty-five (365) days a year.

2) Verification that the applicant has (1) received all permits or other written approvals required by the Department or other state and/or federal regulatory agencies before constructing or conducting oil and gas operations; and (2) accepted and complied with any and all applicable bonding, fee and permitting requirements including but not limited to, those imposed by Act 13 of 2012.

3) A location map of the oil or gas well site, impoundment area, natural gas compressor station, natural gas processing plant, or other oil and gas operations showing, as appropriate, the approximate location of derricks, drilling rigs, wells, equipment and structures, and all permanent improvements to the site, and any post-construction surface disturbance in relation to natural and other surroundings. Included in this map shall be an area within the development site for the location and parking of vehicles and equipment used in the transportation of personnel and/or development and use of the site. Such location shall be configured to allow for the normal flow of traffic on public streets, which shall be undisturbed. Parking spaces shall be provided for the total number of persons employed at the site during the highest shift plus three additional parking spaces. Separate parking spaces shall be provided for each tractor trailer or container vehicle on the site on a daily basis, plus two additional parking spaces for such vehicles.

4) A map describing the manner and routes for the transportation and delivery of equipment, machinery, water, chemicals and other materials used in the siting, drilling, construction, maintenance and operation of the oil or gas well site, impoundment area, natural gas compressor station, natural gas processing plant, or other oil and gas operations.

5) Verification that, prior to the commencement of any activity relating to oil and gas operations, the applicant shall have entered into an appropriate township roadway maintenance and repair agreement with the Township, in a form acceptable to the Township's solicitor, regarding the maintenance and repair of the Township's streets that are to be used by vehicles for site construction, drilling activities and other site operations.

6) Verification that a copy of the applicant's emergency management plan has been made available to the Department, the Township, the Chippewa Township Police Department, the Chippewa Township Volunteer Fire Department, and all other

applicable Emergency Responders, and that the applicant, upon changes occurring to the emergency management plan, will immediately make available a revised copy to the Department, the Township, the Chippewa Township Police Department, the Chippewa Township Volunteer Fire Department, and all other applicable Emergency Responders.

B. If the written notice of request for a permit is complete and fulfills the requirements of this Ordinance, the Township shall issue, or deny, a permit within thirty (30) days (for permitted uses), or within one hundred twenty (120) days (for conditional uses), following the date of submission to the Township.

C. If the written notice of request for a permit is incomplete and/or inadequate, the Township shall notify the applicant within fifteen (15) day of its receipt. The applicant shall be permitted to submit a revised written notice.

VII DESIGN AND INSTALLATION

A. STREETS AND ACCESS ROADS.

1) Access to oil and gas operations shall be arranged in a manner that minimizes the danger to traffic, nuisance to surrounding properties and maintains the integrity of the Township's road.

2) No oil and gas operations shall be accessed solely through a local street. Whenever possible, access to oil and gas operations should be from a collector street. The Township shall approve access through a local street if no other access route is feasible.

3) Accepted professional standards pertaining to minimum traffic sight distances for all access points shall be adhered to by the owner and operator of the oil and gas operations.

4) All owners and/or operators that conduct oil and gas operations shall comply with any generally applicable bonding, excess maintenance agreements and permitting requirements for roads in the Township that are to be used by overweight vehicles and equipment for purposes of development. The Township agrees to comply with Title 75 and the MPC in connection with its regulation of vehicular access routes for overweight vehicles.

5) All owners and/or operators that conduct oil and gas operations must ensure that Township streets utilized by them, as well as their agents and contractors, shall remain free of dirt, mud and debris resulting from oil and gas operations. Such streets must be promptly swept or cleaned if dirt, mud and debris occur as a result of usage by the owner and/or operator, or their agents and contractors.

6) Access road setbacks:

a) Any newly established private easements/roadways constructed on the parcel containing an oil and gas operation shall be located at least fifty (50) feet from any property line unless written consent is obtained from the adjoining property owner(s).

b) The access road shall be paved for the first fifty (50) feet and be constructed with an additional one hundred fifty (150) feet of limestone in a manner that reasonably minimizes water, sediment or debris, carried onto any public road and prevents dust and mud. This work shall be completed prior to the commencement of oil and gas operations.

B. CONSTRUCTION.

1) The duration of construction activities of oil and gas operations shall not exceed the actual time period reasonably necessary to conduct the construction activities at issue. In no event shall the aforementioned time provided exceed twelve (12) months, unless authorized by the Township.

2) Construction of oil and gas operations shall comply with the Pennsylvania Uniform Construction Code, 35 P.S. §7210.101 to 7210.1103, as amended.

C. STRUCTURE HEIGHT.

1) No permanent structure shall be erected to a height in excess of two hundred (200) feet; provided however, that this height may be decreased when the structure interferes with, or exceeds the height provisions set forth in the Airport Surface overlay district, Chapter 27, Part XIII of the Code of Ordinances.

2) Heights of structures during the construction phase, shall be the same as the permanent structure requirements set forth above.

D. SETBACKS.

1) Oil and gas operations shall comply with all other setback front, side and rear setbacks as set forth in the zoning district in which the oil and gas operation is located, in addition to the requirements set forth in §1914II above. When applicable, the more stringent requirement shall control.

2) Exemption from the standards established in this subsection may be granted by the Township upon a showing by the owner and/or operator that it is not feasible to meet the setback requirements and that adequate safeguards have, or will, be provided to justify the exemption.

E. SCREENING AND FENCING.

1) During the construction of oil and gas operations, there must be temporary security fencing of at least eight (8) feet in height around the perimeter of the site, unless adequate levels of manned 24-hour on-site supervision and security are provided.

2) Upon completion of construction of oil and gas operations, security fencing consisting of a permanent chain link fence shall be promptly installed to secure, among other things, well heads, storage tanks, separation facilities, water or liquid impoundment areas, and other mechanical and production equipment and other structures on the site of the oil and gas operations.

3) Permanent security fencing shall be at least eight (8) feet in height equipped with lockable gates at every access point, and having openings no less than twelve (12) feet wide.

4) Emergency Responders shall be given means of access to the site of oil and gas operations in case of an emergency.

5) Warning signs shall be placed as appropriate on the fencing surrounding the site of oil and gas operations, providing notice of the potential dangers and the contact information in case of an emergency.

6) When constructing oil and gas operations, the natural surroundings should be considered and attempts made to preserve existing trees and other native vegetation. Brush and trees shall not be cleared by way of burning, except in a manger that complies with Chapter 7, Part I, of the Township Code of Ordinances pertaining to open burning.

F. LIGHTING.

1) Lighting used in connection with oil and gas operations shall be directed downward and inward toward the activity, to the extent practicable, so as to minimize the glare on the sky, public roads and nearby buildings within thirty (30) feet of the oil or gas well development.

2) No lights located on the site of any oil and gas operations shall be directed in such a manner so that they shine directly on the sky, public roads, protected uses, adjacent properties, and/or property in the general vicinity of the site of oil and gas operations.

G. NOISE.

1) Prior to the construction and operation of an oil and gas operations, including but no limited to, the drilling of an oil or gas well, or the operation of a natural gas compressor station, or natural gas processing plant, the operator shall establish, by generally accepted testing procedures, the continuous seventy-two (72) hour ambient noise level at the nearest property line of a residence or public building, school, medical, emergency or other public facility, or one hundred (100) feet from the nearest residence or public building, medical, emergency or other public facilities, whichever point is closer to the affected residence or public building, school, medical, emergency or other public facility. In lieu of the establishment of the ambient noise level established by the continuous seventy-two (72) hour test the operator may assume and use, for the purpose of compliance with this Ordinance, a default ambient noise level of 55 dBA. The sound level meter used in conducting any evaluation shall meet the American National Standard Institute's standard for sound meters, or an instrument and the associated recording and analyzing equipment, which will provide equivalent data.

2) The operator shall provide the Township documentation of the established ambient noise level prior to constructing or conducting oil and gas operations.

3) The noise generated during oil and gas operations shall not exceed the average ambient noise level established in subsection 1) by more than ten (10) decibels during drilling activities or hydraulic fracturing operations during the hours of 7:00 a.m. to 7:00 p.m.; and five (5) decibels during the hours of 7:00 p.m. to 7:00 a.m.

4) A natural gas compressor station or a natural gas processing plant shall not exceed fifty-five (55) dBa.

5) Effective sound mitigation devices shall be installed to permanent facilities to address sound levels that would otherwise exceed the noise level standards when located near a residence, public building, school, medical, emergency or other public facilities.

6) Exemption from the standards established in this subsection may be granted by the Township during the drilling stage or at the oil or gas well site, natural gas compressor station, natural gas processing plant, or other oil and gas operation for good cause shown and upon written agreement between the applicant and the Township.

7) Complaints of excessive noise received by the Township shall be addressed by the operator within twenty-four (24) hours following receipt of notification by continuously monitoring for a period of forty-eight (48) hours at the nearest property line to the complainant's residential or public building, school, medical, emergency or other public facilities, whichever is closer. The operator shall report the findings to the Township, and shall mitigate the problem to the allowable level if the noise level exceeds the allowable rate.

8) Natural gas compressor stations and natural gas processing plants shall be constructed so as to mitigate sound levels, or have installed mitigation devices to mitigate sound levels that would otherwise exceed the ambient noise level standards at residential or public buildings, medical, emergency or other public facilities.

H. HOURS OF OPERATION.

1) No construction activities performed in connection with oil and gas operations, except for the assembly and disassembly of drilling rigs, shall be performed except between the hours of 7:00 a.m. and 7:00 p.m. on Mondays through Saturdays, or as otherwise authorized by the Township. There shall be no restriction on the hours of operation during the assembly and disassembly of drilling rigs.

2) No oil and gas operations, except for subterranean operations and the drilling of wells and the operation of natural gas compressor stations and natural gas processing plants, shall take place except between the hours of 7:00 a.m. and 7:00 p.m. on Mondays through Saturdays. There shall be no restriction on the hours of operation for the drilling of wells and the operation of natural gas compressor stations and natural gas processing plants.

3) The restrictions on hours of operation set forth in 1) and 2) above shall apply to all truck and equipment traffic accessing the oil and gas operations site.

VIII SEVERABILITY

If any section, subsection, sentence, clause or phrase, or portion of this Ordinance is for any reason held invalid or unconstitutional by any Court of competent jurisdiction, such shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portion thereof.

IX PENALTIES

Any owner, operator or other person who violates or permits a violation of this chapter, upon being found liable therefore in a civil enforcement proceeding before a Magisterial District Judge, shall pay to the Township a fine of not more than $600.00, plus all court costs, including but not limited to, reasonable attorney's fees incurred by the Township on account of such violation and in enforcing this chapter. No penalty or cost shall be imposed until the date the determination of the violation by the Magisterial District Judge becomes final. If the defendant neither pays nor times appeals the judgment, the Township may enforce the judgment as provided by law. Each day a violation exists after final judgment shall constitute a separate offense. The amount of the fine imposed shall be multiplied by the number of such days, and may be charged and collected as a judgment by the Township without further judicial proceedings. Further, the appropriate officers or agents of the Township are hereby authorized to issue a cease and desist notice and/or to seek equitable relief, including injunction, to enforce compliance herewith. No bond shall be required of the Township if the Township seeks injunctive relief.

PART XX

NONCONFORMING USES AND STRUCTURES

SECTION 2000 PERMITTED CONTINUATION AND ALTERATION

A. A nonconforming use or structure may continue, be bought or sold, altered, restored or extended subject to the provisions of this part even though such use or structure does not conform to the regulations established for that Zoning District in which it is located provided, however, that such use or structure shall otherwise be and remain in compliance with any other applicable codes and regulations.

B. A nonconforming structure or a building or structure containing a nonconforming use may be altered or improved provided:

1. Such alterations do not result in the expansion of the exterior dimensions of the nonconforming structure or the building or structure which contains a nonconforming use.

2. Such work may not exceed one hundred (100) percent of the current market value of the building or structure as determined by the Beaver County Tax Assessment Office.

C. A nonconforming structure or building or structure containing a nonconforming use may be altered to the extent necessary if such alteration is intended and will result in the conversion of such building or structure to a conforming use or structure, provided, such alterations are in conformance with the Zoning Chapter.

SECTION 2001 RESTORATION, EXTENSION, EXPANSION OR RELOCATION

A. A nonconforming structure or building or structure containing a nonconforming use which is damaged by fire, collapse, explosion or Act of God may be reconstructed provided:

1. Such reconstruction work does not exceed one hundred percent (100%) of the current market value of the building or structure as determined by the Beaver County Tax Assessment Office.

2. The restored structure shall occupy no greater lot area and contain no greater cubic content than the structure in existence of the time of the casualty or occurrence of damage.

3. Such reconstruction work shall commence within one (1) year of the date of damage thereto and shall be completed within two (2) years of the date of the casualty.

B. A nonconforming structure or use or building or structure containing a nonconforming use may be extended or expanded upon approval as a Special Exception by the Zoning Hearing Board subject to and provided:

1. The extension becomes an attachment part of the main structure and does not utilize additional or adjoining land area other than the original parcel.
2. The extension does not encroach upon the lot area requirements and the maximum building height requirements of the District in which the nonconforming use is presently located.
3. The extension is for the purpose of expanding the nonconforming use in existence at the time of the adoption of this Zoning Chapter.
4. Such extension does not result in an increase in total floor area, or lot use area of more than fifty percent (50%) of the original floor area or lot area.
5. Adequate parking can be provided in conformance with this Chapter to serve both the original plus expanded use.

C. If a nonconforming use, building, or structure is moved for any reason from the lot upon which it was located at the date of the enactment of this Chapter, it shall thereafter conform to the regulations of the zoning district in which it is relocated.

SECTION 2002 CHANGE OF USE

A. The nonconforming use of a structure or building may be changed to a similar use or a use of lesser intensity and nonconformity upon approval as a Special Exception by the Zoning Hearing Board. As used in this Part, a use of lesser intensity shall mean a use which is found by the Zoning Hearing Board to require less employees or less public contact, less storage capacity or less service or demands on public facilities or energy, and is more compatible with adjacent and future planned uses.

B. The nonconforming use of a structure or building may be changed to a conforming use whenever a nonconforming use of a structure or building has been changed to a conforming use and such conforming use shall not thereafter revert back to a nonconforming use.

SECTION 2003 ABANDONMENT, UNSAFE, OR UNLAWFUL USE

A. In the event that any conforming use or a building or structure containing a nonconforming use is voluntarily abandoned or ceases, such nonconforming use shall not be resumed. A nonconforming use shall be considered abandoned when one (1) of the following conditions exists:

1. When the characteristic equipment and furnishings of the nonconforming use have been removed from the premises and have not been replaced

by similar equipment within six (6) months unless other facts show intention to resume the nonconforming use.

2. When a nonconforming use has been discontinued for a period of one (1) year.
3. When it has been replaced by a conforming use.
4. When a nonconforming use has been changed in accordance with this Part.
5. Any nonconforming use of a sign or billboard which is discontinued or not used for six (6) months shall not be resumed. If any sign or billboard is removed, it shall not be reconstructed.

B. Nothing in this Chapter shall prevent the strengthening or restoring to a safe condition of any portion of a building if declared unsafe by a proper authority.

C. Nothing in this Zoning Chapter shall be interpreted as authorization for an approval of the continuance of the illegal use of a structure or premises or construction of a structure or building in violation of zoning regulations in existence at the time of enactment of this Zoning Chapter.

