

**TOWNSHIP OF NORTH FAYETTE  
ZONING ORDINANCE**

**CHAPTER 27 OF THE  
TOWNSHIP CODE OF ORDINANCES, ORDINANCE NO. 418**

**ADOPTED: JANUARY 28, 2014**

## **Chapter 27**

### **Zoning**

#### **Part 1 General Provisions**

- §27-101. Title
- §27-102. Interpretation
- §27-103. Community Development Objectives
- §27-104. Compliance

#### **Part 2 District Regulations**

- §27-201. Official Zoning Map
- §27-202. Zoning Districts and Overlay Districts
- §27-203. Purpose of Districts
- §27-204. District Boundaries
- §27-205. District Regulations Overview
- §27-206. Screening
- §27-207. Landscaping
- §27-208. Vegetation Preservation
- §27-209. Basement Structures
- §27-210. Temporary Construction Trailers or Sheds
- §27-211. Outdoor Display and Storage

#### **Part 3 Parking and Loading Requirements**

- §27-301. Overview
- §27-302. General Requirements
- §27-303. Off-Street Parking Design
- §27-304. Parking Areas Serving Residential Dwellings
- §27-305. Parking Areas Serving Uses Other Than Residential Dwellings
- §27-306. Driveways Serving Nonresidential Uses
- §27-307. Location of Parking Areas
- §27-308. Surfacing
- §27-309. Lighting
- §27-310. Stormwater Management
- §27-311. Off-Street Loading Design

#### **Part 4 Supplemental Regulations**

- §27-401. Agriculture
- §27-402. Private Stables or Hobby Farms
- §27-403. Village District

§27-404. Town Center

**Part 5  
Buildable Area Analysis**

§27-501. Purpose  
§27-502. Existing Conditions  
§27-503. Applicability  
§27-504. Initial Development Ratios  
§27-505. Analysis Procedures and Implementation  
§27-506. Preliminary Assessment of Sub-surface Conditions  
§27-507. Transfer of Buildable Area

**Part 6  
Overlay Districts**

§27-601. General  
§27-602. Floodplain Overlay  
§27-603. Planned Nonresidential Development Overlay  
§27-604. PNRD Conditions  
§27-605. Application for Tentative Approval  
§27-606. Application for Final PNRD Approval  
§27-607. Planned Residential Development (PRD) Overlay  
§27-608. Application for PRD Final Approval  
§27-609. Road Overlays  
§27-610. Airport Zoning Overlay

**Part 7  
Standards and Criteria for Conditional Uses**

§27-701. Procedure for Approval  
§27-702. General Standards and Criteria  
§27-703. Standards for Specific Uses

**Part 8  
Standards and Criteria for Uses by Special Exception**

§27-801. Procedure for Approval  
§27-802. General Standards  
§27-803. Standards for Specific Uses

**Part 9  
Performance Standards**

§27-901. Overview  
§27-902. Fire Protection  
§27-903. Electrical Disturbance  
§27-904. Noise  
§27-905. Vibrations  
§27-906. Odors

- §27-907. Smoke, Ash, Dust, Fumes, Vapors and Gases
- §27-908. Glare
- §27-909. Erosion
- §27-910. Water Pollution
- §27-911. Determination of Compliance with Performance Standards
- §27-912. Continuing Enforcement

**Part 10  
Signs**

- §27-1001. Signs
- §27-1002. Major Types and Classes of Permanent Signs
- §27-1003. Minor Types of Permanent Signs
- §27-1004. Temporary Signs
- §27-1005. Prohibited Signs
- §27-1006. General Sign Provisions
- §27-1007. Size Regulations of Major Signs
- §27-1008. Sign Packages, Permits, Fees and Procedures

**Part 11  
Nonconforming Uses, Structures and Lots**

- §27-1101. Applicability
- §27-1102. Nonconforming Uses
- §27-1103. Nonconforming Structures
- §27-1104. Nonconforming Lots
- §27-1105. Registration of Nonconformity

**Part 12  
Rezoning and Ordinance Amendments**

- §27-1201. Purpose of Rezoning Applications
- §27-1202. Rezoning Application Forms
- §27-1203. Review of Rezoning Applications
- §27-1204. Application Criteria
- §27-1205. Rezoning Applications Plans, Analyses and Reports
- §27-1206. Additional Information
- §27-1207. Amendments

**Part 13  
Administration and Enforcement**

- §27-1301. Township Board of Supervisors
- §27-1302. Township Planning Commission
- §27-1303. Township Manager
- §27-1304. Township Land Use Administrator
- §27-1305. Township Zoning Officer
- §27-1306. Township Zoning Hearing Board
- §27-1307. Conduct of Hearings
- §27-1308. Failure to Render Decision

- §27-1309. Mediation Option
- §27-1310. Fees and Expenditures
- §27-1311. Time Limitations
- §27-1312. Stay of Proceedings
- §27-1313. Jurisdiction and Venue on Appeal; Time for Appeal

**Part 14**  
**Definitions**

- §27-1401. General Rules of Interpretation
- §27-1402. Specific Meanings

**Appendix 27-A**  
**Bufferyards**

**Appendix 27-B**  
**Lot Types and Yard Definitions**

**Appendix 27-C**  
**Authorized Land Uses per Signage Category**

**Appendix 27-D**  
**[Reserved]**

**Zoning Map Amendments**

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**Part 1****General Provisions****§27-101. Title.**

The official title of this Chapter is “North Fayette Township Zoning Ordinance.”  
(*Ord. 360, 11/23/2004, §100*)

**§27-102. Interpretation.**

1. In the event of conflicts between the provisions of this Chapter and any other ordinance or regulation, the more restrictive provisions shall apply.

2. In the interpretation and application, the provisions of this Chapter shall be considered minimum requirements adopted for the promotion of the health, safety and general welfare of the public.

3. In interpreting the language of this Chapter to determine the extent of the restriction upon the use of property, the language shall be interpreted, where doubt exists as to the intended meaning of the language written and enacted by the Township Board of Supervisors, in favor of the landowner and/or developer and against any implied extension of the restriction.

(*Ord. 360, 11/23/2004, §102*)

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

This Chapter is adopted to achieve the following objectives:

A. To promote and protect the public health, safety and welfare of the residents of the Township and of the public, generally.

B. To encourage and facilitate orderly community growth and development in accordance with the Township’s Comprehensive Plan and Official Map.

C. To protect the character and maintain the stability of the residential, commercial, industrial and mixed-use areas within the Township.

D. To provide adequate light, air, amenities and access to private property.

E. To guide development in order to provide adequate and economical community facilities and utilities.

F. To divide the Township into various zoning districts that restrict and regulate therein the location, construction, alteration and use of buildings, structures and land.

G. To prevent the overcrowding or incompatible development or use of land and to prevent blighting conditions, congestion and hazard in travel and transportation.

H. To conserve and stabilize property values through the encouragement of the most appropriate use of land in relation to adjacent land uses.

(*Ord. 360, 11/23/2004, §103*)

**§27-104. Compliance.**

No building or structure shall be located, erected, constructed, reconstructed, moved, altered, converted or enlarged, nor shall any structure or land be used, or be designed to be used, except in full compliance with all the provisions of this Chapter and after the lawful issuance of all permits and certificates required by this Chapter. (*Ord. 360, 11/23/2004, §104*)

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**Part 2****District Regulations****§27-201. Official Zoning Map.**

A map entitled “North Fayette Township Official Zoning Map” is hereby adopted as part of this Chapter. The Official Zoning Map shall be kept on file available for examination at the office of the Township Manager.

(*Ord. 360, 11/23/2004, §200*)

**§27-202. Zoning Districts and Overlay Districts.**

The Township is divided into a series of zoning districts and overlay districts stated in this Chapter and as shown by the district boundaries on the Official Zoning Map and corresponding Overlay District Map.

**A. Zoning Districts.**

- (1) R-R–Rural Residential.
- (2) R-1–Low Density Residential.
- (3) R-2–Suburban Residential.
- (4) R-3–Medium Density Residential.
- (5) R-4–High Density Residential.
- (6) V–Village.
- (7) TC–Town Center.
- (8) CE–Civic and Education.
- (9) B-1–Neighborhood Commercial.
- (10) B-2–General Business.
- (11) I-1–Light Industrial.
- (12) I-2–Heavy Industrial.

**B. Overlay Districts.**

- (1) FO–Floodplain Overlay.
- (2) PNRD–Planned Nonresidential Development Overlay.
- (3) PRD–Planned Residential Development Overlay.
- (4) RO–Road Overlay.
- (5) AZO–Airport Zoning Overlay.

(*Ord. 360, 11/23/2004, §201*)

**§27-203. Purpose of Districts.**

1. *R-R–Rural Residential.* The purpose of this district is to encourage the continuation of agricultural practices and to allow very low-density residential development to occur in areas of the Township where public water and public sewers do not exist and are not anticipated within the near future.

2. *R-1–Low Density Residential*. The purpose of this district is to allow low-density residential development to occur in areas of the Township where public water and public sewers may or may not exist and are not anticipated within the near future.

3. *R-2–Suburban Residential*. The purpose of this district is to accommodate single-family dwellings on smaller lots where public water and public sewer is available or is likely to be extended.

4. *R-3–Medium Density Residential*. The purpose of this district is to reserve certain areas for higher density residential development, including single-family dwellings on small lots, two family dwellings and multi-family dwellings no more than three stories in height.

5. *R-4–High Density Residential*. The purpose of this district is to accommodate existing multi-family dwellings and higher intensity residential development on smaller lots where public water and public sewer is available.

6. *V–Village*. The purpose of this district is to preserve the historic character of existing urban areas and to provide for a compatible mixture of residential and small-scale nonresidential uses that serve the surrounding residential neighborhoods.

7. *TC–Town Center*. The purpose of this district is to:

A. Create a centralized, mixed-use zoning district that institutes unified development standards for residential, commercial and civic activity.

B. Establish pedestrian-oriented development by encouraging the provision of streetscape and park-like amenities.

C. Integrate the following land uses into a single, cohesive neighborhood.

(1) *Residential Development*. Lots intended for the placement of dwellings fronting on public streets. Residential lots may be occupied by more than one dwelling but, other than home occupations, shall be utilized exclusively for residential purposes.

(2) *Nonresidential Development*. Lots developed for commercial or office purposes only.

(3) *Mixed-Use Development*. Buildings designed to accommodate any combination of residential and/or nonresidential uses. Mixed-use buildings should generally front on a centrally located area or occupy other prominent central locations.

(4) *Civic Amenities*. Centrally located areas of private and public improvements for the intended purpose of accommodating cultural education and municipal activities.

(5) *Open Space*. Undeveloped land that provides green space and passive recreational needs of the Town Center and the overall Township.

8. *CE–Civic and Education*. The purpose of this district is to encourage unified and centrally located development of institutional uses and other civic services.

9. *B-1–Neighborhood Commercial*. The purpose of this district is to provide sufficient space for community-level commercial and service establishments and to promote stable commercial development for smaller-scale business and service uses.

10. *B-2–General Business*. The purpose of this district is to provide for retail and service facilities which serve the needs of the general community and which are located

in high volume traffic corridors to allow convenient access and to minimize traffic impact on neighborhoods and local roads.

11. *I-1-Light Industrial*. The purpose of this district is to encourage the development of light industrial uses in appropriate locations where the public health, safety and welfare of the surrounding neighborhoods are protected.

12. *I-2-Heavy Industrial*. The purpose of this district is to provide areas for the development of heavy industrial uses, including manufacturing processes, in locations that are convenient to the regional transportation network and where the environmental impacts of the uses will not negatively impact surrounding neighborhoods.

(Ord. 360, 11/23/2004, §202)

#### **§27-204. District Boundaries.**

1. District boundaries shown within the lines of roads, streams and transportation rights-of-way shall be deemed to follow the centerline. The vacation of roads shall not affect the location of such district boundaries.

2. When the Township Zoning Officer cannot definitively determine the location of a district boundary by such centerline, by the scale or dimension stated on the Official Zoning Map, or by the fact that it clearly coincides with a lot line, he shall refuse action, and the Township Zoning Hearing Board upon appeal shall interpret the location of the district boundary with reference to the scale of the Official Zoning Map and the purposes set forth in all relevant provisions of this Chapter.

(Ord. 360, 11/23/2004, §203)

#### **§27-205. District Regulations Overview.**

1. *Introduction*. These general regulations shall apply in all zoning districts:

A. Unless specifically defined, general provisions outlined in this Chapter shall apply to all zoning districts.

B. Any use not expressly listed for a zoning district is not permitted in that district, unless authorized as a conditional use or a use by special exception in accordance with the provisions of Parts 7 or 8 of this Chapter, and only in those districts where "Uses Not Specifically Listed" are expressly listed as a conditional use shall such uses be considered for development.

C. Accessory buildings, structures, uses or events which are customarily accessory to a lot's principal building(s), structure(s) or use(s) shall be permitted as accessory uses by right and shall be developed in accordance with paragraph .F.

D. In the R-R, R-1, R-2, R-3, R-4, CE, B-1, B-2, I-1 and I-2 Districts, a single authorized use shall occupy the lot or its principal building or structure, provided all applicable requirements for the use can be met.

E. In the V and TC zoning districts and in the PRD and PNRD Overlay Districts, more than one authorized use may occupy the same lot, building or structure, provided all applicable requirements for each of the uses can be met.

F. On farms, principal farm buildings and structures may occupy the same lot as a single-family dwelling; however, two or more single-family dwellings shall

not occupy the same lot.

G. In addition to the basic zoning requirements defined by Part 2 of this Chapter, all conditional uses shall conform to all the applicable requirements and provisions defined by Part 7 of this Chapter. All uses by special exception shall conform to all applicable requirements and provisions defined by Part 8 of this Chapter.

H. Development shall be pursued, at a minimum, in accordance with the provisions outlined in the Township Construction Standards [Chapter 5, Part 4].

I. Unless a process for development is otherwise outlined in this Chapter, a landowner and/or developer submitting an application for subdivision and/or land development shall abide by the approval procedure outlined in the North Fayette Township Subdivision Ordinance [Chapter 22].

2. *Permitted Uses, Conditional Uses and Uses by Special Exception.*

A. The permitted uses, conditional uses and uses by special exception for each zoning district are set forth in Table 27-1, "Permitted Uses, Conditional Uses and Uses by Special Exception," of this Chapter.

B. As used in Table 27-1 of this Chapter:

(1) The letter "P" denotes a permitted use by right, subject to the requirements specified by this Chapter and provided a zoning certificate has been issued in accordance with Part 13 of this Chapter.

(2) The letter "C" denotes a use that is conditional, subject to the requirements specified by this Chapter and provided that the Township Board of Supervisors grants the conditional use pursuant to Part 13 of this Chapter.

(3) The letter "S" denotes a use that is a special exception subject to the requirements specified by this Chapter and provided that the Township Zoning Hearing Board grants the special exception pursuant to Part 13 of this Chapter.

**Table 27-1**

**Permitted Uses, Conditional Uses and Uses by Special Exception**

- P Permitted Use
- C Conditional Use
- S Use by Special Exception
- Not Applicable

	Residential						Nonresidential/mixed-use								
	R-R	R-1	R-2	R-3	R-4	PRD	V	TC	CE	B-1	B-2	I-1	I-2	PNRD	
<b>Principal Use</b>															
<b>Residential Use</b>															
1. Apartment, Garden				C	P	P	C	C		C [Ord. 415]	C [Ord. 415]			C [Ord. 417]	1
2. Apartment, High-Rise				C	C	P		C		C [Ord. 415]	C [Ord. 415]			C [Ord. 417]	2
3. Mobile Home Park					S										3
4. Quad-Plex				C	C	P		P							4
5. Single-Family Dwelling	P	P	P	P	P	P	P	C	C						5
6. Townhouse				P	P	P	P	P							6
7. Two-Family Dwelling			P	P	P	P	P								7

	Residential						Nonresidential/mixed-use								
	R-R	R-1	R-2	R-3	R-4	PRD	V	TC	CE	B-1	B-2	I-1	I-2	PNRD	
<b>Nonresidential Use</b>															
8. Adult Oriented Business													C		8
9. Bank/Financial Institution							P	P		P	P			P	9
10. Bar/Nightclub							C	C		P	P				10
11. Bed and Breakfast Facility	C	C					P								11
12. Billboard													C	C	12
13. Business Services							P	P		P	P	P		P	13
14. Campground									C						14
15. Car Wash										P [Ord. 404	P	P			15
16. Cemetery	S	S													16
17. Collection and Recycling Facility												C	P		17
18. Commercial School									P		C	C			18
19. Communication Tower	C											C	C		19
20. Convenience Store							C	P		P	P	P			20
21. Country Club or Golf Course	C	C	C			C					P				21
22. Day Care Center or Nursery School							P	P	C	P	P			C	22
23. Day Care Home		C	C	C	C	C	C	C							23

	Residential						Nonresidential/mixed-use									
	R-R	R-1	R-2	R-3	R-4	PRD	V	TC	CE	B-1	B-2	I-1	I-2	PNRD		
24. Dormitory									C		C	C			24	
25. Emergency Services Facility							P	P	P	P	P	P			25	
26. Employee Cafeteria/Dining Room								P			P	P	P	P	26	
27. Essential Services	P	P	P	P	P	P	P	P	P	P	P	P	P	P	27	
28. Farm with Retail Store or for Agri-tourism	C	C	C									P			28	
29. Farm without Retail Store	P	P	P					C			P	P			29	
30. Flea Market												C			30	
31. Food and Grocery Store							C	C		P	P			C	31	
32. Forestry	P	P	P	P	P	P	P	P	P	P	P	P	P	P	32	
33. Freight and Truck Terminal												P	P	P	33	
34. Funeral Home							P	C		P	P				34	
35. Group Care Facility or Personal Care Boarding Home				C	C	C	C			C	C				35	
36. Group Home	P	P	P	P	P	P	P								36	
37. Heavy Equipment Repair												C	P		37	
38. Home-Based Business (No Impact)	P	P	P	P	P	P	P	P	P						38	
39. Home Occupation	C	C	C	C	C	C	C	C							39	

	Residential						Nonresidential/mixed-use								
	R-R	R-1	R-2	R-3	R-4	PRD	V	TC	CE	B-1	B-2	I-1	I-2	PNRD	
40. Horse Boarding and Riding Academy	S	S				C									40
41. Hospital											C			C	41
42. Indoor Recreation							C	C	C	C	C				42
43. Junk Yard													C		43
44. Kennel	S	S									S	S			44
45. Landfill (Office)													C		45
46. Landscaping Service Center, Retail										P	P	P	P		46
47. Landscaping Service Center, Wholesale	C	C								P	P	P	P		47
48. Light Manufacturing												P	P	P	48
49. Life Care Facility				C	C	C					C				49
50. Manufacturing, Other than Light Manufacturing													P		50
51. Medical Clinic								C			P			C	51
52. Mineral Removal	C	C	C [Ord. 365]	C [Ord. 365]		C [Ord. 365]		C [Ord. 365]	C [Ord. 365]	C	C	C	C	C	52
53. Mineral Removal, Restricted [Ord. 365]					C		C								53

	Residential						Nonresidential/mixed-use								
	R-R	R-1	R-2	R-3	R-4	PRD	V	TC	CE	B-1	B-2	I-1	I-2	PNRD	
54. Mini-Warehouse and Self-Storage Building												P	P		54
55. Motel/Hotel							C			C	P			C	55
56. Nursing Home				C	C	C				C	C				56
57. Office, Business and Professional (< 5,000 sf)							P	P		P	P	P	P	P	57
58. Office, Business and Professional (> 5,000 sf)								P		P	P	P	P	P	58
59a. Office, Medical (low intensity)							P	P		P	P			P	59 a
59b. Office, Medical (high intensity)							C	C		C	P			C	59 b
60. Oil and Gas Well [ <i>Ord. 388</i> ]	C	C	C	C	C	C	C	C	C	C	C	C	C	C	60
61. Outdoor Recreation								C	C	C	C	P		C	61
62. Park and Playground (Public)	P	P	P	P	P	P	P	P	P						62
63. Parking Garage/Structure (Public or Private)								C			C			C	63
64. Parking Lot (Public)				P	P		P	P	P	P	P	P	P	P	64
65. Personal Services							P	P		P	P			P	65
66. Pilot Manufacturing											S	P	P	P	66
67. Place of Assembly							C	C	C	C	C			C	67

	Residential						Nonresidential/mixed-use									
	R-R	R-1	R-2	R-3	R-4	PRD	V	TC	CE	B-1	B-2	I-1	I-2	PNRD		
68. Place of Worship	C	C	C	C	C	C	C	C	C	C	C			C	68	
69. Pole Sign									C	C	C	C	C	C	69	
70. Public Building (Municipal Building, Library and Fire Station)	C [Ord. 366]	C [Ord. 366]	C [Ord. 366]	C	C	C	P	P	P	P	P	P	P [Ord. 366]	P [Ord. 366]	70	
71. Public Utility Building and Public Utility Transmission Facility	S	S	S							S	P	P	P	P	71	
72. Research and Development												P	P	P	72	
73. Restaurant, High Turnover with Drive-Thru							C			C	P			C	73	
74. Restaurant, High Turnover without Drive-Thru							C	C		P	P			P	74	
75. Restaurant, Low Turnover							P	P		P	P			P	75	
76. Retail Store (< 5,000 sf)							C	C		P	P			P	76	
77. Retail Store (5,000 to 20,000 sf)								C		C	P			P	77	
78. Retail Store (> 20,000 sf)											P			P	78	
79. School, Private or Public			C	C	C		P	C	P						79	
80. Service Station							S			S	P	P			80	
81. Supply Yard												P	P		81	
82. Transfer Facility, Incinerator or Resource Recovery Facility													C		82	

	Residential						Nonresidential/mixed-use									
	R-R	R-1	R-2	R-3	R-4	PRD	V	TC	CE	B-1	B-2	I-1	I-2	PNRD		
83. Vehicle Repair Garage							C			C	P	P	P		83	
84. Vehicle Sales and Service											C	P	P	C	84	
85. Veterinary Clinic							C	C		C	P				85	
86. Warehouse												P	P	P	86	
87. Water Storage	C	C	C					C	C		C	C	C	C	87	
88. Wholesale Business									S	S	P	P		P	88	
89. Uses Not Specifically Listed												C	C		89	
90. Restaurant, Retail Food [Ord. 415]							C	C		C	P			P	90	
91. Hobby Farm [Ord. 417]												C			91	

3. *Lot Requirements.*

A. The minimum dimensional requirements for lots in each district shall be provided as shown in Tables 27-2 and 27-3, “Residential and Nonresidential Zoning District Area and Bulk Regulations.”

