

## **CHAPTER 27**

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**Part 1**

**Purpose, Title, Liability, Objectives**

**§27-100. Title.**

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

(Ord. 643, 9/13/1988, §100; as amended by Ord. 647, 3/13/1990, §1(a))

**§27-101. Purposes.**

The regulations in this chapter are intended:

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

(Ord. 643, 9/13/1988, §101; as amended by Ord. 647, 3/13/1990, §1(b))

**§27-102. Borough Liability.**

The granting of a zoning permit or occupancy permit shall not constitute a representation or warranty of any kind by the Borough or any official or employee thereof as to the safety of any structure or use, or of the accuracy of any lot line or other boundary as

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may be shown in such permit, and shall create no liability or a cause of action against the Borough or any of its officials or employees for any damage that may result therefrom.

(Ord. 643, 9/13/1988, §102; as amended by Ord. 647, 3/13/1990, §1(b))

### **§27-103. Community Development Objectives.**

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

(Ord. 643, 9/13/1988, §103; as amended by Ord. 647, 3/13/1990, §1(c))

### **§27-104. Compliance.**

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

(Ord. 643, 9/13/1988, §104)

### **§27-105. Severability.**

[Repealed.]

(Ord. 643, 9/13/1988, §105; repealed by Ord. 647, 3/13/1990, §1(d))

### **§27-106. Zoning Map.**

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

(Ord. 643, 9/13/1988, §106)

### **§27-107. Zoning Districts.**

The Borough is divided into the districts stated in this chapter as shown by the boundaries on the Zoning Map. The districts are:

- R-1 Low Density Residential District
- R-2 Medium-High Density Residential District
- P Public District
- C-1 Commercial District
- C-2 Secondary Commercial District
- C-3 Commercial Professional District
- FP Floodplain District

(Ord. 643, 9/13/1988, §107)

**§27-108. District Boundaries.**

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

(Ord. 643, 9/13/1988, §108)

**§27-109. Changing the Official Zoning Map.**

- A. If, in accordance with the provisions of this chapter and the Pennsylvania Municipalities Planning Code, as amended, changes are made in district boundaries or other matters portrayed on the Official Zoning Map, such changes shall be entered on the Official Zoning Map promptly after the amendment as been approved by Borough Council.
- B. No changes of any nature shall be made in the Official Zoning Map or matter shown thereon except in conformity with the procedures set forth in this chapter or any state law, if applicable. All changes shall be noted on the Official Zoning Map by date with a brief description of the nature of the change.

(Ord. 643, 9/13/1988, §109)

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### **§27-110. Official Zoning Map.**

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

(Ord. 643, 9/13/1988, §110)

### **§27-111. Replacement of Official Zoning Map.**

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

(Ord. 643, 9/13/1988, §111)

### **§27-112. Exemptions.**

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

(Ord. 650, 11/13/1990, §1(a))

## Part 2

### District Regulations

The uses permitted in each district are listed below. Uses in each category shall be according to the definitions contained in Part 6 of this chapter or, if not defined, according to the common meaning of the term. Uses not specifically listed or defined as included in these categories shall not be permitted.

#### §27-200. R-1 Low Density Residential District.

- A. Statement of purpose. The R-1 District is intended to provide low density residential sites within the Borough of Beaver, to preserve the characteristics of neighborhood areas, to provide for the efficient extension of community services and facilities and to prevent the encroachment of land uses that are not compatible with permitted land use activities.
- B. Permitted uses:
1. Single-family dwellings.
  2. Municipal parks and recreation.
  3. Accessory uses and buildings.
- C. Conditional uses. The following conditional uses may be authorized pursuant to the standards and criteria set forth in this chapter:
1. Home occupation.
    - a. Home occupations shall be limited to home instruction and minor home business functions as qualified herewith:
      - (1) Home instruction activities shall be restricted to music lessons, academic tutoring and art and associated small craft training. No more than three pupils may be given instruction concurrently.
      - (2) Minor home business activities shall be restricted to professional, technical, management, telephone contact or related business pursuits that involve only office-related functions and practices that do not include on-site client visitation.
    - b. Any home occupation that involves an activity or operation that is construed as capable of adversely influencing surrounding residential uses through any of the following conditions shall be prohibited:

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- (1) Changes the external residential character or appearance of the dwelling structure;
  - (2) Is visible from surrounding properties or the adjacent street;
  - (3) Generates traffic, parking or utility use in excess of normal levels in the neighborhood;
  - (4) Creates hazards to persons or property;
  - (5) Creates interference or a nuisance;
  - (6) Involves outside storage, display or operations; or
  - (7) Utilizes more than 20% of the floor area of the dwelling in the conduct of the home occupation.
- c. Signs shall be limited to the provisions of this chapter for the district in which the home occupation is located.
  - d. Only members of the family residing on the premises shall be engaged in such occupation.
2. Split-zone lot.
    - a. A single lot which is partly within the R-1 District and partly within another zoning district may be developed in accordance with the regulations prescribed for either district.
    - b. A detailed development and site plan must be submitted with the conditional use application.
- D. Special exceptions. No uses shall be authorized as special exceptions in the R-1 District.
- E. Minimum lot dimensional and development requirements.
1. See Table 1 for dimensional requirements and building height.
  2. Lot coverage. Main buildings shall not exceed 50% of the lot area. All structures, including main and accessory buildings, shall not exceed 70% of the lot area.
- F. Parking and sign requirements. Parking and signs shall be developed in accordance with standards specified in Part 4 of this chapter.

(Ord. 643, 9/13/1988, §200; as amended by Ord. 729, 3/11/2003, §1)

**§27-201. R-2 Medium Density Residential District.**

- A. Statement of purpose. The R-2 District is designated to provide for the maintenance of established residential neighborhoods and to provide for medium high residential development.
- B. Permitted uses:
  - 1. Single-family dwellings.
  - 2. Two-family dwellings.
  - 3. Multifamily dwellings (three or more units), limited to three stories, including townhouses and garden apartments.
  - 4. Municipal parks and recreation.
  - 5. Accessory uses and buildings.
- C. Conditional uses. The following conditional uses may be authorized pursuant to the standards and criteria set forth in this chapter:
  - 1. Home occupation, subject to the standards and criteria set forth in Part 2, §27-200C(1) of this chapter.
  - 2. Group residential facility.
    - a. The services shall be provided in a family environment.
    - b. The group residential facility shall not include business or professional offices (other than incidental offices), business activities, fraternal or social clubs, hospitals, clinics or other such activities.
    - c. The number of residents in any single group residential facility shall be limited to no more than eight persons, including client residents, staff and family of staff. Clients shall be limited to no more than six ambulatory persons.
    - d. Supervision shall be provided by responsible and appropriately qualified adults on duty, on the premises on a twenty-four-hour-a-day basis. A minimum of one such adult shall be in residence at the facility and on duty at all times.
    - e. Lot, yard and all other dimensional requirements of the zoning district in which the facility is located shall be met. Each lot shall include

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a minimum of 1,600 square feet of exterior open space which is maintained and suitable for passive and/or active recreational use.

- f. In addition to basic residential parking requirements, parking facilities shall be provided at the rate of one off-street space for every two resident clients.
- g. A group residential facility shall be located a minimum distance of 1,300 lineal feet radially from any other group residential facility.
- h. As part of the conditional use application process, the Chief of the Borough Fire Department, or the designated agent thereof, shall inspect the premises to evaluate access, fire hazard potential, fire escape provisions, structure layout and adequacy of smoke and fire alarm devices. No certificate of occupancy shall be issued prior to an unqualified approval of such authority.
- i. Sanitary facilities, consisting of a sink, water closet and tub or shower shall be provided at a ratio of one each for every four inhabitants of the facility.
- j. A dining area shall be provided which is of sufficient size to accommodate all clients and residents as a single seating.
- k. A minimum of 72 square feet of contiguous sleeping and personal area should be provided for each client. Said area, for purposes of this requirement, shall be computed exclusive of areas used for sanitary facilities, hallways, aisles, stairwells and other circulation areas, storage areas, dining areas, kitchen and food preparation areas, game rooms and related recreation spaces, instruction areas and other common use space.
- l. A license or certification shall be obtained from the Commonwealth of Pennsylvania, Department of Labor and Industry, Department of Public Welfare, and any other state or county agency having jurisdiction prior to the issuance of a certificate of occupancy. In the event that an appropriate licensing or certifying agency does not exist, the applicant shall demonstrate to the Borough Council that the proposal for establishing such a facility satisfies a demonstrated need and will be conducted in a responsible manner without detriment to surrounding properties.
- m. The sponsor shall file annually with the Borough Manager and the Zoning Officer information certifying that the facility continues to adequately meet the conditions of the original approval. Changes of sponsorship or of any conditions of original approval shall constitute a new use, and the full conditional use procedure of obtaining a new use shall be exercised.

- n. In considering a request for establishment of a group residential facility under the provisions for conditional uses in the Borough, the Planning Commission may recommend, and the Borough Council may attach, any reasonable conditions and safeguards beyond those expressed in this chapter and other applicable codes duly enacted.
- 3. Day-care services.
    - a. All activities shall be conducted in a private detached single-family residence.
    - b. Activities shall be limited to functions normally associated with the part-time tending of children on a for-hire or fee basis and shall not include overnight rooming and boarding.
    - c. Activities shall be conducted within a home atmosphere that is void of any special facilities or appurtenances other than secure play areas and/or apparatus that are deemed to be normal single-family accessory uses within the immediate neighborhood. Safe off-street pick-up and drop-off areas shall be provided at the site.
    - d. No more than six children shall be provided day-care services at any given time.
    - e. Nothing in these provisions shall apply to non-hire child care and child-tending activities within the context of normal family and acquaintance situations.
  - 4. Professional services: an office or establishment providing specialized services such as accounting, auditing, architectural, educational, engineering, health, legal, medical, planning, scientific and related disciplines that involve skill, education or specialized knowledge which is predominantly mental or intellectual, rather than physical or manual.
  - 5. Split-zone lot.
    - a. A single lot which is partly within the R-2 District and partly within another zoning district may be developed in accordance with the regulations prescribed for either district.
    - b. A detailed development and site plan must be submitted with the conditional use application.
- D. Special exceptions. The following special exception may be authorized pursuant to the standards and criteria set forth in this chapter:
- 1. Conversion apartment.