SECTION 2004 ZONING DISTRICT CHANGES AND CONSTRUCTION APPROVED PRIOR TO LEGAL ENACTMENT OR CHAPTER

A. Whenever the boundaries of a Zoning District are changed so as to transfer an area from one Zoning District to another Zoning District of a different classification, the provisions of this Part shall apply to any nonconforming structures or nonconforming uses created therein.

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

SECTION 2005 REGISTRATION

A. The Zoning Officer may prepare a list registering all nonconforming structures, lots and all nonconforming uses existing at the time of the legal enactment of this Chapter or subsequent amendments.

B. Said list shall include a general description of the nature and extent of the nonconformity and may include photographs as documentation and shall be maintained for public use and information.

PART XXI

CONDITIONAL USES AND USES BY SPECIAL EXCEPTION

SECTION 2100 POWERS, DUTIES, AND PROCEDURES

A. The Township Board of Supervisors shall hear and decide all requests for Conditional Uses in those cases where this Chapter indicates a Conditional Use may be granted subject to compliance with the standards and criteria prescribed within this Chapter and conditions for development prescribed by the Board of Supervisors after review of the Planning Commission's recommendations of the proposed conditional use development.

B. The Landowner shall file a request for the granting of a Conditional Use along with all maps plans and text which may be necessary to explain the development proposed and its compliance with the standards and criteria of this Chapter and the Comprehensive Plan with the Township Secretary. Said request shall be filed in triplicate on a form furnished by the Township and shall be accompanied by a fee specified by the Board of Supervisors. No request shall be officially received until the application form is completed in full and a fee is paid.

C. The Board of Supervisors shall transmit one (1) copy of the request as well as all documentation to the Planning Commission for recommendations at least thirty (30) days prior to the scheduled public hearing.

D. The Board of Supervisors commence a public hearing, pursuant to public notice, on a completed request, as determined by the Zoning Officer for conditional use within sixty (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 forty-five 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 one hundred (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 Board of Supervisors may ask for additional information or continue the hearing, but shall render a written decision as indicated in this Section within forty-five (45) days of conclusion of the hearing.

E. The hearing shall be conducted by the Board or the Board may appoint any member or an independent attorney as a Hearing Officer. The decision, or where no decision is called for, the findings shall be made by the Board. However, the applicant in addition to the municipality may, prior to the decision of the hearing, waive decision or findings by the Board and accept the decision or findings of the Hearing Officer as final.

F. Failure of the applicant to apply for a building permit within one (1) year of receiving approval of the conditional use shall render the decision by the Board of Supervisors null and void. In addition, where the Board of Supervisors fails to commence the required hearing within sixty (60) days of receipt of a complete application or fails to complete the hearing no later than one hundred (100) days after the completion of the applicant's case in chief, unless extended for good cause, the decision shall be deemed to have been rendered in favor of the applicant, unless an extension of time has been agreed to by the applicant.

G. In addition, notice of the public hearing shall be mailed at least thirty (30) days prior to the date of the public hearing by first class mail to the addresses to which real estate tax bill are sent for all real property located within the area being rezoned as evidence by tax records. The notice shall include the location, date and time of the public hearing. Individual notification shall not apply in the case of a comprehensive rezoning and a good faith effort and substantial compliance shall satisfy these requirements.

H. The Board of Supervisors shall have the authority to limit the time of the approval of a Conditional Use. At their discretion and based on the scope of the project and other relevant circumstances, the Board of Supervisors may prescribe a date when the development approved as a Conditional use shall commence or when a site plan, subdivision plan, or building permit application has to be filed subsequent to approval. If no such time limit is prescribed by the Board, the Conditional use approval shall expire within one (1) year from the approval date unless a building permit application or an occupancy permit application is officially filed within said one (1) year period. (Revised by Ord. 182, 9/8/1997)

SECTION 2101 STANDARDS AND CRITERIA GOVERNING ALLOWANCES OF CONDITIONAL USES

A. In addition to the standards and criteria specified elsewhere in this Chapter, the following are hereby established as the general standards and criteria governing the allowance of Conditional Uses herein before authorized.

1. No use or structure shall be allowed which shall violate the spirit and intent of this Chapter and it's Community Development Goals and Objectives.

2. The use or structure shall not involve any element or cause any conditions that may be dangerous, injurious, or noxious to any other party, person, or premises and shall comply with the performance standards hereinafter set forth.

3. The use or structure shall avoid and/or satisfy every reasonable consideration made for the safety and convenience of the traveling public, including without limitations, safe ingress and egress, and the avoidance

of hazard and congestion to travel and transportation. To effectuate this standard the Board of Supervisors, in granting allowance of any use of structure hereunder, may impose upon the Applicant and/or Developer the cost and expense of off-site improvements including without limitation, traffic signals, street lighting, road-widening, sidewalks, public transit stop facilities (shelters), and other street and highway related improvements.

4. The use or structure shall avoid and/or satisfy every reasonable consideration made for the health and safety of the general public, including without limitation, safe water supply and sanitary sewage collection and treatment facilities.

5. The use or structure shall avoid and/or satisfy such resulting impact upon neighboring uses as may affect the health and safety of persons. To effectuate this standard the Board of Supervisors, in granting allowance of any use or structure hereunder, may impose upon the Applicant and/or Developer the cost and expense of providing off-site improvements, including without limitations, encased storm water facilities and appurtenances, street lighting, sanitary sewer collection and treatment facilities, community firefighting apparatus and equipment which may be required for any unusual use or activity, recreational sites and/or facilities, and other public facilities and/or services deemed necessary.

B. All Conditional Uses and structures shall comply with the following performance standards.

1. Any activity involving the handling or storage of flammable, explosive, or other hazardous materials shall be subject to the requirements and review of the Township's Fire Department. Necessary fire prevention and firefighting equipment shall be readily available to the activities noted above.

2. No activity shall cause electrical disturbances adversely affecting radio or television reception in the Township.

3. No activity shall cause such noise as to interfere with the use and enjoyment of neighboring property. Noise pollution shall be subject to the standards which may from time to time be established or recommended by the Pennsylvania Department of Environmental Protection.

4. The maximum amount and type of smoke emissions permissible shall be subject to the standards which may from time to time be established or recommended by the Pennsylvania Department of Environmental Protection. No incineration of any waste material will be permitted unless by other Ordinances of the Township.

5. No malodorous gas or matter shall be permitted which is discernible on any adjoining lot or property. No such odorous gas and emissions shall endanger lives or property in the Township.

6. Vibrations detectable without instruments on neighboring property in any Zoning District shall not be permitted. In addition, any vibrations shall be subject to the standards which may from time to time be established or recommended by the Pennsylvania Department of Environmental Protection.

7. Lighting devices which produce dangerous direct or reflected glare on thoroughfares shall not be permitted. Lighting devices shall conform to the regulations of the Township.

8. No erosion by wind or water shall be permitted which will carry objectionable substances onto adjoining properties.

9. Water pollution shall be subject to the standards which may from time to time be established or recommended by the Pennsylvania Department of Environmental Protection.

C. In order to determine whether a proposed use or building will conform to the safe levels of these performance standards, the Board of Supervisors may require a report of the applicant to be prepared by qualified consultants. The cost of consulting services to review these reports shall be borne by the Board of Supervisors.

D. In granting a Conditional Use, the Board of Supervisors may attach such reasonable conditions and safeguards, in addition to those expressed in this Chapter, as it may be deemed necessary to implement the purposes of this Chapter.

SECTION 2102 ADULT BUSINESSES

Conditional use in the IC District.

A. Adult related businesses which are defined in this Chapter shall only be permitted in the IC Industrial Corridor Zoning District when approved as a Conditional Use by the Board of Supervisors and so long as all of the requirements of this section are adhered to. Adult related businesses shall not be permitted in any other district.

B. Adult businesses, as defined, shall not be located within one thousand (1,000) linear feet of any property which is zoned residential.

C. Adult businesses shall not be located within one thousand feet (1,000') of the property boundary line of the following uses:

1. Public or private school (existing)
2. Day care center
3. Hospital
4. Group care facility

5. Nursery school
6. Public park or playground
7. Church (place of worship)
8. Establishment licensed to serve or sell alcoholic beverages

D. No adult business shall be located within one thousand (1,000) linear feet of any other existing or proposed adult business.

E. Any adult business which exhibits on the premises, film, video cassette or other method of image production which depicts nudity or sexual conduct shall comply with the following:

1. At least one (1) employee shall be on duty at all times that any patron is on the premises.
2. Where viewing rooms are located on the premises, an unobstructed view of access to all such rooms shall be available to the employee on duty.
3. No viewing room shall be occupied by more than one (1) person at any time.
4. No connections or openings to adjoining viewing rooms shall be permitted.
5. A minimum of one (1) foot candle of illumination measured at floor level, shall be provided in every area where patrons are permitted access.
6. Where live performances are given, separate stage and viewing areas shall be provided with separate access to each and no connecting access between the areas.
7. Alcoholic beverages shall not be sold on the premises of an adult business, unless the operator has been issued a valid, current permit or appropriate license from the Commonwealth.

F. An annual Occupancy Permit issued by the Zoning Officer shall be secured prior to the operation of any adult business. Failure to apply for said permit by the owner or operator shall constitute grounds for the issuance of a notice of violation.

G. To insure the regulations of this section are adhered to by the applicant, the following information shall be provided with the application for a conditional use.

1. A site survey of the property and building proposed for the adult related business and a survey illustrating the location, size and type of all buildings and uses with two thousand (2,000) linear feet of the building proposed for the adult related business. The survey shall be prepared and sealed by a surveyor licensed by the Commonwealth of Pennsylvania and shall be at a scale no less than one (1) inch to one hundred (100)

feet. The survey shall indicate the scale, date drawn, north point, tax parcel number of all parcels illustrated, the names of any roads or highways illustrated and shall be on paper measuring twenty-four (24) inches by thirty-six (36) inches. Fifteen (15) copies of the survey shall be submitted with the application.

2. The above referenced site survey shall indicate the proposed parking layout, landscaping, lighting, sign location, building location and any other exterior improvements.

3. If liquor for sale is proposed, a copy of the license issued by the Pennsylvania Liquor Control Board shall be submitted.

H. In addition to a conditional use permit, a land development plan shall be required for the development of the site.

I. The Township Board of Supervisors may impose additional conditions on an applicant proposing an adult related business in order to promote the general health, safety and welfare of the community.

SECTION 2103 AMATEUR RADIO COMMUNICATIONS TOWERS

Amateur radio communications antenna and all associated towers and support devices (collectively referred to in this Section as an "antenna") shall be permitted as a special exception in the AR-1, R-2 and R-3 Districts, provided it is demonstrated by the applicant by competent evidence that:

A. No antenna shall be erected within the required setbacks. One (1) additional foot of setback will be required for every one foot (1') of height over thirty feet (30').

B. No antenna shall be permitted in any front yard.

C. The antenna must be erected to comply with manufacturer requirements and accepted engineering standards.

D. The maximum base width of the antenna shall be five feet (5') at ground level. At thirty feet (30') (if not the top), the maximum width shall be three feet (3'). At the top, the maximum width shall be eighteen inches (18").

E. The antenna shall be securely anchored in a fixed location on the ground and the application shall provide qualified documentary evidence that the proposed structure will withstand wind and other natural forces.

F. The antenna or the yard area containing the structure, shall be protected and secured to guarantee the safety of the general public. Fencing or installation of anti-climbing safety devices will be required at a minimum to demonstrate compliance with this Subsection. Associated supports and guide wires shall not be located within the required setbacks.

G. In granting the use, the Zoning Hearing Board may attach reasonable conditions warranted to protect the public health, safety and welfare, including, but not limited to, location, fencing, screening, increased setbacks, the use of a retractable antenna where the extended height of the antenna exceeds thirty feet (30'), and restrictions of the hours in which the antenna can be fully extended. The retracted height should be thirty feet (30') or less, if possible.

H. The applicant shall submit a site plan or survey of the property certified by an engineer or architect.

I. Only one (1) antenna may be permitted per lot. The antenna must be an accessory structure.

J. The applicant shall present competent expert evidence showing that the antenna will not adversely affect property values in the neighborhood (and in particular, each abutting property) by more than five percent (5%).

K. The applicant will submit a copy of his or her Federal Communications Commission (FCC) license. Any grant of conditional use hereunder will automatically lapse if said license ever expires or lapses.

L. If approved, the height granted by the Board will be the minimum necessary to provide a reasonable accommodation to applicant.

SECTION 2104 ASSEMBLY AND PROCESSING

Conditional use in the PC District.

A. All materials and equipment shall be stored within a completely enclosed building.

B. The storage or manufacture of hazardous or potentially hazardous materials shall not be permitted.

C. The size of the proposed operation and its relationship to surrounding uses shall be evaluated by the Supervisors to determine the appropriateness of the proposed activity in the location proposed.

D. Adequate public facilities shall be available to meet the requirements of the proposed manufacturing processes.

E. Adjacent public streets shall be adequate to accommodate the traffic volumes and weight limits associated with truck traffic to and from the site.

F. The Supervisors may impose restrictions on access to the facility, storage of vehicles or materials on the premises, hours of operation and other such matters as they deem necessary to insure that there is no adverse impact upon the functioning of the district or adjacent parcels.

G. Outdoor lighting, if any, shall be shielded and/or reflected away from adjoining properties so that no direct beam of light, but only diffuse or reflected light, enters adjoining properties.

SECTION 2105 AUTOMOBILE SALES, NEW AND USED

Conditional use in the SG District.

A. New and used vehicle sales and service establishments shall be limited to those establishment which are factory authorized dealerships or which have obtained a license from the Commonwealth of Pennsylvania to operate a used care dealership.

B. The minimum lot area required shall be one (1) acre.

C. The property shall have frontage on and direct vehicular access to an arterial or collector street.

D. The area used for display of automobiles and related merchandise offered for sale and the area used for parking of customer and employee vehicles shall be continuously paved and maintained in either concrete or asphalt over a base of crushed stone compacted to not less than six inches (6") in depth.

E. The handling and disposal of motor oil, battery acid and any other substance regulated by Federal Statute and the Pennsylvania Department of Environmental Protection (PaDEP) shall be in accordance with all permits and requirements of that agency or its successor agency. Any suspension, revocation or violation of the PaDEP permits shall be a violation of this Chapter and shall be subject to the enforcement provisions of Part XXV of this Chapter.

F. All lots used for the outdoor display of vehicles shall have a completely enclosed building on the same lot which has not less than two thousand (2,000) square feet of gross floor area where all repair, servicing, sales and customer car washing shall be performed.

G. No vehicle or other merchandise displayed outdoors shall be less than five feet (5') from any property line. No vehicle shall be parked on adjacent property or in any public street right-of-way.

H. No vehicle shall be displayed or offered for sale which does not have all of the mechanical and body components necessary for the safe and lawful operation thereof on the streets and highways of the Commonwealth of Pennsylvania.

I. All lights and light poles shall be located at least ten feet (10') from any street right-of-way or property line and all lighting shall be shielded and reflected away from adjacent streets and properties.

J. No oscillating or flashing lights shall be permitted on the lot, on any of the structures or poles on the lot or on any merchandise displayed outdoors.

K. No strings of lights or flags, flashers or other display paraphernalia shall be permitted on the lot, on any of the structures or poles or on merchandise displayed outdoors, except for such signs as may be otherwise allowed by Part XVIII of this Ordinance.

L. All required off-street parking spaces shall be reserved exclusively for the parking of customer and employee vehicles and shall not be used for the display of merchandise.

