

North Fayette Township Zoning Ordinance 360, Article XII

Rezoning and Ordinance Amendments

§ 1200. Purpose of Rezoning Applications.

To protect the safety, capacity and efficiency of the Township's existing infrastructure systems; to maintain fiscal responsibility; and to uphold the objectives of the North Fayette Township Comprehensive Plan, all rezoning applications shall be required to prepare a series of plans, analyses and reports to demonstrate the compatibility of a rezoning proposal.

§ 1201. Rezoning Application Forms.

All rezoning applications shall be completed on the official forms provided by the Land Use Administrator. Each plan, analysis and report shall be completed in accordance with the requirements defined in Ordinance 226, Subdivision and Land Development Ordinance, unless otherwise specified by the Township Land Use Administrator.

§ 1202. Review of Rezoning Applications.

Upon receipt of a rezoning application, the Land Use Administrator will review the package for completeness. If the Land Use Administrator finds the application to be incomplete or insufficient, the rezoning application will be returned to the applicant. The Township Planning Commission and Township Board of Supervisors, as part of the rezoning approval process, will consider the conclusions of each plan, analysis and report.

§ 1203. Application Criteria.

There are two categories of rezoning applications: minor and major. Minor and major rezoning applications are differentiated based on the size of the area to be rezoned and the anticipated fiscal, physical, environmental and social impacts on the Township.

§ 1203.1. Minor Applications.

Minor rezoning applications are expected to have a lesser impact on the traffic, fiscal resources and existing physical and environmental character of the Township. Rezoning applications meeting either of the following criteria are eligible for the minor application:

- A. The rezoning of a non-residential parcel, or contiguous parcel(s), that totals one (1) acre or less and is not located on one of the Township's primary roadways as specified in Article II of this Ordinance.
- B. The rezoning of an existing residential parcel, or contiguous parcel(s), that totals ten (10) acres or less to either the zoning district R-R, R-1 or R-2 classification.

§ 1203.2. Major Applications.

Any rezoning project that does not meet either of the criteria in § 1203.1 is a major application.

§ 1203.3. Application Requirements.

The following Table outlines the plans, analyses and reports that a landowner and/or developer shall submit as part of minor or major rezoning applications. The specific details, requirements and criteria for the contents of each of these plans, analyses and reports is defined in § 1204.

Table 14: Rezoning Requirements.

Plans, Analyses and Reports	Minor Application	Major Application
Preliminary Plat (§ 1204.1)	X	X
Topographic Survey (§ 1204.2)	X	X
Site Conditions Report (§ 1204.3)	X	X
Infrastructure Demand Statement (§ 1204.4)	X	X
Conceptual Development Plan (§ 1204.5)		X
Buildable Area Analysis (§ 1204.6)		X
Fiscal Impact Analysis (§ 1204.7)		X
Slope Stability Investigation (§ 1204.8)		X
Phase One Environmental Assessment (§ 1204.9)		X
Traffic Report (§ 1204.10)		X

§ 1204. Rezoning Applications Plans, Analyses and Reports.

The plans, analyses and reports to be submitted as part of a minor application shall include § 1204.1 through § 1204.4; a major application shall include § 1204.1 through § 1204.10.

§ 1204.1. Preliminary Plat.

See North Fayette Township Subdivision Ordinance.

From Subdivision Ordinance - Preliminary Plat, all drawings on sheets not exceeding thirty-four inches by forty-four inches (34" x 44"), containing the following information:

- (1) *A boundary survey by a registered professional land surveyor and topographical survey of the total proposed subdivision by a registered professional engineer or registered professional land surveyor. If the developer intends to develop a tract of land in phases, the preliminary plat must include the total tract.*
- (2) *The proposed name of the subdivision or land development.*
- (3) *The name, address, certification and seal of the registered engineer or registered surveyor who did the survey shown on the plat.*
- (4) *The name and address of the developer and, if the developer is not the landowner, the name and address of the landowner.*
- (5) *A location map showing the plan name and location; major existing thoroughfares related to the site, including the distance therefrom, title, scale and North point.*
- (6) *The graphic scale, North point and date.*
- (7) *The legend and notes.*
- (8) *The existing platting of land adjacent to the site and all existing sewers, water mains, culverts, petroleum or gas lines and fire hydrants on or within 100' of the site shall be shown.*