B. Corner lots shall provide front yards on each street frontage. The remaining two yards shall be considered side yards.

C. Any lot of record existing at the effective date of this Chapter may be used for the erection of a building or structure conforming to the use regulations of the district in which it is located, even though its area and/or width are less than the minimum requirements of this Chapter provided that all other requirements of the district in which it is located can be met.

D. Any development of a lot shall conform to the dimensional requirements of the zoning district in which it is located as well as, if applicable to the lot, any additional Overlay provisions as identified in Part 6 of this Chapter.

E. Flag lots shall not be permitted.

F. Nonconforming lots of record, see Part 11 of this Chapter.

**Table 27-2**

**Residential Zoning District and Residential Use Area and Bulk Regulations [Ord. 415]**

Zoning District		R-R	R-1	R-2	R-3	R-4	PRD	B-1 [Ord. 415]	B-2 [Ord. 415]	
Minimum (MM.) Lot Area with Sewer (square feet per lot)		80,000	40,000	20,000	12,000	5,000	7,200 for SF; 5,000 All Other Lots	43,560	43,560	
Min. Lot Area without Sewer (square feet per lot)		80,000	40,000	40,000						
Maximum (Max.) Density (Dwelling units per acre)		0.5	1.1	2.2	3.6	8.7	6.1	10	15	
Minimum Lot Width at Minimum Front Principal Building Setback (lineal feet)		200'	150'	100'	20' TH; 80' All Other SF	20' TH; 60' All Other SF	20" TH; 80' SF; 60' All Other Lots	150'	150'	
Min. Principal Building Setbacks (feet)	Front	40'	40'	30'	20'	20'	20'	20'	20'	
	Side	Adjoining Residential Districts [Ord. 415]	20'	15'	15'	10'	10'	10'	40'	40'
		Adjoining All Other Districts [Ord. 415]							30'	30'
	Rear	Adjoining Residential Districts [Ord. 415]	40'	40'	35'	25'	25'	15'	40'	40'
		Adjoining All Other Districts [Ord. 415]							30'	30'

Zoning District		R-R	R-1	R-2	R-3	R-4	PRD	B-1 [Ord. 415]	B-2 [Ord. 415]
Min. Accessory Building Setbacks (feet)	Side	10'	10'	10'	10'	10'	10'	If adjoining residential, same as minimum principal building side setbacks; all other cases 10'	If adjoining residential, same as minimum principal building side setbacks; all other cases 10'
	Rear	10'	10'	10'	10'	10'	10'	If adjoining residential, 20'; all other cases, 10'	If adjoining residential, 20'; all other cases, 10'
Max. Structure Height (feet)	Principal	35'	35'	35'	75'	75'	35'	50'	50' for 3 stories or less; 75' for high rise
	Accessory	15'	15'	15'	15'	15'	15'	15'	15'
Maximum Lot Coverage		20%	20%	30%	40%	40%	50%	80%	80%

Note: DU = Dwelling Unit  
 TH = Townhouse  
 SF= Single-family

**Table 27-3**

**Nonresidential Zoning District Area and Bulk Regulations**

Zoning District		V	TC	CE	B-1	B-2	I-1	I-2	PNRD	
Min. Lot Area (square feet per lot)		8,700 (min.) 87,000 (max.)	43,560	43,560	5,000	20,000	20,000	87,120	435,600	
Minimum Lot Width at Minimum Front Principal Building Setback (lineal feet)		80'	150'	150'	65'	100'	100'	200'	200'	
Min. Principal Building Setbacks (feet)	Front	15'	15'	30'	20'	30'	50'	50'	30'	
	Side	Adjoining Residential Districts	15'	50'	50'	30'	50'	100'	100'	50'
		All Other Districts	10'	20'	50'	10'	20'	20'	50'	20'
	Rear	Adjoining Residential Districts	30'	50'	50'	30'	50'	100'	200'	50'
		All Other Districts	30'	30'	30'	30'	30'	30'	50'	30'
Max. Principal Building Setback (feet)	Front	No > Avg. Principal Building Setback of adjacent lots	25'		70'				50'	
Min. Accessory Building Setbacks (feet)	Side	Same as minimum principal building side setbacks								
	Rear	If adjoining Residential District, 50'; all other cases, 10'								

Zoning District		V	TC	CE	B-1	B-2	I-1	I-2	PNRD
Max. Structure Height (feet)	All Principal Structures	35'	55'	55'	35'	80'	55'	55'	100'
	Parking Structures/ Garages		35'		35'	35'			
	All Other Accessory Structures	20'	20'	20'	20'	20'	20'	20'	20'
Max. Lot Coverage		80%	90%	80%	80%	80%	65%	65%	80%

4. *Permitted Projections into Required Yards.* The following shall be permitted to project into any required yard in any zoning district as follows:

A. Typical architectural features, including, but not limited to, bay windows, window sills, cornices and eaves, shall be permitted to project into required yards no more than 18 inches.

B. Decks and unenclosed porches without enclosed habitable foundations shall be permitted to project into required front and side yards no more than 3 feet and into the required rear yard no more than 20 feet so long as a minimum of 5 feet remain between the structure and the lot line.

C. Steps and open fire escapes shall be permitted to project into required yards no more than 3 feet.

D. Awnings and/or sunscreens shall be permitted to project into required front and side yards no more than 3 feet.

5. *Height Exceptions.*

A. The height limitations of this Chapter shall not apply to the following structures: place of worship steeples or spires; steeples; chimneys; elevator bulk heads and other mechanical equipment which are part of a principal structure; conveyors; flagpoles; silos; standpipes; elevated water tanks; derricks; public utility structures; and other structures not intended for human habitation which do not exceed the height limitations of the zoning district by more than 15 feet.

B. In any nonresidential zoning district, the maximum height for principal buildings or structures adjoining a residential zoning district shall be 35 feet; however, said maximum height may be increased, providing all front, side and rear yards adjoining the residential district are increased by 2 feet for each additional foot of height over 35 feet. All principal buildings or structures and accessory parking structures shall also be subject to all applicable Federal Aviation Administration (FAA) and Allegheny County Airport Authority height restrictions.

6. *Accessory Buildings, Structures, Uses and Events.* In all zoning districts, the following regulations shall apply to accessory buildings and structures.

A. *Private Residential Swimming Pools.* All private residential swimming pools shall comply with the North Fayette Township Private Residential Swimming Pool Ordinance No. 108, as amended.

B. *Fences.*

(1) In residential zoning districts, fences no greater than 6 feet in height shall be permitted in rear or side yards.

(2) In residential zoning districts, privacy fences which contain openings equal to or less than 50 percent of the area of the fence shall be permitted in the rear yard to enclose a patio or swimming pool, provided they are located at least 1 foot off the lot line and do not enclose the entire rear yard.

(3) In residential zoning districts, fences which contain openings equal to at least 75 percent of the area of the fence and which are not more than 3 feet in height shall be permitted in a lot's front and/or side yards.

(4) In the V, TC CE, B-1 and B-2 Zoning Districts, the maximum height of a fence shall be 6 feet. Fences shall be permitted in a lot's rear and/or side yard(s). Fences shall contain openings that are at least 50 percent of the area

of the fence, unless an opaque screening fence is otherwise required by this Chapter.

(5) In the I-1 and I-2 Zoning Districts, the maximum height of a fence shall be 10 feet. Fences shall be permitted in a lot’s rear and/or side yard(s). Fences shall contain openings that are at least 50 percent of the area of the fence, unless an opaque screening fence is otherwise required by this Chapter.

(4) *Clear Sight Distance.* All fences, walls, screens and bufferyards or landscaping shall be located so as to not obstruct pedestrian access, visibility for traffic on adjacent streets or traffic entering or leaving a lot or adjacent lots. The following minimum sight distances shall be maintained and located in accordance with §27-1402, “clear sight triangle” definition.

**Table 27-4**

**Clear Sight Distance Criteria**

	Type of Street		
	Arterial/ Collector	Local	Service
Clear Sight Triangle (main to side street in feet)	500/30	250/25	200/25

(5) *Satellite Dish Antennas.*

(a) Only one satellite dish antenna shall be permitted on a residential lot.

(b) Satellite dish antennas shall be not permitted in front yards unless a variance is granted by the Zoning Hearing Board upon presentation of evidence that such location is the only feasible method of obtaining reception because of the physical characteristics of the lot and the location of existing structures on the lot.

(c) *Size.*

1) In any Residential, V, or TC Zoning Districts, the maximum diameter of any satellite dish antenna installed on any lot, building or structure shall be 2.5 feet.

2) In zoning districts other than Residential, V, or TC, the maximum diameter of any satellite dish antenna shall not exceed 15 feet.

(d) A satellite dish antenna shall not be projected above the peak of a roof, and if said satellite dish is roof-mounted, no point of the satellite dish shall be greater than 3 feet from the roof’s surface. A satellite dish antenna shall be permitted to be mounted on a flat roof so long as the satellite dish projects less than 3 feet from the roof surface and is mounted in the most inconspicuous location possible.

(e) The maximum height of any ground mounted satellite dish antenna shall be 20 feet.

(f) If ground mounted, the base of any such antenna shall be

screened with a landscape area equal in size to the diameter of the satellite dish antenna or one 100 percent opaque fencing.

(g) No part of any freestanding satellite dish antenna shall be located closer than 10 feet to any lot line.

(h) These provisions do not pertain to satellite dish antennas less than 1 meter in diameter.

(6) *Radio or Television Antennas.* A radio or television antenna shall be permitted as an accessory use, subject to the following requirements:

(a) A radio or television antenna structure may be installed in a rear yard area or mounted on a roof, provided that the structure shall not be located within 20 feet of any lot line.

(b) The maximum overall height for such antenna structure shall not exceed that height otherwise allowed in the zoning district in which it is located by more than 20 feet. In order to gain said maximum heights of the applicable zoning district, the landowner and/or developer shall abide by the height regulations outlined in subsection .5.B. If placed on a roof, any antenna exceeding 8 feet in overall height shall be mounted with guy wires.

(c) Any such structure shall comply with applicable Allegheny County Airport Zoning and Federal Communications Commission regulations.

(d) Radio or television antenna structures located on the ground shall be screened from adjacent lots by evergreen trees or other suitable landscaping material, as approved by the Township Planning Commission.

(7) Regulations are applicable to communication antennas mounted or located on existing or newly constructed nonresidential buildings, light poles/standards or on utility transmission poles and communications equipment building/cabinets. Communications antennas mounted or located on existing or newly constructed nonresidential buildings, light poles/standards or on utility transmission poles and communications equipment building/cabinets shall be permitted in all zoning districts, subject to the following criteria:

(a) The applicant shall provide a certification from an engineer, having demonstrated capability and competence in matters of structural integrity, that the proposed installation will not exceed the structural capacity of the pole or building upon which the communications antenna is proposed to be located, considering wind, ice, snow and other loads associated with the communications antenna location.

(b) The applicant shall provide detailed construction drawings indicating how the communications antenna(s) will be mounted for review by the Township Engineer.

(c) There shall be no minimum building setback requirements for the antenna.

(d) The antenna shall be no more than 12 feet higher than the structure on which it is to be mounted and shall be designed so as to have

minimal visual impact to the building or structure, utilizing techniques such as being the same color as the building or pole on which it is located.

(e) The applicant shall provide authorization from the legal owner of the lot to install the communications antenna and any structure accessory to the communications antenna.

(f) The applicant shall provide agreements, easements, or rights-of-way necessary to ensure access for the purpose of installation and maintenance.

(g) Any existing or newly constructed light pole/standard or utility transmission pole may be constructed, reconstructed or altered for the purpose of accommodating the location and/or installation of communications antenna, provided that the height of the light pole/standard or utility transmission pole, once constructed, reconstructed or altered, shall not exceed 65 feet.

(h) All communications antennas shall be operated so that they will not cause interference with other communications antennas.

(i) If any accessory communications equipment building/cabinets are proposed for the operation of the communications antenna, the following regulations shall be adhered to:

1) The communications equipment building/cabinets and associated equipment may be located at or near the base of any existing or newly constructed light pole/standard. If the communications equipment building/cabinets are proposed for a communications antenna located on a nonresidential building or structure other than an existing or newly constructed light pole/standard, such communications equipment building/cabinets may be located on the structure or building on which the communications antenna is located.

2) For those communications antennas that are mounted on utility transmission poles, the communications equipment building/cabinets shall be located within the utility easement or right-of-way.

3) Any communications equipment building/cabinets where the area encompassing the communications equipment building/cabinets is equal to or less than one 100 square feet shall be subject to the height and setback requirements of the zoning district for an accessory structure. Any communications equipment building/cabinets where the area encompassing the communications equipment building/cabinets is greater than one 100 square feet shall be subject to the height and setback requirements of the zoning district for a principal building or structure.

(7) *Canopies and Similar Structures.* Those canopies and similar permanent freestanding roofed structures greater than 150 square feet in lot coverage shall be permitted to cover outdoor seasonal display and sales areas or fuel dispensing areas accessory to authorized uses in the B-1, B-2, I-1 and I-2 Districts, provided that:

(a) No portion of such canopy or similar structure shall project or be located along the front face of any structure on a lot.

(b) No portion of such structure shall be located less than 10 feet from any lot line or street right-of-way.

(c) Such structure shall not be enclosed or incorporate walls.

(d) Signage or other similar graphic information is not to be posted or incorporated onto any portion extending above 6 feet from the average ground elevation of said structure.

(e) Fifty percent of the vertical supports utilized for the structure are designed to and incorporate the same primary exterior material of the lot's principal building.

(f) Any fascia that is incorporated into the structure is not backlit.

(g) Any lighting associated with said structures shall be reduced to one-half normal operating power between the hours of 11 p.m. and 6 a.m.

(h) Such structure shall be removed immediately, once the principal use or the use of the structure is discontinued.

(8) *Special Event as an Accessory Use.* On any lot, a landowner and/or developer proposing to conduct a temporary use or event using space outside of principal building structures shall be required to submit a special event application. Special events may include, but are not limited to, plant sales, entertainment venues or car shows.

(a) The special event application shall be:

1) Obtained from the Township Planning Department.

2) Submitted to the Township 3 weeks prior to the proposed special event.

(b) The special event, at a minimum, shall:

1) Be any event that has the potential to create an increase in traffic, congestion and/or noise than that is typically caused by the principal use of the lot.

2) Be conducted on the same lot on which the principal use occurs.

3) Be directly related to the services and/or products of the principal use, unless approved by the Township.

4) Not compromise the minimum number of required parking spaces for the principal use.

(c) On any lot, the cumulative number of special event days shall not exceed 14 days within any 90-day period.

(9) *All Other Accessory Activities.* All other accessory buildings, structures, uses or events shall not be permitted in the required front yard or required side yards and shall be located at least 10 feet from the rear lot line. All other accessory building, structures, uses or events shall be located at least 10 feet from any principal building, except that a detached garage may be connected to the principal building by contiguous walls, breezeways or similar

connections.

B. *No-Impact Home-Based Business.* No-impact home-based businesses are permitted by right in all residential zoning districts as long as the business or commercial activity satisfies the following requirements, except that such permission shall not supercede any deed, restriction, covenant or agreement restricting the use of the land, nor any master deed, by law or other document applicable to a common interest ownership community:

(1) The business activity shall be compatible with the residential use of the property and surrounding residential uses.

(2) The business shall employ no employees other than family members residing in the dwelling.

(3) There shall be no display or sale of retail goods and no stockpiling or inventory of a substantial nature.

(4) There shall be no outside appearance of a business use, including but not limited to, parking, signs or lights, except that the name of the business may be indicated on the residence mailbox, as long as the mailbox sign does not exceed 1 square foot in area.

(5) The business activity may not use any equipment or process which creates noise, vibration, glare, fumes, odors or electrical or electronic interference, including interference with radio or television reception, which is detectable in a neighborhood.

(6) The business activity may not generate any solid wastes or sewage discharge in volume or type which is not normally associated with residential use in the neighborhood.

(7) The business activity shall be conducted only within the dwelling and may not occupy more than 25 percent of the habitable floor area.

(8) The business may not involve any illegal activity.

#### 7. *Primary Road Classifications.*

A. Certain roadways and thoroughfares have been classified by North Fayette Township as primary roads. These roadways shall define additional development standards and conditions as specified in Part 6 of this Chapter and by the North Fayette Township Official Zoning Map.

B. The following roadways and thoroughfares are classified as primary roads:

(1) PA Route 22.

(2) US Route 30.

(3) Donaldson Road.

(4) North Branch Road.

(5) McKee Road.

(6) Oakdale Road.

(7) Old Steubenville Pike.

(8) Noblestown Road.

(9) Finks Run Road.

- (10) Kelso Road.
- (11) Route 978.
- (12) West Allegheny Road.
- (13) East-West Connector.
- (14) Cliff Mine Road.
- (15) Steubenville Pike-Enlow Road.

(Ord. 360, 11/23/2004, §204; as amended by Ord. 365, 6/28/2005; by Ord. 366, 7/26/2005; by Ord. 388, 4/8/2008; by Ord. 404, 6/22/2010, §1; by Ord. 415, 2/12/2013, §§1, 2; and by Ord. 417, 10/22/2013, §§1, 2)

**§27-206. Screening.**

1. *Bufferyards Defined.* Bufferyards shall be required in conjunction with the development of any lot, as defined by Table 27-5, “Bufferyards.” Illustrations of the required bufferyards can be found in the Appendix 27-A of this Chapter.

2. *Vegetation within Bufferyards.*

A. The minimum spacing and quantity of vegetation planted within a bufferyard shall be as prescribed by subsection .3 of this Chapter and illustrated in Appendix 27-A of this Chapter.

B. Any existing trees within the required bufferyard that are a minimum of 6 inches in diameter at breast height (dbh) in accordance with American Nursery Association standards shall count as required trees within the bufferyard. At no point, however, shall any existing trees and required trees be separated at a distance greater than the distance specified in the required bufferyard.

C. All trees required to be planted within the bufferyard shall be a minimum of 2.5 inches in diameter at breast height (dbh) in accordance with American Nursery Association standards and shall be planted in accordance with accepted landscape conservation practices. All required trees shall be a minimum of 6 feet in height at the time of planting as measured from the ground adjacent to the planted tree to the top of the tree.

D. It shall be the responsibility of the landowner and/or developer to assure the continued growth of all required landscaping and/or to replace the same in the event of freezing, drought, vandalism, disease or other reasons for the discontinued growth of the required trees, shrubs and bushes.