M. Customer vehicles with external damage awaiting repairs shall be located either inside a building or in an outdoor area which is screened by a six foot (6') compact hedge or opaque fence.

N. A bufferyard "B", as defined by Section 1614 of this Ordinance shall be provided along all property lines adjoining a residential use or zoning classification.

SECTION 2106 BED AND BREAKFAST

Conditional use in the R-2 and PRD Districts.

A. The minimum lot area shall be two (2) acres.

B. All rooms and related facilities provided for transient quests shall be regular, integral components of the principal dwelling.

C. The operator of the Bed and Breakfast must be the owner and a full time resident of the dwelling.

D. No more than six (6) quest sleeping rooms shall be available and/or utilized at any one time for the transient quests.

E. Each quest sleeping room shall be a minimum of one hundred (100) square feet in area, excluding closets .

F. No meals, other than breakfast, shall be served on the premises, nor shall breakfast be served to groups or individuals who are not guests of the facility.

G. One (1) off-street parking space shall be provided on the lot or parcel to the rear of the principal dwelling for each guest sleeping room, plus two (2) additional parking spaces also located to the rear shall be provided for the owner/resident. Parking spaces shall not be placed within the required rear side yard setbacks . The parking spaces shall be screened from adjoining properties by a compact hedge or fence six (6) feet in height. (See Section 1614, Bufferyard "C".)

H. One (1) free-standing sign not to exceed twelve (12) square feet in area shall be permitted. The sign shall contain the name of the facility, the address and the resident owner's name. The free standing sign shall not exceed eight (8) feet in height and be placed at least five (5) feet from the right-of-way line on

the public street upon which the facility abuts. The sign shall not obstruct the view of vehicular traffic on the abutting street.

I. Sharp cut-off luminaires shall be used for all exterior lighting except that decorative seasonal lighting shall be exempt from this requirement.

J. As part of the conditional use application process the facility shall be inspected by the Township Zoning Officer and Fire Department Chief (or agent thereof) to evaluate egress, fire hazard potential, fire escape provisions and fire escape routes for the guests. Each guest room and each hallway of the facility shall be equipped with a smoke detector and fire alarm device. No certificate of occupancy for the facility shall be issued until the respective officers have given approval of the fire provisions and fire warning devices. Each room shall also be posted with a fire excavation route.

K. The principal facility must be served with public water from the Beaver Falls Municipal Authority and public sanitary sewer service from the Chippewa Township Sanitary Authority.

SECTION 2107 CELLULAR COMMUNICATIONS TOWERS

Communications Tower: The following regulations shall apply to all transmission facilities proposed for placement, as conditional uses, in the "IC" Industrial Corridor District.

A. Lot Size: The lot size dimensions (depth and width) shall be dictated by the fall radius of the tower. The minimum dimensions shall be the radius of the height of the tower in each direction. (Example - 200' high tower would be required to have a 400' diameter parcel).

B. 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.

C. 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 one-quarter (1/4) 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. 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. Chippewa Township 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.

D. 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. In addition, no antenna shall exceed two hundred feet (200') in height.

E. All communications towers must be stealth towers. A stealth tower is a Communications Tower which is not recognizable as a conventional Communications Tower (e.g. a metal lattice structure), but instead is disguised or concealed in such a fashion as to conform to its surroundings. Examples of such stealth towers include a tower which looks like a tree or a clock tower, or one which is concealed in a church steeple or concrete silo.

F. The Township Supervisors may waive the stealth tower requirement where the applicant can demonstrate that the requirement is not necessary to protect the health, safety and welfare, considering items such as impact on surrounding and abutting property values; height; screening; number of uses per tower, including public uses; location; and actual setbacks.

G. 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. One hundred percent (100%) of antenna height.
2. The minimum setback in the underlying zoning district.
3. Fifty feet (50') minimum.

H. 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 eight feet (8') in height.

I. 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. Chippewa Township 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 three feet [3'] on center maximum) or a row of evergreen trees (planted ten feet [10'] on center maximum). The evergreen screen shall be a minimum height of six feet (6') at planting, and shall grow to a minimum of fifteen feet (15') at maturity.
2. In addition, existing vegetation on and around the site shall be preserved to the greatest extent possible.

J. 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, ambulance services and municipal authority and road departments. In addition, a linear two (2) mile separation shall be maintained between communications towers, measured from the base of the support structure.

K. The communications company must demonstrate that it is licensed by the Federal Communications Commission.

L. Antenna support structure under two hundred feet (200') 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 near airports, shall meet all Pennsylvania Department of Transportation, Bureau of Aviation and Federal Aviation Administration regulations. No antenna support structure may be artificially lighted except as provided for and required by the Pennsylvania Department of Transportation, Bureau of Aviation and FAA.

M. A land development plan shall be required for all cell sites, showing the antenna, antenna support structure, building, fencing, buffering, access to public rights-of-way, and all other items required in the Chippewa Township Subdivision and Land Development Ordinance. The site plan shall not be required if the antenna is to be mounted on an existing structure.

N. In granting the use, the Supervisors may attach reasonable conditions warranted to protect the public health, safety and welfare, including, but not limited to, location, fencing, screening, increased setbacks and the right to use said facilities for public purposes.

O. All approvals will be only for specific facilities set forth in the application. No additions or alterations thereto will be permitted without a new application.

P. Any abandoned or unused communications tower shall be removed by the owner within twelve (12) months of the date the tower was abandoned or last used. If a communications tower is abandoned, the owner shall be required to immediately notify the Township in writing of the abandonment. Failure to do so shall result in the initiation of enforcement proceedings against the owner.

SECTION 2108 CHILD DAY CARE

Conditional use in the R-2 District. For six (6) or fewer children, not including residents of the dwelling, whether or not for compensation, provided:

A. The lot is a minimum of one (1) acre in area.

B. Exterior play areas shall be fenced along the perimeter of the lot.

C. All licenses or certifications required by the Commonwealth have been secured by the owner/operator.

SECTION 2109 CLUSTERED SUBDIVISION DEVELOPMENTS

Conditional use in the R-3 District. See also Chippewa Township Subdivision and Land Development Ordinance.

A. In zoning districts where clustered housing is permitted as a conditional use, two (2) or more buildings constructed on a plot of ground, not subdivided into the customary lot sizes and where the existing or contemplated street and lot layout make it impractical to apply the requirements of this Chapter to the individual building units, the application of the terms of this Chapter may be varied by the Board of Supervisors upon recommendation from the Planning Commission subject to the following:

1. A land development plan shall be prepared and submitted to the Township in accordance with the requirements of the Subdivision and Land Development Ordinance.
2. Municipal sanitary sewage collection and treatment facilities shall be available or a Township approved off-lot sanitary sewer service system.
3. The public road access to the clustered housing development shall not utilize an existing local road as defined by the highway functional classification system in the Township's Comprehensive Plan.
4. The Homeowner's Association formed for the maintenance and use of the common open space shall be approved by the Board of Supervisors.
5. The maximum residential density shall be in accordance with the designated zoning district for traditional subdivisions.

B. All duplex, triplex, quadraplex or multi-family dwellings proposed as clustered subdivision developments where specifically permitted as a permitted, special exception, or conditional use in this Ordinance shall comply with the following regulations:

1. A land development plan shall be prepared and submitted to the Township in accordance with the requirements of the Subdivision and Land Development Ordinance.
2. Each structure shall be no closer than ten (10) feet from another structure, building, or dwelling unless affixed by an adjacent wall.
3. Shall be subject to review by the Township Planning Commission and conditions prescribed for each project by the Township Board of Supervisors.
4. Parks and common areas shall be organized and developed, and be of such size and dimensions as necessary to accommodate the intended use, structure, or development.
5. An organization shall be formed to provide for the maintenance of the common areas by those entitled to their use.

6. Requirements for sidewalks, other pedestrian facilities, streets, roads, access ways, and vehicular parking areas shall be as follows:

   (a) The arrangement, size, layout, and location of vehicular parking areas, streets, roads, access ways, and intersection areas shall be as necessary to properly accommodate the intended use, structure, or development in accordance with all applicable regulations of the Chippewa Township Zoning Chapter, Subdivision and Land Development Ordinance, and other federal state, local rules, regulations, ordinances, and laws subjects to review of the Township Planning Commission and conditions prescribed by the Township Board of Supervisors.

   (b) All duplex, triplex, quadraplex or multi-family dwelling developments shall be served by a public Arterial or Collector street. Access to the public Arterial or Collector street shall be obtained without the use of an existing Local street.

   (c) All duplex, triplex, quadraplex or multi-family dwelling developments shall be served with street lighting and other exterior on-site lighting as necessary for the public safety and welfare.

   (d) All duplex, triplex, quadraplex or multi-family dwelling developments shall be served with off-site water and off-site sanitary sewer facilities.

   (e) Adjoining walls of dwelling units or structures shall meet or exceed the current rules, regulations, and standards of the Pennsylvania Department of Labor and Industry.

   (f) Basement areas may be used for dwelling purposes providing one-half (1/2) or more of its height measured from finished floor to finished ceiling is above the average ground level of the lot.

   (g) Each dwelling unit shall have an area for each occupant's vehicles.

   (h) All buildings, structures, and parking areas shall be visually screened from adjoining properties as per the provisions of Section 1614.

SECTION 2110 CORRECTIONAL INSTITUTIONS

Conditional use in the AR-1 District.

A. All applicable County, State and Federal permits shall be applied for prior to issuance of Township permits. Documentation of application shall be made a part of the conditional use application.

B. Adequate parking facilities for staff and visitors shall be provided.

C. All parking areas shall be screened from view from public streets.

D. Lighting shall be required throughout the property for safety purposes. The source of lighting shall be oriented away from adjacent properties.

E. All structures shall be a minimum of one hundred feet (100') from all property lines.

F. All lots shall have a minimum size of five (5) acres.

G. Access shall be from collector street only.

SECTION 2111 DISPATCH CENTERS FOR TRUCKS, BUSES OR TAXI CABS

Conditional use in the IC District.

A. Site must have direct access to a collector or arterial roadway.

B. All exterior lighting shall be of the sharp cut-off luminaire type.

C. All maintenance activities shall be conducted within an enclosed building.

D. All exterior parking areas for vehicles used in the operation of the business shall be screened from adjacent properties through the use of an opaque fence or plant materials.

SECTION 2112 HOME DAY CARE (SPECIAL NEEDS CHILDREN AND ADULTS)

Conditional use in the R-3 District.

A. For four (4) or fewer special needs children or adults, not including residents of the dwelling, provided: The lot is a minimum of one (1) acre in area.

B. The minimum interior habitable area dwelling unit is one thousand three hundred fifty (1,350) square feet.

C. All licenses or certifications required by the Commonwealth have been secured by the owner/operator.

D. The primary points of ingress and egress to the dwelling unit shall be handicapped accessible.

SECTION 2113 HOME IMPROVEMENT CENTERS

Conditional use in the PC District.

A. The minimum gross floor area shall be ten thousand (10,000) square feet.

B. The minimum site area required shall be one (1) acre.

C. Off-street parking shall be provided in accordance with the requirements of Part XVII for retail uses.

D. Off-street loading shall be provided in accordance with Part XVII.

SECTION 2114 HOME MUSEUM

Conditional use in the R-3 District.

A. The minimum lot area shall be two (2) acres.

B. The lot must abut a Township street or State road.

C. The museum may be occupied as a residential dwelling.

D. No exterior exhibits or exterior sound amplification shall be permitted.

E. Hours of operation to the general public shall be limited to 9:00 a.m. to 6:00 p.m.

F. Evening hours for meetings of the governing body of the museum shall not extend beyond 11:00 p.m.

G. Fund raising events may be held in the evenings between the hours of 7:00 p.m. and 10:00 p.m., but not more than twice in any given month.

H. A site plan showing required off-street parking and stormwater management shall be submitted at the conditional use hearing.

I. One (1) non-flashing, non-digital sign indicating the name of the museum and its hours of operation shall be erected in permanent fashion. The sign shall not exceed twenty (20) square feet, be set back a distance of fifteen (15) feet from the boundary of the cartway or public right-of-way (whichever is greater).

J. The structure must comply with ADA, Department of Labor and Chippewa Township accessibility requirements for access to the structure and within the structure including restroom facilities.

K. No commercial type lighting on the exterior of the Home Museum shall be permitted. Low voltage lights are permitted so long as the total wattage of all exterior lights (excluding Christmas lights during the Christmas season) does not exceed eight hundred (800) watts.

L. There shall be no more than two (2) nonresidents employed on the premises.

M. There shall be no activity on the premises which would be detrimental to the health, safety, welfare, peace or quiet enjoyment of the surrounding neighborhood.

SECTION 2115 HOSPITALS AND CLINICS

Conditional use in the R-3 District.

A. The minimum site size for a hospital shall be five (5) acres.

B. The site shall be served by public water and sewer services.

C. All hospitals shall be licensed by the Commonwealth of Pennsylvania.

D. Water pressure and volume shall be adequate for fire protection.

E. A traffic study, including a parking and circulation study, shall be prepared in accordance with this Part.

F. Ingress, egress, and internal traffic circulation shall be designed to ensure access by emergency vehicles.

G. All property lines adjoining a residential use shall be screened by Bufferyard "B", as defined in Section 1614 of this Part.

H. Helipads shall be for hospital use only.

SECTION 2116 HOTELS AND MOTELS

Conditional use in the SG District.

A. The hotel or motel shall contain, at a minimum, twenty (20) units of accommodation exclusive of any permanent, on-site manager's living quarters.

B. Each unit of accommodation shall contain a minimum floor area of two hundred and fifty (250) square feet.

SECTION 2117 ICE CREAM STANDS

Conditional use in the SG District.

A. Exterior lighting shall be of the sharp cut-off luminaire type.

B. Dumpsters shall be placed in the rear and screened from adajcent properties.

SECTION 2118 LIGHT MANUFACTURING

Conditional use in the PC District.

A. The proposed conditional use will not cause any potential disruption or nuisance of or to surrounding property.

B. The proposed conditional use will not cause any potentially detrimental effect on surrounding property values.

C. The proposed conditional use will not be noxious or offensive by reason of the emission of any odor, dust, smoke, gas, light, vibration, or noise.

D. The proposed conditional use will not cause any detrimental effect to the public health, safety, morals or general welfare of the Township residents.

E. The proposed conditional use will promote the community development objectives set forth in Part II of this Chapter, and will be consistent with the Township's Comprehensive Plan.

SECTION 2119 MINERAL EXTRACTIONS

Conditional use in the AR-1 District.

A. The following information shall be provided in writing and/or shown on a site plan:

1. A description of the character, appearance, timing and duration of the proposed operation, including maps and plans showing the location of the site, all access routes from public roads, and area and extent of the proposed activity.

2. The location and identify of all structures and land uses that will or may be affected by the proposed operation, and measures that will be taken to protect from adverse impacts of the proposed use.

3. Plans for restoring and reclaiming all involved areas following discontinuance of the underground mining.

4. A description of plans for transportation of materials and equipment to construct the facilities and procedures for repairing any damages to the roads which may occur as a result of this activity.

5. A description of how the proposed use and facility will meet all applicable regulations concerning construction standards, sewage disposal, water supply and fire protection.

B. All uses shall be completely enclosed by a metal fence not less than six feet (6') high only on high walls in strip mines, with a top capping above the height of six feet (6') (above ground level) to be constructed of barbed wire or other security material in such a manner so as to prevent the entry by unauthorized persons, domestic animals or livestock.