- (9) *Existing watercourses, wetlands, tree masses and other significant natural features.*
- (10) *Areas subject to periodic flooding, as identified on the current Official map for the Township issued by the Federal Insurance Administration.*
- (11) *Contours at intervals of elevation of not more than five (5) feet where the slope is greater than ten percent (10%) and at intervals of not more than two (2) feet where the slope is ten percent (10%) or less.*
- (12) *Existing streets and rights of way on or adjoining the site, including dedicated widths, roadway widths, approximate gradients, types and widths of pavements, curbs, sidewalks and other pertinent data.*
- (13) *Existing and proposed easements, locations, widths and purposes.*
- (14) *Location, width and approximate grade of all proposed streets, parking areas and loading areas.*
- (15) *The layout of lots (showing scaled dimensions), lot numbers and the area of lots in square feet.*
- (16) *Front building lines.*
- (17) *Parcels of land proposes to be reserved for schools, parks, playgrounds or other public, semi-public or community purposes, if any. Parcels shall be lettered A, B, C, etc. and the area of each parcel in acres shall be shown.*
- (18) *Tabulation of site data, either on the plan or on an 8 ½" x 11" sheet of paper attached to the plan, including total acreage of land to be subdivided, the number or residential lots, typical lot size, the acreage in the subdivision or land development and the acreage in any proposed recreation or other public areas.*
- (19) *Proposed public improvements. The size of each should be shown and the location of, or distance to, each existing utility indicated.*

§ 1204.2. Topographic Survey.

- A. Contours shall be illustrated at intervals of elevation of not more than five (5) feet where the slope is greater than ten percent (10%) and at intervals of not more than two (2) feet where the slope is ten percent (10%) or less.

§ 1204.3. Site Conditions Report.

- A. The applicant shall describe the following existing characteristics about the site proposed for development
 - (1) Total site acreage.
 - (2) Existing zoning district(s), land use(s) and covenants.
 - (3) Existing land characteristics including general topographic form, site accessibility, length of public road frontage, pattern and density of vegetative cover, significant adjacent and long-range views to and from the site, hydrological patterns.
 - (4) Relationship of proposed subdivision to adjoining, existing and proposed community facilities which serve or influence the site; available utilities; number of lots and acreage; business areas; playgrounds; main traffic arteries; elementary and high schools; and street improvements.

- (5) Reservations, if any, by the landowner and/or developer of any area designed for use as public grounds shall be suitable size and location for designated uses.
- (6) Land which is subject to flooding, subsidence or underground fires either shall be made safe for the purpose for which such land is proposed to be used, or that such land shall be set aside for use which shall not endanger life or lot, or further aggravate or increase existing menace.
- (7) A copy of the option agreement or certificate of title shall be submitted as evidence of the applicant's interest in the lot.

§ 1204.4. Infrastructure Demand Statement.

- A. The infrastructure demand statement shall be submitted to the Township, containing the following information:
- (1) Pre-development data for overall Township demand.
 - (a) Estimated gallons of sanitary sewage created per average day.
 - (b) Estimated gallons of potable water consumed/utilized per average day.
 - (c) Estimated number of school age children.
 - (d) Estimated total residents and/or employees.
 - (2) Post-development data for overall Township demand.
 - (a) Estimated gallons of sanitary sewage created per average day.
 - (b) Estimated gallons of potable water consumed/utilized per average day.
 - (c) Estimated number of school age children.
 - (d) Estimated total residents and/or employees.

§ 1204.5. Conceptual Development Plan.

See the North Fayette Township Subdivision Ordinance.

From Subdivision Ordinance - Nine (9) copies of a land development plan, as defined by this Ordinance, which includes the following information:

- (1) *The zoning classification of the area to be subdivided and/or developed.*
- (2) *The proposed use, location, area, height and bulk of all existing and proposed structures and dimensions of all yards.*
- (3) *The layout of parking area and a computation of the number of parking spaces to be provided.*
- (4) *Patterns of pedestrian and vehicular circulation on the site, ingress, egress and circulation into and out of site.*

- (5) *Location, size and specifications for private improvements such as curbs, sidewalks, driveways, parking areas, landscaping strips or planters, wheel-stops and the like.*
- (6) *Location and specifications for lighting of parking areas and walkways.*
- (7) *The location and types of proposed landscaping materials.*
- (8) *Dates of preparation and dates of all revisions to the plan.*
- (9) *Name of the registered architect, landscape architect or professional engineer who prepared the plan.*

§ 1204.6. Buildable Area Analysis.

See Article V of this Ordinance.

§ 500. Purpose.