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- a. Each living unit shall contain a minimum of 600 square feet of gross floor area.
  - b. Each living unit shall contain not less than one private bedroom and one additional habitable room in addition to private sanitation and cooking facilities.
  - c. The Chief of the Borough Fire Department, or designated agent thereof, shall inspect the premises to evaluate access, fire hazard potential, fire escape provisions, structural layout and adequacy of smoke and fire alarm devices. No special exception shall be granted prior to an unqualified approval of such authority.
  - d. A maximum of three dwelling units shall be permitted in any single structure.
  - e. No outside stairways shall be constructed except to serve as fire escapes.
  - f. Two off-street parking spaces shall be provided for each living unit.
2. Churches.
- a. All structures shall be a minimum of 20 feet from property boundaries.
  - b. All points of vehicular ingress and egress shall be subject to the approval of the Zoning Hearing Board, which shall consider:
    - (1) Adequacy of sight line distance to assure safety of movement.
    - (2) Local traffic patterns and provision for off-site traffic movements.
    - (3) No lighting, noise or other aspect of the proposed use shall produce a nuisance factor to adjacent residential properties.
- E. Minimum lot dimensional and development requirements.
1. See Table 1 for dimensional requirements and building height.
  2. Lot coverage. Main buildings shall not exceed 50% of lot area. All structures, including all accessory buildings, shall not exceed 70% of the lot area.
- F. Parking and sign requirements. Parking and signs shall be developed in accordance with standards specified in Part 4 of this chapter.

(Ord. 643, 9/13/1988, §201; as amended by Ord. 729, 3/11/2003, §1)

**§27-202. P Public District.**

- A. Statement of purpose. The Public District is designated to preserve and protect portions of the Borough for open space, public recreation use and historical and cultural resources.
- B. Permitted uses:
  - 1. Municipal parks and recreation.
  - 2. Municipal facilities and services necessary to public health and welfare.
  - 3. Museums, exhibition and cultural facilities.
  - 4. Forestry.
- C. Accessory uses:
  - 1. Uses and buildings customarily incidental and appurtenant to principal permitted uses.
- D. Conditional uses: The following conditional uses may be authorized pursuant to the standards and criteria set forth in this Chapter:
  - 1. Communications towers.
  - 2. Hospitality uses if demonstrated to be complementary and incidental to the principal permitted uses.
- E. Dimensional standards:
  - 1. Minimum lot area: no minimum specified.
  - 2. Minimum lot width: no minimum specified.
  - 3. Lot coverage: no maximum specified.
  - 4. Yards:
    - a. Minimum front yard: no minimum specified.
    - b. Minimum side yard: no minimum specified.
    - c. Minimum rear yard: no minimum specified.

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5. Maximum height of an accessory structure shall be 16 feet. The second floor of an accessory structure shall not exceed 50% of the area of the exterior footprint of the accessory structure.
  6. The footprint area of an accessory structure shall not exceed 15% of the lot area. The total aggregate side yard dimensions for an accessory structure are 10 feet with a minimum two-foot side yard distance on one side or a minimum of 5 feet from an adjoining building. The area of the exterior footprint of an accessory structure cannot exceed 80% the area of the exterior footprint of the principal structure.
  7. Maximum building height: 35 feet (all principal permitted or conditional uses)
- F. Parking and sign requirements: Parking and signage design and construction shall comply with standards specified in this Chapter.

(Ord. 643, 9/13/1988, §202; as amended by Ord. 762, 10/14/2008)

### **§27-203. C-1 Commercial District.**

- A. Statement of purpose. The C-1 District is designated to provide for retail shopping and related service activities for the use and convenience of residents within the Borough of Beaver, the surrounding vicinity and transient patrons. The district is intended to generate business facilities and related supporting amenities to encourage and sustain viable commercial pursuits.
- B. Permitted uses:
1. Retail business.
  2. Personal services.
  3. Restaurants, non-drive-in.
  4. Printing services.
  5. Financial institutions and charitable, government and professional offices and services above ground-floor commercial establishments located on property fronting on Third Street.
  6. Accessory uses and buildings.
- C. Conditional uses. The following conditional uses may be authorized pursuant to the standards and criteria set forth in this chapter.
1. Commercial and private parking facilities to serve C-1 District uses.

- a. No parking area shall utilize ground-floor space which fronts on Third Street.
  - b. No vehicular ingress or egress serving said parking shall be permitted on Third Street.
2. Multifamily dwellings, not exceeding a total structure height of five stories.
- a. All ground-floor area shall be devoted to a permitted commercial use, or uses, in the C-1 District. (See §27-203B above.)
  - b. No resident parking requirements shall be accommodated within 200 feet of Third Street, and no vehicular ingress or egress serving said parking shall be permitted on Third Street.
  - c. Outdoor areas, such as courtyards, passive recreation and other external use facilities, shall be screened for privacy from Third Street.
3. Residential apartments above ground-floor commercial establishments.
- a. Each living unit shall include private bathroom, sleeping, and cooking-dining accommodations situated in individual rooms.
  - b. Each living unit shall contain a minimum of 600 square feet of gross floor area.
  - c. Ingress and egress to each living unit shall be provided by common public accessways.
  - d. Off-street parking shall be provided to the rear of the structure.
  - e. Fire and safety provisions shall conform to all local fire codes and Pennsylvania Department of Labor and Industry standards.
4. Professional offices and services on property not fronting on Third Street.
- a. Off-street parking shall be provided as follows: one space per 250 square feet of building area, plus one additional space.
- D. Special exceptions. The following special exceptions may be authorized pursuant to the standards and criteria set forth in this chapter:
1. Related on-site manufacturing of products in conjunction with general retail sales, crafts, food products and similar predominantly retail functions and services.

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- a. A minimum of 75% of all products produced or manufactured on-site shall be sold at retail on-site.
  - b. All nonretail operations shall be accommodated in the rear portions of the structure and separate from retail activities.
  - c. All receiving, loading and handling of materials and products shall be to the rear of the structure. No loading docks or vehicular activity associated with the manufacture of products shall be served or accessed from Third Street.
- E. Minimum lot dimensional and development requirements.
1. See Table 1 for dimensional requirements and building height.
  2. Lot coverage: lots subject to twenty-foot rear yard requirement; no percentage of lot coverage specified.
  3. Canopies. A canopy will be permitted to overhang the sidewalk on Third Street, subject to the following conditions:
    - a. No canopy shall project more than 48 inches over the public right-of-way.
    - b. A minimum clearance of seven feet above the sidewalk must be maintained by a canopy or any canopy attachment.
    - c. The fascia on a canopy shall not exceed 12 inches. Unlighted signs in the form of letters, stating the store name only, may be mounted only on the fascia facing Third Street.
    - d. Unlighted signs, stating the store name only, may be suspended beneath the canopy, subject to the seven-foot clearance. A maximum of six square feet is permitted.
- F. Parking and sign requirements. Parking and signs shall be developed in accordance with standards specified in Part 4 of this chapter.
- G. Maximum dimensional requirements. The following standards shall apply to all permitted uses, conditional uses and uses by special exception:
1. All uses shall comply with the provisions of this subsection in the event that a change of use, expansion of an existing use, consolidation of existing uses or the introduction of a new use is proposed.
  2. Existing uses, whether conforming or nonconforming, which exceed the dimensional standards herein established shall be exempt, except that no

such use shall be expanded or consolidated with another use to increase the degree of noncompliance.

3. No use at street level shall exceed 4,050 square feet in gross floor area, which is hereby established as the "scale of development" in the C-1 District.
  - a. Such "scale of development" is derived from an analysis of the square footage of existing businesses in the C-1 District.
  - b. Such "scale of development" is established as 200% of the statistical average of the occupied gross floor areas of all individual businesses in the C-1 District.

(Ord. 643, 9/13/1988, §203; as amended by Ord. 699, 6/8/1999, §1a, §1b; by Ord. 719, 7/9/2002, §1; and by Ord. 746, 4/12/2005)

**§27-204. C-2 Secondary Commercial District.**

- A. Statement of purpose. The C-2 District is structured into the local commercial zoning pattern as an adjunct to the C-1 District to accommodate a mix of businesses and services which, due to certain characteristics and locational considerations, require specific siting requirements.
- B. Permitted uses:
  1. Financial institutions.
  2. Offices: business, government, professional.
  3. Personal services.
  4. Printing.
  5. Professional services.
  6. Retail businesses when conducted entirely within buildings.
  7. Accessory uses and buildings.
- C. Conditional uses:
  1. Auto sales and service.
    - a. No storage, parking or display of vehicles shall be permitted in a required front, rear or side yard area.

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- b. All vehicle storage and sales lots shall be paved with a bituminous, concrete or similar hard surface material.
    - c. All storage of parts and materials and servicing of vehicles shall be within an enclosed structure.
  2. Auto service station.
    - a. All storage of parts or materials shall be within an enclosed structure.
    - b. Except for fuel dispensing, all production, servicing and processing shall take place within completely enclosed buildings.
    - c. No more than three vehicles awaiting or in process of servicing or repair shall be stored except within an enclosed building.
    - d. All storage and handling of fuel, oil and similar substances shall be carried out in accordance with legal and accepted safety requirements.
    - e. Ingress and egress shall be designed so as not to create hazardous conditions or unnecessary congestion of traffic in the immediate area. A traffic plan delineating all points of ingress and egress, parking locations by individual spaces, on-site traffic circulation plan and vehicle stacking areas shall be included as part of the application for special exception.
  3. Drive-in restaurants.
    - a. Points of vehicular ingress and egress shall be limited to adjacent thoroughfares having business-zoned frontage only.
    - b. The angle and siting of driveway intersections with adjacent thoroughfares shall be based upon safe traffic movements and shall be approved only following a positive report from the Borough Engineer.
    - c. A fence or wall shall be erected along all abutting properties. Said fence or wall shall be protected from potential damage from vehicles by means of properly installed freeway-type metal bumper guards or equal protective measures.
    - d. Provisions shall be established and maintained on a continuing basis to control and eliminate litter on, and adjacent to, the site.
  4. Adult businesses. This use shall be subject to the following express standards and criteria generally applicable to all conditional uses:
    - a. An adult business may be established only in the C-2 Secondary Commercial District.