C. For each use that is visible from any structure used for residential, cultural, social, education, recreation, religious or similar purposes, there shall be a buffer strip of land planted and maintained for screening purposes (See Section 1614, Bufferyard "A"). The required screen shall have a height adequate to achieve its purpose. Plant materials used for screening shall consist of dense evergreen plants. They shall be used in a manner to provide a continuous opaque screen within twelve (12) months after commencement of operations in the area to be screened. The Board of Supervisors shall require that either new planting or alternative screening be provided if after twelve (12) months, the plant materials do not provide an opaque screen.

D. The applicant shall have acquired sufficient legal or equitable interest in the real property to provide a basis for seeking the use permits.

E. The applicant shall have obtained from each appropriate state and federal regulatory agency or authority a permit issued in accordance with all applicable state and federal laws and regulations for the proposed use. In the event such permits have not been issued at the time zoning approval is requested, the applicant's zoning approval shall be expressly conditioned on the grant of

necessary permits as required by the above state and federal agencies or authorities. At the time of making application to such federal or state authorities, the applicant shall file with the Township Secretary a copy of each state or federal application with supporting documentation for the proposed use.

F. No mineral removal shall be permitted between the hours of 10:00 p.m. and 6:00 a.m.

G. No mineral removal shall be conducted within three hundred feet (300') of an occupied dwelling, unless the consent of the owner has been obtained in writing, in advance of the filing of the application for approval.

H. No mineral removal shall be conducted within three hundred feet (300') of any public building, school, church, community or institutional building, commercial building, public park or private recreational area.

I. No mineral removal shall be conducted within one hundred feet (100') of the right-of-way of any public street, except where access roads or haulage roads join the right-of-way line and where the appropriate state or federal agency having jurisdiction over the conduct of mineral removal shall permit it in accordance with law.

J. The operator shall post a bond in favor of the Township in an amount determined by the Township Engineer and in a form acceptable to the Township prior to beginning operations to guarantee restoration of Township streets and roads which may be damaged during the mineral removal operations.

K. If blasting is to be undertaken, a seismograph shall be placed on the site of the operation during all times when blasting is to be performed which shall be monitored by an independent engineering consultant whose credentials are acceptable to the Township and whose fee is paid by the applicant.

SECTION 2120 MOBILE HOME PARKS

Conditional use in the AR-1 District. See Part 6 of the Chippewa Township Subdivision and Land Development Ordinance.

SECTION 2121 MULTI-FAMILY RESIDENTIAL DWELLINGS

Conditional use in the R-2, R-3 and SG Districts.

A. Townhouses:

1. Each dwelling unit shall have at least two (2) off-street parking spaces.
2. Each townhouse structure shall provide one (1) additional visitor parking space, off-street, within two hundred feet (200') of the structure.

3. Areas of the property not occupied by a structure or parking area shall be landscaped and maintained.
4. Structures within seventy-five feet (75') of the perimeter property line shall be screened from the adjacent property(ies), such buffer to be a minimum of six feet (6') in height.
5. A sign identifying the development may be placed on site; however, the sign shall not exceed eighteen (18) square feet in total area or three feet (3') in height (See Part XVIII).

B. Condominiums:

1. Area - One (1) acre minimum property size.
2. Minimum yard widths
   (a) Front: fifty (50) feet from highway right-of-way
   (b) Side: twenty (20) feet where long side of building is at right angles to property line or fifty (50) feet where long side of building parallels property line or street right-of-way
   (c) Rear: fifty (50) feet.
3. Maximum density - Eight (8) apartment dwelling units per gross acre, pro-rated over fractions of an acre.

SECTION 2122 MUNICIPAL USES

Conditional use in the R-3 District.

A. Maintenance vehicles shall be stored within a completely enclosed building.

B. The service or maintenance of vehicles shall take place within a completely enclosed building.

C. Outdoor storage of materials or equipment, other than maintenance vehicles, shall be permitted only if the storage area is completely enclosed by an opaque fence or material at least six feet (6') in height.

D. Adequate space shall be provided for maneuvering for all vehicles and equipment on site so as to prevent the interruption of traffic flow or blocking public streets.

E. If offices are provided, parking shall be provided at the ratio established for business offices. Areas used for storage of material, vehicles or equipment shall provide one (1) parking space for every one thousand five hundred (1,500) square feet of floor area devoted to that use.

SECTION 2123 PLANNED RESIDENTIAL DEVELOPMENT

Conditional use in the R-2 and R-3 Districts. See Part XV of this Chapter.

SECTION 2124 PRINTING AND PUBLISHING

Conditional use in the C-1 District.

A. Loading docks shall be located at the side or rear of the facility.

B. Structures housing printing facilities shall be soundproofed with acceptable material as per the applicable provisions of the Township's building code.

C. Any toxic or noxious by-products of the printing and publishing process shall be stored on-site and disposed of in an environmentally safe manner, by a Department of Environmental Protection licensed handler of such waste material.

SECTION 2125 RELIGIOUS FACILITIES

Conditional use in the SG District. See Section 2144.

A. Points of access to parking areas shall be adequate to minimize congestion on adjacent highways and local streets during peak periods of use.

B. No uses shall be approved which adversely influence, interrupt or is otherwise detrimental to the residential character of the district with respect to structural types, traffic generation, and characteristics of operation.

SECTION 2126 RESEARCH AND DEVELOPMENT FACILITIES

Conditional use in the PC and IC Districts.

A. All research and development activities shall be conducted entirely within an enclosed building.

B. All materials and equipment shall be stored within completely enclosed buildings.

C. Manufacturing shall be permitted only as an accessory use when it is directly related to research and development activities authorized as a principal use in the zoning district.

D. The floor area devoted to manufacturing shall not exceed twenty-five percent (25%) of the total floor area of all buildings devoted to research and development.

E. The use shall comply with all performance standards specified in Part XVI of this Chapter.

F. The storage or use of any hazardous or potentially hazardous materials shall be limited to those materials required to be used by, or produced in connection with, the research and development activity. The transportation, handling, use and disposal of such materials shall conform with all applicable Federal

Environmental Protection Agency (EPA) and the Pennsylvania Department of Environmental Protection (DEP) regulations and permit requirements.

SECTION 2127 RESTAURANTS, WITH DRIVE-THROUGH FACILITIES

Conditional use in the SG District.

A. Driveways on the property shall allow not less than eight (8) cars to stack approaching the take-out window.

B. The Township may limit hours of operation and restrict turning movements at one or more entrances.

C. Adequate waste containers shall be provided on the premises and the operator shall be responsible for timely removal of paper and other debris on the grounds.

SECTION 2128 RESTAURANTS WITHOUT DRIVE-THROUGH FACILITIES

Conditional use in the C-1 District.

A. Parking shall be screened from developed adjacent residential properties as per Bufferyard "C" in Section 1614.

B. Exterior lighting shall be installed for security and parking areas only and shall not produce glare on adjacent properties.

C. All applicable County, State and Federal permits shall be applied for prior to issuance of Township permits. Documentation of such application shall be submitted with the conditional use application.

SECTION 2129 RETAIL SALES AND SERVICE FACILITIES PLANNED AND DEVELOPED AS A UNIFIED SITE

Conditional use in SG District.

A. The minimum site required shall be five (5) acres.

B. The site shall have frontage on and direct vehicular access to an arterial or collector street, as defined by this Ordinance.

C. Once the improvements are completed in an approved unified site, lots within the approved and recorded unified site may be sold and developed as independent entities for any authorized use in the District.

D. Only uses permitted by right or authorized as conditional uses or uses by special exception in the District in which the unified site is located shall be permitted in the shopping center.

E. A bufferyard shall be provided along all property lines which adjoin any residential district as per the provisions of Section 1614.

F. The site plan shall be designed to minimize points of access to the public street. Shared driveways shall be utilized where feasible and cross-easements shall be dedicated for common access, where necessary.

G. The site shall be planned as a unit and uniform signage and landscaping and common parking and loading areas shall be designed to promote efficiency and preserve a common architectural theme.

SECTION 2130 SCRAP AND WASTE MATERIAL STORAGE DISPOSAL

Conditional use in the AR-1 District.

A. No land shall be used as a refuse, waste, scrap, recycling or junkyard unless it is in compliance with all applicable laws of the Commonwealth of Pennsylvania.

B. The following conditions shall also apply:

1. The site is located a minimum of two hundred (200) feet from an adjoining residential structure in an AR-1, R-2, or R-3 zoning district, and a minimum of one hundred (100) feet from any highway, Township road, or access road. Such setback area shall be kept free of weed and shrub growth unless the adjoining property is wooded.

2. The yard or storage area shall be completely enclosed with a visual screen. Access to the yard or storage area through this visual screen shall be designed and located as approved by the Board of Supervisors upon recommendation by the Township Engineer.

3. All material within the yard or storage area shall be arranged so as to permit access by firefighting equipment, to prevent the accumulation of water, and stored no more than six (6) feet in height unless enclosed within a structure or building.

4. The yards and storage areas shall be maintained in such a manner as to cause no public or private nuisance, nor to cause any offensive or noxious sounds, vibrations, or odors, nor to cause the breeding or harboring of pests, rodents, or other vectors.

5. No materials or wastes shall be deposited upon a lot in such form or manner that they may be transferred off the lot by natural causes or forces, nor shall any substance which can contaminate a stream or water course or otherwise render such stream or water course undesirable as a source of water supply or recreation, or which will destroy aquatic life, be allowed to enter any stream or water course.

6. All materials or wastes which might cause fumes or dust or which constitute a fire hazard or which may be edible or otherwise be attractive to rodents or insects shall be stored outdoors only if enclosed in containers which are adequate to eliminate such hazards.

7. The disposal of unwanted materials shall be controlled by Township ordinances in regard to burning, dumping, etc., as well as the controls of such disposal by the Pennsylvania Department of Environmental Protection.
8. The site shall contain one (1) entrance and one (1) exit not less than thirty (30) feet in width.
9. Off-street parking shall be provided within the site enclosure and shall be enclosed within the site's visual screen.

SECTION 2131 SPECIALTY RETAIL

Conditional use in the C-1 District.

A. All sales shall be conducted within a completely enclosed building.

B. Storage of merchandise shall comply with all applicable requirements of the Township's Building and Fire Codes.

C. The premises shall be maintained so as to not create a nuisance or hazard to the public health.

D. Merchandise offered for sale shall be limited to those items otherwise authorized to be sold in the zoning district in which the store is located.

E. There shall be no outside storage of merchandise or equipment.

SECTION 2132 TRUCKING MAINTENANCE AND BULK COMMODITY TERMINALS

Conditional use in the IC District.

A. The minimum site required shall be one (1) acre.

B. The site shall have frontage on and direct vehicular access to a public street.

C. No vehicle or other merchandise displayed outdoors shall be less than five feet (5') from any property line. No vehicle or equipment shall be parked on adjacent property or in any public street right-of-way.

D. No vehicle shall be displayed or offered for sale which is not licensed by and registered with the Pennsylvania Department of Transportation.

SECTION 2133 VETERINARY SERVICE

Conditional use in the C-1 and SG Districts.

A. All animal holding areas shall be within an enclosed building .

B. No disposal of dead animals shall occur on the property.

C. The Supervisors may impose restrictions on access to the facility, storage of vehicles or materials on the premises, hours of operation and other such

matters as they deem necessary to insure that there is no adverse impact upon adjacent parcels .

D. Outdoor lighting, if any, shall be shielded and/or reflected away from adjoining properties so that no direct illumination, but only diffused or reflected light, enters adjoining properties.

SECTION 2134 USES BY SPECIAL EXCEPTION

A. Special exception uses are listed for each zoning district, where permitted, in Articles IV through XIII of this Chapter. Only those uses expressly listed as special exceptions in a particular zoning district or are not listed as permitted, conditional or uses by special exception as per the provisions of Section 203, may be considered in a particular zoning district.

B. Any application for a special exception use shall demonstrate that:

1. The use will not endanger the public health, safety or welfare if located where proposed, and will not deteriorate the environment or generate nuisance conditions;
2. The use can be accommodated on the site with no variances required;
3. The use is compatible with, or will support the uses in the neighborhood of the site;
4. The use does not require extensive earth moving or revision of drainage patterns, or create substantial increase in stormwater flow;
5. The use will not create excessive traffic congestion, and adequate off-street parking is provided on the same property as the use;
6. Areas of the property not to be covered by buildings or paved are to be landscaped and maintained;
7. Primary access points to the property are located in compliance with Pennsylvania Department of Transportation specifications from road or street intersections, and adequate sight distances for the posted speed limits have been met.
8. The Board may attach such reasonable conditions and safeguards in addition to those expressed herein to implement the purposes of this Chapter.

SECTION 2135 PROCEDURE FOR REVIEW

A. A developer proposing a special exception use shall submit three (3) copies of the following materials to the Zoning Officer:

1. A written statement supporting the general criteria outlined in this Section and describing in detail the proposed use;

2. An accurate scaled illustrative site plan showing the arrangement of the proposed use on the site, including property lines, uses and structures on adjacent properties, abutting streets, buildings existing and proposed on the site by use and height, points of access into the site, internal driveways, parking area layout with number of spaces noted, freestanding signs to remain or are proposed, areas of earth moving with proposed grade of finished slopes identified, method of collecting and disposing of stormwater, proposed landscaping and other pertinent information to illustrate the proposal.

B. The Zoning Hearing Board shall call and hold a public hearing pursuant to public notice on the proposal within sixty (60) days of receipt of the required materials and a complete application, in the same manner as for any action requested of it.

C. The Board shall, within forty-five (45) days of the conclusion of the public hearing, render a decision on the proposal to either:

1. Approve the use as submitted;
2. Approve the use with conditions determined by the Board;
3. Deny the proposal.

D. The applicant shall have thirty (30) days in which to notify the Board that he accepts any attached conditions. Failure to accept will render the approval null and void.

E. The Board shall authorize the Zoning Officer to issue a zoning/building permit for any approved special exception use.

F. Failure of the applicant to apply for a zoning/building permit within one (1) year of receiving approval shall render the decision by the Board null and void.

SECTION 2136 BED AND BREAKFAST

Use by Special Exception in the AR-1 District.

A. The minimum lot area shall be two (2) acres.

B. All rooms and related facilities provided for transient guests shall be regular, integral components of the principal dwelling.

C. The operator of the Bed and Breakfast must be the owner and a full time resident of the dwelling.

D. No more than six (6) guest sleeping rooms shall be available and/or utilized at any one time for the transient guests.

E. Each guest sleeping room shall be a minimum of one hundred (100) square feet in area, excluding closets.

F. No meals, other than breakfast, shall be served on the premises, nor shall breakfast be served to groups or individuals who are not guests of the facility.

G. One (1) off-street parking space shall be provided on the lot or parcel to the rear of the principal dwelling for each guest sleeping room, plus two (2) additional parking spaces also located to the rear shall be provided for the owner/resident. Parking spaces shall not be placed within the required rear side yard setbacks. The parking spaces shall be screened from adjoining properties by a compact hedge or fence six (6) feet in height. (See Bufferyard "A," Section 1614.)

H. One (1) free standing sign not to exceed twelve (12) square feet in area shall be permitted. The sign shall contain the name of the facility, the address and the resident owner's name. The free standing sign shall not exceed eight (8) feet in height and be placed at least five (5) feet from the right-of-way line on the public street upon which the facility abuts. The sign shall not obstruct the view of vehicular traffic on the abutting street.