**3. Specific Bufferyard Requirements.**

**Table 27-5**

**Bufferyards**

	<b>A</b>	<b>B</b>	<b>C</b>	<b>D</b>
<b>MULTI-FAMILY</b>				
Adjoining Single- or Two-Family	X			
Adjoining Multi-family		X		
Adjoining Undeveloped R	X			
Adjoining Any B, TC, V, CE and PNRD Overlay		X		
Adjoining Any I-1 and I-2	X			
Adjoining Primary Roadways			X	
Parking Area Perimeter				
<b>ALL USES IN B-1, B-2 AND PND OVERLAY</b>				
Adjoining Single- or Two-Family	X			
Adjoining Multi-family		X		
Adjoining Undeveloped R	X			
Adjoining Any B, TC, V, CE and PNRD Overlay		X		
Adjoining Any I-1 and I-2			X	
Adjoining Primary Roadways			X	
Parking Area Perimeter				X
<b>ALL USES IN I-1 AND I-2</b>				
Adjoining Any R	X			
Adjoining and B, TC, V, CE and PNRD Overlay		X		
Adjoining Any I-1 and I-2			X	
Adjoining Primary Roadways			X	
Parking Area Perimeter				X
<b>ALL USES IN VILLAGE</b>				
Adjoining Single- or Two-Family	X			
Adjoining Multi-family		X		
Adjoining Undeveloped R	X			
Adjoining Any B, CE and TC Overlay			X	

	A	B	C	D
<b>MULTI-FAMILY</b>				
Adjoining Any I-1 and I-2			X	
Adjoining Primary Roadways			X	
Parking Area Perimeter				X
<b>ALL USES IN TOWN CENTER</b>				
Adjoining Single- or Two-Family	X			
Adjoining Multi-family		X		
Adjoining Undeveloped R	X			
Adjoining Any B, CE or V			X	
Adjoining Any I-1 and I-2			X	
Adjoining Primary Roadways			X	
Parking Area Perimeter				X

A. *Bufferyard A.*

(1) The minimum spacing and quantity of vegetation planted within Bufferyard A shall be as prescribed by this Section and as illustrated in Appendix 27-A.

(2) No uses, buildings or structures including, but not limited to, accessory structures, parking spaces, access drives and lighting devices, may be located closer than 35 feet from any front, side or rear lot line; provided, however, that if the width of any such bufferyard would exceed more than 10 percent of the width or depth of the subject lot as it existed as of the effective date of this Chapter, measured along a perpendicular line running from the relevant side or rear lot line, then the size of the bufferyard shall be established through the following formula:

(a) On a lot with a width or depth of greater than 350 feet, the bufferyard for either the required front or the rear yard shall be 10 percent of that minimum dimension on that particular side of the lot. The bufferyard for the yard not selected of these two shall remain the minimum requirement of 35 feet. The bufferyards for the side yards shall remain the minimum requirement of 35 feet. In no event, however, shall the side or rear bufferyard be less than 25 feet except that access drives may be located in the front bufferyard or other bufferyard if required by the Township's Subdivision and Land Development Ordinance [Chapter 22], as amended.

(3) Bufferyard A shall contain two rows of planting. Each row shall consist of a mixture of 30 percent deciduous and 70 percent evergreen trees and a maximum spacing of 15 feet apart, measured from the vertical centerline of adjacent trees.

(4) In addition to the above-noted required tree spacing, a row of lower level evergreen shrubs or hedges shall be planted or earth mounding shall be constructed in the bufferyard which shall provide a year-round visual screen capable of acting as a barrier to light beams emanating from the headlights of vehicles. These lower level shrubs, hedges or mounds shall be a minimum of 4 feet in height. The length of an individual mound shall not be greater than 30 percent of the lot line to which the mound is adjacent. A variety of heights within and between mounds are recommended.

B. *Bufferyard B.*

(1) The minimum spacing and quantity of vegetation planted within Bufferyard B shall be as prescribed by this Section and as illustrated in Appendix 27-A.

(2) No uses, buildings or structures including, but not limited to, accessory structures, parking spaces, access drives and lighting devices, may be located any closer than 25 feet to any front, side or rear lot line except that access drives may be located in the front bufferyard or other bufferyard if required by the Township's Subdivision and Land Development Ordinance [Chapter 22], as amended.

(3) Bufferyard B shall contain a single row of planting which shall be comprised of a mixture of 30 percent deciduous and 70 percent evergreen trees.

These trees shall be spaced 15 feet apart as measured from the center of the trees.

(4) In addition to the above-noted required tree spacing, a row of lower level evergreen shrubs or hedges shall be planted, or earth mounding shall be constructed in the bufferyard which shall provide a year-round visual screen capable of acting as a barrier to light beams emanating from the headlights of vehicles. These lower level scrubs, hedges or mounds shall be a minimum of 4 feet in height. The length of an individual mound shall not be greater than 30 percent of the lot line to which the mound is adjacent. A variety of mound heights are recommended.

*C. Bufferyard C.*

(1) The minimum spacing and quantity of vegetation planted within Bufferyard C shall be as prescribed by this Section and as illustrated in Appendix 27-A.

(2) No uses, buildings or structures including, but not limited to, accessory structures, parking spaces, access drives and lighting devices may be located any closer than 10 feet to any front, side or rear lot line except that access drives may be located in the front bufferyard or other bufferyard if required by the Township's Subdivision and Land Development Ordinance [Chapter 22], as amended.

(3) This 10-foot bufferyard shall contain a row of planting which shall be comprised of a mixture of 30 percent deciduous and 70 percent evergreen trees. These trees shall be spaced 15 feet apart as measured from the center of the trees.

(4) In addition to the above-noted required tree spacing, a row of lower level evergreen shrubs or hedges shall be planted, or earth mounding shall be constructed in the bufferyard which shall provide a year-round visual screen capable of acting as a barrier to light beams emanating from the headlights of vehicles. These low level shrubs, hedges or mounds shall be a minimum of 4 feet in height. The length of an individual mound shall not be greater than 30 percent of the lot line to which the mound is adjacent. A variety of mound heights are recommended.

*D. Bufferyard D.*

(1) The primary purpose of this bufferyard is to reduce the potential negative visual impacts of parked vehicles in two abutting parking lots located within 10 feet of a shared property line not along a public right-of-way.

(2) The 5-foot bufferyard width shall contain a row of plantings comprised of deciduous and/or evergreen shrubs.

(3) The minimum height of shrubs shall be 3.5 feet by the third year after planting. Shrubs shall be spaced so that a continuous hedge exists after the third year after planting. See Appendix 27-A.

*E.* Any lot having frontage on Routes 22/30 shall maintain a one 100-foot bufferyard from the right-of-way of said roads and any appurtenances, such as interchanges and ramps. Notwithstanding the foregoing, the special bufferyard required by this Section shall not be required to exceed 25 percent of the depth of

a lot. Existing vegetation in this buffer shall not be disturbed, other than the removal of dead or diseased trees or other vegetation, except that any area within a public or private right-of-way or easement may be disturbed to the extent necessary to provide public streets, public utilities, access drives, essential services or stormwater retention facilities. Bufferyard plantings shall be in accordance with the conceptual illustrations set forth in Appendix 27-A. Additionally, should a stormwater management facility be proposed within this bufferyard, a detailed landscaping plan for said facility must be submitted and approved by the Township Engineer or a landscape architect retained by the Township.

F. *Deviations by Conditional Use.* Deviations from the requirements of subsection .3, Appendix 27-A and/or Table 27-5 of this Chapter shall be permitted only as a conditional use in accordance with the requirements of §27-703.BBB of this Chapter.

4. *Conflict Between Bufferyard and Yard Requirements.* When the width of a required bufferyard is in conflict with the minimum yard requirements of this Part, the greater distance shall apply. The landowner and/or developer shall adhere to the bufferyard planting requirement regardless of what the yard requirement is.

5. *Existing Structures in Bufferyards.* In instances where an existing building or structure houses the principal use of the lot, and is located within any required bufferyard, a bufferyard of not less than the minimum distance from the existing structure to the lot line shall be required. This reduced bufferyard width shall apply only to the yard area upon which the existing structure encroaches. If the existing building or structure is located within the required bufferyard on one side of the building or structure, the required bufferyard as determined by Table 27-5, “Bufferyards,” of this Chapter shall apply on all other yard areas. All planting requirements shall be adhered to regardless of the bufferyard width.

6. *Stormwater Management Facilities Within Bufferyards.* Stormwater management facilities and structures may be maintained within a bufferyard, but the existence of such facilities or structures shall not be a basis for a failure to meet the planting requirement.

(Ord. 360, 11/23/2004, §205)

## **§27-207. Landscaping.**

### 1. *General.*

A. Landscaping required in bufferyards cannot be substituted for any required landscaping as outlined in this Section.

B. A landscape plan, with appropriate details, shall be prepared and submitted in conjunction with a development plan at the time of an application for tentative approval and a final application of any planned residential development, planned nonresidential development, subdivision or land development. The landscape plan shall include, and illustrate at scale, the location and name of each tree, shrub and groundcover as it relates to proposed topography for the following:

- (1) All required bufferyards with proposed plantings.
- (2) All required planting independent of any bufferyard requirements.
- (3) Any planting in excess of the requirements of this Chapter.

(4) Any existing trees or vegetation which are to be preserved.

(5) Any existing trees or vegetation which will be removed.

(6) The location and species of all existing trees 6 inches in diameter at breast height (dbh). All such trees shall be marked in the field in order that they may be inspected by the Township. Applicants are encouraged to maximize the retention of all healthy existing trees 6 inches or more dbh.

C. At least one deciduous tree must be planted for each 750 square feet of gross lot area occupied by the building footprint in conjunction with any nonresidential development. A landowner and/or developer shall be permitted to apply the trees that are calculated as part of this requirement to those defined as part of subsection .2.B(2) of this Chapter.

D. At least one deciduous tree must be planted for each dwelling unit. On newly created single-family detached residential lots, the minimum of one deciduous street tree shall be planted in the front yard no closer than 15 feet from the front lot line. The species and size of said tree(s) shall be selected from the list of permitted street trees found in the Appendix 27-A of this Chapter.

E. All trees which are required to be planted as per the regulations of this Section shall be a minimum of 2.5 inches in diameter at breast height (dbh) at the time of planting, measured along the trunk of the planted tree, which tree shall be planted in accordance with accepted conservation practices.

F. All yard areas not utilized for parking areas, street roadways, driveways, gardens, the planting of trees or shrubs, flower, vegetable or herb beds or similar uses must be seeded, sodded or landscaped within a reasonable period of time. The phrase "a reasonable period of time" shall be interpreted to be within 2 weeks after construction activities are completed, unless those activities are completed between a November 1 through May 1 time period. In such case, the required tree planting shall occur within 2 weeks of April 1 and sodding or seeding shall occur within 2 weeks of May 1.

G. All freestanding signs shall be landscaped according to §27-1007.13.

H. Landscape walls are nonstructural, nonload bearing walls less than 30 inches in height and used in the art of arranging or modifying the features of a landscape to secure beautiful or advantageous effects. Walls greater than 30 inches in height must meet the requirements of the Township Construction Standards [Chapter 5, Part 4].

## 2. *Screening and Landscaping for Off-Street Parking and Service Structures.*

A. A planting strip at least 10 feet wide shall be provided between the edge of the right-of-way and any parking area authorized in any yard which fronts on a street or roadway. Planting strips between the right-of-way and the parking area shall be suitably landscaped and maintained with ground cover, shrubbery, trees or other landscape or decorative materials across the entire frontage of the lot in order to prohibit vehicles access, except at approved ingress and egress points. Landscaping of appropriate mature heights shall not obstruct visibility for traffic entering or leaving the lot or traveling on the public street.

B. In parking areas containing more than 20 spaces, at least 20 percent of the interior parking area shall be landscaped with plantings including one tree for each

10 spaces.

(1) Parking area perimeter for surface parking and parking structures/garages. Perimeter parking area landscape screening shall be provided in accordance with the buffer yard standards as defined and required in §27-206.3 of this Chapter or a minimum of 10 feet wide, whichever is greater.

(2) *Surface Parking Area.*

(a) Interior landscaping shall be required for new parking areas or expansion of existing parking areas containing more than 4,000 square feet or 10 parking spaces, whichever is lesser. Where a pre-existing parking area is altered or expanded to increase the size to 4,000 or more square feet of area or 10 or more parking spaces, interior landscaping for the entire parking area shall be provided and not merely to the extent of its alteration or expansion.

(b) Interior landscape islands shall be a minimum 10 feet wide with a total area of at least 160 square feet. One internal landscape island shall be provided for every 10 parking spaces.

(c) No more than 10 parking spaces shall be provided in an unbroken row without the provision of interior landscape islands.

(d) At least one shade tree shall be provided in each interior landscape island. The remaining area of the required interior landscape islands and/or interior landscape area shall be landscaped with shrubs or perennials, either of which should not exceed 2 feet in height, or with turf grass.

(e) All trees and shrubs required to be planted by this Section shall be of the minimum diameters and heights set forth in the illustrations of the Appendix 27-A of this Chapter.

(f) There shall be a minimum distance of 5 feet from the edge of paving to the center of all shade trees.

(g) All landscape islands shall be enclosed by appropriate curbing or a similar device at least 6 inches wide and 6 inches in height above the paving surface. Wedge curbing is not acceptable.

(h) Each tree of the type described in subsection .2.B(2)(e) shall be presumed to shade a circular area having a minimum radius of 15 feet with the trunk of the tree as the center. There must be sufficient trees so that, using this standard, 20 percent of the area occupied by parking spaces (excluding driveways and traffic aisles) shall be shaded.

C. *Landscaping for Service Structures.* All service structures shall be fully screened. For the purposes of this subsection, service structures shall include propane tanks, dumpsters, air conditioning units and condensers, electrical transformers and other equipment or elements providing service to a building or a lot.

(1) *Location of Screening.* A continuous planting, hedge, fence, wall or earthen mounding shall enclose any service structure on all sides unless such structure must be frequently moved, in which case screening on all but one

side is required. The average height of the screening material shall be 1 foot more than the height of the enclosed structure, but shall not be required to exceed 8 feet in height unless specified otherwise by this Chapter. When a service structure is located next to a building wall, perimeter landscaping material may fulfill the screening requirements for that side of the service structure if that wall or screening material is of an average height sufficient to meet the height requirement set out in this Section. Although service structures are screened by plant material, such material may not count towards the fulfillment of required landscaping.

(2) *Protection of Screening Material.* Whenever screening material is placed around any trash disposal unit or waste collection unit that is emptied or removed mechanically on a regular basis, a fixed barrier to contain the placement of the container shall be provided within the screening material on those sides where there is such material. The barrier shall be at least 18 inches from the material and shall be of sufficient strength to prevent possible damage to the screening when the container is moved. The minimum front opening of the screening material shall be 12 feet to allow service vehicles access to the container.

(Ord. 360, 11/23/2004, §206)

#### **§27-208. Vegetation Preservation.**

Vegetation preservation is governed by the specifications in this Section and the provisions of the Pennsylvania Municipalities Planning Code, 53 P.S. §10101 *et seq.*

A. *Vegetation Preservation.* The removal of trees, shrubbery, foliage, grass or other natural growth shall be permitted when in conformance with the provisions of this Chapter or any other ordinance of the Township regulating land use, development and logging. The grubbing activity shall be permitted with the expressed approval of the Township Zoning Officer. A landscape plan, bearing the seal of a registered landscape architect, shall be prepared and submitted at the time of an application for preliminary and final subdivision, land development, planned residential development and/or planned nonresidential development.

B. *Cutting and Clearing of Vegetation; Violations and Penalties.*

(1) Forestry activities of timber harvesting and/or logging, whether by clear-cutting, selective cutting or other common practice, shall be permitted in any zoning district. All forestry activities shall comply with the applicable Township ordinances including, but not limited to, Ordinance No, \_.

(2) The cutting of trees and/or clearing of vegetation within the maximum bufferyard which would be applicable to the lot as required by §27-206.3 of this Chapter, or within the minimum building setback as required by §27-205.3 of this Chapter, whichever is greater, is prohibited. Grubbing activity is permitted where the purpose is to improve the appearance of the lot.

(3) In addition to any other remedy available to the Township and in the event that the construction of structures and/or infrastructure on the lot does not commence despite an approved development plan within 6 months of the completion of the clearing operations as determined by the Township, a landowner and/or developer shall reforest the disturbed site in accordance with

requirements for the applicable bufferyard or, if in the area of any required minimum setback not within a required bufferyard, in accordance with the spacing and planting variety required for Bufferyard A. Should this 6-month period fall during a season not conducive to planting, the Township may permit the landowner, and/or developer to delay this reforestation until a time more conducive to growth, but shall commence no later than April 1. Furthermore, at the time of the development plan or plat approval, the Township shall require that a performance bond be provided, in the favor of the Township, to guarantee this reforestation, in an amount approved by the Township Engineer. The lot must be reforested with a species comparable to the predominant species on the lot prior to the commencement of the clearing operations.

(*Ord. 360, 11/23/2004, §207*)

**§27-209. Basement Structures.**

Occupancy of a basement or foundation structure prior to the completion of the overall building or structure shall not be permitted.

(*Ord. 360, 11/23/2004, §208*)

**§27-210. Temporary Construction Trailers or Sheds.**

Temporary construction trailers or sheds shall be permitted in all zoning districts subject to the following conditions:

A. Temporary construction trailers or sheds shall be permitted only during the period that the construction work is in progress. A permit for the temporary structure shall be obtained from the Township Zoning Officer prior to the commencement of construction and shall be renewed every 6 months.

B. Temporary construction trailers or sheds shall be located on the lot on which the construction is progressing and shall not be located within 25 feet of any lot line adjoining an existing residential use.

C. Temporary construction trailers or sheds shall be used only as temporary field offices and for storage of incidental equipment and supplies and shall not be used for any dwelling use, whatsoever.

D. A temporary construction trailer may be permitted for use as a sales center for residential lots. The maximum gross floor area of such a temporary sales center shall be 500 square feet. A permit for the temporary trailer shall be obtained from the Township Zoning Officer.

E. No combustible materials shall be stored in temporary construction trailers or sheds.

(*Ord. 360, 11/23/2004, §209*)

**§27-211. Outdoor Display and Storage.**

1. Except for retail/wholesale landscape centers, building supply, farm with retail and similar businesses which require outside storage of materials, storage and display of materials outside a completely enclosed structure shall not be permitted. In the case of said businesses, outside display and storage areas shall be completely enclosed by a

security fence and shall be screened by fence or hedge which is at least 6 feet in height and is 100 percent opaque unless otherwise defined by this Chapter.

2. Outside display and storage that is located with any parking lot or any other portion of the lot shall be required to submit a special event application as defined by §27-205.6.A(8) of this Chapter.

3. Any material or equipment stored outside an enclosed building shall be incidental to the principal use of the lot and shall be stored to the rear of the building or an alternative location which screens the display/storage area from public view from the street or from any adjacent residential zoning district or residential use.

4. All organic rubbish and discarded materials shall be contained in tight, vermin-proof containers which shall be screened from public view by an opaque fence or hedge which is at least 6 feet in height.

*(Ord. 360, 11/23/2004, §210)*



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**Part 3****Parking and Loading Requirements****§27-301. Overview.**

1. In all zoning districts, every use which requires the receipt or distribution, by vehicle, of material or merchandise, shall provide off-street parking and loading berths in accordance with the requirements of the following Sections.

2. In addition to required off-street parking and loading facilities, adequate storage areas for vehicles awaiting loading and unloading shall be provided. Under no circumstances shall vehicles be stored or wait in a manner that blocks access to a public right-of-way.

3. Off-street parking and loading spaces shall be provided in accordance with the specifications in this Part in any district whenever any new use is established or existing use is enlarged.

(*Ord. 360, 11/23/2004, §300*)

**§27-302. General Requirements.**

Any new use, expansion of an existing use, or change of use in any zoning district shall comply with the following minimum requirements for the provision of off-street parking and loading spaces.

A. When the calculation of required parking and/or loading spaces results in a requirement of a fractional parking space, any fraction shall be counted as one parking space.

B. Where more than one use exists on a lot, parking and loading requirements for each use shall be provided.

C. A landowner and/or developer shall follow the specific requirements of the American Disability Act of 2004 for off-street parking requirements.