- b. Persons or owners who intend to operate an adult business in the Borough of Beaver must obtain from the Borough a license to operate such an enterprise and must pay an application investigation fee of \$500 to the Borough. Applicants for such licenses must furnish such information as is required on the license application form with completeness and accuracy. This form will be available at the office of the Borough Secretary.
  - c. No adult businesses may be located within 500 feet of a property boundary line of a pre-existing school, hospital, day-care center, nursing home, sanitarium, retirement or convalescent home, group home, personal-care home, public park, playground or church.
  - d. No adult business may be located within 500 feet of a property boundary line of another adult business.
  - e. Alcoholic beverages are not permitted on the premises of an adult business.
  - f. Any sign displayed by an adult business will, in addition to conforming to other applicable provisions of this chapter, be limited to the name of the business and its hours of operation and will not bear any pictorial or graphic designs.
- D. Minimum lot dimensional and development requirements.
- 1. See Table 1 for dimensional requirements and building heights.
  - 2. Lot coverage: not to exceed 60% of the lot area, including accessory as well as main buildings.
- E. Parking and sign requirements. Parking and signs shall be developed in accordance with standards specified in Part 4 of this chapter.

(Ord. 643, 9/13/1988, §204; as amended by Ord. 688, 11/11/1997, §1)

**§27-205. C-3 Commercial Professional District.**

- A. Statement of purpose. The C-3 District is designed to provide for the protection of mixed-use residential neighborhoods, concurrent with the establishment of non-residential land use activities of a compatible and harmonious character, in sectors of the Borough that are in transition.
- B. Permitted uses:
  - 1. Financial institutions.

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2. Funeral homes.
  3. Offices: business, government, professional.
  4. Personal services.
  5. Publishing, commercial printing and distribution.
  6. Professional services.
  7. Accessory uses and buildings.
- C. Conditional uses. The following conditional uses may be authorized pursuant to the standards and criteria set forth in this chapter:
1. Group residential facility, subject to the standards and criteria set forth in Part 2, §27-201C2, of this chapter.
  2. Bed-and-breakfast.
    - a. All rooms and related facilities provided for transient guests shall be normal integral components of the principal dwelling unit. The owner of the facility must reside therein.
    - b. No facilities, such as cooking accommodations or similar amenities, other than those provided for the normal use of the principal dwelling unit, shall be provided for transient guests.
    - c. No more than three guest sleeping rooms shall be available or utilized concurrently for transient guests in any facility.
    - d. The size of each individual guest sleeping room utilized for transient guests shall be a minimum of 100 square feet.
    - e. Maximum occupancy shall not exceed eight guests.
    - f. Service of meals shall be limited to breakfast only to overnight transient guests.
    - g. Off-street parking spaces, as specified in Part 4 of this chapter, shall be provided to the rear of the principal structure and shall not be sited within any required front or side yard setback areas.
    - h. Signs shall be limited as specified in §27-401E1(a) and E4(b) of this chapter for the district.

- i. Only normal residential yard and structure lighting appropriate for residential purposes shall be permitted.
  - j. As part of this conditional use application process, the Chief of the Borough Fire Department, or the designated agent thereof, shall inspect the premises to evaluate access, fire hazard potential, fire escape provisions, structural layout and adequacy of smoke and fire alarm devices. No certificate of occupancy shall be issued prior to an unqualified approval of such authority. The owner shall make the premises available for reinspection by Borough authorities at any reasonable time.
  - k. Only members of the family in residence at the premises shall be engaged in the conduct of the bed-and-breakfast establishment.
  - l. Overnight guests shall not occupy the facility for more than three consecutive nights in a thirty-day period.
3. Multifamily dwellings not to exceed three stories.
- a. All development proposals shall be subject to site plan review and approval. The site plan shall:
    - (1) Define the location of all proposed structures.
    - (2) Show density of units.
    - (3) Show parking and vehicular circulation proposals.
    - (4) Delineate open spaces, recreation facilities and other site amenities.
    - (5) Show a landscape plan, including location and types of vegetative materials, paving materials, landscaping structures, buffers, site drainage provisions and related treatments.
  - b. All points of vehicular ingress and egress shall be subject to approval, subject to:
    - (1) Adequacy of sight line distances to assure safety of movement.
    - (2) Local traffic patterns and provisions for off-site traffic movements.
4. Split-zone lot.

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- a. A single lot which is partly within the C-3 District and partly within another zoning district may be developed in accordance with the regulations prescribed for either district.
- b. A detailed development and site plan must be submitted with the conditional use application.

### D. Special exceptions.

The following special exceptions may be authorized pursuant to the standards and criteria set forth in this chapter:

1. Conversion apartment, subject to the standards and criteria set forth in Part 2, §27-201D1 of this chapter.
2. Churches, subject to the standards and criteria set forth in Part 2, §27-201D2 of this chapter.

### E. Minimum lot dimensional and development requirements.

1. See Table 1 for dimensional requirements and building heights.
2. Lot coverage: not to exceed 60%, including accessory as well as main buildings.

### F. Parking and sign requirements. Parking and signs shall be developed in accordance with standards specified in Part 4 of this chapter.

(Ord. 643, 9/13/1988, §205; as amended by Ord. 729, 3/11/2003, §1)

## **§27-206. Floodplain District.**

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

1. Regulating uses, activities and development which, acting alone or in combination with other existing or future uses, activities and development, will cause unacceptable increases in flood heights, velocities and frequencies.
2. Restricting or prohibiting certain uses, activities and development from locating within areas subject to flooding.
3. Requiring all those uses, activities and developments that do occur in areas of special flood hazard to be protected and/or floodproofed against flooding and flood damage.

4. Protecting individuals from buying lands and structures which are unsuited for intended purposes because of flood hazards.
- B. **Applicability.** These provisions shall apply to all land within the jurisdiction of Beaver Borough located within the boundaries of the Floodway District, Flood Fringe District and General Floodplain District. This statement of applicability supplements and does not replace the application of the underlying district regulations.
  - C. **Interpretation of district boundaries.** Where interpretation is needed concerning the exact location of any boundary of the Floodway District, Flood Fringe District or General Floodplain District, the Zoning Hearing Board shall make the necessary determination in accordance with §27-108 of this chapter. The person questioning or contesting the location of a district boundary shall be given a reasonable opportunity to present his case to the Board and to submit his own technical evidence if he so desires.
  - D. **Compliance.** No structure or land shall hereafter be used and no structure shall be located, relocated, constructed, reconstructed, enlarged or structurally altered except in full compliance with the terms and provisions of this chapter and any other applicable ordinances and regulations which apply to uses within the jurisdiction of this chapter.
  - E. **Warning and disclaimer of liability.**
    1. The degree of flood protection sought by the provisions of this chapter is considered reasonable for regulatory purposes and is based on acceptable engineering methods of study. Larger floods may occur on rare occasions. Flood heights may be increased by man-made or natural causes, such as ice jams and bridge openings restricted by debris. This chapter does not imply that areas outside the Floodplain Districts, or that land uses permitted within such districts, will be free from flooding or flood damages.
    2. This chapter shall not create liability on the part of Beaver Borough or any officer or employee thereof for any flood damages that result from reliance on this chapter or any administrative decision lawfully made thereunder.
  - F. **Designation of Floodplain Districts.**
    1. The Floodway District is delineated, for purposes of this chapter, using the criteria that a certain area within the floodplain must be capable of carrying the waters of the one-hundred-year flood more than one foot at any point. The areas included in this district are defined in the Floodway Data Table contained in the Flood Insurance Study as prepared by the Federal Emergency Management Agency and shown on the accompanying Flood Insurance Rate Map. Where no floodway has been identified in the Flood Insur-

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ance Study, such information in any other available Federal, State or other acceptable source should be used.

2. The Flood Fringe District shall be that area of the one-hundred-year floodplain not included in the Floodway District. The basis for the outermost boundary of this area shall be the one-hundred-year flood elevations contained in the flood profiles provided in the Flood Insurance Study. Where elevation information is not provided in said study, such information provided in any other available Federal, State or other acceptable source should be used.
3. The General Floodplain District shall be that floodplain area for which no detailed flood elevations or floodway information is provided. Such areas are shown as Zone A on the maps accompanying the Flood Insurance Study prepared by the Federal Emergency Management Agency. For these areas, elevation and floodway information from other Federal, State or other acceptable source shall be used when available. When such other acceptable information is not available, the elevation shall be determined by using the elevation of a point on the boundary of the identified floodplain area which is nearest the construction site.

### G. Floodplain district regulations.

All uses, activities, and development occurring within the Floodway District, Flood Fringe District and General Floodplain District shall be undertaken only in strict compliance with the provisions of this chapter and with all other applicable codes and ordinances of the Borough.

The Floodway District, Flood Fringe District and General Floodplain District shall serve as overlays to the existing underlying zoning district as shown on the Official Zoning Map, and as such the provisions for these districts shall serve as a supplement to the underlying zoning district regulations. Where any conflict exists between the provisions of these districts and those for any underlying zoning district, the more restrictive provisions shall apply.

Prior to the alteration or relocation of any watercourse within the Borough, a permit shall be obtained from the Bureau of Dam Safety, Obstructions and Storm Water Management. Notification by registered letter of the proposed alteration or relocation shall be given by the developer to all adjacent affected municipalities. Copies of such notification shall be forwarded to the Federal Insurance Administration, U.S. Department of Housing and Urban Development, the Pennsylvania Department of Community Affairs and the Municipal Zoning Officer.

Under no circumstances shall any use, activity or development adversely affect the capacity of the channels of floodways of any watercourse, drainage ditch, or any other facility or system.

1. Floodway District (FW). In the Floodway District, no new development shall be permitted (including fences, with the exception of two-wire fences) except where the effect of such development on flood heights is fully offset by accompanying stream improvements.
  - a. Permitted uses. In the Floodway District, the following uses and activities are permitted, provided that they are in compliance with this chapter and the provisions of the underlying zoning district and are not prohibited by this chapter or any other ordinance, and provided that they do not require structures, fill or storage of materials and equipment:
    - (1) Agricultural uses such as general farming, pasture, grazing, outdoor plant nurseries, horticulture, truck farming, forestry, sod farming, and wild crop harvesting.
    - (2) Public and private recreational uses and activities such as parks, day camps, picnic grounds, boat-launching and swimming areas, hiking, and horseback riding trail, wildlife and nature preserves, game farms, fish hatcheries and fishing areas.
    - (3) Residential yard areas, gardens, play areas and pervious parking areas.
    - (4) Industrial and commercial yard areas, gardens, play areas, and pervious parking and loading areas.
  - b. Uses permitted by special exception.
    - (1) The following uses and activities may be permitted by special exception, provided that they are in compliance with the provisions of the underlying zoning district and are not prohibited by any other ordinances:
      - (a) Structures accessory to the uses and activities in §27-206G1a(1) above.
      - (b) Utilities and public facilities and improvements such as railroads, streets, bridges, transmission lines, pipe lines, water and sewage treatment plants, and other similar or related uses.
      - (c) Water-related uses and activities such as marinas, docks, wharves and piers.
      - (d) Extraction of sand, gravel and other materials.