I. Sharp cut-off luminaires shall be used for all exterior lighting except that decorative seasonal lighting shall be exempt from this requirement.

J. As part of the conditional use application process the facility shall be inspected by the Township Zoning Officer and Fire Department Chief (or agent thereof) to evaluate egress, fire hazard potential, fire escape provisions and fire escape routes for the guests. Each guest room and each hallway of the facility shall be equipped with a smoke detector and fire alarm device. No certificate of occupancy for the facility shall be issued until the respective officers have given approval of the fire provisions and fire warning devices. Each room shall also be posted with a fire excavation route.

K. The principal facility must be served with public water from the Beaver Falls Municipal Authority and public sanitary sewer service from the Chippewa Township Sanitary Authority.

SECTION 2137 BUSINESS AND PERSONAL SERVICES

Use by Special Exception in the IC District and Conditional in the PRD District.

A. Where paved vehicular areas occur in an area that abuts a residential district, such paved areas shall be held back at least fifteen feet (15') from the property line, and the paving area shall be suitably screened by landscaping or natural cover;

B. Parking, as required by this Chapter, shall be based on the single or combined use or uses of the property. Requirements for parking shall be no less than one (1) space per three hundred (300) square feet of floor area of the building being used as a Professional Office;

C. A sign may be erected on the property however, the sign shall not be placed within fifteen feet (15') of the edge of the right-of-way of the roadway; shall not

exceed twelve (12) square feet of area; and may be lighted provided that no reflected glare occurs on adjacent roads or properties;

D. The developer shall submit a written application, together with an illustrative site plan of the proposal, and the application and site plan shall demonstrate the criteria set forth in this Part.

SECTION 2138 DOMESTIC ANIMALS

Use by Special Exception R-2 District. On the premises of a single family detached dwelling for use of the occupants only, provided:

A. The lot is a minimum of five (5) acres in area.

B. Stables, feed lots, kennels, or any structure or exterior enclosure in which animals or household pets are kept when specifically permitted within a zoning district shall not be less than two hundred (200) feet from any residential structure, any school, or institution for human care and not less than one hundred (100) feet from any property line except as otherwise provided.

C. Pastures for the grazing of animals where permitted as an accessory use to a dwelling shall be fenced.

D. Structures or enclosures for household pets when maintaining three (3) or less pets per residential lot shall be a minimum of ten (10) feet from the side and rear lot lines.

E. Animal hospitals and veterinary clinics when permitted within a zoning district shall be a minimum of one hundred (100) feet from the property line of an adjoining residential use or residential district and subject of the following conditions:

1. The facilities and animal areas shall only be within the interior portions of a structure.

2. Rooms intended to accommodate animals shall be insulated or otherwise soundproofed and vented so that animal noises will not be audible at any point on the perimeter of the property.

3. The structure(s) shall be designed and maintained in a manner to prevent the development of unsanitary conditions which would result in unpleasant odor or vermin nuisance.

SECTION 2139 EARTH SHELTERED DWELLINGS

Use by Special Exception in the AR-1, R-2, and the R-3 Districts. The applicant shall demonstrate that the materials and method of construction are consistent with the building code in effect at the time of permit application.

SECTION 2140 FRATERNAL ORGANIZATIONS, COMMUNITY BUILDING, NEIGHBORHOOD CENTERS, SOCIAL HALLS, LODGES, AND CLUBS

Use by Special Exception in the AR-1 District.

A. Whenever specifically permitted, such uses shall provide direct access to a Collector, Minor Arterial, or Principal Arterial road without the use of an existing Local road.

B. All buildings or structures shall be a minimum of twenty- five (25) feet from side lot line and fifty (50) feet from a rear lot line.

C. A visual screen of a minimum of six (6) feet in height shall be provided when such use adjoins a residential use or any residential zoning district.

SECTION 2141 HOME IMPROVEMENT CENTERS

Use by Special Exception in the IC District.

A. The minimum gross floor area shall be ten thousand (10,000) square feet.

B. The minimum site area required shall be one (1) acre.

C. Off-street parking shall be provided in accordance with the requirements of Part XVII for retail uses.

D. Off-street loading shall be provided in accordance with Part XVII.

SECTION 2142 NURSING AND PERSONAL CARE FACILITY

Use by Special Exception in the R-3 District.

A. Such uses shall be approved and licensed by the Commonwealth of Pennsylvania.

B. All regulations enacted by or hereafter enacted by the Commonwealth of Pennsylvania regarding such uses are hereby incorporated into this Section by reference.

C. Such uses shall provide direct access to a collector, minor arterial, or principal arterial road without the use of an existing local road.

D. All buildings, structures, and parking areas shall be visually screened from adjoining property.

SECTION 2143 RECREATIONAL VEHICLE AND TRAILER PARKS

Use by Special Exception in the AR-1. See also the Chippewa Township Subdivision and Land Development Ordinance.

A. The minimum site required shall be ten (10) acres.

B. The minimum berth or parking space assigned to each recreational vehicle shall be at least one thousand five hundred (1,500) square feet in area and shall not be less than thirty feet (30') in width.

C. Electric, water and sanitary facilities shall be provided on the site. Water and sanitary facilities shall meet the requirements of the Pennsylvania Department of Environmental Protection (PaDEP).

D. Permanent foundations for recreational vehicles shall be required.

E. The perimeter of the recreational vehicle park shall be screened by a buffer area as required by Section 1614, Bufferyard "C," of this Chapter which is at least ten feet (10') in depth as measured from the property line.

F. A perimeter setback of one hundred feet (100') shall be maintained along all exterior property lines of the site in which no structures or vehicle parking of any kind shall be permitted.

G. No recreational vehicle shall be occupied as a permanent year-rough residence.

H. Recreational facilities and service facilities appropriate to the size of the park shall be provided by the operator, subject to approval by the Township.

SECTION 2144 RELIGIOUS AND EDUCATIONAL USES

Use by Special Exception in the R-3 and IC Districts.

A. Lot Coverage: Lot area covered by all buildings including accessory buildings shall not be greater than thirty (30) percent of the area of the lot.

B. Yard Regulations: Each lot shall have yards not less than the following depths or widths, unless otherwise specified.

   1. Setback or front yard depth, forty (40) feet.
   2. Side yards - two (2) in number, neither shall be less than fifteen (15) feet.
   3. Rear yard depth, twenty-five (25) feet.

C. Off-street Parking: Parking shall be provided in accordance with the provisions of Part XVII. Portions of the required front yard setback may be used for off-street parking when authorized as a special exception by the Zoning Hearing Board.

D. Service and access drives shall be at least fifteen (15) feet wide and not more than twenty-five (25) feet wide and shall be permitted to cross required yard areas provided that the centerline of the permitted drive shall not be a lesser angle to the street line than sixty (60) degrees.

E. If greater controls are established for the district in which these uses are to be located such control or controls shall take precedent over any or all of the provisions of this section.

SECTION 2145 AUTOMOTIVE SERVICE STATIONS

Use by Special Exception in the S-G District.

A. All minor repair work, vehicle wishing, waxing, detailing, lubrication and installation of parts and accessories shall be performed within an enclosed building.
B. All car washing areas shall discharge into public sanitary sewers.
C. All vehicle parts, dismantled vehicles and similar materials shall be stored within an enclosed building or totally screened from view by a solid or privacy f-mice
D. All vehicles awaiting repair shall be stored on the lot in an approved storage area and, in no case, shall said vehicles be stored on or obstruct access to a public right-of-way.
E. Where supplemental retail service is proposed, off-street parking shall be provided as required for retail in addition to service station standards.
F. Supplemental retail service space shall not exceed two thousand (2,000) square feet.

G. Gasoline pumps shall be located at least thirty feet (30') from the edge of the right-of-way of a public street.

H. All fuel, oil and similar substances shall be stored at least twenty-five feet (25') from any property line.

I. The handling and disposal of motor oil, battery acid and any other substance regulated by Federal Statute and the Pennsylvania Department of Environmental Protection (PaDEP) shall be in accordance with all permits and requirements of that agency or its successor agency. Any suspension, revocation or violation of the PaDEP permits shall be a violation of this Chapter aid shall be subject to the enforcement provisions of this Chapter.

J. All property lines adjoining residential use or zoning classification shall be screened with Bufferyard "B".

PART XXII

ZONING HEARING BOARD

SECTION 2200 CREATION, APPOINTMENT, AND REMOVAL

A. The Township Board of Supervisors hereby appoints a Zoning Hearing Board.

B. The membership shall consist of either three (3) or five (5) residents of the Township appointed by the Board of Supervisors.

1. The term of office for a three (3) member board shall be three (3) years and shall be so fixed that the term of office of one (1) member shall expire each year.

2. The term of office for a five (5) member board shall be three (3) years and shall be so fixed that the term of office of no more than two (2) members of a five (5) member board shall expire each year and in the initial appointment for a one (1) year term, and one (1) shall be appointed for a two (2) year term.

3. If a three (3) member board is changed to a five (5) member board, the members of the existing three (3) member board shall continue in office until their term of office would expire under prior law and ordinances. The Board of Supervisors shall appoint two (2) additional members to the Board with terms scheduled to expire in accordance with this Part.

4. A five (5) member board shall not be changed to a three (3) member board except upon an affirmative vote on the question by a majority of the electors in the Township voting thereon at a referendum held at the municipal or general election prior to a year in which the terms of two (2) members on the Zoning Hearing Board expire.

5. The Board of Supervisors may appoint by resolution one (1) resident to serve as an alternate member of the Zoning Hearing Board. The membership of the alternate member shall be governed by Section 903(b) of the Municipalities Planning Code. (Revised by Ord. 182, 9/8/1997)

C. The Zoning Hearing Board shall promptly notify the Board of Supervisors of any vacancies which occur. Appointments to fill vacancies on the Zoning Hearing Board shall be only for the unexpired portion of the term.

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

SECTION 2201 ORGANIZATION OF ZONING HEARING BOARD

A. The Zoning Hearing Board shall elect from its own membership its officers who shall serve annual terms as such and may succeed themselves.

B. For the conduct of any hearing and the taking of any action, a quorum shall be not less than a majority of all members of the Zoning Hearing Board except when member(s) of the Zoning Hearing Board are disqualified to act in a particular matter, the remaining member(s) may act for the Zoning Hearing Board.

C. The Zoning Hearing Board may appoint a Hearing Officer from its own membership to conduct any hearing on its behalf and the parties may waive further action by the Zoning Hearing Board as provided in Article IX, Section 908 of the Pennsylvania Municipalities Planning Code, Act 247, as amended, and this Chapter.

D. The Zoning Hearing Board may make, alter, and rescind rules and forms for its procedure, consistent with ordinances of the Township and laws of the Commonwealth of Pennsylvania.

E. The Zoning Hearing Board shall keep full public records of its business, and shall submit a report of its activities to the Board of Supervisors once a year.

SECTION 2202 EXPENDITURES FOR SERVICE

A. Within the limits of funds appropriated by the Board of Supervisors, the Zoning Hearing Board may employ or contract for secretaries, clerks, legal counsel, consultants, and other technical and clerical services.

B. Members of the Board may receive compensation for the performance of their duties, as may be fixed by the Board of Supervisors, but in no case shall it exceed the rate of compensation authorized to be paid to the members of the Board of Supervisors.

SECTION 2203 HEARINGS

A. The Zoning Hearing Board shall conduct hearings and make decisions and/or findings in accordance with the following requirements:

1. The parties to the hearing shall be the Township, the Township Zoning Officer, the Township Zoning Hearing Board, the Applicant and/or Petitioner, and any person affected by the application who has made timely appearance of record before the Zoning Hearing Board, and any person(s) including civic and community organizations permitted by the Zoning Hearing Board to appear. All persons who wish to be considered parties shall enter appearances in writing on forms provided by the Zoning Hearing Board for that purpose.

2. Requests, applications, and petitions for a hearing before the Zoning Hearing Board and decisions and/or findings of the Zoning Hearing Board shall be filed with the Township Secretary at the Township Municipal Office. Applicants shall file their request and/or petition upon forms approved and to be furnished by the Zoning Hearing Board and pay a fee in accordance with the schedule fixed by resolution by the Board of Supervisors. No application, petition, and/or request shall be considered officially received until the application is completed in full including requested documentation and/or illustrations, and the fee is paid.

3. Notice of the hearing shall be given to the public, the Applicant, the Township Zoning Officer, the Township Board of Supervisors, and to any person who has made timely request for the same. A notice of the hearing shall be given to such other persons as the Township Board of Supervisors or the Township Zoning Hearing Board shall designate. In addition, a notice of said hearing shall be conspicuously posted on the affected tract or tracts of land at least one (1) week prior to the hearing. The notice of the hearing shall be given at such time and in such manner as shall be prescribed by the rules of the Zoning Hearing Board.

B. Conduct of Hearing

1. The hearing shall be conducted by the Zoning Hearing Board or the Hearing Officer. The final decision or findings shall be made by the Zoning Hearing Board but the parties may waive said final decision and findings by the Zoning Hearing Board and accept the decision and findings of the Hearing Officer as final.

2. The hearing shall commence not later than sixty (60) days after the completed application has been officially received and fee has been paid.

3. The presiding official of the Zoning Hearing Board shall have the power to administer oaths and issue subpoenas to compel the attendance of witnesses and the production of relevant documents and papers including witnesses and documents requested by the parties.

4. The parties have the right to be represented by counsel and shall be afforded the opportunity to respond and present evidence and argument and cross examine adverse witnesses on all relevant issues.

5. Formal rules of evidence shall not apply but irrelevant, immaterial, or unduly repetitious evidence may be excluded.

6. The Zoning Hearing Board or the Hearing Officer shall keep a stenographic record of the proceedings and a transcript of the proceedings as well as copies of graphic or written material received in evidence shall be made available to any party at cost.

7. The Zoning Hearing Board shall not communicate, directly or indirectly, with any party or his representatives in connection with any issue involved

except upon notice and opportunity for all parties to participate; shall not take notice of any communication, reports, staff memoranda, or other materials unless the parties are afforded an opportunity to contest the material so noticed; and shall not inspect the site or its surroundings after the commencement of hearings with any party or his representatives unless all parties are given an opportunity to be present.

8. The Zoning Hearing Board or the Hearing Officer may continue the hearings.

SECTION 2204 RENDERING OF DECISIONS AND/OR FINDINGS

A. The Zoning Hearing Board or the Hearing Officer shall render a written decision or make written findings on the application within forty-five (45) days after the date of the last hearing. In the case where said decision or findings are that of the Hearing Officer, the Zoning Hearing Board's decision or findings shall be entered no later than forty-five (45) days after the decision and/or findings of the Hearing Officer.

B. CONTENTS OF THE DECISION

1. Each decision shall be accompanied by findings of fact and conclusions based thereon together with the reasons therefor.

2. Conclusions based on any provisions of this Chapter, the Official Zoning Map, the Pennsylvania Municipalities Planning Code, any Township Ordinance, Rule, or Regulation, or Laws of the Commonwealth of Pennsylvania shall contain a reference to the provision relied on and the reasons why the conclusion is deemed appropriate in light of the facts found.

C. If the hearing is conducted by a Hearing Officer and there has been no stipulation that his decision or findings are final, the Zoning Hearing Board shall make his report and recommendations available to the parties and the parties shall be entitled to make written representation thereon to the Zoning Hearing Board prior to a final decision or entry of findings.