- A. *The buildable area analysis provides a rational methodology for:*
 - (1) *Inventorying, mapping and evaluating the carrying capacity of a lot based on the Existing Conditions found on said lot.*
 - (2) *Establishing standards to define and determine the net buildable area and amount of development that a lot can reasonably support. The net buildable area is the total acreage and general location(s) of permitted disturbance on a lot. Disturbance includes the portions of a lot where grading, construction activities and, subsequently, development occur.*
- B. *The use of the buildable area analysis process is intended to enable:*
 - (1) *Developers to identify, early in the development process, the lot's development capacity and, subsequently, its development opportunities.*
 - (2) *Protection of persons and lots from hazards resulting from the inappropriate development of land in areas that contain sensitive Existing Conditions.*

§ 501. Existing Conditions.

- A. *This Ordinance protects specific Existing Conditions that are sensitive to development. These Existing Conditions include:*
 - (1) *Steep Slopes;*
 - (2) *Floodway;*
 - (3) *Wetlands/Hydric soils;*
 - (4) *Natural Drainage Ways; and*
 - (5) *Lakes/water bodies.*
- B. *Refer to the following agencies for information regarding previous land disturbances of a lot. Additional contact information is available at the Township Building; however, the applicant is responsible for contacting or referencing all sources, listed*

below or otherwise, to obtain information related to the assessment of Existing Conditions.

- (1) Commonwealth of Pennsylvania
Bureau of Topographic and Geologic Survey*
- (2) Pennsylvania Department of Environmental Protection
South West Regional Offices*

§ 502. Applicability.

- A. For the purpose of carrying out the provisions of this Ordinance, a buildable area analysis shall be completed and submitted as part of any Development Plan or Subdivision, except Minor Subdivision, as defined by the North Fayette Township Subdivision Ordinance.*
- B. All buildable area analyses shall be completed on the official Township forms provided by the Township Land Use Administrator. The official forms required by this Article and other applicable analyses defined by the Township shall be completed and submitted as part of any Application for Tentative Approval. No application shall be processed or accepted as administratively complete unless or until the Township Engineer determines that the buildable area analysis has been properly completed.*

§ 503. Initial Development Ratios.

- A. Protection of the Township's Existing Conditions is governed by the development ratio for each sensitive Existing Condition. Initial development ratios represent the maximum amount of disturbance or alteration that a sensitive Existing Condition can sustain without posing a hazard to persons or a lot. Development ratios are specific to the Existing Conditions and are further affected by the slope of the natural topography where a sensitive Existing Condition may be found.*
- B. For the purposes of this Article, slopes used in Table 7: Buildable Area Analysis Calculation shall be at least twenty-five (25) feet in length, measured on a horizontal plane.*

§ 504. Analysis Procedures and Implementation.

- A. The net buildable area analysis, to determine the net buildable area of a lot, shall be calculated in the following manner:
 - (1) Create a 1"=100' scale Slope Map based on a contour interval of not more than five (5) feet where the slope is greater than fifteen percent (15%) and at intervals of not more than two (2) feet where the slope is fifteen percent (15%) or less. The Slope Map shall delineate the location and extent of the following four (4) slope categories:
 - (a) 0-15%;*
 - (b) >15-25%;***

(c) >25-40%; and

(d) >40%.

(2) Inventory Existing Conditions including floodways and wetlands/hydric soils,

(3) Inventory natural drainage ways and lakes/water bodies including all land within fifty (50) feet from the centerline of any natural drainage ways and/or fifty (50) feet from the normal pool elevation of any lakes or water bodies.

(4) Indicate the location and extent of the Existing Conditions defined in Subsections A (2) and A (3) on the Slope Map. Each Existing Condition shall be uniquely illustrated on the Slope Map.

(4) Official copies of Table 7: Buildable Area Analysis Calculation of this Ordinance, as provided by the Township Land Use Administrator, shall be completed to determine the initial net buildable area of the lot.

Table 7. Buildable Area Analysis Calculation.

Sensitive Existing Conditions	Gross Area (acres)		Permitted Disturbance Ratio	=	Net Buildable Area (acres)
Line 1 All floodplains, wetlands, and hydric soils	_____	x	0.0	=	0.0
Line 2 All lakes and waterbodies	_____	x	0.0	=	0.0
Line 3 All natural drainageways/streams	_____	x	0.0	=	0.0
Line 4 Other Areas on slopes 0-15% not calculated as part of Lines 1, 2 and 3	_____	x	1.0	=	_____
Line 5 Other Area on slopes ≥15 but <25% not calculated as part of Lines 1, 2 and 3	_____	x	0.75	=	_____
Line 6 Other Area on slopes ≥25% not calculated as part of Lines 1, 2 and 3	_____	x	0.25	=	_____
Line 7 Sum of Lines 1+2+3+4+5+6	_____				_____
	(Total Gross Lot/Site Area)				(Total Net Buildable Area)

B. The total number of dwelling units permitted within a development shall be calculated by multiplying the gross density of the lot by the total net buildable area of the lot calculated in Table 7: Buildable Area Analysis Calculation.