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- (e) Temporary uses such as circuses, carnivals and similar activities.
    - (f) Storage of materials and equipment, provided that they are not buoyant, flammable or explosive and are not subject to major damage by flooding, and provided that such material and equipment is firmly anchored to prevent flotation or movement and/or can be readily removed from the area within the time available after flood warning.
    - (g) Other similar uses and activities.
  - (2) All uses, activities and structural developments shall be undertaken in strict compliance with the floodproofing provisions contained in this chapter and in all other applicable Borough codes and ordinances.
- 2. Flood Fringe District (FF).
  - a. In the Flood Fringe District, the development and/or use of land shall be permitted in accordance with the regulations of the underlying zoning district, provided that all such uses, activities and/or development shall be undertaken in strict compliance with the floodproofing and related provisions contained in this chapter and all other applicable Borough codes and ordinances.
  - b. Under no circumstances, however, shall materials that are buoyant, flammable, explosive or which, at times of flooding, could be injurious to human, animal or plant life, be stored below an elevation of one and one-half feet above the regulatory flood elevation.
  - c. The Flood Insurance Study for Beaver Borough provides regulatory flood elevations for the Flood Fringe District.
- 3. General Floodplain District (GFP).
  - a. The provisions of this chapter pertaining to the Flood Fringe District shall also apply to the General Floodplain District.
  - b. The Flood Insurance Study for Beaver Borough does not provide regulatory flood elevation for the General Floodplain District. A specific regulatory flood elevation shall be determined by using the elevation at the point on the General Floodplain District boundary which is nearest to the site in question. In the absence of such elevation, Borough Council may authorize the Borough Engineer to relate a known and recorded street benchmark to the General Floodplain District boundary and establish same as the regulatory flood elevations. Other sources of data which may be used include the following:

- (1) U.S. Army Corps of Engineers: Floodplain Information Reports.
- (2) U.S. Geological Survey: Flood Prone Quadrangles.
- (3) Soil Conservation Service, U.S. Department of Agriculture: County Soil Surveys (Alluvial Soils).

H. Elevation, floodproofing and construction standards applicable within floodplain districts.

1. Residential structures. Within any floodplain district, the lowest floor, including basement, of all residential structures shall be constructed at or above the one-hundred-year flood elevation.
2. Nonresidential structures.
  - a. Within any floodplain district, the lowest floor, including basement, of all nonresidential structures shall be constructed at or above the one-hundred-year flood elevation, or such structures shall be designed and constructed so that the space enclosed shall remain either completely or essentially dry during any flood up to that height.
  - b. Any nonresidential structure, or part thereof, having a lowest floor which is not elevated to at least one and one-half feet above the one-hundred-year flood elevation shall be floodproofed in a completely or essentially dry manner in accordance with the W1 or W2 space classification standards contained in the publication entitled "Flood-Proofing Regulations" published by the U.S. Army Corps of Engineers (June 1972), or with some other equivalent standard. All plans and specifications for such floodproofing shall be accompanied by a statement certified by a registered professional engineer or architect which states that the proposed design and methods of construction are in conformance with the above referenced standards.
3. Drainage facilities. Adequate storm drainage shall be provided for development within any floodplain district. Storm drainage facilities shall be designed to convey the flow of stormwater runoff in a safe and efficient manner. The system shall insure drainage at all points along streets and provide positive drainage away from buildings. The system shall also be designed to prevent the discharge of excess runoff onto adjacent properties.
4. Sanitary sewer facilities. All new or replacement sanitary sewer facilities and private package sewage treatment plants (including all pumping stations and collector systems) shall be designed to minimize or eliminate infiltration of floodwaters into the systems and discharges from the systems into the floodwaters. In addition, they shall be located and constructed to minimize or eliminate flood damage and impairment.

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5. Water facilities. All new or replacement water facilities shall be designed to minimize or eliminate infiltration of floodwaters into the system and be located and constructed to minimize or eliminate flood damages.
6. Utilities. All utilities such as gas lines, electrical and telephone systems being placed in flood-prone areas shall be located and constructed to minimize the chance of impairment during a flood.
7. Anchoring. Within any floodplain district, all buildings and structures shall be firmly anchored in accordance with accepted engineering practices to prevent flotation, collapse or lateral movement.
8. Special provisions for manufactured homes.
  - a. Manufactured homes are not permitted in any Floodway District.
  - b. When permitted in any other floodplain district, all manufactured homes, and any additions thereto, shall be:
    - (1) Placed upon a permanent foundation.
    - (2) Elevated so that the lowest floor of the manufactured home is one and one-half feet or more above the elevation of the one-hundred-year flood.
    - (3) Anchored to resist flotation, collapse, or lateral movement.
9. Subfloor space. Within any identified floodplain district, fully enclosed spaces below the lowest floor of any new or substantially improved structure shall be prohibited.

### I. Administration.

1. Permit required. A zoning permit shall be required for all construction and development in any floodplain district. In addition to the application requirements of §27-500 of this chapter, the following additional information shall be included in an application for construction or development in any floodplain district:
  - a. A site plan which details the existing and proposed contours and/or elevation of the ground.
  - b. The one-hundred-year flood elevation and the elevation of the lowest floor of any proposed structures.
  - c. If a proposed nonresidential structure is to be floodproofed, certification from a registered engineer or architect that the floodproofing

methods are adequate to withstand the flood depths, pressures, velocities, impact and uplift forces and other factors associated with the one-hundred-year flood.

- d. If the proposed development is to be located within the Floodway District, a certification from a registered engineer that the development will not cause any increase in the one-hundred-year flood levels within the community or that any such increase will be fully offset by accompanying watercourse improvements.
2. Other permit issuance requirements. Prior to the issuance of any permit, the Zoning Officer shall review the application for a permit to determine if all other necessary governmental permits, such as those required by State and Federal laws, have been obtained, including those required by Act 537, the Pennsylvania Sewage Facilities Act, the Pennsylvania Water Obstructions Act of 1913, and the Federal Water Pollution Control Act Amendments of 1972, Section 404, U.S.C. 1334. No permit shall be issued until this determination has been made.
- J. Criteria for review of applications for special exceptions. In reviewing applications for special exceptions within the Floodway District, Flood Fringe District and General Floodplain District, the Zoning Hearing Board shall consider all relevant provisions of this chapter and the following:
1. The danger to life and property due to increased flood heights or velocities caused by encroachments.
  2. The danger that materials may be swept on to other lands or downstream to the injury of others.
  3. The proposed water supply and sanitation systems and the ability of these systems to prevent disease, contamination, and unsanitary conditions.
  4. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on individuals.
  5. The importance of the services provided by the proposed use to the community.
  6. The requirements of the use for a waterfront location.
  7. The availability of alternative locations not subject to flooding for the proposed use.
  8. The compatibility of the proposed use with existing development and development anticipated in the foreseeable future.

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9. The relationship of the proposed use to the Borough Comprehensive Plan and floodplain management program.
  10. The safety of access to the property in times of flood of ordinary and emergency vehicles.
  11. The expected heights, velocity, duration, rate of rise, and sediment transport of the floodwaters expected at the site.
  12. Such other factors which are relevant to the purposes of this chapter, including potential increases in flood elevations.
- K. Criteria for review of applications for variances. In reviewing applications for variances within the Floodway District, Flood Fringe District and General Floodplain District, the Zoning Hearing Board shall consider all relevant provisions of this chapter and the following:
1. Variances may be granted for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places or the State Inventory of Historic Places.
  2. Variances shall not be given in the Floodway District that result in any increases in flood levels during the one-hundred-year flood.
  3. Variances shall only be given where the applicant shows that granting of a variance will not result in increased flood height, additional threats to public safety, or extraordinary public expense, nor cause fraud on or victimization of the public or conflict with existing local laws or ordinances.
  4. If any variance is given, written notification shall be given to the applicant indicating that:
    - a. Increased insurance will result, possibly going as high as \$25 per \$100 worth of coverage.
    - b. Construction occurring below the one-hundred-year flood level increases risk to life and property.
  5. Records of all variance actions including their justification, shall be maintained by the community as well as reported in its annual report to FIA.
- L. Nonconforming uses.
1. Nonconforming uses located within the Floodway District shall not be expanded or enlarged unless the effect of the expansion or enlargement on flood elevations is offset by accompanying stream improvements.

2. Any modification, alteration, repair, reconstruction or improvement of any kind to a nonconforming use located within the Floodway District, Flood Fringe District or General Floodplain District to an extent of less than 50% of its market value shall be elevated and/or floodproofed to the greatest extent possible.
3. Any modification, alteration, repair, reconstruction or improvement of any kind to a nonconforming use located within the Floodway District, Flood Fringe District, or General Floodplain District to an extent of 50% or more of its market value shall be in compliance with the provisions of this chapter and other applicable codes and ordinances and in accord with the elevating and/or floodproofing provisions of §27-206H to the greatest extent possible.

(Ord. 643, 9/13/1988, §206; as amended by Ord. 652, 4/9/1991, §1 (a)-(1))

#### NOTE: ZONING DISTRICT DELINEATIONS

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

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

(Ord. 643, 9/13/1988, §206, Note)



## Part 3

### Supplementary Regulations

#### §27-300. Nonconforming Properties.

A. General.

1. Within the districts established by this chapter, or amendments that may later be adopted, there exist lots, structures, uses of land and structures, and characteristics of use which were lawful before this chapter was passed or amended but which would be prohibited, regulated or restricted under the terms of this chapter or future amendment.
2. It is the intent of this chapter that any lawful use of a structure or land existing at the effective date of this chapter may be continued although such use does not conform to the provisions of this chapter. Such uses may be sold or otherwise transferred to other owners and continued as nonconforming uses.

B. Permitted extension of nonconforming use.

1. A nonconforming lawful use of a building may be extended throughout the building if no structural alterations are made therein.
2. If structural alteration within a building is intended in the extension of a nonconforming use within that building, then authorization as a special exception by the Zoning Hearing Board is required.
3. If enlargement of a building is intended in the extension of a nonconforming use in that building, then authorization as a special exception by the Zoning Hearing Board is required and the enlargement must conform to the lot coverage, height, and setback regulations of the district in which it is situated.

C. Change of nonconforming use. A nonconforming use shall not be changed to another nonconforming use unless the Zoning Hearing Board determines that the proposed new use more nearly conforms to a permitted use of the zoning district in which the property is situated.