D. When the Zoning Hearing Board fails to hold the required hearing within sixty (60) days from the date the Applicant's application was officially received, or when the Zoning Hearing Board fails to render the decision or findings within the forty- five (45) days after the last hearing, a decision shall be deemed to have been rendered in favor of the Applicant unless the Applicant has agreed in writing to an extension of time.

E. ADVERTISEMENT OF THE DECISION

1. A copy of the final decision or the findings shall be delivered to the Applicant personally or mailed to him not later than the day following the date of the decision.

2. To all other persons who have filed their name and address with the Zoning Hearing Board no later than the last day of the hearing, the Zoning Hearing Board shall provide by mail or otherwise, brief notice of the decision or findings and a statement of the place at which the full decision or findings may be examined.

3. Additional notice or notices shall be given as prescribed by the rules of the Zoning Hearing Board.

4. Where a decision has been rendered in favor of the Applicant because of the failure of the Zoning Hearing Board to meet or render a decision or findings, the Zoning Hearing Board shall give public notice of said decision within ten (10) days in the same manner as provided in this Part.

SECTION 2205 JURISDICTION OF ZONING HEARING BOARD

A. CHALLENGE TO THE VALIDITY OF THIS CHAPTER OR THE OFFICIAL ZONING MAP

1. The Zoning Hearing Board shall hear challenges to the validity of this Chapter or the Official Zoning Map except when:

   (a) The challenge is of an alleged defect in the process of enactment or adoption of this Chapter and the Official Zoning Map. Such challenge/appeal shall be taken directly to the Court and filed not later than thirty (30) days from the effective date of this Chapter or Map.

   (b) The challenge to the validity of this Chapter or Map is submitted to the Board of Supervisors together with a curative amendment.

2. In all such challenges the Zoning Hearing Board shall take evidence and make a record of the findings. At the conclusion of the hearing the Zoning Hearing Board shall decide all contested questions and shall make findings on all relevant issues of fact which shall become a part of the record on appeal to the Court.

B. Appeals from the determination of the Zoning Officer, including, but not limited to the granting or denial of any permit, or failure to act on the application therefor, the issuance of any cease and desist order or the registration or refusal to register any nonconforming use, structure or lot.

C. Appeals from a determination by the Township Engineer or the Zoning Officer with reference to the administration of any floodplain or flood hazard ordinances or such provisions within a land use ordinances.

D. Applications for variances from the terms of the Zoning Ordinance and Flood Hazard Ordinance or such provisions within a land use ordinance, pursuant to Section 910.2 of the Pennsylvania Municipalities Planning Code, Act 247, as amended.

E. The Zoning Hearing Board shall hear requests for Variances where it is alleged that the provisions of this Chapter inflict unnecessary hardship upon the Applicant.

1. The landowner or any tenant with permission of the landowner shall file a written request for a Variance upon a form approved and furnished by the Zoning Hearing Board and shall pay a fee in accordance with the schedule fixed by resolution by the Board of Supervisors. No application shall be considered officially received until the application is completed in full and the fee is paid. In some cases the Zoning Hearing Board may require preliminary application to the Zoning Officer. In such cases the Zoning Officer shall transmit the application and any information received therewith along with the official file on said issue to the Zoning Hearing Board and a copy of the contents of the file shall also be transmitted to the applicant. (Revised by Ord. 182, 9/8/1997)

2. The hearing shall be conducted in accordance with this Section.

3. The Zoning Hearing Board may grant a Variance provided the following findings are made where relevant in a given case.

   (a) That the unnecessary hardship is due to the unique physical circumstances or conditions, including irregularity, narrowness, or shallowness of lot size or shape, or exceptional topographical, or other physical conditions peculiar to the particular property, and not the circumstances or conditions generally created by the provisions of this Chapter in the neighborhood or district in which the property is located.

   (b) 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.

   (c) That such unnecessary hardship has not been created by the Appellant.

   (d) That the Variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located, nor substantially or permanently impair the appropriate use or development of adjacent property, not be detrimental to the public welfare, nor will violate the spirit and intent of this Chapter and its Community Development Goals and Objectives.

   (e) That the Variance, if authorized, will represent the minimum variance that will afford relief and will represent the least modification possible of the regulation in issue.

4. In granting a Variance the Zoning Hearing Board may attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes of this Chapter.

5. A Variance applies only to that particular piece of property for which it is granted.

F. The Zoning Hearing Board shall hear and decide requests for Special Exceptions in those cases wherein this Ordinance indicates a Special Exception may be granted within a specific zoning district subject to compliance with the expressed standards and criteria for which the Special Exception is to be granted and the general standards and criteria of Part XXI, Sections 2134 and 2135.

1. The landowner or any tenant with permission of the landowner shall file a written request for a Special Exception upon a form approved and furnished by the Zoning Hearing Board and shall pay a fee in accordance with the schedule fixed by resolution of the Board of Supervisors. No application shall be considered officially received until the application is completed in full and the fee is paid.

2. The hearing shall be conducted in accordance with this Part.

G. Where the Zoning Hearing Board has jurisdiction over a zoning matter pursuant to this Part, the Zoning Hearing Board shall also hear all appeals which an Applicant may elect to bring before it with respect to any requirement pertaining to the same development plan or development. In any such case, the Zoning Hearing Board shall have no authority to pass upon the non-zoning issues, but shall take evidence and make a record thereon as provided in this Part. At the conclusion of the hearing, the Board shall make findings on all relevant issues of fact which shall become part of the record on appeal to the Court.

SECTION 2206 TIME LIMITATIONS

A. No person shall be allowed to file any proceeding with the Zoning Hearing Board later than thirty (30) days after an application for development, preliminary or final, has been approved by the Township 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 predecessory in interest. The failure of anyone other than the landowner to appeal from an adverse decision on a tentative plan or from an adverse decision by the Zoning Officer on a challenge to the validity of this Chapter or an amendment hereto or map or an amendment thereto shall preclude an appeal from a final approval except in the case where the final submission substantially deviates from the approved tentative approval.

B. All appeals from determinations adverse to the landowner shall be filed by the landowner within thirty (30) days after notice of the determination is issued.

SECTION 2207 STAY OF PROCEEDINGS, FURTHER APPEALS

A. Upon filing of any proceeding referred to in Section 913.3 of the Pennsylvania Municipalities Planning Code, Act 247 of 1968, 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 certifies to the Board facts indicating that such stay would cause imminent peril to life or property, in which case the development or official action shall not be stayed otherwise than by a restraining order, which may be granted by the Board or by the court having jurisdiction of zoning appeals, on petition, after notice to the Zoning Officer or 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.

B. 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 determine 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.

C. 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.

D. 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.

PART XXIII

ADMINISTRATION

SECTION 2300 ADMINISTRATION

A. Zoning Officer - This Chapter shall be administered by the Zoning Officer. The Township Board of Supervisors shall appoint a Zoning Officer who shall not hold any elective office in the Township. The Board of Supervisors may, from time to time, appoint deputy Zoning Officers who shall serve under the supervision of the Zoning Officer. The Board of Supervisors shall fix the compensation to be paid to the Zoning Officer and such deputy Zoning Officers as may be appointed to assist the Zoning Officer. The Zoning Officer and deputy Zoning Officers shall serve at the pleasure of the Township Board of Supervisors.

B. Duties and Responsibilities - The Zoning Officer shall administer this *Chapter* in accordance with its literal terms, and shall not have the power to permit any construction or any use or change of use which does not conform to the requirements of this Chapter. Within this power, the Zoning Officer shall have duties as follows:

1. Receive applications as indicated and review applications for completeness and compliance.
2. Notify applicants of deficiencies in application(s) and request additional information.
3. Declare the application officially received.
4. Distribute applications to the various Township agencies and Boards for reviews and/or approvals, as required.
5. Maintain file on all applications in the review process.
6. Receive review comments and written approvals or recommendations from the various Township agencies and Boards as required.
7. Issue building, zoning, temporary use, and sign permits after all reviews comments, and approvals as required have been received.
8. Make inspection(s).
9. Issue stop work order(s).
10. Issue denials for permits.
11. Issue occupancy permits only after all construction and development conforms to the requirements of this *Chapter* and other related Township

Ordinances and, if applicable, all conditions imposed by the Zoning Hearing Board have been complied with.

12. The Zoning Officer may identify and register nonconforming uses, structures and/or lots as directed by the Board of Supervisors.

13. At least once every three (3) months, the Zoning Officer shall submit to the Township Board of Supervisors a written statement of all building permits, occupancy permits, zoning permits, sign permits, temporary use permits, and all violation notices and orders issued.

14. The Zoning Officer shall meet with the Planning Commission as needed at the Planning Commission's regularly scheduled meeting to keep the Commission abreast of matters concerning land development in the township, and to discuss problems in administering this Zoning Chapter or recommend changes to this Zoning Chapter.

15. An official record shall be kept of all business and activities of the office of the Zoning Officer specified by provisions of this Chapter.

SECTION 2301 COORDINATION WITH OTHER TOWNSHIP REQUIREMENTS AND PERMITS, STATE AND FEDERAL REQUIREMENTS AND PERMITS

In all cases, any application for a permit of any of the types heretofore described in this *Chapter* shall be decided not only on the basis of compliance with this Zoning *Chapter*, but also on the basis of compliance with all other applicable Township Ordinances and all other applicable rules and regulations of the various Township authorities and agencies which might be concerned, as well as State and Federal requirements and permits.

SECTION 2302 BUILDING PERMIT

A. Permit required - A building permit shall be required prior to the:

1. Placement, erection, or construction of a building or structure.
2. Structural alteration or reconstruction of a building or structure.
3. Addition to a building or structure.
4. Relocation of a building or structure.

B. It shall be unlawful for any person, business, association, partnership or corporation to undertake or cause to undertake any construction or development anywhere within the Township unless a building permit has been obtained from the Zoning Officer.

C. No building permit shall be required in the case of normal maintenance activities or for alterations which do not structurally change a building.

D. All applications for building permits shall be made in writing by the owner or his duly authorized agent on a form furnished by the Township. The application shall contain the name, address and phone number of the applicant, a brief description of the intended use of the structure, a site plan and a building plan drawn to a scale of one (1) inch being equal to one hundred (100) feet or less, permits or applications including DEP planning modules for sanitary sewer(s) and copies of any and all other permits or applications for permits pursuant to county state or federal law, in addition the application shall include:

1. Site Plan - all applications for a building permit shall be accompanied by three (3) copies of a site plan, drawn to scale showing - North arrow; scale; date of drawing; lot dimensions and total acreage; exact exterior size and location of existing and proposed building(s) or structure(s); exact location and areas of bodies of water, water courses, drainage ways, utility rights of way and easements (both existing and proposed; existing and proposed driveways, streets, and highways, within, adjacent and opposite of the land in question; existing and proposed off-street parking, loading and unloading facilities; existing and proposed building lines, side and rear yard dimensions and any other data as may be deemed necessary by the Zoning Officer. The Zoning Officer may also require the applicant to produce a survey of the subject land, if deemed necessary.

2. Building Plan - all applications for a building permit shall be accompanied by three (3) copies of a building plan drawn to scale showing; exact exterior dimensions to include width, depth and height; elevation above sea level of the lowest floor and basement for all buildings and structures within an identified flood hazard area; type of construction for each building or structure, including foundation, interior and exterior walls, roof, electrical, plumbing and heating systems, number of rooms, use of rooms, square footage of interior floors and any other information required by this Chapter or as allowed necessary by the Zoning Officer. Provided nonetheless that no building plan shall be required for any single family dwelling or single family accessory use except where such dwelling or accessory use is to be constructed or is located within a designated flood plan.

3. If any proposed construction or development is located entirely or partially with any identified flood plain area, applicants for Building Permits shall provide all the necessary information in sufficient detail and clarity to enable the Zoning Officer to determine that:

   (a) All such proposals are consistent with the need to minimize flood damage and conform with the requirements of this and all other applicable codes and ordinances;

(b) All utilities and facilities, such as sewer, gas, electrical and water systems are located and constructed to minimize or eliminate flood damage; and

(c) Adequate drainage is provided so as to reduce exposure to flood hazards.

(d) The elevation of the one hundred (100) year flood;

(e) If available, information concerning flood depths, pressures, velocities, impact and uplift forces and other factors associated with a one hundred (100) year flood; and

(f) Detailed information concerning proposed flood proofing measures including the following:

(1) Document, certified by a registered professional engineer, which states that the proposed construction or development has been adequately designed to withstand the one hundred (100) year flood elevations, pressures, velocities, impact and uplift forces associated with the one hundred (100) year flood.

(2) Such statement shall include a description of the type and extent of flood proofing measures which have been incorporated into the design of the structure and/or the development.

(3) Detailed information needed to determine compliance with Section 1907, Storage, and Section 1908, Development Which May Endanger Human Life, including:

i. The amount, location and purpose of any dangerous materials or substances which are intended to be used, produced, stored or otherwise maintained on site.

ii. A description of the safeguards incorporated into the design of the proposed structure to prevent leaks or spills of the dangerous materials or substances listed in Section 1908 during a one hundred (100) year flood.

iii. The appropriate component of the Department of Environmental Resources' "Planning Module for Land Development."

(4) Where any excavation or grading is proposed, a plan meeting the requirements of the Department of Environmental Protection, to implement and maintain erosion and sedimentation control.

E. Prior to issuing a building permit to a contractor, the Township shall require the contractor to present proof of workers' compensation insurance or an affidavit

that the contractor does not employ other individuals and is not required to carry workers' compensation insurance.

1. Every building permit issued by Chippewa Township to a contractor shall clearly set forth the name and workers' compensation policy and the contractor's Federal or State Employer Identification Number. This information shall be in addition to any information required by this Part. If the building permit is issued to an applicant which affirms it is not obligated to maintain workers' compensation insurance under the Pennsylvania Workers' Compensation Act as amended, the permit shall clearly set forth the contractor's Federal or State Employer Identification Number and the substance of the affirmation, and that the applicant is not permitted to employ any individual to perform work pursuant to the building permit.

2. Chippewa Township shall be named as a workers' compensation policy certificate holder of a contractor-issued building permit. This certificate shall be filed with the Township's copy of the building permit. Any insurer issuing a policy certificate holder pursuant to this section and 77 P.S. §462.2 shall be required to notify Chippewa Township of the expiration or cancellation of any such policy of insurance or policy certificate within three (3) working days of such cancellation or expiration.

3. Chippewa Township shall issue a stop-work order to a contractor who is performing work pursuant to a building permit, upon receiving actual notice that the contractor's workers' compensation insurance or State-approved self-insured status has been canceled. Also, if Chippewa Township receives actual notice that a permittee, having filed an affidavit of exemption from workers' compensation insurance, has hired persons to perform work pursuant to a building permit and does not maintain required workers' compensation insurance, the municipality shall issue a stop-work order. This order shall remain in effect until workers' compensation coverage is obtained for all work performed pursuant to the building permit.

4. Nothing in this section enacted pursuant to Act 44 of 1993 shall be the basis of any liability on the part of the Township of Chippewa.

5. For purposes of this subsection, "proof of insurance" shall include a certificate of insurance or self-insurance, demonstrating current coverage and compliance with the requirements of the Pennsylvania Workers' Compensation Act, as amended, or the Occupational Disease Act and the Longshore and Harbor Workers' Compensation Act (44 Stat. 1424, 33 U.S.C. §901 et seq.), its amendments and supplements, where applicable.

F. The Zoning Officer shall issue a Building Permit only after it has been determined that the proposed work to be undertaken will be in conformance with the requirements of this and all other applicable codes and ordinances.

