

- 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 evidenced 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 its 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 within 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 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 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 evacuation 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 adjacent 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-round 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 washing, waxing, detailing, lubrication and installation of parts and accessories shall be performed within an enclosed building.
- 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 washing, 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 fence.
- 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 and 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.