D. The following table of parking requirements specifies the number of spaces required for various land use categories:

**Table 27-6**

**Parking and Loading**

Principal Use	Minimum Parking Requirements	Minimum Loading Requirements	
		Building Gross Floor Area	Number of Berths
<b>Residential Use</b>			
1. Apartment, Garden	2 spaces/dwelling unit and 0.5 visitor spaces/dwelling unit within 300 ft of each dwelling unit	< 59,999 sf 60,000 - 99,000 sf 100,000 - 160,000 sf Each add'l 60,000 sf	
2. Apartment, High-Rise	2 spaces/dwelling unit and 0.5 visitor spaces/dwelling unit within 300 ft of each dwelling unit	< 59,999 sf 60,000 - 99,000 sf 100,000 - 160,000 sf Each add'l 60,000 sf	
3. Mobile Home Park	2 spaces/mobile home (1 on lot and 1 within 300 ft of mobile home)		
4. Quad-Plex	2 spaces/dwelling unit and 0.5 visitor spaces/dwelling unit within 300 ft of each dwelling unit		
5. Single-Family Dwelling	2 spaces/dwelling unit		
6. Townhouse	2 spaces/dwelling unit and 0.5 visitor spaces/dwelling unit within 300 ft of each dwelling unit		
7. Two-Family Dwelling	2 spaces/dwelling unit		
<b>Nonresidential Use</b>			
8. Adult Business	1 space/100 sf		
9. Bank/Financial Institution	1 space/200 sf of gross floor area and 1 space/employee on peak shift and 5 off-street waiting spaces/drive-in window		

Principal Use	Minimum Parking Requirements	Minimum Loading Requirements	
		Building Gross Floor Area	Number of Berths
10. Bar/Nightclub	1 space/50 sf of public or net floor area and 1 space/employee on peak shift	< 20,000 Each add'l 20,000 sf or fraction thereof	1 1 add'l
11. Bed and Breakfast Facility	1 space/guest room and 1 space/permanent resident		
12. Billboard			
13. Business Services	1 space/250 sf of gross floor area	< 20,000 sf 20,001 - 60,000 sf Each add'l 60,000 sf or fraction thereof	1 2 1 add'l
14. Campground	1 space/3 campsites		
15. Car Wash	3 stacking spaces/wash bay	1 berth/4 wash bays	
16. Cemetery	1 space/500 sf of gross floor area of office/admin./chapel/mausoleum/viewing room space and 1 space/employee on peak shift	1 berth/mausoleum or 1 berth/4 viewing rooms	
17. Collection and Recycling Facility	1 space/1,000 sf and 1 space employee on peak shift		
18. Commercial School	Secondary and Post-Secondary: 1 space/staff and 1 space/10 students	< 59,999 sf 60,000 - 99,000 sf 100,000 - 160,000 sf Each add'l 60,000 sf	1 2 3 1 add'l
19. Communication Tower	1 space/facility		
20. Convenience Store	1 space/200 sf	< 10,000 sf 10,000 - 19,999 sf Each add'l 20,000 sf	1 2 1 add'l
21. Country Club or Golf Course	6 spaces/hole and 1 space/employee on peak shift		
22. Day Care Center or Nursery School	1 space/staff on peak shift and 1 space/5 students		

Principal Use	Minimum Parking Requirements	Minimum Loading Requirements	
		Building Gross Floor Area	Number of Berths
23. Day Care Home	2 spaces and 1 space/employee on peak shift		
24. Dormitory	1 space/2 beds and 1 space/employee on peak shift		
25. Emergency Services Facility	1 space/500 sf		
26. Employee Cafeteria/Dining Room		1 berth/100 seats	
27. Essential Services	1 space/employee on peak shift		
28. Farm with Retail Store or for Agri-tourism	1 space/dwelling unit and/ or camp site and 1 space/employee and 1 space/1,000 sf of gross floor area of retail and/or public meeting area		
29. Farm without Retail Store	2 spaces/dwelling unit		
30. Flea Market	1 space/50 sf of sales area		
31. Food and Grocery Store	1 space/300 sf of gross floor area	< 10,000 sf 10,000 - 19,999 sf 20,000 - 49,999 sf Each add'l 20,000 sf	1 2 3 1 add'l
32. Forestry			
33. Freight and Truck Terminal	1 space/2 employees on peak shift		
34. Funeral Home	1 space/3 seats in the first viewing room parlor and 10 spaces/each additional parlor	1 berth/4 viewing rooms or parlors	
35. Group Care Facility or Personal Care Boarding Home	1 space/employee on peak shift and 1 space/resident authorized to drive and 1 space/6 beds		

Principal Use	Minimum Parking Requirements	Minimum Loading Requirements	
		Building Gross Floor Area	Number of Berths
36. Group Home	1 space/4 residents and 1 space/employee on peak shift		
37. Heavy Equipment Repair	1 space/2 employees on peak shift	1 berth/20,000 sf	
38. Home-Based Business (No Impact)	1 space/dwelling unit		
39. Home Occupation	1 space/dwelling unit		
40. Horse Boarding and Riding Academy	1 space/4 stables and 1 space/employee on peak shift		
41. Hospital	1 space/2 beds and 1 space/employee on peak shift	< 40,000 sf 100,000 sf Each add'l 60,000 sf	1 2 1 add'l
42. Indoor Recreation	Bowling Alley: 5 spaces/alley Tennis, Racquetball or Handball Court: 1 space/employee and 4 spaces/court Swimming Pool (Public or Commercial): 1 space/50 sf of water area	< 59,999 sf 60,000 - 99,999 sf Each add'l 60,000 sf	1 2 1 add'l
43. Junkyard	1 space/employee on peak shift and 2 patron spaces on peak shift gross floor area		
44. Kennel	1 space/employee and 1 space/1,000 sf		
45. Landfill (Office)	1 space/1,000 sf and 1 space employee on peak shift	< 5,000 sf 5,001 - 20,000 sf Each add'l 20,000 sf or fraction thereof	1 2 1 add'l

Principal Use	Minimum Parking Requirements	Minimum Loading Requirements	
		Building Gross Floor Area	Number of Berths
46. Landscaping Service Center, Retail	1 space/300 sf of net floor area (indoor) and 1 space/500 sf of gross floor area (outdoor) and 1 space/employee on peak shift		
47. Landscaping Service Center, Wholesale	1 space/2 acres of production sales area		
48. Light Manufacturing	Greater of 1 space/750 sf of gross floor area or 1 space/employee on peak shift	< 19,999 sf 20,000 - 39,999 sf 40,000 - 65,000 sf Each add'l 25,000 sf	1 2 3 1 add'l
49. Life Care Facility	1 space/employee on peak shift and 1 space/3 beds or residents	< 40,000 sf 1 40,000 - 59,999 sf Each add'l 60,000 sf	1 2 1 add'l
50. Manufacturing, Other than Light Manufacturing	Greater of 1 space/750 sf of gross floor area or 1 space/employees on peak shift	< 19,999 sf 20,000 - 39,999 sf 40,000 - 65,000 sf Each add'l 25,000 sf	1 2 3 1 add'l
51. Medical Clinic	5 spaces/doctor on duty		
52. Mineral Removal	1 space/employee on peak shift		
53. Mineral Removal, Restricted	1 space/employee on peak shift		
54. Mini-warehouse and Self-Storage Building	1 space/2 employees on peak shift and 1 space/10 storage spaces	1 exterior/exterior door and 1 berth/5 interior doors	
55. Motel/Hotel	1 space/employee on peak shift and 1 space/sleeping unit; and add'l regulations for restaurant/bar/conference room if accessory use open to general public	< 59,999 sf 60,000 - 99,000 sf 100,000 - 160,000 sf Each add'l 60,000 sf	1 2 3 1 add'l

Principal Use	Minimum Parking Requirements	Minimum Loading Requirements	
		Building Gross Floor Area	Number of Berths
56. Nursing Home	1 space/3 beds and 1 space/employee on peak shift	< 59,999 sf 60,000 - 99,000 sf 100,000 - 160,000 sf Each add'l 60,000 sf	1 2 3 1 add'l
57. Office, Business and Professional (≤5,000 sf)	1 space/200 sf of gross floor area		
58. Office, Business and Professional (> 5,000 sf)	1 space/200 sf of gross floor area	< 50,000 sf 50,000 - 100,000 sf 100,000 - 150,000 sf Each add'l 50,000 sf	1 2 3 1 add'l
59. Office, Medical	3 spaces/exam room + 1 per employee during peak shift	< 59,999 sf Each add'l 30,000 sf	1 1
60. Outdoor Recreation	Tennis, Racquetball or Handball Court: 1 space/employee and 4 spaces/court Swimming Pool (Public or Commercial): 1 space/50 sf of water area	< 59,999 sf 60,000 - 120,000 sf Each add'l 60,000 sf	1 2 1 add'l
61. Park and Playground (Public)	As determined by Planning Commission	As determined by Planning Commission	
62. Parking Garage/Structure (Public or Private)			
63. Parking Lot (Public)			
64. Personal Services	1 space/200 sf of net floor area and 1 space/2 employees on peak shift	< 30,000 sf 30,000 - 59,999 sf Each add'l 30,000 sf	1 2 1 add'l
65. Pilot Manufacturing	Greater of 1 space/750 sf of gross floor area or 1 space/employees on peak shift	< 19,999 sf 20,000 - 39,999 sf 40,000 - 65,000 sf Each add'l 25,000 sf	1 2 3 1 add'l

Principal Use	Minimum Parking Requirements	Minimum Loading Requirements	
		Building Gross Floor Area	Number of Berths
66. Place of Assembly	1 space/75 sf of net floor area or for a theater, 1 space/3 seats	1 berth/500 seats	
67. Place of Worship	1 space/3 seats or 80 linear in of pew	1 berth/500 seats	
68. Pole Sign			
69. Public Building (Municipal Building, Library and Fire Station)	Library: 1 space 25 sf of net floor area Museum: 1 space/400 sf of net floor area Post Office: 1 space/employee on peak shift and 1 space/800 of gross floor area Township Building: 1 space/300 sf of gross floor area	40,000 - 59,999 sf 60,000 - 120,000 sf Each add'l 60,000 sf	1 2 1 add'l
70. Public Utility Building and Public Utility Transmission Facility	1 space/employee on peak shift and 1 space/service vehicle stored on lot		
71. Research and Development	1 space/500 sf of gross floor area	< 19,999 sf 20,000 - 39,999 sf 40,000 - 65,000 sf Each add'l 25,000 sf	1 2 3 1 add'l
72. Restaurant, High Turnover without Drive-Thru	1 space/50 sf of gross floor area and 1 space/employee on peak shift	<59,999 sf 60,000 - 99,000 sf 100,000 - 160,000 sf Each add'l 60,000 sf	1 2 3 1 add'l
73. Restaurant, High Turnover without Drive-Through	1 space/50 sf of gross floor area and 1 space/employee on peak shift	<59,999 sf 60,000 - 99,000 sf 100,000 - 160,000 sf Each add'l 60,000 sf	1 2 3 1 add'l
74. Restaurant, Low Turnover	1 space/2 patrons during peak seating and 1 space/employee on peak shift	<59,999 sf 60,000 - 99,000 sf 100,000 - 160,000 sf Each add'l 60,000 sf	1 2 3 1 add'l
75. Retail Store (<5,000 sf>	1 space/200 sf of gross floor area	<5,000 sf	1

Principal Use	Minimum Parking Requirements	Minimum Loading Requirements	
		Building Gross Floor Area	Number of Berths
76. Retail Store (5,000 to 20,000 sf)	1 space/200 sf of gross floor area	< 10,000 sf 10,000 - 20,000 sf	1 2
77. Retail Store (> 20,000 sf)	1 space/150 sf of gross floor area	20,000 - 60,000 sf Each add'l 40,000 sf	3 1 add'l
78. School, Private or Public	Elementary and Junior High: 1 space/staff employee on peak shift Secondary and Post-Secondary: 1 space/staff and 1 space/10 students	< 59,999 sf 1 60,000 - 99,000 sf 100,000 - 160,000 sf Every add'l 60,000 sf	1 2 3 1 add'l
79. Service Station	4 spaces/bay and 1 space/employees on peak shift and 1 space/business vehicle		
80. Supply Yard	1 space/200 sf of gross floor area and 1 space/employee	< 10,000 sf 10,000 - 30,000 sf Each add'l 30,000 sf	1 2 1
81. Transfer Facility, Incinerator or Resource Recovery Facility	1 space/1,000 sf and 1 space employee on peak shift		
82. Vehicle Repair Garage	2 spaces/bay repair and 1 space/employee on peak shift and 1 space/business vehicle		
83. Vehicle Sales and Service	1 space/400 sf of showroom space, 1 space/employee and 2 spaces/service bay	1 berth/20,000 sf	
84. Veterinary Clinic	1 space/employee and 2 spaces/exam		
85. Warehouse	1 space/2 employees on peak shift	< 19,999 sf 20,000 - 39,999 sf 40,000 - 65,000 sf Each add'l 25,000 sf	< 19,999 sf 20,000 - 39,999 sf 40,000 - 65,000 sf Each add'l 25,000 sf
86. Water Storage	1 space/facility		

Principal Use	Minimum Parking Requirements	Minimum Loading Requirements	
		Building Gross Floor Area	Number of Berths
87. Wholesale Business	1 space/2 employees on peak shift	< 19,999 sf 20,000 - 39,999 sf 40,000 - 65,000 sf Each add'l 25,000 sf	1 2 3 1 add'l
88. Uses Not Specifically Listed	As determined by Planning Commission	As determined by Planning Commission	1 2 3 1 add'l
89. Restaurant, Retail Food [Ord. 415]	10 spaces for customer take-out/pick-up and 1 space/employee on peak shift	As determined by Planning Commission	

(Ord. 360, 11/23/2004, §301; as amended by Ord. 415, 2/12/2013, §1)

**§27-303. Off-Street Parking Design.**

1. *Size.* Each off-street parking space shall have a minimum area of 180 square feet, exclusive of access drives or aisles shall have minimum dimensions of 9 feet in width and 20 feet in length and shall be maintained free from obstruction. Parking areas shall be designed to provide sufficient turn-around area so that vehicles are not required to back onto the cartway of any public street.

2. *Access.*

A. Where an existing lot does not adjoin a public or private street, alley, or easement of access, an access drive shall be provided leading to the parking areas.

B. Access to off-street parking areas shall be limited to well-defined locations, and, in no case, shall there be unrestricted access along the length of a street. The street frontage shall be curbed in accordance with Appendix 27-D, the Township Specifications for Street Construction, and the “Township of North Fayette Minimum Construction Standards and Details, Revised February 2013.”<sup>1</sup> [Ord. 418]

C. The number of access drives from a single lot or development to any public street shall not exceed two for every 400 feet of street frontage.

D. Except on corner lots, access drives shall be located at least two 200 feet from the intersection of any two street right-of-way lines. Where a lot has frontage on more than one street, access shall be provided from the street with the lower traffic volume, if physically practical.

E. Access drives entering State highways are subject to a highway occupancy permit issued by the Pennsylvania Department of Transportation (PennDOT).

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<sup>1</sup>Editor’s Note: The “Township of North Fayette Minimum Construction Standards and Details, Revised February 2013,” will be on file in the Township Office.

Access drives entering Township streets are subject to a Township-issued driveway permit pursuant to *Ord. 153*, as amended. [*Ord. 418*]

F. Access drives entering a County road shall be approved by Allegheny County. Said permits and approvals shall be obtained prior to commencement of any construction activity.

G. Each parking space shall have access directly to a driveway. Interior circulation of traffic shall be designed so that no driveway providing access to parking spaces shall be used as a through street. Interior traffic circulation shall be designed to ensure safety and access by emergency vehicles.

3. *Safety Requirement.* The Township Board of Supervisors shall consider whether safety requirements are warranted to reduce traffic hazards which endanger public safety. The landowner and/or developer shall be responsible for construction of any required islands, acceleration, deceleration or turning lanes and shall bear the cost of installing any required traffic control devices, signs or pavement markings.

4. *Marking.* All parking spaces shall be clearly delineated by painted lines or markers. Delineated parking spaces shall be necessary, for safety or protection to adjacent structures or landscaped areas. All vehicular entrances and exits to parking areas shall be clearly marked for all conditions. Short-term visitor parking spaces shall be differentiated from long-term employee spaces by suitable markings. Handicapped parking shall be appropriately marked.

(*Ord. 360*, 11/23/2004, §302; as amended by *Ord. 418*, 1/29/2014)

#### **§27-304. Parking Areas Serving Residential Dwellings.**

Parking requirements for single-family, two family and townhouse dwellings shall be met by providing the required spaces in an enclosed garage or in a private driveway, but not within a required yard, on the lot. Parking for apartments shall be provided in a common paved, striped and curbed off-street parking area(s) or structure.

(*Ord. 360*, 11/23/2004, §303)

#### **§27-305. Parking Areas Serving Uses Other than Residential Dwellings.**

Parking requirements for all uses other than residential dwelling shall be met by providing a common paved, striped and curbed off-street parking area(s) or structures.

(*Ord. 360*, 11/23/2004, §304)

#### **§27-306. Driveways Serving Nonresidential Uses.**

1. Single lane and access drives that provide access to lots and parking areas shall be a minimum of 10 feet wide and a maximum of 12 feet wide; two lane and access drives shall be a minimum of 20 feet wide and a maximum of 24 feet wide.

2. If parking spaces are aligned at less than 90 degrees, driveways shall be restricted to one-way traffic and head-in parking only.

3. There shall be at least 15 feet between driveways at the street line and at least 5 feet between a driveway and a fire hydrant, catch basin or lot line. There shall be at least 40 feet between a driveway and the right-of-way line of an intersecting street.

4. Adequate sight distance shall be provided, subject to review and approval by the Township Engineer. Driveways shall not exceed a slope of 10 percent within 12 feet

of the street right-of-way line.

(Ord. 360, 11/23/2004, §305)

**§27-307. Location of Parking Areas.**

1. Required parking spaces shall be located on the same lot with the principal use.
2. No parking area containing more than five parking spaces shall be located closer than 10 feet to any adjoining lot line, and parking authorized in front yards shall be located at least 10 feet from the street right-of-way line.

(Ord. 360, 11/23/2004, §306)

**§27-308. Surfacing.**

All parking areas and access drives associated with the development of a major subdivision or planned residential developments (PRDs) shall have a paved concrete or bituminous surface, graded with positive drainage to dispose of surface water and be subject to any additional requirements of the Township Subdivision Ordinance [Chapter 22].

(Ord. 360, 11/23/2004, §307)

**§27-309. Lighting.**

Any lighting used to illuminate off-street parking areas shall be designed to reflect the light away from any adjoining residential zoning district or existing residential use and away from any streets or highways. The spacing of lighting shall be determined based upon a Township-approved plan of photometrics. The lighting system shall furnish an average minimum of 2 footcandles during typical hours of operation. If required by this Chapter for certain uses, lighting intensity shall be reduced between defined hours.

(Ord. 360, 11/23/2004, §308)

**§27-310. Stormwater Management.**

All paved parking areas shall be designed so that stormwater runoff shall not adversely affect adjacent lots. The method of stormwater management and the design of the proposed facilities shall be subject to the requirements of the North Fayette Township Subdivision Ordinance [Chapter 22], Stormwater Management Ordinance [Chapter 19] and to the review and recommendation of the Township Engineer.

(Ord. 360, 11/23/2004, §309)

**§27-311. Off-Street Loading Design.**

1. *Size.* Each loading berth shall be at least 65 feet in length and 12 feet in width with an overhead clearance of 14 feet. The area used for loading berths shall not be used to satisfy parking area requirements.

2. *Access.* Loading berths shall be designed to provide sufficient turnaround area so that vehicles are not required to back onto public streets and the design shall be subject to review and approval by the Township Engineer. Loading berths shall have direct access to a driveway and shall be maintained free of obstruction.

3. *Location.* All loading berths shall be located on the same lot with the principal

use they are intended to serve. No loading berth shall be located in a required front yard. Loading berths shall be located at least 30 feet from the nearest point of intersection of any two streets.

4. *Screening.* Loading berths shall be screened by an 8-foot hedge, wall or fence with a minimum opacity of 80 percent on all sides that face a residential use or a use within a residential zoning district.

5. *Surfacing.* All loading berths shall have a paved concrete or bituminous surface, graded with positive drainage to dispose of surface water.

6. *Lighting.* Any lighting used to illuminate loading berths shall be designed to reflect away from any adjoining residential use or residential zoning district and away from any street or highway.

(Ord. 360, 11/23/2004, §310)



**Part 4****Supplemental Regulations****§27-401. Agriculture.**

Agricultural uses shall comply with the following requirements:

A. Agricultural practices shall be permitted to operate in accordance with the provisions of the Commonwealth of Pennsylvania's Act 133 of 1982, as amended, "An Act Protecting Agricultural Operations from Nuisance Suits and Ordinances Under Certain Circumstances" statute, 3 P.S. §951 *et seq.*

B. Farm buildings, other than a dwelling, shall not be erected within 75 feet of an adjoining lot line.

C. Feed lots, runs, pens, and similar intensively used facilities for animal raising and care, excluding pasture and grazing areas, shall not be located within 300 feet of an adjoining lot line.

