

- 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. Notwithstanding 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.

SECTION 1403 COMMUNITY CHARACTER COMPATIBILITY

(Ord. 258, 10/18/17)

Community character compatibility standards for all new construction, change of occupancy or expansion/renovation of buildings and structures accommodating nonresidential land uses are enumerated in Article XVI, §1626.

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 (20') 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:

<u>Parking Angle</u>	<u>Aisle Width</u>
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.