

NEW BEAVER BOROUGH, LAWRENCE COUNTY, PENNSYLVANIA
ORDINANCE NO. 1 of 2016

AN ORDINANCE OF NEW BEAVER BOROUGH, LAWRENCE COUNTY, PENNSYLVANIA, FOR THE PURPOSE OF MAKING VARIOUS CHANGES, CLARIFICATIONS, AND AMENDMENTS TO ORDINANCE NO. 2 of 2011 ("NEW BEAVER BOROUGH ZONING ORDINANCE") BY PROVIDING FOR PURPOSES AND FINDINGS RELATED TO THE ADOPTION OF SAID AMENDMENTS.

WHEREAS, the New Beaver Borough Council finds that the various changes, clarifications, and amendments are deemed necessary in order to encourage beneficial growth in the Borough while keeping the density of development consistent with existing Borough facilities and the Borough's ability to develop new facilities.

WHEREAS, in the judgment of New Beaver Borough Council, such changes, clarifications, and amendments to the New Beaver Borough Zoning Ordinance is consistent with the overall best interest of the Borough.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED by the Borough Council of New Beaver Borough, Lawrence County, Commonwealth of Pennsylvania, and by this Ordinance it is hereby ordained and enacted as follows:

1. **Section 204**, Lot and Yard Requirement Chart, to:
 1. Omit the lot width requirements for Agricultural and Residential Single Family uses.
 2. Change the front setback requirement for Agricultural and Residential Single Family uses to 10 feet from the right-of-way or property line.
 3. Change the rear setback requirement for Agricultural and Residential Single Family uses to 10 feet from the right-of-way or property line.
2. **Section 204**, Lot and Yard Requirement Chart, to add:

The placement of any device to be used by the legally handicapped to gain access to their dwelling is not regulated by New Beaver Borough Zoning except that such device may not infringe on adjacent property. Such device shall be removed when no longer needed.
3. **Section 206.7** Communication Towers, to add:
 - r) Commercial non-tower antennas used as wireless communication or data collection when added to existing utility poles in residential districts are a conditional use and their location must be approved by the Borough Council.
 - s) Commercial non-tower antennas shall not be located in the front facade area of a single family or two family dwelling unless written permission is obtained from the home owner(s) and approved by the Borough Council.

4. **Section 206.12** Oil and Gas Wellheads, to add:

- j) Any lighting or activities such as welding must be shielded from any residential use and highway glare. Outside lighting shall use shielded fixtures.
- k) High traffic activity must be coordinated with the local school district.
- l) All well-related sites must comply at a minimum with setbacks as indicated in the Ordinance.
- m) Well pads shall be screened from residences within 500 feet when in sight lines by use of soil mounds, shrubs or trees.
- n) Noise levels shall be measured at the nearest property lines.
- o) When the Borough Council believes it necessary to employ the Borough Engineer or other outside professionals to study well pad concerns, the fees shall be paid by the driller.

5. **Section 206.15** Mobile Home Parks, to add:

- d) Shall be subject to all Borough, County, State and Federal licenses, certificates, and permits.
- e) All property lines adjoining residential or commercial use shall be screened by a buffer area as defined in this Ordinance.
- f) All parking for tenants and visitors shall be provided on site.

6. **Section 206.25** Campgrounds and RV Parks, to change a and c:

- a. All interior roads shall be built to be mud-free, year round.
- c. There shall be a buffer area the full length of any side where an adjacent lot containing a dwelling or business is located. Such area shall contain evergreen shrubs or trees at least four (4) feet in height when planted and at least six (6) feet in height at maturity or a six (6) foot high fence.

7. **Section 303.5**, to add a):

- (a) Permits must be obtained in order to construct an accessory structure larger than 160 square feet.

8. **Section 304** Temporary Structures, to read:

Temporary structures in conjunction with construction work shall be permitted only during the period that the construction work is in progress. They shall be removed when construction is completed. Temporary structures are subject to setback requirements.

9. **Article 7**, Definition of a Buffer Area, to read:

Buffer Area: Unless otherwise defined in this Ordinance buffer area and screening shall mean a fence, screen planting or wall at least six (6) feet high. Fencing, screen planting or wall shall extend the length necessary to block the line of sight from any dwelling or business on an adjacent lot. Such screening shall be maintained by the property owner and dead screening plants replaced on an annual basis.

10. **Article 7**, Definition of a Building or Setback Line, to read:

Building or Setback Line: The imaginary line parallel to or concentric with the nearest road right-of-way line or property line. No portion of a building foundation or wall may extend nearer the lot line than the allowed Zoning Ordinance setbacks.

11. **Article 7**, Definitions, to add the following definition:

"Campground/RV Park": A parcel of land which has sites for tent camping, RV parking and/or rental cabins for overnight or longer periods of time. Some individual sites may be with or without electricity, water and sewage but the campers usually are provided showers, a sewage dumping station, potable water, and a convenience store. Many have other amenities such as a swimming pool, playground, bike rental, hiking trails and other conveniences for the campers. The owners usually set strict guidelines for proper personal conduct and allowable time limits for site occupancy. While RV owners may be allowed to park their RV in a site permanently, they are normally, but not always, limited to seasonal occupancy. Campgrounds/RV parks are regulated by the New Beaver Borough Sub-division and Land Development Ordinance.

12. **Article 7**, Definitions, to add the following definition:

"Mobile Home Park": A parcel or contiguous parcels of land which has been so designated and improved that it contains two or more mobile home lots for the placement thereon of mobile homes.

13. **Article 7**, Definitions, to add the following definition:

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

14. **Severability**. The provisions of this Ordinance are severable and in the event that any provision is held invalid, void, illegal, or unconstitutional by any court, it is the intent of the Borough Council that such determination shall not affect or render void the remaining provisions of this Ordinance. It is the declared intent of the Borough Council that this Ordinance would have been enacted if any provision subsequently declared to be void, invalid, illegal or unconstitutional had not been included at the time of enactment.

15. **Repealer**. Any and all prior Ordinances or portions of prior Ordinances that are in conflict with this Ordinance are hereby repealed to the extent of such conflict. The remaining prior Ordinances and portions of prior Ordinances including Ordinance No. 2 of 2011, not modified herein, shall remain the same.

16. **Effective Date**. This Ordinance shall take effect thirty (30) days after the date of adoption by the New Beaver Borough Council, Lawrence County, Pennsylvania.

DULY presented and adopted at a meeting of the Borough Council of New Beaver Borough, Lawrence County, Commonwealth of Pennsylvania, this 13th day of June, 2016.

ATTEST:

Drita L. Crawford
Drita L. Crawford
Borough Secretary

NEW BEAVER BOROUGH

By: *David Hairhoger*
David Hairhoger
President of Council

2016.

EXAMINED AND APPROVED by me this 13th day of June,

NEW BEAVER BOROUGH

By: *Michael Swannik, Jr.*
Michael Swannik, Jr.
Mayor