D. Animal holding areas for poultry and swine shall not be located within 500 feet of any lot line.

E. Roadside stands for sale of agricultural products shall be permitted provided all of the following requirements are met:

(1) They are erected at least 35 feet back from the nearest edge of any roadway surface;

(2) They are used exclusively for the sale of agricultural products grown on the premises where they are sold;

(3) Parking spaces are provided off the road right-of-way.

(*Ord. 360, 11/23/2004, §400*)

**§27-402. Private Stables or Hobby Farms.**

In the R-R, R-1 or R-2 Districts, a private stable or hobby farm for personal use and enjoyment shall be permitted on a lot which does not meet the acreage requirements for a farm, as defined by this Chapter, provided the lot contains at least 5 acres and all of the following requirements are met:

A. The owner of a private stable or hobby farm shall reside on the lot.

B. Hobby farms may include any of the activities encompassed by agriculture, as defined by this Chapter. The hobby farm shall be restricted to personal use and enjoyment and any sale of animals or produce shall not constitute the principal economic activity of the residents of the hobby farm. The sale of agricultural products raised on the hobby farm shall be permitted. Roadside stands, authorized by §27-401 of this Chapter, shall not be permitted on hobby farms.

C. The number of animals maintained on a hobby farm, if any, shall be reasonably related to the size of the lot, the area available for grazing and the capacity of the land to sustain the animals without creating a nuisance.

D. On a lot utilized for a private stable, one horse or pony shall be permitted on the first 3 acres of land. One additional horse or pony shall be permitted for each

additional acre over 3 acres. However, no private stable or hobby farm within an R-1 or R-2 Zoning District shall have more than a total of eight horses or ponies at any one time.

E. No stables or other buildings in which animals are kept or manure is stored shall be located within 75 feet of any lot line or within 100 feet of any occupied dwelling, other than the stable owner's dwelling.

F. No grazing of any animals shall be permitted closer than 100 feet from any occupied dwellings within the parcel or located on an adjacent parcel, excluding the private stable or hobby farm owner's dwelling.

G. A private stable or hobby farm owner shall not permit litter and droppings from the horses or other animals to collect so as to result in the presence of fly larvae or objectionable odors.

H. The area of the lot used for grazing shall be adequately fenced to properly enclose the animals and to protect adjacent lots.

(Ord. 360, 11/23/2004, §401)

**§27-403. Village District.**

1. The following Section defines a series of special provisions for the Village District. If a conflict exists between the following provisions and any other requirements defined by this Chapter, the special provisions shall take precedence.

2. The maximum lot area shall be 87,000 square feet.

3. The maximum gross floor area of a building or structure shall be 15,000 square feet.

4. No curb cuts or driveway entries along a public right-of-way shall be permitted within 150 feet of another curb cut or driveway entry.

5. If constructed, front porches, stoops and balconies shall be placed along the front facade of residential buildings.

6. Awnings, sunscreens or other similar architectural treatments shall be permitted on the front facade of all nonresidential buildings. Awnings and sunscreens shall be permitted to project into required front and side yards no more than 3 feet.

7. All fire escapes or similar life safety features shall be located on the side or rear facade of a building or structure.

8. No mechanical or electrical equipment related to a building or structure shall be visible from a public right-of-way.

9. All land development within a Village District shall provide sidewalks within the front yard setback. The minimum width of all sidewalks within the front yard setback shall be 5 feet. Sidewalks shall be located to optimize the amount of contiguous area available for landscaping within the front yard. When practical, all new sidewalks shall directly connect to existing sidewalks situated on adjoining lots.

10. Parking areas shall be constructed within centralized location(s) accessible to multiple land uses. If said layout can be demonstrated to not be physically feasible, then said parking shall be located to the rear or side of the lot's structures. Multiple parking areas shall be interconnected to the greatest extent possible.

11. No single parking lot area shall exceed 30 percent of the overall lot.

12. All parking areas shall be landscaped as per the standards of Bufferyard D.

13. One landscape island measuring 150 square feet in area shall be constructed for every 10 parking spaces. The island shall contain a minimum of one deciduous tree that has a minimum caliper size of 3½ inches and groundcover planting covering 50 percent of the island's area.

14. All service and loading areas shall be located in the rear yard of a lot. The service and loading area of all nonresidential developments shall be screened by an 8-foot high hedge, earth berm, masonry wall or fence with a minimum opacity of 80 percent.

(Ord. 360, 11/23/2004, §402)

**§27-404. Town Center.**

1. A development proposed within the Town Center District shall be based on a development plan submitted as part of an application for tentative approval or the preliminary approval of a subdivision or land development. The development plan may be prepared and submitted by a landowner and/or developer or prepared by Township staff, but in either case shall be approved by the Township Planning Commission and adopted by the Township Board of Supervisors.

2. *Building Foundation / Front Yard Landscape Area.*

A. The landowner and/or developer shall provide:

(1) A minimum 10-foot wide landscape area around the perimeter of each principal building's foundation.

(2) A landscaped area within the front and side yards equivalent to the total landscape area required by paragraph .A(1) whereas a minimum of 60 percent of the total required landscape area is provided in the front yard.

B. Sidewalks are permitted within the building foundation landscape area but shall not exceed 50 percent of the total area along each facade. Sidewalks shall be constructed of concrete, brick or stone.

C. A combination of deciduous and/or evergreen trees and shrubs planted within the building foundation landscape area shall, at mature growth, cover a minimum of 70 percent of the permeable building foundation landscape area or front/side yard plantings. Groundcover shall compose no more than 30 percent of the building foundation landscape area or front/side yard plantings. Turf grass shall not be permitted as building foundation landscaping or front/side yard plantings.

3. One landscape island measuring 150 square feet in area shall be constructed for every seven parking spaces. The island shall contain a minimum of one deciduous tree a minimum of 4 inches in diameter at breast height (dbh) and groundcover covering 50 percent of the island's area at installation.

4. *Street System and Parking.*

A. To minimize pedestrian and vehicle conflicts, the street system within the Town Center shall act as a functional and visual link between residential neighborhoods, open spaces, civic and nonresidential uses.

B. The circulation system shall include streets, alleys, service/access drives and parking aisles. All streets and access/service drives shall conform to the

Township's Construction Standards [Chapter 5, Part 4] and shall be dedicated to the Township upon request.

C. Parking areas shall be constructed within centralized location(s) accessible to multiple land uses. If said layout can be demonstrated not to be physically feasible, then said parking shall be located to the rear or side of the lot's structures. Multiple parking areas shall be inter-connected to the greatest extent possible.

D. No single parking area shall exceed 30 percent of the overall lot.

E. The design and construction of all vehicular cartways and parking areas shall incorporate concrete curbs.

F. A minimum 5-foot wide planting strip shall be provided for the installation of street trees along all streets. The planting strip shall be located behind the back of curb.

G. With the exception of alleys, vehicular cartways shall be a maximum of 24 feet and minimum of 22 feet in width as measured between the inside of curbs.

H. No parking spaces, storage of goods and the like shall be permitted in the front of any buildings within the Town Center District.

#### 5. *Sidewalks.*

A. In addition to the applicable plans, studies and reports as required as part of this Chapter, all landowners and/or developers shall prepare a sidewalk plan that shall illustrate all facilities for pedestrian movement and that shall comply with Township Construction Standards [Chapter 5, Part 4] or other applicable ordinances.

B. Sidewalks shall be constructed along all rights-of-way including both sides of each road that is internal to a development. Sidewalks shall be interconnected with one another and shall minimize conflicts with vehicular circulation.

C. Sidewalks immediately adjacent to buildings shall have a minimum width of 8 feet. Sidewalks within parking lots or that connect parking lots to a building shall have a minimum width of 5 feet. Sidewalks or pedestrian connections adjacent to a public right-of-way shall be a minimum of 5 feet wide.

6. Service, loading areas/docks, dumpsters, mechanical equipment areas and fire escapes shall not be visible from public right-of-ways, on-site residential development or from surrounding residential districts.

7. Street trees shall be a minimum of 4 inches in diameter at breast height (dbh). One tree shall be planted a maximum average of every 35 feet on center within buffer areas and along all streets.

8. Eighty percent of window glazing in all nonresidential buildings located within a Town Center shall be transparent.

A. No front facade on the ground floor of any building or structure shall have less than 75 percent of its surface area constructed of glazing.

B. No front or rear facade on the upper floor of any building or structure shall have less than 50 percent of its surface area constructed of glazing.

9. All utilities located within a Town Center development shall be provided underground.

(Ord. 360, 11/23/2004, §403)

**Part 5****Buildable Area Analysis****§27-501. Purpose.**

1. The buildable area analysis provides a rational methodology for:
  - A. Inventorying, mapping and evaluating the carrying capacity of a lot based on the existing conditions found on said lot.
  - B. 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.
2. The use of the buildable area analysis process is intended to enable:
  - A. Developers to identify, early in the development process, the lot's development capacity and, subsequently, its development opportunities.
  - B. Protection of persons and lots from hazards resulting from the inappropriate development of land in areas that contain sensitive existing conditions.

(Ord. 360, 11/23/2004, §500)

**§27-502. Existing Conditions.**

1. This Chapter protects specific existing conditions that are sensitive to development. These existing conditions include:
  - A. Steep slopes.
  - B. Floodway.
  - C. Wetlands/hydric soils.
  - D. Natural drainage ways.
  - E. Lakes/water bodies.
2. 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.
  - A. Commonwealth of Pennsylvania, Bureau of Topographic and Geologic Survey.
  - B. Pennsylvania Department of Environmental Protection, South West Regional Offices.

(Ord. 360, 11/23/2004, §501)

**§27-503. Applicability.**

1. For the purpose of carrying out the provisions of this Chapter, 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 [Chapter 22].

2. 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 Part 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.

(Ord. 360, 11/23/2004, §502)

#### **§27-504. Initial Development Ratios.**

1. 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.

2. For the purposes of this Part, slopes used in Table 27-7, "Buildable Area Analysis Calculation," shall be at least 25 feet in length, measured on a horizontal plane.

(Ord. 360, 11/23/2004, §503)

#### **§27-505. Analysis Procedures and Implementation.**

1. The net buildable area analysis, to determine the net buildable area of a lot, shall be calculated in the following manner:

A. Create a 1 inch equals 100 feet scale slope map based on a contour interval of not more than 5 feet where the slope is greater than 15 percent and at intervals of not more than 2 feet where the slope is 15 percent or less. The slope map shall delineate the location and extent of the following four slope categories:

- (1) 0-15 percent;
- (2) >15-25 percent;
- (3) >25-40 percent.
- (4) >40 percent.

B. Inventory existing conditions including floodways and wetlands/hydric soils.

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

D. Indicate the location and extent of the existing conditions defined in subsections .1.B and .1.C on the slope map. Each existing condition shall be uniquely illustrated on the slope map.

E. Official copies of Table 27-7, "Buildable Area Analysis Calculation," of this Chapter, as provided by the Township Land Use Administrator, shall be completed

to determine the initial net buildable area of the lot.

**Table 27-7**

**Buildable Area Analysis Calculation**

Sensitive Existing Conditions	Gross Area (Acres)		Permitted Disturbance Area	Net Buildable Ratio (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 percent not calculated as part of Lines 1, 2 and 3	_____	x	1.0=	_____
Line 5 Other Area on slopes >15 but <25 percent not calculated as part of Lines 1, 2 and 3	_____		0.75=	_____
Line 6 Other Area on slopes >25 percent not calculated as part of Lines 1, 2 and 3	_____		0.25=	_____
Line 7 Sum of Lines 1+2+3+4+5+6	(Total Gross Lot/Site Area)			(Total Net Buildable Area)

2. 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 27-7, "Buildable Area Analysis Calculation."

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

3. 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 Part and as determined by the Township Engineer.

(Ord. 360, 11/23/2004, §504)

**§27-506. Preliminary Assessment of Subsurface Conditions.**

1. In addition to the buildable area analysis defined in this Part, for any proposed development plan, a landowner and/or developer shall be required to complete a preliminary assessment of subsurface conditions, to be performed in accordance with the then-applicable provisions of the North Fayette Township Subdivision and Land Development Ordinance [Chapter 22], as amended. The preliminary assessment of subsurface conditions shall serve as the initial geo-technical assessment of a lot. Upon review of the preliminary assessment of subsurface conditions, the Township Engineer may require that the land owner and/or developer submit a more detailed geotechnical assessment if necessary in his or her judgment to provide sufficient information for an adequate geotechnical assessment of a lot.

2. If the findings of either the preliminary assessment of subsurface conditions or more detailed geotechnical assessment are such that the feasibility of development, using the minimum standards prescribed by this Chapter, is rendered impractical by the Township Engineer, the landowner and/or developer may propose a modification to this Chapter's lot area and bulk standards for said development.

(Ord. 360, 11/23/2004, §505)

**§27-507. Transfer of Buildable Area.**

In the event disturbance of all or portions of the net buildable area of a lot existing as of adoption date of this Chapter 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 §27-702 hereof and the following express standards and criteria:

A. 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.

B. The landowner and/or developer shall submit the narrative to Township Planning Commission prior to its recommendation to Township Board of Supervisors.

*(Ord. 360, 11/23/2004, §506)*

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**Part 6****Overlay Districts****§27-601. General.**

The basic requirements of each zoning district shall be subject to additional standards and regulations of this Part based upon said Township overlay districts. These additional standards and regulations are intended to supplement, not repeal, abrogate, impair or replace any existing ordinances or provisions that relate to zoning or building construction within the Township.

(*Ord. 360, 11/23/2004, §600*)

**§27-602. Floodplain Overlay.**

1. This overlay is established as the area subject to the 100-year flood as shown on the North Fayette Township Flood-Prone Area Map that is available in the Township office.

2. *Purpose.* In the interest of the public health, safety and welfare, the purpose of these controls is to protect areas of the floodplain subject to and necessary for flood waters; to permit and encourage the retention of open land uses which will be so located and designed as to constitute a harmonious and appropriate part of the physical development of the Township as provided for in the Comprehensive Plan; and to continue North Fayette Township's continued eligibility in the National Flood Insurance Program. In advancing these principles and the general purposes of this Chapter and Comprehensive Plan, the specific intent of these controls is to:

A. Combine with present zoning requirements, certain restrictions made necessary for the floodplains to promote the general health, welfare and safety of the community.

B. Prevent the erection of structures in areas unfit for human usage by reason of danger from flooding, unsanitary conditions or other hazard.

C. Minimize danger to public health by protecting the water supply and promoting safe and sanitary drainage.

D. Reduce the financial burdens imposed on the community, its governmental units and its individuals by frequent and periodic floods and overflow of lands.

E. Permit certain uses which can be appropriately located in the floodplain as herein defined and which will not impede the flow of floodwaters, or otherwise cause danger to life and lot at, above, or below their locations along the floodway.

F. Permit only those uses in the floodplain compatible with the preservation of natural conditions, which are conducive to the maintenance of constant rates of water flow throughout the year by:

(1) Withholding rapid water runoff contributing to downstream flooding.

(2) Providing area for groundwater absorption for maintenance of the subsurface water supply.

G. Preserve the flood carrying capacity of the natural drainage ways,

particularly.

3. *Identification of Flood-Prone Areas.* For the purposes of these controls, the areas considered to be flood-prone within North Fayette Township shall be those areas identified as being subject to the 100-year flood in the Flood Insurance Study prepared for North Fayette Township by the Federal Insurance Administration (FIA) or those areas on the lot having a drainage area of 100 acres or more.

**Table 27-8**

**Floodway Area**

Area	Common Nomenclature
FW (Floodway Area)	the areas identified as "Floodway."
FF (Flood-Fringe Area)	the areas identified as "Floodway Fringe."
FA (General Flood Plain Area)	the areas identified as "Approximate 100-Year Flood Plain."

A map showing the FIA areas considered to be flood-prone is available for inspection at the office of the Township Manager. For the purpose of these controls the following nomenclature is used in referring to the various kinds of flood-prone areas in the Flood Insurance Study prepared by the FIA:

4. *Determination of the 100-Year Flood Elevation in FA (General Floodplain Areas).*

A. To determine the "100-year flood" elevation for these areas, the elevation at a given point on the boundary of the identified flood-prone area(s) which is the nearest lot in question will be used. In helping to make this necessary elevation determination, other sources of data where available shall be used such as:

- (1) Corps of Engineers–Floodplain Information Reports.
- (2) U.S. Geological Survey–Flood-Prone Quadrangles.
- (3) U.S.D.A., Soil Conservation Service–County Soil Surveys.
- (4) Known high water marks from past floods.
- (5) Other sources.

B. In lieu of the above, the Township shall require the landowner and/or developer to determine the elevation with hydrologic engineering techniques. Hydrologic and hydraulic analyses shall be undertaken only by professional engineers or others of demonstrated qualifications, who shall certify that the technical methods used correctly reflect currently accepted technical concepts. Studies, analyses, computations, etc., shall be submitted in sufficient detail to allow a thorough technical review by the Township.

5. *Changes in Identification of Flood-Prone Areas.* The areas considered to be flood-prone may be revised or modified by the Township Board of Supervisors where studies or information provided by a qualified agency or person documents the need or possibility for such revision. No modification or revision of any area

identified as being flood-prone in the Flood Insurance Study prepared by the Federal Insurance Administration shall be made without prior approval from the Federal Insurance Administration.

6. *Disputes.* Should a dispute arise concerning the identification of any flood-prone area, an initial determination shall be made by the Township Zoning Officer and any aggrieved by such decision may appeal to the Township Zoning Hearing Board. The burden of proof shall be on the appellant.

7 *Permitted Land Uses.* In the identified flood-prone area(s), the development and/or use of any lot shall be permitted provided that the development and/or use adheres to the restrictions and requirements of all other applicable codes and ordinances in force in North Fayette Township and shall be limited to the following (listed in general order of appropriateness):

- A. Wildlife sanctuary, woodland preserve, arboretum.
- B. Game farm, fish hatchery (excluding rearing structures), hunting and fishing reserves.
- C. Forestry, lumbering and reforestation excluding storage and mill structures.
- D. Harvesting of any wild crops such as marsh hay, ferns, moss, berries or wild rice.
- E. Outdoor plant nursery; orchard.
- F. Pasture; grazing land.
- G. Recreation use such as: park, day camp, picnic grove, golf course, hunting, fishing and boating club, excluding s fractures.
- H. Outlet installations for sewage treatment plants, sealed public water supply wells.
- I. Utility transmission lines; storm and sanitary sewer lines.
- J. Stormwater management areas.

8. *Prohibited Land Uses.*

A. All structures, including mobile homes, except for flood retention dams, culverts, and bridges as approved by the Pennsylvania Department of Environmental Protection (PA DEP), the Pennsylvania Department of Community and Economic Development (PA DCED) and the Township Board of Supervisors.

B. The removal of topsoil for use other than activity associated with subsection .9.

C. Sanitary landfill, dump, junk yard, outdoor storage of vehicles and/or materials, and paved or all-weather parking lot.

D. On-lot sewage disposal systems.

9. *Design and Construction Standards.* Within any identified floodplain area, no new construction, development, use, activity, or encroachment of any kind, shall be allowed, except where the rise in flood height caused by the proposed development is fully offset by accompanying improvements. The following minimum standards shall apply for all construction proposed to be undertaken within any identified flood-prone area:

A. *Grading*. No grading in the flood fringe shall be permitted which would cause a rise in the 100-year flood height. Following grading, any earth shall be compacted to provide the necessary permeability and resistance to erosion, scouring, or settling, and the area promptly seeded.

B. *Stream/Natural Drainage Way*. See Part 5 of this Chapter.

D. *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 flood waters into the systems and discharges from the systems into the flood waters. In addition, they should be located and constructed to minimize or eliminate flood damage and impairment.

E. *Water Facilities*. All new or replacement water facilities shall be designed to minimize or eliminate infiltration of flood waters into the system, and be located and constructed to minimize or eliminate flood damages.

F. *Utilities*. All utilities such as gas lines, electrical and telephone systems being placed in identified flood-prone areas should be located, elevated (where possible) and constructed to minimize the change of impairment during a flood.

G. *Outdoor Storage*. No materials that are buoyant, flammable, explosive, or in times of flooding, could be injurious to human, animal or plant life shall be stored below the regulatory flood elevation.

10. *Existing Structures*. After review by the Allegheny County Conservation District, the Township Planning Commission (for everything other than a single-family residence) and other appropriate officials as may be deemed necessary by the Township Zoning Officer, a building within the floodplain at the time of enactment of these controls, may be altered or extended provided that:

A. Any construction within any FW, FF, or FA area, the lowest floor (including basement) of any new or improved structures shall be at least 1½ feet above the 100-year flood elevation, or, if a nonresidential structure, be flood-proofed in accordance with this Chapter.