D. Restoration of nonconforming use. If a nonconforming structure which has been damaged or destroyed by fire or other causes, it may be reconstructed only in compliance with current regulations of the district in which the property is located, unless authorized as a special exception by the Zoning Hearing Board.

E. Abandonment of nonconforming use. If a nonconforming use of a building or land ceases for a period of one year or more, subsequent use of such building or land shall be in conformity with the provisions of this chapter.

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- F. Building permit affected by zoning change. If a building permit has been issued prior to the effective date hereof and any intended building or lawful use thereof does not conform to this chapter, the activity may proceed to completion, provided that all elements of the building permit as issued are met.
- G. Recording of nonconformance. The Zoning Officer shall record and maintain records of all nonconforming uses existing at the effective date of this chapter and any subsequent amendments to this chapter.

(Ord. 643, 9/13/1988, §300; as amended by Ord. 647, 3/13/1990, §1(e); and by Ord. 652, 4/9/1991, §1(m))

### **§27-301. Fences or Hedges.**

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

- A. No fence, wall or other similar structure and no hedge, shrubbery or other similar vegetation shall exceed a height of seven feet.
- B. On any lot, no fence, wall or other structure and no hedge, shrub or other vegetation shall obstruct or interfere with the visibility of vehicular traffic on the abutting streets or alleys or with the visibility of vehicular traffic from a driveway on the owner's lot or any adjacent lot.
- C. To prevent the creation of a traffic hazard by impairing the view at a street intersection, a clear sight triangle shall be maintained. Such triangle shall consist of the center lines of the intersecting streets or alleys and a line joining points on such center lines 45 feet in each direction from their point of intersection. Within this triangular area, no fence, wall or other structure and no hedge, shrub or other vegetation shall exceed a height of three feet above the surface of the intersection.

(Ord. 643, 9/13/1988, §301; as amended by Ord. 647, 3/13/1990, §1(f))

### **§27-302. Temporary Structures.**

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

(Ord. 643, 9/13/1988, §302)

**§27-303. Essential Services.**

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

(Ord. 643, 9/13/1988, §303)

**§27-304. Storage.**

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

(Ord. 643, 9/13/1988, §304)

**§27-305. Occupancy of Mobile Homes.**

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

(Ord. 643, 9/13/1988, §305)

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### **§27-306. Height Exceptions.**

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

(Ord. 643, 9/13/1988, §306)

### **§27-307. Height Measurement.**

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

- A. In case of flat roof structures: the highest point of the coping.
- B. In case of mansard roof structures: the deckline of the roof.
- C. In case of a gable or hipped roof: the bottom of the eaves.

(Ord. 643, 9/13/1988, §307; as amended by Ord. 729, 3/11/2003, §1)

### **§27-308. Reduction of Lot.**

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

(Ord. 643, 9/13/1988, §308)

### **§27-309. Dwellings on Small Lots.**

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

(Ord. 643, 9/13/1988, §309)

### **§27-310. Swimming Pools.**

All swimming pools shall be properly fenced so as not to become a hazard to any person. The purpose of a protective structure (fence, wall, etc.) is to minimize accidents and bod-

ily injury to citizens, therefore, fences or walls shall be at least four feet in height measured from the ground line at a point at the side of the wall or fence that is outside of the enclosure area of the pool. When approved by the Zoning Officer, a fence may be securely installed on top of a concrete, stone or brick wall, and the total height of the wall and fence together shall not be less than four and one-half feet (54 inches). No opening in the fence, wall or combination thereof shall be larger than two inches by two inches, and all gates shall have self-catching latches.

(Ord. 643, 9/13/1988, §310)

**§27-311. Projections into Yard Areas.**

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

(Ord. 643, 9/13/1988, §311; as amended by Ord. 647, 3/13/1990, §1(g); and by Ord. 652, 4/9/1991, §1(n))

**§27-312. Schools.**

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

(Ord. 643, 9/13/1988, §312)

**§27-313. Annexed Areas.**

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

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(Ord. 643, 9/13/1988, §313)

### **§27-314. Yard Sales.**

Yard sales are subject to the following restrictions:

- A. The seller must be a bona fide resident of the premises on which the event is held or, if more than one seller is involved, one must be a resident of the premises and all must be residents of Beaver Borough.
- B. The merchandise offered shall consist only of items of clothing or household goods belonging to the seller(s).
- C. The merchandise offered shall not consist of goods purchased by the seller(s) for the purpose of resale.
- D. A yard sale shall not continue at a particular site for more than two consecutive days.
- E. No more than two yard sales may be conducted at one site in a calendar year.
- F. A permit issued by the Borough is required for each yard sale. The permit shall be issued promptly upon the filing of a completed application with the Borough.
- G. A maximum of three signs advertising or giving directions to the yard sale may be posted within the Borough. These signs are subject to all of the terms of §27-401C6 of this chapter.

(Ord. 647, 3/13/1990, §1(h))

### **§27-315. Front of Building.**

1. The front of every building intended or used for human occupancy (including but not limited to commercial, personal service, professional service and any and all governmental uses) shall face a public street. The front of a building shall be that wall where the main entrance for pedestrian access to the building is located.
2. To avoid an inharmonious or undesirable orientation of building fronts, the front of each main building shall face the same public street as the fronts of adjacent main buildings. On a corner lot, the front of the main building shall be oriented so as to be most compatible with adjacent buildings and uses.

3. A multifamily, multi-building development which does not conform to the above requirements may nevertheless be allowed as a conditional use. A complete and detailed development and site plan must be submitted with the conditional use application.

(Ord. 647, 3/13/1990; as added by Ord. 677, 7/11/1995, §1; as amended by Ord. 729, 3/11/2003, §1)



## Part 4

### Parking, Loading and Sign Requirements

#### §27-400. Parking and Loading Requirements.

- A. Procedure. An application for a zoning permit for a new or enlarged building, structure, or use shall include therewith a plot plan, drawn to scale, and fully dimensioned, showing any off-street parking or loading facilities to be provided in compliance with the requirements of this chapter.
- B. Extent of control. The off-street parking and loading requirements shall apply as follows:
  - 1. All buildings and structures erected and all land uses initiated after the effective date of this chapter shall provide accessory off-street parking or loading facilities as required hereinafter for the use thereof.
  - 2. Following the effective date of this chapter, a building or structure which undergoes any increase in number of dwelling units, gross floor area, seating capacity, or other unit of measurement specified hereinafter for required off-street parking or loading facilities shall require the provision of parking and loading facilities equal or exceeding the off-street parking and loading requirements specified by this chapter.
  - 3. This chapter recognizes the problems associated with requiring parking spaces as a precedent to establishing and/or remodeling a business enterprise in the C-1 Commercial District. Therefore, the Zoning Officer shall review all applications for construction and use permits in such district and determine the feasibility of including off-street parking spaces.
  - 4. Accessory off-street parking and loading spaces in existence on the effective date of this chapter may not be reduced in number unless already exceeding the requirements of this section for equivalent new construction, in which event said spaces shall not be reduced below the number required herein for such equivalent new construction.
- C. Accessory parking and loading. Accessory parking facilities provided elsewhere than on the same zoning lot with the principal use served in accordance with the requirements below may be located in any zoning district except as follows:
  - 1. No parking facilities accessory to a business or manufacturing use shall be located in a residential district.
  - 2. No land shall be used for habitual commercial or industrial truck loading, storage or parking activities in any residential district except by amendment of this chapter. Such activities are permitted in business districts only

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when normally attendant to the conduct of the commercial activity as established and in no other case except by amendment of this chapter.

3. In all zoning districts covered by this chapter, the loading and unloading of trucks and all other vehicles shall be conducted in such a manner that no part of said truck or vehicle, or the operations of the loading or unloading, shall extend onto the adjacent sidewalk or roadway or in any other manner hinder or impede the use thereof. Exceptions to this requirement shall be made only in instances where physical development of facilities established prior to the effective date of this chapter will not permit compliance.

### D. Standards.

1. **Parking space description.** A required off-street parking space shall be an area of not less than 162 square feet nor less than nine feet wide by 18 feet long, measured perpendicularly to the sides of the parking space, exclusive of access drives or aisles, ramps, columns, or work areas. Aisles between vehicular parking spaces shall be not less than 12 feet in width when serving automobiles parked at 45 degree angles in one direction and not less than 20 feet in width when serving automobiles parked perpendicularly. Facilities shall be functionally designed to provide each parking space with unobstructed ingress and egress.
2. **Measurement of space.** When determination of the number of required off-street parking spaces results in a fractional space, any fraction up to and including 1/2 may be disregarded, and fractions over 1/2 shall be interpreted as one parking space.
3. **Access.** Parking facilities shall be designed with appropriate means of vehicular access to a street or alley in such manner as will least interfere with the movement of traffic. No driveway or curb cut in any district shall exceed 25 feet in width for one-way movement or 32 feet in width for two-way movement.
4. **Parking shall not be permitted in a manner which allows for overhanging of any portion of a vehicle on adjacent property.**
5. **No signs shall be displayed in any parking area within any residential district, except such as may be necessary for the orderly use of the parking facilities. All signs in other parking areas shall conform to Part 4, §27-401, of this chapter.**
6. **All parking areas in excess of four spaces shall be properly paved with either bituminous material or concrete and marked by durable markings in stripes a minimum of four inches wide and extending the length of the parking space.**

7. No parking space or portion thereof established on a lot shall be located within a required front yard except in C-2 Districts. In C-2 Districts, off-street parking areas may be installed and maintained in the required front yard, provided such parking areas do not occupy the first five feet of required front yard setback.
8. Parking on paved driveway upon a private lot. In Districts R-1, R-2, C-1, C-3, where there is an existing and legally authorized curb cut and a paved driveway leading to a garage or parking area at the rear or at the side of a private lot, it shall be lawful to park anywhere upon said paved driveway, whether in front of any structure upon said lot or otherwise.
9. Parking in the rear of structures. It shall be lawful to park anywhere upon the area of a private lot lying between the rear line of such lot and the rear line of the structure erected thereon, regardless of the paving or improving of the parking area, regardless of whether access thereto is from the rear or front of the said lot; provided, however, that if any part or all of such area lying between the rear of said lot and the rear line of the structure thereon is within the Borough Strip, parking thereon shall be governed only by Subsections D10 and 11 below.
10. Permitted parking on the Borough Strip. In District R-1, R-2, C-1, and C-3, where there is an existing paved driveway from a curb cut to the front line of any structure or from a curb cut along the side or rear of a lot to a garage or parking area, it shall be lawful to park thereon without regard to whether such paved area is upon the Borough Strip either in part or in whole.
11. Prohibited parking on the Borough Strip. In all cases other than those set forth in Subsection D10 above, it shall be unlawful to park upon any portion of the Borough Strip.
12. All off-street parking areas in excess of four spaces, except those required for single-family dwellings, shall be improved with a compacted base and surfaced with bituminous material, concrete or similar permanent surfacing of adequate thickness to support the weight of fully loaded vehicles that customarily park or travel on it.
13. Any lighting used to illuminate an off-street parking area shall be arranged to reflect the light away from adjoining properties.
14. Adequate stormwater drainage facilities shall be installed in order to insure that stormwater does not flow onto abutting property or abutting sidewalks in such a way or quantity that pedestrians using the sidewalk would be detrimentally affected or inconvenienced.
15. Wherever a parking lot abuts onto a public street, sidewalk, or alley, a structurally sound wall or stop bar shall be installed.