1. Prior to the issuance of any building permit, the Zoning Officer shall determine if the following permits are necessary.

   (a) Driveway Permit - determine if a driveway permit application has been filed;

   (b) Sewage Permit

   (c) Occupancy Permit - determine if an occupancy permit application has been filed;

   (d) House Number - determine if a house number and street address has been assigned;

2. In addition, the Zoning Officer shall determine the following:

   (a) Subdivision Plan - is the proposed building or construction in a recorded subdivision or does the parcel have a legal deed;

   (b) Land Development Plan - is the building or construction in am approved land development plan;

   (c) Airport Overlay Zone - is a permit is necessary with respect to the Beaver County Overlay Airport Zoning District. (Revised by Ord. 182, 9/8/1997)

3. No encroachment, alteration, or improvement of any kind shall be made to any watercourse until all adjacent municipalities which may be affected by such action have been notified by the Township of Chippewa, and until all required permits or approvals have been first obtained from the Department of Environmental Protection, Bureau of Dams and Waterway Management.

G. It shall be the duty of the Zoning Officer to review the application within thirty (30) days from the date it is submitted to determine if the application is complete or whether additional information and documentation is needed. No application shall be subject to final review and decision until all documentation required by this Chapter has been received by the Zoning Officer. Deficiencies in the application will be communicated to the applicant in writing. No application will be deemed received by the Zoning Officer unless and until all the required information has been produced as required by this Chapter and as requested the Zoning Officer, and the existing building permit fee (as from time to time set by resolution of the Board of Supervisors) has been paid to the Township.

H. Applications for a building permit shall be accompanied by a fee payable to the Township of Chippewa, based upon a schedule of fees as determined from

time to time by the Board of Supervisors, which fees shall be paid into the General Fund of the Township.

I. Action on Building Permits:

1. Applications for a building permit shall be reviewed by the Zoning Officer. The Zoning Officer shall process and permit applications within the time periods in the current building code.

2. A copy of all plans and applications for any proposed permit located within an identified flood plain or for buildings, structures and accessory uses other than single family dwelling type shall be immediately delivered to the Township Planning Commission and Township Engineer for review and comment.

3. In the event of a denial, the Zoning Officer shall state in writing the reason(s) for such denial including the citation of the specific section(s) of this or other pertinent Ordinances used in the determination.

4. Upon approval of the application for a building permit, one (1) copy of the site plan and one (1) copy of the building plan shall be returned to the applicant along with one (1) copy of the building permit which shall be publicly displayed at the construction. One (1) copy of such permit shall be kept on file in the Township office.

5. The building permit issued shall be prominently posted upon the construction site prior to work being undertaken to place, erect, construct, alter, reconstruct, or add to a building or structure. The failure or neglect of the applicant to prominently post the permit and maintain the same throughout the duration of the permitted work shall be a violation of this Chapter. Duplicate permits shall be issued by the Zoning Officer without additional charge. Loss, destruction, or defacement of any posted permit must be promptly reported to the Zoning Officer within twenty-four (24) hours after such event or casualty, Sundays, and legal holidays excepted.

6. All building permits shall expire upon completion of the work authorized, or within one (1) year from the date of issuance, whichever occurs first. Permits may be issued for periods in excess of one (1) year depending on the scale of the construction. A building permit shall expire if the work authorized is not commenced within one hundred eighty (180) days from the date of issuance. Renewal or extension of such permit will be granted only upon reapplication for the permit. Payment of an additional fee shall be determined by the Zoning Officer.

7. After the issuance of a building permit by the Zoning Officer, no changes of any kind shall be made to the application, permit, or any of the plans, specifications or other documents submitted without the written consent or approval of the Zoning Officer. Requests for any such change shall be in writing, and shall be submitted by the applicant to the Zoning Officer for

consideration. An additional fee may be required where the change or revision significantly increases the scope of work.

J. Inspection - The Zoning Officer, or his duly appointed representative, shall make the following minimum number of inspections of property for which a building permit has been issued:

1. Prior to construction the applicant shall notify the Zoning Officer when the area has been staked out indicating the dimensions of proposed construction. The Zoning Officer shall inspect the construction site. A record shall be made indicating the time and place of the inspection and the finding of the Zoning Officer in regard to conformance of the proposed construction with plans submitted. If the indicated dimensions and/or location of the proposed construction does not conform to the application, the nonconformity shall be identified by the Zoning Officer, and such violation shall be corrected. Construction shall only proceed after proper correction of the violation and authorization to proceed has been granted by the Zoning Officer.

2. The applicant shall notify the Zoning Officer when footer has been formed and/or prior to constructing walls, paving driveways, etc. The Zoning Officer shall inspect the construction site. A record shall be made indicating the time and date of the inspection and finding of the Zoning Officer in regard to conformance of the construction with plans submitted. If the actual construction does not conform to the application, the nonconformity shall be identified by the Zoning Officer, and such violation shall be corrected. Upon proper correction of the violation and receipt of written notice from the Zoning Officer, construction shall proceed.

3. At the completion of construction the applicant shall notify the Zoning Officer when construction is complete. The Zoning Officer shall inspect the site. A record shall be made indicating the time and date of the inspection, the findings of the Zoning Officer in regard to conformance with this Chapter, and the determination of the Zoning Officer regarding the issuance of an occupancy permit.

4. In the discharge of his duties, the Zoning Officer shall have the authority to enter any building, structure, premises or development, upon presentation of proper credentials, at any reasonable hour to enforce the provisions of this Chapter.

SECTION 2303 OCCUPANCY PERMIT

A. Permit Required - An occupancy permit shall be required prior to:

1. The occupancy and use of a new building or structure or one that has been structurally altered.

2. The occupancy and use of a building or structure that has been moved or relocated.
3. A change in the use and/or tenancy of an existing building, structure, water body, or area of land. (Revised by Ord. 187, 6/8/1998)
4. A change or extension of a nonconforming use, building, or structure.
5. Change in tenancy of any dwelling unit. (Revised by Ord. 182, 9/8/1997)
6. The occupancy of any previously vacant public, commercial or industrial building. (Revised by Ord. 182, 9/8/1997)
7. Change of Residency

B. Application For Permit

1. All requests for an occupancy permit shall be made in writing, on a Township furnished form: by the owner, lessee, or other authorized agent and shall include a statement of the type of proposed occupancy intended for the building, land or water body.
2. One (1) copy of a plot/plan showing lot dimensions and exact size and location of the building, use, and/or structure as certified by a Pennsylvania Registered Land Surveyor may be required to accompany the request for an occupancy permit. Such plot/plan requirement may be waived by the Zoning Officer when the new construction is considered minor, when the occupancy involves a residential accessory use, or when the occupancy involves an existing building or structure for residential use only.
3. An occupancy permit, either for the whole or part of a new building or for the structural alteration of an existing building may be applied for coincident with the application for a building permit and shall be issued upon completion of construction after inspection shows the same to be in conformance with the provisions of this Zoning *Chapter*.
4. An occupancy permit for a change of use in an existing building shall be applied for and shall be issued before any such building shall be occupied, used, or changed in use.
5. All applications for an occupancy permit shall be accompanied by a fee be based upon the fee schedule of the Township as from time to time set by resolution of the Board of Supervisors.

C. Action On Occupancy Permits

1. Upon approval of the application for an occupancy permit, one (1) copy of this permit shall be given to the applicant, and one (1) copy of the permit shall be kept on file in the Township Office.

2. In the event of denial, the Zoning Officer shall forward to the applicant a written statement outlining the reason(s) for such denial.

3. An occupancy permit shall remain valid for as long as the structure or building is occupied by the person or corporate entity in whose name the permit has been issued.

D. Inspection

1. The Zoning Officer, or his duly appointed representative, shall make an inspection of a new, structurally altered or relocated building or structure or a building or structure for which a change of use is proposed. Such inspection may be made upon the completion of construction, if applicable, and may be made at the same time that the final inspection required under the Building Permit is conducted.

2. A record shall be made indicating the time and date of the inspection and the findings of the Zoning Officer.

E. It shall be unlawful for any person, business association, partnership, or corporation to occupy or cause to be occupied any building or structure unless and until an occupancy permit has been obtained from the Zoning Officer.

F. A temporary occupancy permit may be issued by the Zoning Officer if the proposed tenants of the building desire to occupy the building or a part thereof before all of the site improvements are complete in accordance with the following:

1. A temporary occupancy permit shall not be granted if the unfinished or incomplete improvements are essential to the use or affects the health or safety of the tenants or the general public.

2. A temporary occupancy permit, if authorized, shall be issued for a period not to exceed two hundred and ten (210) days and the length of the permit's duration shall be based on the scope of the project and the season the permit is issued. The Zoning Officer shall determine the duration of the temporary occupancy permit.

3. A temporary occupancy permit may be renewed one (1) time, if good cause is demonstrated by the applicant, for a period not to exceed sixty (60) days.

4. If the required site improvements are not complete at the expiration of the temporary occupancy permit, the applicant or owner shall be issued a notice of violation. If the required site improvements are complete at the expiration of the temporary occupancy permit, the Zoning Officer shall issue a permanent occupancy permit.

5. The Zoning Officer may require an applicant for a temporary occupancy permit to execute an agreement specifying the conditions of the temporary occupancy permit. Also, if any site improvements are not

complete when the temporary occupancy permit application is filed, the applicant shall provide the township with financial security in a form acceptable to the Township Solicitor to cover the costs of the incomplete site improvements. An itemized cost estimate specifying the incomplete site improvements shall be submitted with the financial security. (Revised by Ord. 182, 9/8/1997)

SECTION 2304 ZONING PERMIT

A. Permit Required - A zoning permit shall be required when the use of a lot or structure is proposed and confirmation of its compliance with the use provisions of the applicable zoning district regulations is warranted.

B. It shall be unlawful for any person or persons to commence work for any activity required herein until a Zoning Permit has been duly issued.

C. Application For A Permit

1. All requests for zoning permits shall be made in writing by the owner or his authorized agent on a form furnished by the Township and shall include a statement of the use or occupancy intended of the land area or water body, a Site Plan prepared in triplicate and drawn to scale, and copies of all required federal, state, and county permits as approved by the appropriate review agency.

2. Site Plan - All applications for a zoning permit shall be accompanied by three (3) copies of a site plan, drawn to scale, where construction is proposed upon receipt of said permit. The Zoning Officer may require that such site plan be prepared by a Pennsylvania Registered Land Surveyor. The site plan shall show exact dimensions and total acreage of the land parcel or water body, topography shown by contour lines at vertical intervals of five (5) feet, or at such intervals deemed necessary by the Zoning Officer to properly study the site, exact size and location of existing and proposed buildings, structures, water bodies, water courses, flood ways, flood plains, drainage courses, utility rights-of-ways or easements, any other natural or man-made condition on the site affecting or being affected by the proposed use of the property.

3. The Zoning Officer may require additional data to determine compliance with this Chapter.

4. It shall be the duty of the Zoning Officer to review the application and issue said permit within the time frame established for the issuance of building permits.

5. Unless such requirement is waived by the Township Board of Supervisors, all applications for a zoning permit shall be accompanied by a fee, to be based upon the fee schedule of the Township.

D. Action On Zoning Permits

1. Upon approval of an application for a zoning permit one (1) copy of the site plan, where required, shall be returned to the applicant along with one (1) copy of the zoning permit which shall be publicly displayed at the site during the course of construction. One (1) copy of such permit shall be kept on file in the Township Office.

2. In the event of a denial, the Zoning Officer shall state in writing the reason(s) for such denial including the citation of the specific section(s) of this Chapter referred to in the determination.

3. The failure or neglect of the applicant to prominently post the permit and maintain the same throughout the duration of the permitted work shall be a violation of this Chapter. Duplicate permits shall be issued by the Zoning Officer within twenty-four (24) hours after such event or casualty, Sundays and legal holidays excepted.

4. All zoning permits shall expire upon completion of the work authorized within one (1) year from the date of issuance, whichever occurs first. Permits may be issued for periods in excess of one (1) year as deemed appropriate. A zoning permit shall expire if the work authorized is not commenced within one hundred eighty (180) days from the date of issuance.

E. Inspection - The Zoning Officer, or his duly appointed representative shall make the following inspections on property for which a permit has been issued.

1. The Zoning Officer shall inspect the site as necessary to assure compliance with the use provisions of this Chapter for the subject zoning district.

2. At the completion of construction or removal, the applicant shall notify the Zoning Officer. The Zoning Officer shall inspect the site. A record shall be made indicating the time and date of the inspection; the findings of the Zoning Officer in regard to conformance with this Chapter as it relates to the use.

SECTION 2305 TEMPORARY USE PERMIT

A. Permit Required - A temporary use permit shall be required prior to the commencement of a temporary use of a structure, land, or water body, or temporary activity or event including, but not limited to, the seasonal sale of fruit, vegetables or Christmas trees, multi-family, multi-day yard sales, carnivals or circuses, classic or custom car shows, tented assembly events, sidewalk sales, outdoor concerts or commercial film production.

B. Application For Permit

1. All requests for temporary permits shall be made in writing on a form furnished by the Township and shall include a full description of the type of use for which such permit is being sought and the dates during which this use shall be in existence.

2. Unless such requirement is waived by the Township Board of Supervisors, all applications for a temporary use permit shall be accompanied by a fee, to be based upon the fee schedule adopted of the Township.

C. Action On Temporary Permits

1. Upon approval of the application for a temporary use permit, one (1) copy of this permit shall be given to the applicant. This copy of the permit must be publicly displayed at the site of the temporary use during the duration of the use or event. One (1) copy of the permit shall be kept on file in the Township Office.

2. In the event of denial, the Zoning Officer shall forward to the applicant a written statement containing the reason(s) for such denial.

3. Temporary permits are valid for a period from one (1) week to six (6) weeks during any one (1) calendar year, with up to two (2) extensions. For roadside stands said permit is valid for one (1) year renewable upon reapplication.

4. No temporary permit shall be issued for any temporary use where said use would violate any of the provisions of this *Chapter*.

D. Inspection

1. The Zoning Officer, or his duly appointed representative, may make an inspection of the property on which such temporary use is to be located to determine the suitability of the site for the use. This inspection shall be made prior to issuing a permit, prior to initiation of the use, or in the event a renewal of the permit is requested, during the time the use is in existence.

2. In the event of such inspection, a record shall be made indicating the time and date of the inspection, the findings of the Zoning Officer in regard to conformance with this Chapter, and other Township ordinances, and the opinion of the Zoning Officer in regard to the suitability of the site for this use.

E. It shall be unlawful for any person, firm, business, association, partnership or corporation to temporarily use any land, building or other structure or waterway or watercourse without having first obtained a temporary use permit from the Zoning Officer.

SECTION 2306 SIGN PERMIT

A. Permit Required - A Sign Permit shall be required prior to the erection or structural alteration of any sign, either permanent or temporary. It shall be unlawful for any person, firm, business, association, partnership or corporation to commence work for the erection or structural alteration any sign until a permit has been issued. No sign permit shall be required for temporary real estate signs, nameplate signs, or official governmental street, road, and traffic control signs.

B. Application For Permit

1. All requests for sign permits shall be made in writing on a form furnished by the Township and shall include a full description of the proposed sign, a description of the tax parcel upon which such proposed sign if to be located, and a description of other existing signs on the same tax parcel. Such application shall also include copies of all required Federal and/or State Permits as approved by the appropriate review agency.