B. The alteration or extension conforms to all applicable regulations of this Chapter.

C. Any increase in volume or area shall not exceed an aggregate of more than 25 percent of such volume or area during the life of the structure.

D. No increase in any on-lot sewer system presently located either wholly or partially in the floodplain shall be required.

11. *Plan Review*. All plans for development or use within the floodplain, with the exception of expansion of existing single-family dwellings, shall be subject to the approval of the Township Planning Commission.

12. *Township Liability*. The granting of a zoning permit of any kind in any floodplain district shall not constitute a representation, guarantee or warranty of any kind by the Township, or by an official or employee thereof of the practicability or safety of any structure, use or other plan proposed, and shall create no liability upon, or a cause of action against, such public body, official or employee for any damage that may result pursuant thereto.

13. *Variances*. In addition to the standards set forth in §27-1306.5 of this Chapter

for the granting of variances, the following shall apply if a variance is requested in a flood-prone area:

A. No variance shall be granted for any construction, development, use or activity within any floodway area that would cause any increase in the 100-year flood elevation.

B. In reviewing any request for a variance, the Township Zoning Hearing Board shall consider that the granting of the variance will not result in an unacceptable or prohibited increase in flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on, or victimization of, the public, or conflict with any other applicable local or State ordinance and regulations.

C. Whenever a variance is granted, the Township Zoning Hearing Board shall notify the landowner and/or developer in writing that the granting of the variance may result in increased premium rates for flood insurance; and, that such variances may increase the risks to life and lot.

(Ord. 360, 11/23/2004, §601)

**§27-603. Planned Nonresidential Development Overlay.**

1. *Purpose.* The purpose of the Planned Nonresidential Development (PNRD) Overlay District is to:

A. Provide landowners and/or developers with an alternative development approval process that promotes flexibility in the mixture of land uses, lot design and building arrangement not afforded by conventional lot development.

B. Permit a more varied, innovative and efficient development pattern without undue delay in the approval process.

C. Encourage the conservation of unique and environmentally sensitive resources and site features.

D. Enable the efficient and cost effective provision of community facilities, including sanitary sewer and water services, roadway improvements and recreational areas.

E. Retain and protect open space areas within nonresidential developments.

F. Define a procedure to relate the type, design and layout of nonresidential development to the characteristics of a particular lot.

2. *Procedures.*

A. A PNRD is a development alternative available to landowners and/or developers. A PNRD is voluntary and not required. If a landowner and/or developer choose to apply for a PNRD, all development standards and procedures shall comply with the provisions defined by this Section and §27-604.

B. No planned nonresidential development may be approved or recorded, no lot shall be sold nor any building or structure shall be built, altered, moved or enlarged in any planned nonresidential development unless and until a development plan has been approved and recorded and until the improvements required in connection therein have either been constructed or guaranteed as herein provided.

C. If the provisions of this Section are inconsistent with other provisions of this Chapter, the provisions of this Section shall apply.

3. *Standards and Conditions for Planned Nonresidential Development.*

A. The lot(s) of land under application for PNRD approval shall be under legal or equitable ownership of the landowner and/or developer; shall be located on a lot(s) with a minimum gross area of 10 acres; and, shall be located within the PNRD Overlay District as indicated on the Official Zoning Map.

B. Uses proposed in the PNRD Overlay District shall be limited to those as defined by Table 27-1, §27-205.2.

4. *Area and Bulk Regulations.*

A. Development on a lot shall conform to the lot requirements as outlined in Table 27-3, §27-205.3.

B. A landowner and/or developer may receive a 30 percent density bonus for:

(1) Providing roadway improvements as indicated on the North Fayette Township Official Map.

(2) Decked or structured parking in addition to a 10 percent open space increase.

5. *Common Open Space Reservation.*

A. The amount of common open space required as part of a PNRD shall be a minimum of 20 percent of the gross lot area.

B. The common open space shall be dedicated or otherwise preserved and maintained so as to always remain open and available for use by the occupants of the development area.

C. Common open space areas shall not include roadways or parking areas but may include areas devoted to stormwater management areas.

D. The landowner and/or developer shall provide open space in a contiguous area or series of contiguous areas, to the greatest extent possible.

6. *Method of Ownership for Common Open Space.*

A. The land and facilities to be used for common open space shall be implemented in accordance with either of the two methods set forth below, or a combination of the two, as determined by the Township Board of Supervisors:

(1) The land and/or facilities shall be conveyed to an organization established for the ownership and maintenance of the common open space.

(2) The land and/or facilities shall be dedicated for public use to the Township and a dedication covenant shall be recorded in the Allegheny County Register of Deeds Office.

B. The organization shall covenant to operate and maintain the land and facilities as common open space; such organization shall not be dissolved nor shall it dispose of the common open space, by sale or otherwise (except to an organization conceived and established to own and maintain the common open space), without first offering to dedicate the same to the Township.

C. The Township shall not be obligated to accept the dedication of the common open space or any portion thereof, where the Township Board of Supervisors determines

that such dedication is not in the interest of the Township.

7. *Common Open Space Standards.*

A. At least 25 percent of the required common open space shall be located on slopes between 0 percent and 15 percent.

B. Common open space shall be directly accessible to the largest practicable number of lots within an open space development. To achieve this, one side of each lot created as part of the development, to the maximum extent practicable, shall abut common open space in order to provide direct views and access. Safe and convenient pedestrian access to the open space from all lots not abutting the open space shall be provided.

C. The shape of the open space areas shall be coherently configured and, where possible, abut existing or potential open space on adjacent lots. Seventy-five percent of the total required acreage of open space shall be contiguous.

D. Stormwater management areas shall be permitted to be included within the calculation of open space but shall not exceed 50 percent of the total open space required for the Development.

8. *Failure to Maintain Common Open Space.* In the event that the organization or any successor organization established to own and maintain the common open space shall at any time fail to maintain the same in accordance with the development plan and in reasonable order and condition, the Township shall have the right to maintain the same and assess the cost of such maintenance on a pro-rata basis and as a lien against the lots within the PNRD that have the right to the enjoyment of the common open space, pursuant to the authority and in accordance with the procedures and requirements contained in this Chapter.

9. *Design Standard Modifications.*

A. Development of any PNRD shall comply with all applicable design standards contained in this Chapter, the Township Subdivision Ordinance [Chapter 22] and the Township Construction Standards [Chapter 5, Part 4], except as provided below. If the provisions of this Section are inconsistent with other provisions of this Chapter, the provisions of this Section shall apply.

B. In granting tentative and/or final land development plan approval for any PNRD, the Township may waive applicability of any provisions of the North Fayette Township Subdivision Ordinance [Chapter 22] which may be in conflict with the purposes of this Section in the context of any specific application.

C. As condition(s) of tentative and/or final land development plan approval, the Township may provide for variation and/or waiver of specific design standards established in the North Fayette Township Subdivision Ordinance [Chapter 22] and as provided in subparagraphs (1) through (3), below. The applicant requesting variation in design standards shall submit drawings, models or plans to demonstrate the purpose and potential impact of the request, including alternatives if specified by the Township. The applicant wishing to have any design standard varied shall bear the burden of proof in justifying the appropriateness of such variation. The applicant may be required to post bond to insure compliance with the decision and any conditions imposed by the Township.

(1) *Curbs.* Curbs are used to channel water to storm sewers, protect

pavement edges and keep vehicles off of grass. In certain cases, however, natural drainage should be encouraged. Where topography and soils permit, roadside swales may be substituted for curbs, provided that the alternate design:

(a) Insures adequate means for the protection of pavement edges.

(b) Handles stormwater in a manner to insure against erosion or other conditions detrimental to the public health, safety, or welfare.

(c) Has the approval of the Township Engineer.

(2) *Right-of-Way*. The right-of-way width is intended to provide enough land to accommodate roadways, including potential future widening, sidewalks and necessary grading and utilities.

(3) All streets, sidewalks, lighting and drainage facilities therewith shall be designed and constructed in keeping with the requirements of North Fayette Township Subdivision and Land Development Ordinance [Chapter 22] and Stormwater Management Ordinance [Chapter 19].

#### 10. *Buildings, Landscaping, Signs, Parking and Loading Regulations.*

A. All buildings or structures within a PNRD shall be set back from a lot line, public right-of-way or private right-of-way in accordance with §27-205.

B. All portions of the development plan pertaining to landscaping, signs, parking and loading shall conform to the regulations of this Chapter.

C. No parking area shall be closer than 15 feet from a principal building nor shall any parking encroach within the PNRD's common open space.

D. Off-street parking spaces shall be provided in accordance with Part 3.

E. All uses that require off-street loading facilities shall comply with the requirements of §27-208.

F. All sidewalks, lighting and stormwater management facilities shall be designed in accordance with the requirements of the North Fayette Township Subdivision Ordinance [Chapter 22]. All PNRDs shall provide for adequate numbers and spacing of fire safety improvements or equipment as required by the Township Board of Supervisors.

#### 11. *Vehicular and Pedestrian Access.*

A. Principal vehicular access to the PNRD shall be at a minimum of two points along collector and/or arterial streets and roadways capable of supporting existing traffic volumes as well as the traffic volumes expected to be generated by the PNRD. Points of access shall be a minimum of 150 feet on center. Access points shall be designed to provide smooth traffic flow, controlled turning movements and minimum hazard to vehicular and pedestrian traffic. Merging and turnout lanes and traffic dividers shall be provided where existing or anticipated heavy flows of traffic indicate such needs. Streets and roadways within the PNRD shall be designed in such a manner as to discourage use of minor streets as through streets.

##### B. *Walkways.*

(1) Sidewalks shall be located and constructed in accordance with an overall pedestrian pathway system. The system shall include a combination of sidewalks, pathways and trails that provide reasonable access to surrounding

neighborhoods, recreation, shopping, or other destinations within and adjacent to the PNRD.

(2) Sidewalks shall, at a minimum, be provided along the frontage of all lots in accordance with the requirements of the North Fayette Township Subdivision Ordinance [Chapter 22].

(3) If, in addition, sidewalks or pathways are proposed within the common open space, such sidewalks and pathways shall form a logical, safe and convenient network of pedestrian facilities. These sidewalks and pathways shall be located so as to minimize conflict with streets and roadways and crosswalks. All sidewalks and pathways shall be constructed of an all-weather, durable hard surface approved by the Township Engineer.

(4) The landowner and/or developer shall be responsible for maintenance of the sidewalks within the PNRD. A pedestrian system maintenance program and standards shall be submitted at the time of the application for tentative and final approval.

12. *Streets and Roadways.*

A. Upon dedication by the developer of the streets or roads to the Township, the Township agrees to maintain the streets and roads dedicated to the Township.

B. All streets in a PNRD, whether public or private, shall be constructed to the specifications of the North Fayette Township Subdivision Ordinance [Chapter 22] for public streets.

13. *Screening and Setbacks.*

A. If topographic or other natural barriers are not sufficient to assure the privacy of the PNRD and abutting residential uses, the following requirements shall be imposed at all points where buildings, structures or parking areas area located within 100 feet of a PNRD's perimeter lot line.

(1) Buildings and structures must be set back a minimum of 50 feet from the rear lot line and 25 feet from a side lot line.

(2) The perimeter of a PNRD shall be screened in accordance with the Bufferyard requirements defined by §27-206. No fences or walls inconsistent with the Township ordinances in effect with regard to such structures shall be permitted.

(3) The minimum building spacing shall be 30 feet and shall be designed to accommodate an emergency access drive that is a minimum of 12 feet wide. The emergency access drive should be constructed, at a minimum, as stabilized lawn or turf.

14. Utilities shall be provided underground to the greatest extent possible.

(Ord. 360, 11/23/2004, §602)

**§27-604. PNRD Conditions.**

1. Planned nonresidential development (PNRD) shall be a permitted subject to the following express standards and criteria:

A. The proposed development plan complies with all applicable standards and conditions of this Chapter, preserves the community development objectives of this

Chapter and is found by the Township Board of Supervisors to be consistent with the North Fayette Township Comprehensive Plan.

B. Where the proposed development plan departs from the requirements of this Chapter and the Township Subdivision and Land Development Ordinance [Chapter 22] otherwise applicable to the subject lot, such departures are in the public interest and promote the public's health, safety and welfare.

C. The proposed uses shown on the development plan are permitted in one of the underlying zoning district(s) in the development plan area. Where the use has a spacing requirement from similar uses or other uses it may be waived in a planned nonresidential development.

D. The proposals for the maintenance and conservation of any proposed common open space, bufferyard and landscaping areas are reliable and legally enforceable, and the amount and extent of improvements of such open space and landscaping areas are adequate with respect to the purpose, use and type of development proposed.

E. The physical design of the development plan adequately provides for public services, traffic facilities and parking, light, air, recreation and visual enjoyment.

F. The total environment of the development plan is harmonious and consistent with the zoning district(s) in which it is located and with the surrounding zoning districts.

G. The grant or denial of development plan approval shall include findings of fact related to the proposed development plan as may be submitted for approval, and the reasons for the decisions shall be set forth with particularity in what respect the proposed development plan would or would not be in the public interest, including but not limited to each of the above criteria.

2. In evaluating the conditional use criteria, the applicant shall demonstrate, and the Township Board of Supervisors shall consider the following additional factors, where applicable:

A. The degree to which development pursuant to a cohesive development plan is expected to be superior to existing development in the zoning district(s) under uncoordinated land development plans.

B. The degree to which a declaration of covenants, conditions and restrictions (CCR) document is created and recorded against the lot to govern development. Examples of items that would be included in the CCR may include, but not be limited to:

(1) Architectural design standards (i.e., materials, colors, quality of construction, maintenance, repair, etc.).

(2) Landscaping standards.

(3) Signage standards.

(4) Lighting standards.

(5) Other items deemed appropriate by the Township Board of Supervisors.

C. If the planned nonresidential development area abuts an R District, the degree that bufferyards are enhanced over the minimum required in this Chapter.

- D. The extent of trip generation mitigation through TMA and TSM strategies.
  - E. The degree to which sensitive existing conditions are protected.
  - F. The degree that enforceable, rigorous, architectural and design standards will create a development which will attract high quality uses and jobs.
  - G. The amount and nature of public facilities and right of way donated to the Township or other public agency over and above what could legally be required in a land development.
3. The Township Board of Supervisors shall also consider the following criteria, which shall be encouraged, but not required:
- A. The use of parking structures to minimize surface parking lots.
  - B. The use of innovative stormwater management techniques, such as best management practices (BMPs), ground water recharging, green roofs, etc.
  - C. The degree to which pedestrian circulation is proposed to inter-connect the lots within the development plan.
  - D. The degree that the development plan may assist in attracting similar uses to adjacent land.
  - E. The degree to which the use of the lot will generate tax revenue for the Township, particularly in areas if special taxing districts (i.e., North Fayette Transportation District).
  - F. The degree to which the development is expected to create new jobs.
  - G. The degree to which mixed-use buildings and/or activities are incorporated into the overall development plan.
4. Residential use above the first/ground floor of any building may be permitted in a development plan area when:
- A. The total square footage devoted to the residential use in the development plan area does not exceed 25 percent of the total area encompassed by the development plan.
  - B. Adequate protections from noise, light, vibration, hours of operation, truck and equipment traffic and surrounding residential uses are provided. It is the intent of this subsection that residential uses are secondary to the uses permitted in the zoning district(s) and such residential use would be not subject to impacts that would not be acceptable in residentially zoned districts. The Board of Supervisors may require that notice of this fact be made part of any recorded covenants for the development planned area.
  - C. Adequate outdoor recreational areas are provided.
  - D. The use provisions of this Chapter are complied with.
  - E. The height of a structure does not exceed 100 feet.
5. The applicant shall submit an updated development plan each time one of the following events occurs:
- A. The uses proposed in the development plan change in trip generation character and impact such that more than 100 new peak hour trips would be generated.
  - B. The total development plan area devoted to bufferyards and landscaping

is decreased by more than 5 percent. See Part 2 of this Chapter for minimum bufferyard and landscaping requirements.

C. The quantity of grading shown on the development plan grading plan is increased by more than 5 percent.

D. Any access point to an existing public street is moved or removed to such an extent that in the opinion of the Township Traffic Engineer a greater impact on abutting lots will result.

E. The parcelization on the development plan is changed such that, in the opinion of the Township Traffic Engineer, the street and circulation system within the development plan area is inadequate to meet traffic demands generated in the development plan area.

F. Twenty-five percent of the development plan area by building square footage is completed; provided, however, if no changes in use or parcel sizes have occurred from the time of the last development plan approval, the applicant shall so notify the Township Zoning Officer in writing and the Township Zoning Officer may waive this requirement.

G. Where a development plan is being updated and a lot has been developed and has received a certificate of occupancy, only the outlines of the lot need to be shown on the development plan with reference to the land development plan as recorded in the Allegheny County Recorders Office. For modifications other than those listed above, approval of a land development for a lot within the development plan area serves as a revision to the previously approved development plan as to that lot.

(*Ord. 360, 11/23/2004, §602.1; as amended by Ord. 418, 1/29/2014*)

**§27-605. Application for Tentative Approval.**

1. The administration of the procedures for application and for approval of a PNRD shall be vested in the Township Board of Supervisors. The Township shall refer all tentative and final land development plans to the Township Planning Commission for their review and recommendation.

A. An application for tentative approval of a PNRD shall be filed by the applicant with the Township Land Use Administrator. Within 30 days of receipt of application for tentative approval, the Township Land Use Administrator shall indicate in written communication to the applicant whether or not the application is deemed complete and, if not, where deficient. If no written communication is provided within said 30-day period, the application shall be deemed complete for purposes of initiating period within which a public hearing must be held in accordance with subsection .2.B.

B. Within 10 days of receipt of an administratively complete application, one copy of the application shall be submitted to the Township Engineer and one copy shall be submitted to each member of the Township Planning Commission. The Township Planning Commission shall review the application at a public meeting and shall forward written recommendations to the Township Board of Supervisors prior to the public hearing conducted by the Township Board of Supervisors on the application. One copy of the application for tentative approval shall be forward by the Township Planning Commission to the Township Board of Supervisors with

their recommendations.

C. The application for tentative approval shall contain the following:

(1) An overall development plan for the entire lot subject to PNRD application, at a minimum scale of 1 inch equals 200 feet, indicating the general layout and intended character of development areas and open spaces, and the proposed locations of all public and private rights-of-way, including streets, parking areas, water lines, sewage conveyance, treatment and disposal facilities, stormwater management facilities, etc.

(2) Plan(s) at a scale of no less than 1 inch equaling 100 feet showing the significant natural and man-made features of the lot including streams, floodplains, wetlands, woodlands, topography and soil types. Submitted plan(s) should be at the same scale as those submitted in accordance with subparagraph (4), below.

(3) A plan depicting location and size of the lot and the nature of the applicant's interest in the land proposed to be developed.

(4) Plan(s) at a scale not less than 1 inch equaling 100 feet and narrative documentation, as appropriate, depicting the following:

(1) The density of each land use to be allocated to each part of the site.

(2) The location, size and uses of the open space and the form or organization proposed to own and maintain the open space.

(3) The location, species and size of required landscaping.

(4) The use and approximate height, bulk and location of buildings and other structures.

(5) The feasibility of proposed water supply and the disposition of the sanitary waste and stormwater.

(6) The substance of covenants, grants of easements or other restrictions proposed to be imposed upon the use of the land, buildings and structures including proposed easements of grants for public utilities.

(7) The provisions for parking of vehicles and the location and width of proposed streets and public ways.

(8) Any other required items for submission as defined in §§27-603 and 27-606.

(9) In the case of a development plan that calls for development over a period of years, a schedule showing the proposed times within which applications for final approval of all Sections of the PNRD are intended to be filed. This schedule must be updated annually on the anniversary of its approval until the development is completed.

D. The application for tentative approval of a PNRD shall include a written statement by the applicant setting forth why the PNRD would be in the public interest and consistent with the North Fayette Township Comprehensive Plan.

E. The approval procedures for tentative and final approval in this Section shall be in lieu of all other procedures or approvals otherwise required by this Chapter and the North Fayette Subdivision Ordinance [Chapter 22].

2. *Public Hearings.*

A. Within 60 days after the filing of an application for tentative approval, a public hearing pursuant to public notice on said application shall be held by the Township Board of Supervisors in the manner prescribed by the Municipalities Planning Code.

B. The Township Board of Supervisors may continue the hearing from time to time provided the public hearings shall be concluded within 60 days after the date of the first public hearing.