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16. A buffer strip of at least five feet, which may consist of screen planting or fencing that is aesthetically compatible with the vicinity, shall be provided on the perimeter of off-street parking lots that abut public rights-of-way or adjacent land parcels.
- E. Schedule of requirements.
1. The term “floor area,” as employed below, shall mean the gross floor area of a building or structure used or intended to be used for residents, customers, patrons, clients, patients or tenants, including areas occupied by fixtures and equipment used for display or sale of merchandise.
  2. Schedule of requirements for off-street parking. Minimum off-street parking facilities for establishment, enlargement or change of use shall be provided in the various zoning districts as specified herewith.
    - a. Residential use.
      - (1) Each single-family and duplex dwelling shall be provided with two off-street parking spaces per dwelling unit.
      - (2) Each townhouse, garden apartment and other multifamily structure shall be provided with a minimum of one and one-half off-street parking spaces per dwelling unit.
      - (3) Each conversion apartment shall be provided with a minimum of one and one-half off-street parking spaces per dwelling unit. This requirement shall be in addition to the two spaces provided for the primary residential use of the structure.
      - (4) Parking for subsidiary residential uses shall be provided as follows:
        - (a) Home occupation: one off-street space.
        - (b) Group residential facility: one off-street space for every two resident clients.
        - (c) Bed-and-breakfast: one off-street space for each bedroom used for bed-and-breakfast.
    - b. Churches and places of assembly: one off-street parking space for each five seats in the sanctuary of a church or other assembly area or auditorium.
    - c. Medical and professional uses. Physicians' offices, medical buildings, financial institutions, business offices, professional services, govern-

mental offices: one off-street parking space per office unit, plus one for every 400 square feet of floor area.

d. General retail and service uses.

- (1) Retail stores, including food and confectionary, drugs, variety, newsstands, hardware, personal services and novelty shops: two off-street parking spaces per unit, plus one for every 300 square feet of floor area.
- (2) Furniture and appliance stores, motor vehicle sales, clothing stores: two off-street parking spaces per unit plus one for every 800 square feet of gross floor area.
- (3) Mortuaries and funeral homes shall provide parking at the rate of one off-street space for each 150 square feet of public use area, plus one space for each employee at maximum work levels and one space for each vehicle utilized at the site for business purposes.
- (4) Restaurants: one off-street parking space for every three seats.
- (5) Drive-in restaurants, refreshment stands and similar uses: one off-street space per 200 square feet of gross floor area, plus the requirements in Subsection E2d(4) above.

3. Schedule of requirements for off-street loading.

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

<b>Use</b>	<b>Floor Area, Total (square feet)</b>	<b>Minimum Required Offstreet Loading Berths</b>
Retail and Service Commercial	Under 3,500	0
	Over 3,500	1
Wholesale Commercial	Under 10,000	1
	Over 10,000	2

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

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(Ord. 643, 9/13/1988, §400; as amended by Ord. 647, 3/13/1990, §1(i)(j))

### **§27-401. Sign Requirements.**

A. Application. Signs may be erected and maintained only when in compliance with the provisions contained herein and any and all other applicable ordinances and regulations of the Borough of Beaver, Pennsylvania, relating to the erection, alteration and maintenance of signs and similar devices.

B. Sign Types. For the purpose of this chapter, all signs may be grouped by the method of their construction as follows:

**BUILDING SIGN** — a sign mounted on a wall, canopy, window or other portion of any building, or painted thereon, not exceeding the size of the facade of the building on which it is located and not protruding beyond the wall on which it is mounted, painted, or otherwise exhibited.

**FREESTANDING GROUND SIGN** — an independently supported sign permanently affixed to a foundation that is not a freestanding pole sign and not connected to any building or structure.

**FREESTANDING POLE SIGN** — a sign that is independently supported by one or more supports and not connected to any building or structure.

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

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

1. Signs of a duly constituted local, state or federal governmental body, including traffic or similar safety and regulatory devices, legal notices, railway warning signals, memorial signs or tablets.
2. Small signs, with a surface area not exceeding three square feet, displayed for the direction or convenience of the public which identify landmarks, parking areas, convenience facilities, meeting times and place of public, nonprofit, service or charitable organizations, placement of which shall be subject to approval of the Zoning Officer.
3. One temporary nonlighted sign on a construction site, not exceeding an area of 32 square feet, denoting engineer, architect, contractor or funding agencies and related information regarding the development.
4. Flags of a political, civic, religious or educational organization.

5. One temporary nonlighted real estate property sign pertaining to the sale, lease, hire or rental of property on which the sign is displayed, not exceeding an area of six square feet.
6. Temporary signs advertising yard sales, street fairs or other temporary activities, or a temporary sign directing persons to the location of such activity. Such signs shall not exceed four square feet and shall be erected no sooner than seven days prior to the event and shall be removed within 24 hours of termination of the event. Signs shall be erected only where permission has been granted. No sign shall be permitted in a public right-of-way.
7. Political campaign signs not exceeding six square feet. Such signs shall be erected no sooner than 30 days prior to the scheduled election, shall be removed within seven days of the election and shall be erected only on sites where permission has been granted by the owner thereof. No sign shall be permitted in a public right-of-way.

D. General requirements. The following standards shall apply to signs in all zoning districts of the Borough:

1. No sign shall be located, designed or constructed in a manner to obstruct or interfere with any traffic control signal, sign or device, or intersection sight triangle. (See §27-301C.)
2. No sign shall be permitted that is deemed to constitute a hazard of any kind, obscures light or air from a building, or prevents ingress or egress from any window or exit.
3. Signs may not be attached to utility poles or street trees, except for municipal purposes.
4. A sign shall be removed within 30 days whenever the circumstances that led to its erection no longer apply or if safety violations occur. Circumstances that dictate sign removal shall include but not be limited to the following:
  - a. The creation of a safety hazard.
  - b. Dilapidation, as determined by the Zoning Officer.
  - c. Vacancy or termination of the subject business for more than six months.
  - d. Legal transfer of ownership of a property that involves a change of name or business activity.
  - e. The completion of an event, business transaction or other activity for which the sign was originally installed.

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- f. Any illegality under the provisions of this chapter or regulation of a duly constituted governmental authority.
5. Signs shall be subject to the following regulations:
  - a. Signs or devices with flashing, moving or similar lighting or animation are prohibited in all zoning districts.
  - b. Illuminating arrangements for signs shall be such that the light is concentrated upon such sign and there is no glare cast upon the street, the sidewalk or adjacent property.
  - c. No electrical bulbs shall be exposed unless satisfactorily shielded from view by a globe or other visible barrier.
6. Any sign mounted to a wall or other vertical building surface shall not project more than 12 inches from the wall, and no sign mounted on a building shall project above the ridge line of a sloping roof nor above the eave of a flat roof.
7. No business or industrial sign shall be placed to face an abutting residential district except when authorized as a special exception.
8. The size of the sign shall refer to the entire area of the sign facing, including any border, framing or decorative attachment. In the case of freestanding letters, it shall be the area contained between the highest and lowest points of any letters and the extremity point of the first and last letters.
9. Where a sign has two faces, the area of both faces shall be included in determining the area of the sign, except that where two such faces are placed back-to-back and are at no point more than two feet from one another, the area of the sign shall be taken as the area of one face. If the two back-to-back faces are of unequal area, the area of the larger face shall be taken as the area of the sign.
10. Billboards and overhanging signs are prohibited in all districts. Any existing signs may be maintained as nonconforming signs; however, if the sign, its face or any portion thereof is to be replaced, in whole or in part, such replacement shall be in total conformity with this chapter.
11. Portable or mobile signs and similar advertising displays for site identification, special sales, announcements and related purposes are prohibited in all districts.
12. Banners, pennants and similar displays are permitted only when previously approved by Borough Council and for a specified time period, following which they shall be promptly removed.

E. Permitted signs.

1. R-1 and R-2 Residential Districts.
  - a. One permanent identification sign per home occupation, bed-and-breakfast, group residential facility or day-care site. Said sign shall not exceed two square feet in area, shall be mounted flush on a wall of the primary residential structure and shall be nonilluminated.
  - b. One sign or bulletin board in conjunction with churches and multifamily dwellings of four or more units. Such signs shall not exceed 20 square feet in area for churches and 12 square feet for multifamily dwellings.
  - c. Sign placement shall be in conformity with the requirements specified in Table 1.
  - d. The bottommost part of a sign shall not exceed a height of four feet above ground level, except for signs attached to a building.
2. P Public District. Signs shall be limited to those placed by the government unit having jurisdiction over the public site.
3. C-1 and C-2 Commercial Districts.
  - a. Only one freestanding sign, which may not exceed 30 square feet in area, is permitted per parcel or site, irrespective of the number of commercial uses thereon.
  - b. Marquee signs, those signs that are hung from or attached to a marquee, canopy or similar structures projecting from a building when such structure extends beyond the building, building line or property line, are prohibited, except that one small announcement or nameplate sign hung beneath the underside of any structural overhead or passageway shall be permitted if it does not exceed six square feet in total surface area.
  - c. Signs shall be permitted only when in connection with a legal business or activity on the premises. Such signs may be erected in the front yard area between the building and the sidewalk.
4. C-3 Commercial District.
  - a. Only one freestanding sign, which may not exceed 12 square feet in area, is permitted per parcel or site, irrespective of the number of commercial uses thereon.

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- b. Signs shall be permitted only when in connection with a legal business or activity on the premises. Such signs may be erected in the front yard area between the building and the sidewalk.