2. All applications for a sign permit shall be accompanied by two (2) copies of a drawing/plan showing width of sign, height of sign above adjacent ground level, clearance between bottommost part of sign and ground level, distance between front edge of sign and adjacent street or road right-of-way, and distance between front edge of sign and inside edge of adjacent sidewalk, if applicable.

3. It shall be the duty of the Zoning Officer to review the application for completeness and compliance, request more information of the applicant, and officially process the application for a sign within thirty (30) days from the date that a complete application was filed.

4. All applications for a sign permit shall be accompanied by a fee to be based upon the fee schedule of the Township.

C. Action On Sign Permits

1. Upon approval of the sign permit one (1) copy of the permit shall be given to the applicant, and one (1) copy of the permit shall be kept on file in the Township Office.

2. In the event of denial, the Zoning Officer shall forward to the applicant a written statement containing the reason(s) for such denial.

3. Permanent sign permits shall expire upon completion of work authorized therein or within six (6) months from the issuance thereof, whichever occurs first. Permits may be renewed one (1) time where circumstances warrant.

4. Temporary sign permits shall expire upon conclusion of the event or activity for which the sign permit was issued.

D. Inspection

1. For sign permits, the Zoning Officer, or his duly appointed representative, shall make inspection of the property or structure on which the sign is to be located.

   (a) A record shall be made indicating the time and date of the Zoning Officer's inspection and the findings in regard to conformance of the placement of the sign with plans and descriptions submitted with the application for the sign. If the actual construction does not conform to the application, a written notice of a violation shall be issued by the Zoning Officer, and such violation shall be corrected. Erection or placement of the sign shall only proceed after proper correction of the violation and receipt of written notice from the Zoning Officer that the violation has been corrected.

   (b) At the completion of the erection or placement of the sign, the applicant shall notify the Zoning Officer, who shall inspect the site. A record shall be made indicating the time and date of the inspection and the findings of the Zoning Officer in regard to conformance with this Chapter.

2. For temporary sign permits, the Zoning Officer, or his duly appointed representative, may make inspection(s) to determine conformance with this Chapter.

PART XXIV

AMENDMENTS

SECTION 2400 GENERAL ZONING AMENDMENT

A. Whenever the public necessity, convenience, or general welfare indicate, the Board of Supervisors may by Ordinance and in compliance with applicable laws, particularly the Pennsylvania Municipalities Planning Code, Pennsylvania Act 247, as amended, (P.L. 805, No. 247 of 1968), amend, supplement, or change the regulations, restrictions, district boundaries, or classification of buildings, structures, and land or water as the same are established by this Chapter, or may hereafter be made a part thereof.

B. APPLICATIONS OR PETITIONS

1. Amendment applications or petitions may be initiated by any member of the Board of Supervisors, by the Planning Commission, by the Zoning Officer, or by any person having proprietary interest in the land under question.

2. Petitions for an amendment(s) shall be filed with the Township Secretary and the petitioner upon filing the petition shall complete an application of a form furnished by the Township and pay a fee in accordance with the schedule fixed by resolution. No petition shall be considered officially received until the application is completed including requested documentation and/or illustrations and the fee is paid. This filing fee shall be waived for an application/petition for an amendment when said application/petition is filed by any member of the Board of Supervisors, Planning Commission, or the Zoning Officer.

C. REVIEW PROCEDURE - The Township Secretary upon receipt of the petition, completed application, and filing fee shall submit the petition and application information for the proposed amendment(s) to the Township Planning Commission and Beaver County Planning Commission at least thirty (30) days prior to the date of the scheduled public hearing to provide the planning commission an opportunity to submit recommendations.

D. PUBLIC HEARING

1. The Board of Supervisors shall hold a public hearing on the petition and/or application pursuant to public notice. The public hearing shall commence not later than sixty (60) days after the petition and application were duly filed unless the applicant requests or consents to an extension of time. The hearing may be postponed or continued at the request of the applicant or by mutual consent of the parties.

2. The public hearing shall be conducted within the following guidelines:

   (a) The Chairman or Vice Chairman of the Board of Supervisors shall preside and shall have the power to administer oaths and issue subpoenas to compel the attendance of witnesses and the production of relevant documents and papers including witnesses and documents requested by the parties.

   (b) The parties have the right to be represented by counsel and shall be afforded the opportunity to respond and present evidence and argument and cross examine adverse witnesses on all relevant issues.

   (c) Formal rules of evidence shall not apply but irrelevant, immaterial, or unduly repetitious evidence may be excluded.

   (d) The Board of Supervisors shall keep a Stenographic record of the proceedings and a transcript of the proceedings as well as copies of graphic or written material received in evidence and shall be made available to any party at cost.

3. If, after any public hearing upon an amendment, the proposed amendment is revised or further revised to include land not previously affected by it, the Board of Supervisors shall hold another public hearing, pursuant to public notice before proceeding to vote on the amendment.

E. RENDERING THE DECISION

1. Upon completion of the hearing, the Board of Supervisors shall vote on and render a written decision within forty-five (45) days.

2. The vote and decision shall be held during a regular or special meeting of the Board of Supervisors and a copy of the decision shall be made available to all interested parties not later than the day following the date of the decision.

3. Approval of the proposed amendment as requested by the petitioners or as proposed by the Planning Commission or Board of Supervisors shall be granted by formal affirmative majority vote of the Board of Supervisors.

4. If the proposed amendment requested is not approved, is approved but partially revised, altered, or changed, the petitioner and/or the Planning Commission shall be informed by the Board of Supervisors in writing. This written notice shall include specific statement(s) as to the denial, or as to the revisions to the amendment were made, prior to adoption by the Board of Supervisors.

SECTION 2401 LANDOWNERS CURATIVE ZONING AMENDMENT

A. A landowner who desires to challenge on substantive grounds the validity of this Chapter, or the Official Zoning Map, or any provision hereof, which prohibits or restricts the use or development of land in which he has an interest

may submit a curative amendment to the Board of Supervisors with a written request that his challenge and proposed amendment(s) be heard and decided.

B. Petitions for a curative amendment shall be filed with the Township Secretary. Such petition may be submitted at any time but if an application for a permit or approval is denied under this Chapter, the request shall be made not later than thirty (30) days after notification of such denial. In such case the landowner elects to make the request to the Board of Supervisors and the request is timely, the time within which he may seek review of the denial of the permit or approval on other issues shall not begin to run until the request within the petition is finally disposed of.

C. The landowner shall provide a written request to the Board of Supervisors requesting it to hold a hearing on his challenge. The request shall contain the following:

1. A short statement reasonably informing the Board of Supervisors of the matters that are in issue and the grounds for the challenge.

2. A certification that the landowner did not know at the time of filing the petition that the Township has resolved to consider a particular scheme of rezoning by publication of notice of hearings on a proposed zoning ordinance or amendment or that the revised rezoning would be inconsistent with the landowner's proposed use, provided that this revised zoning scheme had reached sufficient particularity to disclose that, if adopted, it would cure the defect in the Chapter subject to the landowner's substantive challenge.

3. Plans and other material reasonably describing the use or development proposed by the landowner in lieu of the use or development permitted by this Chapter or the Official Zoning Map and sufficient enough to evaluate the challenge.

4. An amendment or amendments to this Chapter proposed by the landowner to cure the alleged defects specified in the challenge.

D. REVIEW PROCEDURE - The Township Secretary upon receipt of the complete petition shall submit the petition to the Township Planning Commission and the Beaver County Planning Commission at least thirty (30) days prior to the public hearing to provide the planning commissions an opportunity to submit recommendations.

E. PUBLIC HEARING

1. The Board of Supervisors shall hold a public hearing on the challenge and proposed amendment. The hearing shall commence not later than sixty (60) days after the challenge was filed unless the landowner requests or consents to an extension of time. The hearing may be

postponed or continued at the request of the landowner or by mutual consent of the parties.

2. The public notice of the hearing shall, in addition to the requirements for advertisement for any amendment, indicate that the validity of this Chapter or Zoning Map is in question and shall indicate the place where and times when a copy of the landowner's petition, including all plans submitted and the proposed amendment(s) may be examined by the public.

3. The public hearing shall be conducted within the following guidelines:

   (a) The Chairman or Vice Chairman of the Board of Supervisors presiding shall have the power to administer oaths and issue subpoenas to compel the attendance of witnesses and the production of relevant documents and papers including witnesses and documents requested by the parties.

   (b) The parties have the right to be represented by counsel and shall be afforded the opportunity to respond and present evidence and argument and cross examine adverse witnesses on all relevant issues.

   (c) Formal rules of evidence shall not apply but irrelevant, immaterial, or unduly repetitious evidence may be excluded.

   (d) The Board of Supervisors shall keep a stenographic record of the proceedings and a transcript of the proceedings as well as copies of graphic or written material received in evidence shall be made available to any party at cost.

   (e) The Board of Supervisors shall not communicate, directly or indirectly, with any party or his representatives in connection with any issue involved except upon notice and opportunity for all parties to participate, shall not take notice of any communication, reports, staff memoranda, or other materials unless the parties are afforded an opportunity to contest the material so noticed, and shall not inspect the site or its surroundings after the commencement of hearings with any party or his representatives unless all parties are given an opportunity to be present.

4. The Board of Supervisors shall consider the following as they related to the challenged filed by the landowner: The Board of Supervisors, which has determined that a validity challenge has merit, may accept a landowner's curative amendment, with or without revision, or may adopt an alternative amendment which will cure the challenged defects. The Board of Supervisors shall consider the curative amendments, plans and explanatory materials 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 this Chapter or Zoning 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; and

(e) The impact of the proposal on the preservation of agriculture and other land uses which are essential to public health and welfare.

F. RENDERING THE DECISION

1. The vote and decision shall be held during a regular or special meeting of the Board of Supervisors.

2. Approval of the proposed amendment shall be granted by formal, affirmative, majority vote of the Board of Supervisors.

3. The landowner's request for a curative amendment shall be considered denied when:

(a) The Board of Supervisors notifies the landowner that it will not adopt the amendment.

(b) The Board of Supervisors adopts another amendment which is unacceptable to the landowner.

(c) The Board of Supervisors fails to act on the landowner's request within thirty (30) days of the close of the last hearing unless the time is extended by mutual consent of the landowner and the Township.

SECTION 2402 MUNICIPAL CURATIVE AMENDMENT

A. The Township, by formal action, may declare this Chapter or portions thereof or declare the Official Zoning Map or portions thereof substantively invalid and propose a curative amendment to overcome such invalidity.

B. Within thirty (30) days following the declaration and proposal the Board of Supervisors shall, by resolution, make specific findings that set forth the declared invalidity of this Chapter or the Official Zoning Map. The resolution may include:

1. Reference to specific uses which are either not permitted nor not permitted in sufficient quantity.
2. References to a class of use or uses which require revision.
3. Reference the entire Chapter which requires revisions.

C. Within thirty (30) days following the declaration and proposal, the Board of Supervisors shall begin to prepare and consider a curative amendment to this Chapter and/or the Official Zoning Map to correct the declared invalidity.

D. Within one hundred eighty (180) days from the date of the declaration and proposal, the Board of Supervisors shall enact a curative amendment to or reaffirm the validity of this Chapter and/or the Official Zoning Map pursuant to the provisions of this Section to cure the declared invalidity.

E. After formal declaration and proposal to prepare a municipal curative amendment, the Township shall not be required to entertain or consider any landowner's curative amendment nor shall the Zoning Hearing Board be required to give a report requested in regard to a challenge to the validity of the Chapter of the Official Zoning Map or in regard to unified appeals when such curative amendment or appeal is based upon the grounds identical or substantially similar to those specified in the resolution required in this Section. Upon completion of the procedures for a municipal curative amendment, no rights to a cure shall from the date of the declaration and proposal accrue to any landowner on the basis of the substantive invalidity of this unamended Chapter or the unamended Official Zoning Map for which there has been a municipal curative amendment.

F. The Township having utilized the municipal curative amendment may not again utilize the municipal curative amendment for a thirty-six (36) month period following the date of the enactment of a municipal curative amendment or reaffirmation of the validity of this Chapter and the Official Zoning Map through the municipal curative amendment process.

PART XXV

ENFORCEMENT REMEDIES AND PENALTIES

SECTION 2500 ENFORCEMENT REMEDIES

In case any building, structure, landscaping or land is, or is proposed to be, erected, constructed, reconstructed, altered, converted, maintained or used in violation of this Chapter 27 of the Code of Ordinances, the Board of Supervisors or, with the approval of the Board of Supervisors, a Zoning Officer or Assistant manager, or any aggrieved owner or tenant of real property who shows that his property or person is or will be substantially affected by the alleged violation, in addition to other remedies, may institute any appropriate action or proceeding to prevent, restrain, correct or abate such building, structure, landscaping or land, or to prevent, in or about such premises any act, conduct, business or use constituting a violation. When any such action is instituted by landowner or tenant, notice of that action shall be served upon the Township at least 30 days prior to the time the action is begun by serving a copy of the complaint on the Board of Supervisors. No such action my be maintained until such notice has been given.

SECTION 2501 ENFORCEMENT PROCEDURE

A. If it appears to the Township that a violation of this Chapter of the Code of Ordinances has occurred, the Township shall initiate enforcement proceedings by sending an enforcement notice as provided in this section.

B. The enforcement notice shall be sent to the owner of record of the parcel on which the violation has occurred, to any person who has filed a written request to receive enforcement notices regarding that parcel and to any other person requested in writing by the owner of record.

C. An enforcement notice shall state at least the following:

1. The name of the owner of record and any other person against whom the Township 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 the Chapter.
4. The date before which the steps for compliance must be commenced and the date before which the steps must be completed.
5. That the recipient of the notice has the right to appeal to the zoning hearing board with thirty (30) days in accordance with procedures set forth in Chapter 27, Part XXII.

6. That failure to comply with the notice within the time specified, unless extended by appeal to the zoning hearing board, constitutes a violation, with the sanctions clearly described. (Ord. 175, 8/12/1996)

SECTION 2502 PENALTIES

Any persons, partnership, firm, association or corporation who violates the provisions of this Chapter 27 of the Code of Ordinances, upon being found liable therefor in a civil enforcement proceeding commenced by the Township, shall pay a judgment of not more than $500.00 plus all court costs, including reasonable attorney fees incurred by the Township as a result thereof. No judgment shall commence or be imposed, levied or payable until the date of the determination of a violation by the district justice. If the defendant neither pays or timely appeals the judgment, the Township 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 the 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 attorney fees collected for the violation of zoning ordinances shall be paid over to the Township. (Ord. 175, 8/12/1996)

PART XXVI

FEES

SECTION 2600 FEES

The Board of Supervisors is hereby empowered to adopt a schedule of fees from time to time by resolution to cover the cost of the administration of this Chapter. The fees to be collected may be imposed for, but not limited, to fees for reproduction of the Zoning Chapter, building, zoning, occupancy and sign permits, public hearings for conditional uses and other public hearings required in the Chapter.

PART XXVII

VALIDITY AND REPEALER

SECTION 2700 VALIDITY

Should any section or provision of this Chapter be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of this Chapter as a whole or any part thereof, and the parts of or sections remaining shall remain in effect as though the part or section declared unconstitutional has never been a part thereof.

SECTION 2701 REPEALER

Ordinance No. 68, the Zoning Chapter of Chippewa Township, adopted January 24, 1973, and all subsequent amendments there of and there to, in addition to any or the Chapter or part there of inconsistent herewith are hereby specifically repealed.