(1) Total dwelling units = (gross density of the lot) x (net buildable area)

C. The layout of all proposed buildings, structures, streets and utilities shall principally occur within the portions of a lot that do not contain sensitive Existing Conditions documented as part of this Article and as determined by the Township Engineer.

§ 505. Preliminary Assessment of Sub-surface Conditions.

- A. *In addition to the Buildable Area Analysis defined in this Article, for any proposed Development Plan, a landowner and/or developer shall be required to complete a Preliminary Assessment of Sub-surface Conditions, to be performed in accordance with the then-applicable provisions of the North Township Subdivision and Land Development Ordinance, Ordinance No. 226, as amended. The Preliminary Assessment of Sub-surface Conditions shall serve as the initial geo-technical assessment of a lot. Upon review of the Preliminary Assessment of Sub-surface Conditions, the Township Engineer may require that the land owner and/or developer submit a more detailed geo-technical assessment if necessary in his or her judgment to provide sufficient information for an adequate geo-technical assessment of a lot.*
- B. *If the findings of either the Preliminary Assessment of Sub-surface Conditions or more detailed geo-technical assessment are such that the feasibility of development, using the minimum standards prescribed by this Ordinance, is rendered impractical by the Township Engineer, the landowner and/or developer may propose a modification to this Ordinance's lot area and bulk standards for said development.*

§ 506. Transfer of Buildable Area.

- A. *In the event disturbance of all or portions of the net buildable area of a lot existing as of [adoption date of this Ordinance] is not possible because application of the development ratios of this part results in fragmentation of the lot; other physical or legal constraints on the lot prevent development of all or portions of the net buildable area; or all or portions of the net buildable area are otherwise not developable, a landowner and/or developer may transfer the development rights in the net buildable area to other portions of the lot by conditional use in accordance with the general standards of § 701 hereof and the following express standards and criteria:*
 - (1) *The landowner and/or developer shall submit a narrative prepared by a landscape architect, land surveyor or civil engineer licensed as such in the Commonwealth of Pennsylvania explaining in detail the basis for the requested modification, with cross-reference to the relevant mapping and other data submitted with the conditional use request, identifying (where relevant) the area(s) of fragmentation, other physical or legal constraints on development and other areas which are not developable, identifying the areas to which net buildable area is proposed to be transferred, identifying the buildings, structures, streets, utilities and other infrastructure proposed for the lot, and certifying that development of the lot conforms with the requirements of applicable Township Ordinances and sound engineering practice.*
 - (2) *The landowner and/or developer shall submit the narrative to Township Planning Commission prior to its recommendation to Township Board of Supervisors.*

§ 1204.7. Fiscal Impact Analysis.

- A. *An evaluation providing the following information shall be completed:*

- (1) Potential municipal and school district tax generation of the proposed development
- (2) Population projections including the number of school-aged children at build-out of the proposed development.
- (3) Length of road to be dedicated to the Township.
- (4) Length of sewer and water lines to be dedicated to the Township.
- (5) The Township will evaluate the proposed development of the proposed zoning in relationship to the potential development in the existing zoning.

§ 1204.8. Slope Stability Investigation.

See the North Fayette Township Subdivision Ordinance.

From Subdivision Ordinance

- (a) *Where evidence exists of undermining, strip mining, land-slide prone soils or other geologic hazards on the site, a geologic report by a qualified registered professional engineer regarding soil and subsurface conditions and the probable measures needed to be considered in the design of the development, the location of structures and the design of foundations, if any.*
- (b) *A copy of a report from the U.S. Soil Conservation Service concerning soil conditions and water resources.*

§ 1204.9. Phase One Environmental Assessment.

- A. Purpose. An Environmental Site Assessment evaluates whether a property is likely to have suffered environmental degradation. It involves non-intrusive investigative techniques to establish whether the property is likely to be contaminated and if so, to initiate the next level of Environment Assessment.
- B. Content. See the North Fayette Township Subdivision Ordinance.
All Phase One Assessments must follow the appropriate rules, regulations and guidelines set forth by the current ASTM Standard E-1527

§ 1204.10. Traffic Report.