(Ord. 643, 9/13/1988, §401; as amended by Ord. 647, 3/13, §1(k), (l), (m), (n) and (o); by Ord. 652, 4/9/1991, §1(o); and by Ord. 677, 7/11/1995, §1)

## Part 5

### Administration and Enforcement

#### §27-500. Permit Requirements.

A. Zoning permit.

1. A zoning permit shall be obtained before any person may:
  - a. Occupy or use vacant land.
  - b. Erect, rebuild, move, enlarge or structurally alter a building or other structure.
  - c. Change the use of land or a structure to a different use.
  - d. Extend or change a nonconforming use.

It is unlawful for any person to do any of the foregoing acts before a zoning permit has been issued.

2. A zoning permit is not required for normal maintenance activities, minor repairs, or remodeling or alterations which do not affect the basic structure of an existing building, or increase the lot area coverage, or change the use of the parcel or building.
3. Applications for a zoning permit shall be filed with the Zoning Officer, shall be in writing, and shall be accompanied by:
  - a. Two copies of a site plan, drawn to scale, and showing the boundary lines and actual dimensions of the lot, the exact size and location of all existing buildings and other structures, the exact size and location of any proposed new buildings or other structures, the size and location of parking spaces, etc.
  - b. Specification of the intended use of the lot or structure.
  - c. A description of the proposed work, indicating the number of rooms, dwelling units, offices, etc.
  - d. Identification of the record owner of the property and the actual owner, if different.
  - e. Such other information as may be deemed necessary by the Zoning Officer.

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4. Every zoning permit shall be applied for, issued and accepted upon the following conditions:
    - a. The work actually done must conform strictly to the documents submitted with the application for the permit.
    - b. If inspection of the work by the Zoning Officer reveals a deviation from the application documents, the Zoning Officer shall issue a “stop work” order to the permit holder.
    - c. Upon receipt of a “stop work” order, the permit holder shall immediately cease all construction activity and correct the nonconforming work.
  5. After a zoning permit has been issued, the use and/or work authorized by such permit must be initiated within six months from date of issue, or the permit shall be void. All work must be completed and site restored within 18 months of the date of permit issuance. These limitations may be extended when delay is found by the Zoning Officer to be beyond control of the applicant.
  6. A zoning permit relating to work to be done shall be posted and displayed prominently on the premises by the applicant until all such work has been completed.
- B. Occupancy permit.
1. An occupancy permit shall be obtained before any person may:
    - a. Occupy or use vacant land.
    - b. Occupy a newly constructed building.
    - c. Occupy and use a building moved, enlarged or altered so as to require a zoning permit.
    - d. Occupy land or a structure the previous use of which is being changed, except to another use of the same kind.
    - e. Begin a new nonconforming use which is being changed from a previous nonconforming use.

It is unlawful for a person to do any of the foregoing acts before an occupancy permit as been issued.
  2. An application for a zoning permit shall also constitute an application for an occupancy permit. When the subject land or structure is believed to be ready for use or occupancy, the applicant shall so notify the Zoning Officer and re-

quest an inspection. If the Zoning Officer is satisfied after inspection that the work done and the proposed use are in full conformity with the provisions of this chapter, he shall issue an occupancy permit. However, if upon inspection the Zoning Officer determines that either the work done or the proposed use is not in full conformity with the provisions of this chapter, he shall not then issue an occupancy permit but shall instead inform the applicant of his findings and the corrections necessary. When the Zoning Officer is fully satisfied, after corrective action and re-inspection, that the work done and the proposed use do in fact comply with the provisions of this chapter, he shall issue the occupancy permit.

(Ord. 643, 9/13/1988, §500; as amended by Ord. 647, 3/13/1990, §1(p); and by Ord. 650, 11/13/1991, §1(b))

**§27-501. Application for Allowance of Conditional Use.**

- A. An application for allowance of a conditional use under the terms of this chapter shall be filed with the Zoning Officer and shall:
  - 1. Identify and describe the property and its location as to zoning district and present use.
  - 2. Reasonably describe the present improvements and any intended additions and changes to be made if the allowance of conditional use is granted.
  - 3. Disclose the conditional use for which the application is being made and, by plan, map and description, show how the property, as is or as it may be improved, meets or will meet the standards and criteria required in this chapter for such conditional use and how it meets or may be altered or changed to meet the dimensional requirements for such a zoning district as set forth in Table No. 1 attached to this chapter.
- B. Upon receipt of such application for conditional use, the Zoning Officer shall forthwith refer the same to the attention of the Borough Planning Commission. The Planning Commission shall arrange a date, time and place for a meeting with the applicant. Said meeting shall be held within 30 days of filing of the application with the Zoning Officer. The Planning Commission shall make a recommendation on the application to the Borough Council within 60 days of the filing of the application with the Zoning Officer.
- C. The application shall be considered by the Council at a public meeting within 45 days after its receipt of the Planning Commission's recommendation. The Borough Secretary shall give written notice of the date, time and place of such meeting by personal delivery or by first-class mail to the applicant, each member of the Planning Commission and the Zoning Officer. A copy of such notice shall also be posted prominently in front of the property involved. Such notice shall be given at least 10 days before the meeting.

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- D. At such meeting, the Council shall receive relevant information in support of or in opposition to the application. The recommendation and any accompanying report of the Planning Commission shall be considered. The Zoning Officer and all members of the Planning Commission shall be entitled to speak on the issue.
- E. The Council shall take action on the application within 15 days of the public meeting. The Borough Secretary shall notify the applicant in writing, by first-class mail, of the action taken. In the event the application is granted, a conditional use allowance shall be issued by the Zoning Officer, with such terms and conditions as may be prescribed by Council.

(Ord. 643, 9/13/1988, §501; as amended by Ord. 647, 3/13/1990, §1(o))

### **§27-502. Application for Special Exception or Variance.**

- A. An application for a special exception or variance from the terms of this chapter shall be filed with the Zoning Officer and shall state:
  - 1. The name and address of the applicant.
  - 2. The name and address of the owner of the real estate to be affected by the proposed exception or variance.
  - 3. The location and a brief description of the real estate to be affected by such proposed change.
  - 4. A statement of the present zoning classification of the real estate in question, the improvements currently thereon, and the present use thereof.
  - 5. A statement of the section of this chapter under which the variance or exception requested may be allowed and all reasons why it should be granted.
  - 6. A reasonably accurate description of the additions intended to be made under this application, indicating the size, material and general construction of such proposed improvements.
- B. In addition, there shall be attached a plot plan of the real estate to be affected indicating the location and size of the lot, and size of improvements now erected and proposed to be erected thereon.

(Ord. 643, 9/13/1988, §502; as amended by Ord. 647, 3/13/1990, §1(p))

**§27-503. Zoning Officer.**

- A. Qualifications. To be eligible for appointment as the Zoning Officer of Beaver Borough, a person must meet the following qualifications:
1. United States citizenship.
  2. At least 18 years of age.
  3. Able to read, write and speak the English language.
  4. Either successful completion of a training course in municipal zoning or the Pennsylvania Municipalities Planning Code or knowledge of zoning procedures and principles acquired through practical experience in government or business.
- B. Duties. The Zoning Officer shall perform the following duties:
1. Receive, consider and either grant or deny applications for permits.
  2. Make site visits and physical inspections and measurements to assure conformity of the work actually done with the plans submitted with the application for the zoning permit.
  3. Prepare and maintain complete and accurate records of such inspections, including the date of and findings of each.
  4. Attend public meetings and public hearings of the Planning Commission, when requested to do so.
  5. Attend public hearings off the Zoning Hearing Board, whenever appropriate.
  6. Attend public hearings and meetings of the Borough Council, when requested to do so.
  7. Attend hearings held by the District Justice in civil enforcement proceedings, when requested to do so by the Borough Solicitor.
  8. Take such other actions as may be directed by this chapter.
  9. Take such other actions as may be necessary for the proper administration of this chapter.
- C. Enforcement powers. The Zoning Officer is hereby authorized, when acting within the scope of his or her employment, to institute civil enforcement proceedings as provided for in the Pennsylvania Municipalities Planning Code as a means of enforcing the provisions of this chapter.

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(Ord. 643, 9/13/1988, §503; as amended by Ord. 647, 3/13/1990, §1(p))

### **§27-504. Zoning Hearing Board.**

- A. Creation. A Zoning Hearing Board is hereby established.
- B. Membership. The Board shall have three members. In addition, the Board shall have such alternate members as the Borough Council may choose to appoint, in accordance with the Municipalities Planning Code.
- C. Compensation. Regular and any alternate members of the Zoning Hearing Board shall not receive any compensation for such service.

(Ord. 643, 9/13/1988, §504; as amended by Ord. 647, 3/13/1990, §1(p))

### **§27-505. Fees.**

- A. The Borough Council shall establish, by motion or resolution, a schedule of fees for zoning permits, occupancy permits, applications for conditional use permits, applications for special exceptions, applications for variances, and applications for any other action which may be authorized under this chapter or the Pennsylvania Municipalities Planning Code.
- B. No permit shall be issued and no other requested action shall be taken until the prescribed fee therefor has been paid in full.

(Ord. 643, 9/13/1988, §505; as amended by Ord. 647, 3/13/1990, §1(p))

### **§27-506. Enforcement Notice.**

An enforcement notice issued because of an apparent violation of this chapter shall specify a period of 10 days within which the recipient may appeal the matter to the Zoning Hearing Board and shall state that an appeal must be filed in writing and signed by the aggrieved property owner, with a copy of the enforcement notice attached.

(Ord. 649, 10/9/1990, §1)

### **§27-507. Notice.**

- 1. Written notice of every application to the Zoning Hearing Board, and every application to the Borough Council for allowance of a conditional use, shall be given by the Zoning Officer or the Borough Secretary to the owner of each property adjoin-

ing that of the applicant, and any other landowner whose interests may, in the judgment of the Zoning Officer, be affected by the application.

2. Such written notice shall be given by first-class mail or by delivery to main building on the property, at least one-week prior to the hearing date.
3. Where written notice of the hearing upon an application has been posted upon the subject property, it shall be the responsibility of the applicant to maintain that notice conspicuously posted continuously through the date of the hearing. Failure to do so shall constitute ground for continuance of the scheduled hearing, denial of the application or such other action as the Zoning Hearing Board (or Borough Council, in the case of a conditional use) may consider appropriate.