3. *Criteria for Approval.* Development plan may be approved only if it is found to meet the following criteria:

A. The proposed development plan shall preserve the objectives of this Chapter and shall be consistent with the Comprehensive Plan.

B. It shall be fully served by public utilities without reducing the level of service to the remainder of the Township.

C. It shall organize vehicular ingress, egress, and parking to minimize traffic congestion in the neighborhood.

D. It shall be sited, oriented and landscaped to produce a harmonious relationship of buildings and grounds within the development and to the buildings and grounds of adjacent owners, and to the fullest extent possible, shall preserve the scenic, aesthetic, and historic features of the landscape.

E. It shall not involve any element or cause any condition that may be dangerous, injurious, or noxious to any other lot or persons.

4. *The Findings.*

A. The Township Board of Supervisors, within 60 days following the conclusion of the public hearings provided for in this Section, shall notify the applicant in writing of its decision to either:

- (1) Grant tentative approval of the development plan as submitted.
- (2) Grant tentative approval subject to specific conditions.
- (3) Deny tentative approval to the development plan.

B. Failure to act within said period shall be deemed to be a grant of tentative approval of the development plan as submitted. In the event, however, that the tentative approval is granted subject to conditions, the applicant may, within 30 days of receiving the written decision of the Township, notify the Township of his refusal to accept any or all of the conditions, in which case, the Township shall be deemed to have denied tentative approval of the development plan. In the event the applicant does not, within said period, notify the Township of his refusal to accept any condition, tentative approval of the development plan, with the conditions, shall stand as granted.

C. The grant or denial of tentative approval by official written communication shall include not only conclusions but also findings of fact relating to the following criteria:

- (1) A detailed itemization of aspects in which the proposed PNRD is consistent with the North Fayette Township Comprehensive Plan and the aspects in which it is not so consistent.

(2) Any aspects in which the proposed PNRD departs from zoning requirements for similar development in other districts and Subdivision Ordinance [Chapter 22] otherwise applicable to the subject lot, including, but not limited to, density, bulk and use, and the reasons why such departures are or are not deemed to be in the public interest.

(3) The purpose, location and amount of the common open space in the proposed PNRD, the reliability of the proposals for maintenance and conservation of the common open space, and the adequacy or inadequacy of the amount and purpose of the common open space as related to the purpose, density and type of development.

(4) The physical design of the proposed PNRD and the aspects in which said design does or does not make adequate provision for public services, provided adequate control over vehicular traffic, and further amenities of light and air, recreation, and visual enjoyment.

(5) The relationship, beneficial or adverse, of the proposed PNRD to the neighborhood in which it is proposed to be established.

(6) The sufficiency of the terms and conditions intended to protect the interest of the public and the residents of the PNRD and the integrity of the development plan.

*D. Status of Plan after Tentative Approval.*

(1) The official written communication provided for this Section shall be certified by the Township Land Use Administrator and shall be filed in the Township office and a certified copy shall be mailed to the applicant.

(2) Tentative approval of a development plan shall not qualify a plan of the PNRD for recording nor authorize development or the issuance of any building permits. A development plan which has been given tentative approval with conditions which have been accepted by the applicant and provided that the applicant has not defaulted nor violated any of the conditions of the tentative approval shall not be modified or revoked nor otherwise impaired by action of the Township pending an application or applications for final approval, without the consent of the applicant, provided an application for final approval is filed, or in the case of development over a period of years, provided applications are filed within the periods of time specified in the official written communication granting tentative approval.

(3) In the event that a development plan is given tentative approval and thereafter, but prior to final approval, the applicant shall elect to abandon said development plan and shall so notify the Township in writing, or in the event the applicant shall fail to file application or applications for final approval within the required period of time or times, as the case may be, the tentative approval shall be deemed to be revoked and all that portion of the area included in the development plan for which final approval has not been given shall be subject to those ordinances otherwise applicable thereto as they may be amended from time to time, and the same shall be noted in the records of the Township Land Use Administrator.

*E. Timing.* If a proposed PNRD is granted tentative approval, with or without conditions, the Township Board of Supervisors may set forth in the official written

communication the time within which an application for final approval shall be filed. In the case of a development plan, which provides for development over a period of years, the periods of time in which applications for final approval of each part thereof shall be filed may also be established in the official written communication. Only with the consent of the applicant may the time between grant of tentative approval and application for final approval be less than 3 months, and in the case of development over a period of years, the time between applications for final approval of each part of a plan shall not be less than 12 months.

(Ord. 360, 11/23/2004, §602)

**§27-606. Application for Final PNRD Approval.**

1. *Filing.*

A. A landowner and/or developer shall submit an application for final approval of the development plan by delivering nine copies of the completed application to the Zoning Officer at least 10 working days prior to the Township Planning Commission's regularly scheduled meeting. The Township Land Use Administrator shall determine the completeness of the application and either accept the applications complete and properly filed or return the application to the applicant for resubmission if the application is incomplete and improperly filed. If the application is returned as incomplete, a written notice, which cites the specific requirements of this Chapter which have not been met, shall be sent to the applicant.

B. The date of the Township Planning Commission meeting at which the application is accepted as complete and properly filed shall be the official date of filing and shall represent the beginning of the 60-day period for review by the Township Planning Commission and action by the Township Board of Supervisors.

2. *Content of Application for Final Approval.*

A. The final application shall contain the following:

- (1) Plans at a scale of not more than 1 inch equaling 50 feet.
- (2) The name seal and appropriate certification of the registered professional engineer responsible for the plan.
- (3) A plan containing sufficient data to determine the location of streets, rights of way, easements and open space.
- (4) A plan which delineates slopes 15-25 percent and greater than 25 percent.
- (5) A plan containing sufficient data to determine the location of significant manmade features.
- (6) The lengths of all straight lines, radii, lengths of curves and tangent bearings for each street.
- (7) The proposed building setback line from each street and the proposed placement of all structures other than single-family detached dwellings.
- (8) A stormwater management plan containing stormwater management calculations.
- (9) A plan showing the method of sanitary sewer service. The design of

any proposed sewer treatment plan, pumping stations and disposal fields.

(10) Permanent reference monuments shall be required and shown on the plan.

(11) Road profile plans showing the location, grade, and width of existing and proposed street rights of way.

(12) A plan depicting typical paving sections.

(13) A grading and utility plan showing existing grades and proposed grades with 2-foot contours. The plan shall also include the location of all storm sewer lines, sanitary sewer lines, invert and rim elevations of all existing and proposed manholes, water lines, electric lines, lighting standards and pipelines. A plan depicting the profiles of the proposed sanitary and sewer lines.

(14) A land use plan showing the gross and net densities of the overall development, as well as the individual sections.

(15) All covenants, grants of easements or other restriction proposed to be imposed upon the use of the land, buildings, and structures including proposed easements of grants for public facilities.

(16) A landscaping plan showing location of sidewalks, trails, bufferyards and species, sizes and number of plantings.

(17) The required land use regulation modifications.

(18) In the case of a development plan which calls for development over a period of years, a schedule showing the proposed times within which applications for final approval of all sections of the PNRD are intended to be filed. This schedule must be updated annually on the anniversary of its final approval until the development is completed and accepted.

C. Supplementary data shall include:

(1) In a form suitable for recording with the plat, any covenants, grants of easements, rights of way or other restrictions to be imposed on the use of the land and structures.

(2) Provisions for the maintenance, ownership and operation of common open spaces, common recreation facilities and other improvements.

3. *Final Approval.* If the application for final approval has been filed with all drawings, specifications, other required documents in accordance with this Chapter, and the official written communication of tentative approval, the Township Planning Commission shall recommend approval of said application to the Township Board of Supervisors. The Township Board of Supervisors shall, within 45 days of the filing of the application with the Township Planning Commission, grant such development plan final approval.

4. *Denial of Approval.*

A. If the development plan as submitted contains variations from the development plan given tentative approval, the Township Board of Supervisors may refuse to grant final approval. It shall, however, within 45 days from the filing of the application for final approval, advise the applicant of the refusal, setting forth in the notice why one or more of the variations are not in the public interest.

In the event of such a refusal, the developer and/or landowner may either:

(1) Re-file the application for the final approval without the variations objected.

(2) File a written request with the Board of Supervisors to hold a public hearing on the application for final approval. The hearing shall be held within 30 days of the request and the hearing shall be conducted in accordance with the procedure for hearings on an application for tentative approval. Within 30 days after the conclusion of the hearing, the Board of Supervisors shall issue a written decision whether granting or denying final approval in the form required for tentative approval.

5. *Recording.* A development plan, or any part thereof, which has been given final approval shall be certified by the Township Board of Supervisors and recorded in the Allegheny County Office of the Recorder of Deeds before any development shall take place. Said plan shall be recorded within 90 days of the date final approval is granted by the Township Board of Supervisors or final approval shall automatically be rescinded.

6. *Judicial Review.* Any decision of the Township Board of Supervisors granting or denying tentative or final approval of a proposed PNRD shall be subject to appeal by the same procedures and with the same limitations as provided for zoning appeals by the Pennsylvania Municipalities Planning Code, 53 P.S. §10101 *et seq.*

7. *Failure to Develop.* In the event that a development plan, or a section thereof, is given final approval and thereafter the applicant shall abandon such plan or the section thereof that has been finally approved, or in the event the applicant shall fail to commence development of the planned nonresidential development within 2 years after final approval has been granted, or in the event that the applicant shall substantially fail to develop in accordance with the development plan given final approval, no development or further development shall take place on the lot included in the development plan until after the said lot is reclassified by enactment of an amendment to this Chapter.

8. *Enforcement Remedies.*

A. Any person, partnership or corporation who or which has violated the PNRD provisions of this Chapter shall, upon being found liable therefor in a civil enforcement proceeding commenced by the Township, pay a judgment of not more than \$500 plus all court costs, including reasonable attorney fees incurred by the Township as a result thereof. No judgment shall commence or be imposed, levied or be payable until the date of the determination of a violation by the magisterial district judge. If the defendant neither pays nor timely appeals the judgment, the Township may enforce the judgment pursuant to the applicable rules of civil procedure. Each day that a violation continues shall constitute a separate violation, unless the magisterial district judge, determining that there has been a violation, further determines that there was a good faith basis for the person, partnership or corporation violating this Chapter to have believed that there was no such violation, in which event there shall be deemed to have been only one such violation until the fifth day following the date of the determination of a violation by the magisterial district judge and thereafter each day that a violation continues shall constitute a separate violation. All judgments, costs and reasonable attorney fees

collected for the violation of this Chapter shall be paid over to the Township. The Allegheny County Court of Common Pleas, upon petition, may grant an order of stay, upon cause shown, tolling the per diem fine pending a final adjudication of the violation and judgment. [Ord. 418]

B. Nothing contained in this Section shall be construed or interpreted to grant to any person or entity other than the Township the right to commence any action for enforcement pursuant to this Section.

(Ord. 360, 11/23/2004, §603; as amended by Ord. 418, 1/29/2014)

**§27-607. Planned Residential Development (PRD) Overlay.**

1. *Purpose and Authority.* The purpose of the PRD Overlay is to:

A. Encourage innovations in residential development to meet the growing demand for housing.

B. Encourage greater variety in type, design and layout of dwellings.

C. Conserve open space and encourage a more efficient use of land and public services.

D. Insure increased flexibility of land development regulations.

E. Accommodate changes in land development technology.

F. Provide a procedure to relate the type, design and layout of residential development to the characteristics of a particular lot.

H. The authority for enacting these planned residential development provisions is Article VII of the Municipalities Planning Code, 53 P.S. §10701 *et seq.* All procedures and requirements of Article VII of the Municipalities Planning Code, 53 P.S. §10701 *et seq.*, are incorporated herein.

2. *Design Standards.* All design standards and improvements of the development plan for a proposed PRD shall also meet the requirements set forth in the North Fayette Township Subdivision Ordinance [Chapter 22], except as expressly stated in this Chapter. If the provisions of this Section are inconsistent with other provisions of this Chapter, the provisions of this Section shall apply.

A. *Development Site.*

(1) The minimum number of acres that may be developed as PRD is 10 acres.

(2) The site shall be serviced by public water and public sewers approved by the Pennsylvania Department of Environmental Protection (DEP).

(3) Ancillary nonresidential uses may be permitted in a PRD only if all of the following criteria are met.

(a) Construction of the ancillary nonresidential units shall not be permitted until 80 percent of all proposed dwelling units in the PRD are constructed and occupied or ready for occupancy.

(b) The ancillary nonresidential uses shall be designed primarily to serve residents of the PRD.

(c) The ancillary nonresidential uses shall be limited to the ground or street floors of a residential building containing multi-family dwelling

units or to a single freestanding building on the site of the PRD

(d) The total floor area devoted to the ancillary nonresidential uses shall not exceed 15 percent of the total floor area of all buildings devoted to residential use in the PRD.

(e) Any freestanding building proposed to contain ancillary nonresidential uses shall not be located within 100 feet of any existing or proposed single-family dwelling within the PRD or outside the boundaries of the PRD site.

(f) The maximum surface area of any business identification sign for any ancillary nonresidential use shall not exceed 12 square feet. Such signs shall not be illuminated.

(g) Off-street parking for the ancillary nonresidential uses shall be provided in accordance with the requirements of Part 3 of this Chapter for the uses.

**B. *Permitted Density.***

(1) The maximum permitted density of the entire PRD site shall be 6.1 units per acre.

(2) When calculating gross site density, a fractional unit of 0.5 or more shall be considered an entire unit, while a fractional less than 0.5 shall be disregarded.

**C. *Minimum Lot Sizes.***

(1) The minimum lot areas required for residential uses in a PRD shall comply with the following standards:

(a) 7,200 square feet per single-family lot.

(b) 5,000 square feet for all other residential lot types.

(2) A landowner and/or developer may propose to have more than one residential land use type and subsequently a variety of lot sizes as part of a planned residential development so long as the minimum lot size of subparagraph (1) are maintained.

**D. *Other Area and Bulk Regulations.*** Development on a lot shall conform to the lot requirements outlined in Table 27-2, §27-205.2.

**3. *Variations in Density and Intensity of Land Use.*** In order to encourage flexibility of development, variations shall be permitted in the density and intensity of land use throughout the entire PRD. Greater concentration of density and intensity of land use may be permitted so long as the overall gross density of the overall development defined in this Chapter is not exceeded.

**4. *Common Open Space Reservation.***

**A.** Not less than 40 percent of the total site area shall be set aside for common open space. The common open space shall be so dedicated or otherwise preserved and maintained so as to remain open and available for use by the residents of the development area.

**B.** Common open space shall not include space devoted to streets or parking areas, but may include areas devoted to stormwater management facilities.

Recreational facilities and structures located in common areas shall be considered common open space provided the total impervious surfaces constitute no more than 5 percent of the total open space.

C. A minimum of 35 percent of the total required common open space area shall be less than 25 percent slope and shall be suitable for active recreation facilities such as game courts, playing fields and play apparatus. At least 30 percent or 200 square feet per dwelling unit, whichever is greater, of the common open space that is suitable for active recreation shall be improved so as to provide opportunities for intensive use suitable to the needs of the residents of the PRD. Active recreation facilities shall be conveniently located and possess adequate access for users of all abilities within the PRD site.

D. *Method of Ownership for Common Open Space.*

(1) The land and facilities to be used for common open space shall be implemented in accordance with either of the two methods set forth below, or a combination of the two methods, as determined by the Township Board of Supervisors:

(a) The land and/or facilities shall be conveyed to an organization established for the ownership and maintenance of the common open space.

(b) The land and/or facilities shall be dedicated for public use to the Township and the Township agrees to operate and maintain the dedicated land and facilities for the originally intended use as common open space.

(2) The organization shall covenant to operate and maintain the land and facilities as a common open space; such organization shall not be dissolved nor shall it dispose of the common open space, by sale or otherwise (except to an organization conceived and established to own and maintain the common open space), without first offering to dedicate the same to the Township.

(3) The Township shall not be obligated to accept the dedication of the common open space or any portion thereof, where the Township Board of Supervisors determines that such dedication is not in the interest of the Township.

5. *Failure to Maintain Common Open Space.* In the event that the organization or any successor organization established to own and maintain the common open space shall at any time fail to maintain the same in accordance with the development plan and in reasonable order and condition, the Township shall have the right to maintain the same and assess the cost of such maintenance on a pro-rata basis and as a lien against the lots within the PRD that have a right of enjoyment of the common open space, pursuant to the authority and in accordance with the procedures and requirements contained in §705(f)(2) through 705(f)(6) of the Pennsylvania Municipalities Planning Code, 53 P.S. §10705(f)(2) through (6), as amended.

6. *Landscaping, Signs, Parking and Loading Regulations.*

A. All portions of the development plan pertaining to landscaping, signs, parking or safety shall conform to the regulations in the North Fayette Township Subdivision Ordinance [Chapter 22] and of this Chapter.

B. No parking area shall be closer than 15 feet from a principal building, nor shall any parking interfere with recreational areas on the site. No parking areas

shall be leased to persons who are not residents of the PRD. Parking may be provided in separate garages or on the lowest floor or floors of the principal building or buildings, provided such parking does not interfere with the basic residential use and character of the building or buildings involved. Individual garages shall be no more than two stories in height and shall be no closer than 50 feet from a residential building.

C. Two off-street parking spaces shall be provided within the PRD for each dwelling unit constructed. In addition, there shall be 0.5 spaces per townhouse or garden apartment dwelling unit provided for visitor parking located within 300 feet of the dwelling units they are intended to serve. Parking spaces in driveways, which block access to integral garages in townhouse dwellings, shall not be permitted.

D. All sidewalks, lighting and stormwater management facilities shall be designed and constructed in accordance with the requirements of the North Fayette Township Subdivision Ordinance [Chapter 22]. Adequate numbers and spacing of fire safety fixtures or equipment shall be installed in accordance with requirements as defined by the Township Board of Supervisors.

E. All uses which require off-street loading shall comply with the requirements of Part 3 of this Chapter.

7. *Vehicular and Pedestrian Access.*

A. Principal vehicular access to the PRD shall be at a minimum of two points from streets and roads capable of supporting existing traffic and the traffic that will be generated by the development, unless otherwise approved by the Township Board of Supervisors. Access points shall be spaced a minimum of 150 feet on center. Access points shall be designed to provide smooth traffic flow, controlled turning movements, and minimum hazard to vehicular or pedestrian traffic. Merging and turnout lanes and traffic dividers shall be provided where existing or anticipated heavy flows of traffic indicate such need. Streets or roads within the PRD shall be designed in such a manner as to discourage use of minor streets as through streets.

B. Sidewalks shall be provided along the frontage of residential lots in accordance with the requirements of the North Fayette Township Subdivision Ordinance [Chapter 22]. If, in addition, walkways are proposed within the site of a PRD to provide access to or communication through common open space or common facilities, walkways shall form a logical, safe and convenient system. These walkways shall be located to minimize contacts with normal automotive traffic, with street crossings held to a minimum. The walkway system shall be constructed of an all-weather, durable hard surface approved by the Township.

C. All structures within the PRD shall be set back from the right-of-way of any public road or vehicular way within or exterior to the Development and shall be set back from the right-of-way of any private road or vehicular way within the Development according to the following standards established in Part 2 of this Chapter:

Dwelling Type	Setback
Single-Family Dwelling	20 Feet

Dwelling Type	Setback
Two-Family Dwelling	20 Feet
Townhouse and Garden Apartment	20 Feet
Freestanding Commercial	20 Feet

Setbacks for townhouses and garden apartments shall be measured from the edge of the curb of the common parking areas serving the dwellings, where the common parking areas intervene between the dwellings and the public or private street right of way. Where there is no intervening common parking area, the setback shall be measured from the edge of the public or private street right of way.

D. Upon dedication by the developer of the streets or roads to the Township, the Township agrees to maintain the streets and roads dedicated to the Township.

E. *Specifications for Street Construction.* All streets in a PRD, whether public or private, shall be constructed to the specifications of the North Fayette Township Subdivision Ordinance [Chapter 22] for public streets.

8. *Screening.* If topographical or other barriers are not sufficient to assure the privacy of the PRD and abutting lots, the following requirement shall be imposed at all places where there are buildings, structures or parking areas within 100 feet of the PRD’s perimeter lot line.

A. Structures on the perimeter must be set back at least 30 feet from the rear lot line and neighboring to protect their privacy and amenity.

B. The perimeter of the PRD shall be screened at a minimum by Bufferyard B in accordance with §27-206 of this Chapter so as to protect the development. No fences or walls inconsistent with the Township ordinances in effect with regard to such structures shall be permitted.