- A. To complete a traffic network analysis, a rezoning applicant shall provide the following:
 - (1) Any proposed zoning change, which will generate, on the average, one hundred (100) or more trips in addition to the adjacent roadways' peak hour volumes shall be required to have a traffic network analysis completed as part of the development. The estimated number of trips shall be determined by an analysis of similar uses through data collected by the Institute of Transportation Engineers (ITE) or through studies of similar uses acceptable by the Township. The estimated trips shall be based upon the highest permitted traffic generation in the proposed zoning district.
 - (2) In cases where known traffic deficiencies exist in the area of the proposed development or change in use, the Township may require a traffic network

analysis for zoning changes in uses generating less than one hundred (100) additional vehicle trips during peak hours. The Township may waive the requirement for an individual development or change in use, where said development or change in use was incorporated as part of a previously approved traffic impact study.

(a) Prior to beginning a traffic network analysis, a rezoning applicant shall submit a proposed scope of services to the Township Land Use Administrator for review and approval. The traffic network analysis shall include the following if determined appropriate by the Township:

(i) A brief description of the proposed zoning change in terms of land use and magnitude.

(ii) An inventory and analysis of existing roadway and traffic conditions in the site environs including:

[1] Roadway network and traffic control.

[2] Existing traffic volumes in terms of peak hours and average daily traffic (ADT).

[3] Planned roadway improvements by others.

[4] Intersection levels of service.

[5] Other measures of roadway adequacy; i.e., lane widths, traffic signal warrants, vehicle studies, etc.

(iii) Proposed site-generated traffic volumes in terms of:

[1] Peak hours and ADT (by development phase if required).

[2] Arrival/departure distribution including method of determination.

[3] Site traffic volumes on study roadways.

(iv) An analysis of future traffic conditions including:

[1] Future opening year combined traffic volumes (site traffic plus future background roadway traffic). Opening year is the projected year of opening for the proposed development or change in use.

[2] Future design year, or years with phasing, combined traffic volumes (site traffic plus future roadway traffic). Design year is projected to ten (10) years beyond the expected opening year of the development or change in use.

- [3] Intersection levels of service for opening year conditions and design year conditions.
 - [4] Roadway levels of service on roadway segments within the defined study.
 - [5] A pavement analysis of roadways which are projected to experience significant increase in ADT volumes off-site.
 - [6] Other measures of roadway adequacy; i.e., lane widths, traffic signal warrants, vehicle delay studies, etc.
 - [7] When access is onto a state road, the analysis of future conditions shall be consistent with Pennsylvania Department of Transportation requirements.
- (v) Description of future levels of service and their compliance with standards for traffic capacity of streets, intersections and driveways. New streets shall be designed for adequate traffic capacity defined as follows. All reference to levels of service (LOS) shall be defined by the Highway Capacity Manual, published by Transportation Research Board. These standards may be waived by the Township if sufficient evidence is provided that the criteria cannot be met with reasonable mitigation.
- [1] Traffic capacity LOS shall be based upon both future opening year and design year analysis.
 - [2] New or modified (a new approach created) unsignalized intersections or driveways which intersect streets shall be designed for LOS C or better for each traffic movement unless otherwise specified by the Township.
 - [3] New or modified (a new approach created) signalized intersections shall be designed for LOS C or better for each traffic movement, unless otherwise specified by the Township.
 - [4] Existing intersections impacted by development traffic shall maintain a minimum LOS D for each traffic movement, or, if future base (without development traffic) LOS is E then mitigation shall be made to maintain LOS E with development traffic. If future base LOS is F, then degradation in delays shall be mitigated.
 - [5] Existing roadway segments impacted by development traffic shall maintain a minimum LOS D for each direction, or, if future base (without development traffic) LOS is E or F then degradations in LOS shall be mitigated.
- (vi) A description and analysis of the proposed access plan and land development plan including:

- [1] Access plan including analysis of required sight distances using Pennsylvania Department of Transportation criteria and description of access roadway, location, geometric conditions and traffic control;
- [2] On-site circulation plan showing parking locations and dimension, loading access, circulation roadway and traffic control.

(vii) A Traffic Circulation Mitigating Action Plan shall include:

- [1] Project features relative to site access and on-site circulation which could be modified to maximize positive impact or minimize negative impact;
- [2] Off-site improvement plan depicting required roadway and signal installation and signing improvements to meet the minimum level of service requirements.

§ 1205. Additional Information.

The Township Planning Commission and/or Township Board of Supervisors reserve the right to request additional information as part of the review and approval process.