(Ord. 643, 9/13/1988; as added by Ord. 702, 3/14/2000)



## Part 6

### Interpretation and Definitions

#### §27-600. Interpretation.

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

- A. Words in the past or present tense shall include the future.
- B. Words in the plural number shall include the singular, and words in the singular number shall include the plural.
- C. Words in the masculine gender shall include the feminine and the neuter.
- D. The word “shall” is mandatory or imperative.
- E. The word “may” is permissive.
- F. Words used in this chapter which are not specifically defined in §27-601 shall have their common or ordinary meanings, as shown by a standard dictionary.
- G. When the words of a regulation are clear and free from ambiguity, the letter of it shall not be disregarded under the pretext of pursuing its spirit.

(Ord. 643, 9/13/1988, §600; as amended by Ord. 647, 3/13/1990, §1(q))

#### §27-601. Meaning of Words.

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

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

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

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

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**ADULT BUSINESS** — an adult bookstore, commercial movie theater or movie house or other adult entertainment as defined herein. In the event that an activity or business which might be classified under a use category other than adult business is combined with and/or includes activities which constitute an adult bookstore, adult movie theater or movie house or adult entertainment, as defined herein, then such activity or business shall constitute an adult business and shall be governed by those provisions of this chapter applicable to adult business uses.

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

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

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

**AMENDMENT** — a change in use in any district which includes revisions to the Zoning Ordinance text and/or the Official Zoning Map; and the authority for any amendment lies solely with the governing body.

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

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

**BED-AND-BREAKFAST** — the offering of overnight accommodations for transient guests, for compensation, within the confines of a detached single-family dwelling structure, when conducted subsidiary to normal single-family residential use.

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

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

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

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

**BUILDING LINE** — a line located a fixed distance from the front, side or rear line of the lot and interpreted as being the nearest point that a building may be constructed to the lot line, as shown in Table 1 as minimum front, side or rear yards.

**BUILDING PERMIT** — see ZONING PERMIT.

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

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

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

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

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

**CONDITIONAL USE** — a use of land to be permitted or denied by the governing body, following study and recommendations by the Planning Commission, pursuant to express standards and criteria set forth in this chapter.

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

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

**DAY-CARE** — a premises, other than a child's home, operated for a fee or similar remuneration, in which child day-care is provided within a home atmosphere for

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six or fewer juveniles. All day-care centers must meet the standards as described by the Pennsylvania Department of Public Welfare, Bureau of Program Development and Implementation, Day Care Division, Room 529, Health and Welfare Building, Harrisburg, PA 17120.

**DRIVE-IN RESTAURANT** — an establishment whose principal business is the sale of food, frozen desserts or beverages to the customer in a ready-to-consume state and whose design, method of operation, or any portion of whose business includes one or both of the following characteristics:

- A. Foods, desserts or beverages are served directly to the customer in a motor vehicle either by car-hop or by other means which eliminate the need for the customer to exit the motor vehicle.
- B. The consumption of foods, desserts or beverages either inside a building or for takeout service thereof, whether within a motor vehicle parked on the premises or in other accommodations outside the building.

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

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

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

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

**ESSENTIAL SERVICES** — the erection, construction, alteration or maintenance by public utilities, commissions, municipal departments or other governmental agencies of underground or overhead gas, electrical, or telephone transmission or distribution systems, including poles, wires, mains, drains, sewers, pipes, conduits, cables, towers, fire alarm boxes, traffic signals, hydrants and similar equipment and accessories in connection therewith, reasonably necessary for the furnishing of adequate service by such public utilities or municipal departments or commissions or for the public health or safety or general welfare.

**FAMILY** — one or more persons who live together in a single housekeeping unit and maintain a common household, as distinguished from a group occupying a boardinghouse. A family may consist of a single person or of two or more persons, whether or not related by blood, marriage or adoption. For purposes of this chapter, the term “family” shall not include, nor shall it be interpreted to include, a

group residential facility or similar functions or activities that provide room or board, or room and board, to one or more persons who are residents by virtue of receiving services such as health, social rehabilitative, general supervision or similar services or functions or activities, irrespective of whether or not they are provided by governmental agencies, their licensed or certified agents, responsible nonprofit social service agencies or corporations, profit-oriented organizations or business, or private individuals.

**FINANCIAL BUSINESS** — the services and transactions of banks, savings and loan associations, building and loan associations, credit unions, consumer discount companies, loan or finance companies, trust or investment companies, holding companies, dealers and brokers in money, credits, commercial paper, bonds, notes, stocks or other securities or monetary metals, factors and commission merchants.

**FINANCIAL INSTITUTION** — any person engaged in financial business, as that term is defined in this chapter.

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

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

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

**GARDEN APARTMENT** — a multifamily residential building, not exceeding three stories in height, in which units are arranged side-to-side, back-to-back or one above another, which may have either private external entrances or common hall access, and which may have private exterior yard area for each unit.

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

**HOME OCCUPATION** — a limited instructional or minor business activity conducted within a residential dwelling unit by the residents thereof that is clearly secondary to the use of the dwelling for living purposes. Such home occupation, defined herewith, shall not change the residential character of the dwelling, shall not have any exterior evidence of such secondary use other than a small sign and

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shall not involve any exterior keeping of, or exhibition of, stock in trade. All operational aspects of the secondary use shall be conducted indoors and be free of any procedures that could be construed as adversely influencing surrounding residential uses because of noise, vibration, smoke, odor or similar conditions.

**HOSPITALITY USES** -- uses designed to serve the general public such as gift shops and convenience retail, as accessory to the principal use.

**LIVING UNIT** — see DWELLING UNIT.

**LOADING SPACE OR UNIT** — an off-street space or berth on the same lot with a building or contiguous to a group of buildings, for the temporary stopping of commercial vehicles while loading or unloading merchandise or materials, and which abuts upon an alley, street or other appropriate means of access, and which is not less than 12 wide, 45 feet in length and 14 feet in height.

**LOT** — a tract or parcel of land for the purpose of conveyance, transfer, improvement, or sale (whether immediate or future).

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

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

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

**NONCONFORMING USE** — a building, structure or premises lawfully occupied at the time of the enactment of this chapter that does not conform with the provisions of this chapter for the district in which it is located; also such use resulting from changes in zoning districts or in textual provisions made hereafter.

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

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

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

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

**PERSONAL SERVICE** — any commercial establishment providing services pertaining to the person, his apparel or personal effects, including beauty and barber services, music and dance studios, photographic services, laundry, dry-cleaning

and dyeing services, shoe repair services and apparel repair, alteration and cleaning pickup services.

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

**PRINTING SERVICES** — limited services such as duplication of printed or graphic matter and the design and reproduction of announcements and advertising material. For purposes of this chapter, “printing services” shall not include publishing.

**PROFESSIONAL SERVICE AND/OR USE** — any office or establishment providing specialized services. This includes accounting, auditing, architectural, educational, engineering, health, legal, medical, planning, scientific and related disciplines that involve skill, education or specialized knowledge which is predominantly mental or intellectual, rather than physical or manual.

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

**RETAIL BUSINESS** — shall include selling, soliciting or taking orders for any goods, wares and merchandise of any kind from a fixed location within the Borough, whether for the entire business year or solely for any particular season or section of the year. It may contemplate the keeping of a stock-in-trade or of sales from catalogues.

**ROOMING HOUSE** — a building or a portion thereof, other than an apartment or hotel, containing not more than one dwelling unit, where lodging is provided without meals for three or more persons in addition to the family unit.

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

**SCREEN PLANTING STRIP** — a strip of land containing a planting of shrubbery, hedges, or evergreen designed so as to shield one property or building from another.

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

**SIGN** — a name, identification, image, description, display or illustration which is affixed to, painted or represented directly or indirectly upon a building, structure or piece of land and which directs attention to an object, product, place, activity, facility, service, event, attraction, person, institution, organization or business

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and which is visible from any street, right-of-way, sidewalk, alley, park or other public property. Customary displays of merchandise or objects and material placed behind a store window are not signs or parts of signs.

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

**SIGN, SELF-SUPPORTING** — a sign mounted on its own self-supporting structure and constructed on a permanent base.

**SIGN, WALL-MOUNTED** — a sign mounted, attached or painted on a building.

**SIGN, REAL ESTATE** — a sign pertaining only to the rental, lease or sale of the property on which it is located.

**SPECIAL EXCEPTION** — the legal permission by the Zoning Hearing Board permitting specified uses which this chapter authorizes in particular districts under certain stated conditions.

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

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

**STRUCTURE** — anything constructed or erected, the use of which requires a fixed location on the ground or an attachment to something having a fixed location on the ground, including in addition to buildings, billboards, fences, carports, porches, swimming pools, signs and other building features, but not including sidewalks, drives and patios.

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

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

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

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

VARIANCE — the legal permission granted by the Zoning Hearing Board allowing a modification or minor departure from this chapter where an undue hardship would result from the literal application of this chapter. See also Act 247, Section 912.

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

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

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

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

ZONING HEARING BOARD — the Board assigned the duties of hearing appeals, granting variances and granting special exceptions as permitted in this chapter.

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

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

(Ord. 643, 9/13/1988, §601; as amended by Ord. 647, 3/13/1990, §1(s & t); by Ord. 688, 11/11/1997, §1; by Ord. 719, 7/9/2002, §1; by Ord. 746, 4/12/2005; and by Ord. 762, 10/14/2008, §1)

### **§27-602. National Flood Insurance Program Definitions.**

Certain words and terms used in floodplain management regulations have been given very specific definitions by the National Flood Insurance Program.

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

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

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

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

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

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

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

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

(Ord. 643, 9/13/1988, §602; as amended by Ord. 652, 4/9/1991, §1(p) (q) (r))

### **§27-603. Severability.**

The various provisions of this chapter shall be severable from each other, so that if any provision is finally determined to be illegal or invalid, either generally or in a particular application, the efficacy of the remaining provisions shall not be impaired.

(Ord. 647, 3/13/1990, §1(u))

**Part 7**

**Validity and Interpretation**

**§27-700. Interpretation.**

- A. In interpreting and applying the provisions of this Chapter, they shall be held to be the minimum requirements for the promotion of the health, safety, morals and general welfare of the Borough. It is not intended to interfere with or abrogate or annul other rules, regulations or ordinances of the Borough, provided that where this Chapter imposes a greater restriction upon the use of buildings or premises, or upon the height of a building, or requires larger open spaces than are imposed by such other rules, regulations or ordinances, the provisions of this Chapter shall control.

(Ord. 643, 9/13/1988, §700)

**§27-701. Validity.**

- A. Should any section or provision of this Chapter be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of this Chapter as a whole or of any other part thereof.

(Ord. 643, 9/13/1988, §701)