C. Bufferyards between different types of dwelling units within the site of the PRD shall be provided in accordance with the requirements of §27-206 of this Chapter.

9. *Building Spacing.*

A. The requirements determining the spacing of buildings shall be as flexible as possible so as to encourage imaginative site design. The spaces between buildings shall guarantee adequate light, air and emergency access.

B. The minimum distance between the nearest points of any exterior building walls shall be not less than 30 feet, except that for residential buildings not exceeding two stories in height, exterior end walls with no openings therein shall be not less than 20 feet apart.

10. *Application for Tentative Approval.*

A. *Overview.*

(1) *Combined Zoning Change and Development Plan Application.* If an application for a zoning change is made simultaneously with the application for development plan tentative approval, the two shall be considered together.

(2) A PRD shall be permitted within the overlay area defined as part of this Chapter. Tentative approval of the development plan shall authorize the

development of the lot(s) in accordance with the approved development plan, provided an application for final approval is submitted which complies with the application granted tentative approval. Failure to apply for final approval within 12 months or to develop the development plan as indicated in §27-608.7 shall cause the abandonment of the development plan.

B. *Filing.*

(1) A landowner and/or developer shall submit an application for tentative approval of the development plan delivering nine copies of the completed application to the Zoning Officer at least 10 working days prior to the Township Planning Commission's regularly scheduled meeting. The Township Land Use Administrator shall determine the completeness of the application and either accept the application as complete and properly filed or return the application to the applicant for resubmission if the application is incomplete and improperly filed. If the application is returned as incomplete, a written notice which cites the specific requirements of this Chapter which have not been met shall be sent to the applicant.

(2) The date of the Township Planning Commission meeting at which the application is accepted as complete and properly filed shall be the official date of filing and shall represent the beginning of the 60-day period for Township Planning Commission review and public hearing by the Township Board of Supervisors.

C. *Fees.* The application for tentative approval shall be accompanied by a filing fee in accordance with the schedule affixed from time to time by Resolution of the Township Board of Supervisors.

D. *Information Required.* The application shall contain in the form specified by the Township Planning Commission, the following information and such additional information as may be required by the Commission to perform its duties:

(1) All data required for a preliminary plat, as specified in the Township Subdivision Ordinance [Chapter 22].

(2) The location, size, existing topography, proposed topography and the nature of the PRD proposed to be developed.

(3) The density of land use to be allocated to parts of the site to be developed.

(4) The location and size of the common open space and the form of organization proposed to own and maintain the common open space.

(5) The use and the approximate height, bulk and location of buildings and other structures.

(6) The feasibility of proposals for water supply and the disposition of sanitary waste and stormwater.

(7) The substance of covenants, grants of easements/rights-of-way or other restrictions proposed to be imposed upon the use of the land, buildings and structures including proposed easements or grants for public utilities.

(8) The provisions for parking of vehicles and the location and width of proposed streets.

(9) The location and design of all screening, bufferyards and landscaping

indicating the type, location and height of all plantings.

(10) Any conflicts with the Township land use regulations otherwise applicable.

(11) The feasibility of proposals for energy conservation and the effective utilization of renewable energy sources.

(12) In the case of development plans which call for development over a period of years, a description of each section and a schedule showing the proposed times within which applications for final approval of all sections of the PRD shall be filed, and this schedule must be updated annually, by the anniversary of its previous approval, until the development is completed and accepted.

(13) *Statement of Public Interest.* A written statement by the landowner and/or developer setting forth the reasons why, in his opinion, a PRD would be in the public interest and would be consistent with the North Fayette Township Comprehensive Plan.

(14) True and correct copies of the complete text of all covenants, easements, rights of way, and other restrictions applicable to the common open space; private roads, walkways and/or private parking facilities; recreational facilities; and all other land and/or facilities included in the development plan to be held in common by an appropriate organization or dedicated for public use.

11. *Application for Tentative Approval.* One copy of the application shall be submitted to the County Planning Agency, one copy shall be submitted to the Township Engineer and one copy shall be submitted to each member of the Township Planning Commission. The Township Planning Commission shall review the application at a public meeting and shall forward written recommendations to the Township Board of Supervisors prior to the public hearing conducted by the Township Board of Supervisors on the application. One copy of the application for tentative approval shall be forward by the Township Planning Commission to the Township Board of Supervisors with their recommendations.

12. *Public Hearings.*

A. Within 60 days of the official date of filing of an application for tentative approval of a PRD, a public hearing pursuant to public notice on said application shall be held by the Township Board of Supervisors.

B. The Chairman, or, in his absence, the acting Chairman, of the Township Board of Supervisors may administer oaths and compel the attendance of witnesses. All testimony by witnesses at any hearing shall be given under oath and every party of record at a hearing shall have the right to cross-examine adverse witnesses.

C. All procedures governing the conduct of the public hearing shall be in accordance with the procedures specified by Article IX of the Municipalities Planning Code, 53 P.S. §10901 *et seq.*, for Township Zoning Hearing Board hearings and all references to the Board in that Article shall be to the Township Board of Supervisors for the purposes of interpreting this Section.

D. The Township Board of Supervisors may continue the hearing from time

to time, and may refer the matter back to the Township Planning Commission for a report; provided, however, that in any event, the public hearing or hearings shall be concluded within 60 days after the date of the first public hearing.

13. *Grant or Denial of Approval.*

A. *Action by Township Board of Supervisors.* The Township Board of Supervisors, within 60 days following the conclusion of the public hearing provided for in this Chapter by official written communication to the applicant shall either:

- (1) Grant tentative approval of the development plan as submitted.
- (2) Grant tentative approval subject to the specified conditions not included in the development plan as submitted.
- (3) Deny tentative approval to the development plan.

B. *Failure to Act.* Failure to so act within 60 days shall constitute tentative approval of the development plan as submitted.

C. *Approval with Conditions.* If tentative approval is granted subject to conditions, the applicant may refuse to accept the conditions, in which case the Township Board of Supervisors shall be deemed to have denied approval of the development plan. The applicant shall reject these conditions by written notification to the Township Board of Supervisors of his decision within 30 days after receiving a copy of the decision of the Township Board of Supervisors. If the applicant does not, within the prescribed period, notify the Township Board of Supervisors of his refusal to accept all the conditions, tentative approval of the development plan, with all attached conditions, shall stand as granted.

14. *Criteria for Approval.* A development plan may be tentatively approved only if it is found to meet the following criteria:

A. The proposed development plan shall preserve the objectives of this Chapter and shall be consistent with the Comprehensive Plan.

B. It shall be fully served by public utilities without reducing the level of service to the remainder of the Township.

C. It shall organize vehicular ingress, egress, and parking to minimize traffic congestion in the neighborhood.

D. It shall be sited, oriented and landscaped to produce a harmonious relationship of buildings and grounds within the development and to the buildings and grounds of adjacent owners, and to the fullest extent possible, shall preserve the scenic, aesthetic, and historic features of the landscape.

E. It shall not involve any element or cause any condition that may be dangerous, injurious, or noxious to any other lot or persons.

15. *Findings of Fact.* The decision granting or denying tentative approval shall be accompanied by or include a detailed analysis containing findings of fact and relating to the following criteria:

A. A detailed itemization of aspects in which the proposed PRD is consistent with the North Fayette Township Comprehensive Plan and the aspects in which it is not so consistent.

B. Any aspects in which the proposed PRD departs from zoning requirements for similar development in other districts and Subdivision Ordinance [Chapter 22]

otherwise applicable to the subject lot, including, but not limited to, density, bulk and use, and the reasons why such departures are or are not deemed to be in the public interest.

C. The purpose, location and amount of the common open space in the proposed PRD, the reliability of the proposals for maintenance and conservation of the common open space, and the adequacy or inadequacy of the amount and purpose of the common open space as related to the purpose, density and type of residential development.

D. The physical design of the proposed PRD and the aspects in which said design does or does not make adequate provision for public services, provide adequate control over vehicular traffic, and further amenities of light and air, recreation, and visual enjoyment.

E. The relationship, beneficial or adverse, of the proposed PRD to the neighborhood in which it is proposed to be established.

F. The sufficiency of the terms and conditions intended to protect the interest of the public and the residents of the PRD and the integrity of the development plan.

16. *Timing.* If a proposed PRD is granted tentative approval, with or without conditions, the Township Board of Supervisors shall set forth in the decision the time within which an application for final approval shall be filed. In the case of a development plan that provides for development over a period of years, the periods of time in which applications for final approval of each part thereof shall be filed may also be established in the official written communication. Only with the consent of the applicant may the time between grant of tentative approval and application for final approval be less than 3 months, and in the case of development over a period of years, the time between applications for final approval of each part of a plan shall not be less than 12 months.

17. *Certification of Decision.* The decision shall be in writing, signed by the Chairman of the Township Board of Supervisors, attested by its Secretary and filed in the office of the Secretary and a certified copy shall be mailed to the applicant.

18. *Status of Plan after Tentative Approval.*

1. *Consent to Revoke.* Tentative approval of a development plan shall not qualify a plat of the PRD for recording, authorize development, or authorize the issuance of any building permits. A development plan that has been given tentative approval as submitted or with conditions accepted by the applicant shall not be modified or revoked, by action of the Township pending an application or applications for final approval. If the application for final approval is filed within the periods of time specified in the decision granting tentative approval, the Township shall act to modify or revoke the tentative approval only for one or the other of the following reasons:

A. Default or violation by the applicant of any of the conditions of tentative approval.

B. Consent by the applicant to the modification or revocation.

2. *Revocation of Tentative Approval.* The tentative approval of the development plan may be revoked for either of the following reasons:

A. The applicant notifies the Township Board of Supervisors in writing of the

intention to abandon the plans.

B. The applicant fails to file application for final approval within the required time period.

When tentative approval is revoked, all areas included in the development plan not granted final approval shall be subject to all Township ordinances as though no application had been filed.

3. *Plan after Tentative Approval:* A development plan granted tentative approval should be considered the overall site plan of the development. This plan may not be altered without the consent of the applicant and the Township Board of Supervisors. The filing of an application for final approval of the entire development or an approved phase shall be consistent with the plan granted tentative approval.

(Ord. 360, 11/23/2004, §27-607)

### **§27-608. Application for PRD Final Approval.**

#### 1. *Filing.*

A. A landowner and/or developer shall submit an application for final approval of the development plan by delivering nine copies of the completed application to the Zoning Officer at least 10 working days prior to the Township Planning Commission's regularly scheduled meeting. The Township Planning Commission shall either accept the application as complete and properly filed or return the application to the applicant for resubmission if the application is incomplete and improperly filed. If the application is returned as incomplete, a written notice that cites the specific requirements of this Chapter which have not been met shall be sent to the applicant.

B. The date of the Township Planning Commission meeting at which the application is accepted as complete and properly filed shall be the official date of filing and shall represent the beginning of the 45-day period for review by the Township Planning Commission and action by the Township Board of Supervisors.

2. *Content of Application for Final Approval.* The application for final approval shall include a development plan, all required supplementary data as specified herein, and a certificate of completion of improvements or a completion bond, as required by the Township Subdivision and Land Development Ordinance [Chapter 22].

A. The development plan shall include:

(1) All data required for a final plat, as specified in the Township Subdivision Ordinance [Chapter 22].

(2) Accurately dimensioned locations of all proposed structures, parking areas, recreation areas and common open spaces.

(3) The use and number of families to be housed in each structure.

(4) The landscaping plan, including the location of sidewalks, trails and bufferyards.

B. Supplementary data shall include:

(1) In a form suitable for recording with the plat, any covenants, grants of easements, rights of way or other restrictions to be imposed on the use of the land and structures.

(2) Provisions for the maintenance, ownership and operation of common open spaces, common recreation facilities and other improvements.

3. *Final Approval.* If the application for final approval has been filed with all drawings, specifications, other required documents in accordance with this Chapter, and the official written communication of tentative approval, the Township Planning Commission shall recommend approval of said application to the Township Board of Supervisors. The Township Board of Supervisors shall, within 45 days of the filing of the application with the Township Planning Commission, grant such development plan final approval.

4. *Denial of Approval.* If the development plan as submitted contains variations from the development plan given tentative approval, the Township Board of Supervisors may refuse to grant final approval. It shall, however, within 45 days from the filing of the application for final approval, advise the applicant of the refusal, setting forth in the notice why one or more of the variations are not in the public interest. In the event of such refusal, the applicant may take action as provided for in the Pennsylvania Municipalities Planning Code, 53 P.S. §10101 *et seq.*

5. *Recording.* A development plan, or any part thereof, which has been given final approval shall be certified by the Township Board of Supervisors and recorded in the Office of the Recorder of Deeds before any development shall take place. Said plan shall be recorded within 90 days of the date final approval is granted by the Township Board of Supervisors or final approval shall automatically be rescinded.

6. *Judicial Review.* Any decision of the Township Board of Supervisors granting or denying tentative or final approval of a proposed PRD shall be subject to appeal by the same procedures and with the same limitations as provided for zoning appeals by the Pennsylvania Municipalities Planning Code, 53 P.S. §10101 *et seq.*

7. In the event that a development plan, or a section thereof, is given final approval and thereafter the applicant shall abandon such plan or the section thereof that has been finally approved: or, in the event the applicant shall fail to commence and carry out the PRD in accordance with the time provisions of §508 of the Pennsylvania Municipalities Planning Code, 53 P.S. §10508, after final approval has been granted, or in the event that the applicant shall substantially fail to develop in accordance with the development plan given final approval, no development or further development shall take place on the lot included in the development plan until after the said lot is reclassified by enactment of an amendment to this Chapter in the manner prescribed for such amendments in the Pennsylvania Municipalities Planning Code, 53 P.S. §10101 *et seq.*

8. *Enforcement Remedies.*

A. Any person, partnership or corporation who or which has violated the PRD provisions of this Chapter shall, upon being found liable therefor in a civil enforcement proceeding commenced by the Township, pay a judgment of not more than \$500 plus all court costs, including reasonable attorney fees incurred by the Township as a result thereof. No judgment shall commence or be imposed, levied or be payable until the date of the determination of a violation by the magisterial district judge. If the defendant neither pays nor timely appeals the judgment, the Township may enforce the judgment pursuant to the applicable rules of civil procedure. Each day that a violation continues shall constitute a separate violation, unless the magisterial district judge, determining

that there has been a violation, further determines that there was a good faith basis for the person, partnership or corporation violating this Chapter to have believed that there was no such violation, in which event there shall be deemed to have been only one (1) such violation until the 5th day following the date of the determination of a violation by the magisterial district judge and thereafter each day that a violation continues shall constitute a separate violation. All judgments, costs and reasonable attorney fees collected for the violation of this Chapter shall be paid over to the Township. The Court of Common Pleas, upon petition, may grant an order of stay, upon cause shown, tolling the per diem fine pending a final adjudication of the violation and judgment. [Ord. 418]

B. Nothing contained in this Section shall be construed or interpreted to grant to any person or entity other than the Township the right to commence any action for enforcement pursuant to this Section.

(Ord. 360, 11/23/2004, §605; as amended by Ord. 418, 1/29/2014)

### **§27-609. Road Overlays.**

1. *Purpose.* The purpose of the Roadway Overlay District is to:

A. To accommodate the future expansion of the Township's roadways in accordance with the North Fayette Township Comprehensive Plan and the North Fayette Township Official Map.

B. To protect private development from disturbances created by future transportation improvements.

C. To preserve the rural and historic landscape character of the Township's arterial and collector roadways.

2. *Procedures.*

A. No lot that abuts a Township primary roadway as referenced in Table 27-9 hereof shall be approved or recorded, no lot shall be sold nor any building or structure shall be built, altered, moved or enlarged in any manner unless and until a development plan has been approved and recorded and until the improvements required in connection therein have either been constructed or guaranteed as herein provided.

B. If the provisions of this Section are inconsistent with other provisions of this Chapter, the provisions of this Section shall apply.

3. *Standards.*

A. All lots abutting a primary roadway as defined by §27-205.7 of this Chapter shall provide a right-of-way setback in conformance to Table 27-9. The right-of-way setback shall be located between the right-of-way line of the primary roadway and the lot's required yard setback.

**Table 27-9: Primary Road Setbacks.**

Primary Roadways	Right-of-way Setback Requirement
PA Route 22 PA Route 30 North Branch Road Old Steubenville Pike East-West Connector	20 feet
McKee Road Oakdale Road Route 978 Finks Run Road Kelso Road Donaldson Road	12.5 feet
Noblestown Road West Allegheny Road Cliff Mine Road Steubenville Pike/Enlow Road	7.5 feet

B. All yard setbacks that abut a primary roadway as defined by §27-205.7 of this Chapter shall provide a landscape screen in conformance with the spacing standards of Bufferyard C and §27-206. All landscaping within this bufferyard should comply with the following suggested landscape palettes outlined in Table 27-10.

**Table 27-10**

**Primary Road Bufferyard Landscaping**

Primary Roadways	Landscape Palette	Bufferyard Landscaping	
		Suggested Shade Trees	Suggested Hedges
PA Route 22 PA Route 30 North Branch Road Old Steubenville Pike East-West Connector	Type A	Red Oak Pin Oak White Oak Hickory Black Walnut	Forsythia Weigelia Northern Bayberry
McKee Road Oakdale Road Route 978 Finks Run Road Kelso Road Donaldson Road	Type B	American Beech Red Maple Sugar Maple Cherry	Viburnum Inkberry
Noblestown Road West Allegheny Road Cliff Mine Road Steubenville Pike/Enlow Road	Type C	London Planetree Red Maple Black Locust	Forsythia Weigelia Northern Bayberry

(Ord. 360, 11/23/2004, §607)

**§27-610. Airport Zoning Overlay.**

1. The intent of this overlay is to regulate the development and the use of a lot in the Township that is situated in flight path of present and projected aircraft operations at the Pittsburgh International Airport. The overlay boundary is shown on the Official Zoning Map.

2. All land uses and construction activity that occur within the boundary of the overlay district shall comply with applicable Federal Aviation Administration (FAA), Pennsylvania Department of Transportation Bureau of Aviation and Allegheny County regulations.

3. Any use within the boundaries of this overlay district which creates the following conditions must comply with applicable FAA and Pennsylvania Department of Transportation regulations. Notice of proposed construction or alteration must be submitted to Allegheny County, the FAA and the Pennsylvania Department of Transportation, Bureau of Aviation. Construction or alteration is subject to review and possible modification of design in accordance with applicable FAA and Pennsylvania Department of Transportation regulations. The conditions are as follow:

- A. Electrical interference with navigational signals or radio communication between the airport and aircraft.
  - B. Difficulty for pilots to distinguish between airport lights and other lights. Glare in the eyes of pilots using the airport.
  - C. Impairment of visibility in the vicinity of the airport.
  - D. Bird strike hazards.
  - E. Otherwise, in any way, endangers or interferes with the landing, take-off or maneuvering of aircraft intending to use the airport.
4. Any of the following types of construction or alteration within the boundaries of this overlay district must comply with applicable FAA and Pennsylvania Department of Transportation regulations. Notice of proposed construction or alteration must be submitted to Allegheny County, the FAA and the Pennsylvania Department of Transportation, Bureau of Aviation. Such construction or alteration is subject to review and possible modification of design in accordance with applicable FAA and Pennsylvania Department of Transportation regulations.
- A. Any construction or alteration of greater height than the imaginary surface extending outward and upward from the FAA and Pennsylvania Department of Transportation runway approach regulations.
  - B. Any highway, railroad, or other traverse way for mobile objects, of a height which, if adjusted upward 17 feet for an interstate highway that is part of the National System of Military and Interstate Highways, where over-crossings are designed for a minimum of 17 feet vertical distance, 15 feet for any other public roadway, 10 feet or the height of the highest mobile object that would normally traverse the road, whichever is greater for a private road, 23 feet for a railroad and for a waterway or any other traverse way not previously mentioned, an amount equal to the height of the highest mobile object that would normally traverse it, would exceed this standard.
5. The Airport Zoning Overlay outlines the imaginary sloping surface as defined by the FAA and Pennsylvania Department of Transportation. All landowners and/or developers located within the Airport Zoning Overlay shall be responsible for verifying the height and location of the imaginary sloping surface.
6. The following structures or uses are exempted from the provisions of this overlay district:
- A. Any object that would be shielded by existing structures of a permanent and substantial character or by natural terrain or topographic features of equal or greater height and would be located in the congested area of city, town, or settlement where it is evident beyond all reasonable doubt that the structure so shielded will not adversely affect safety in air navigation.
  - B. Any communication tower or a commercial wireless antenna or any other telecommunication antenna or device of 20 feet or less in height except one that would increase the height of another antenna structure.
  - C. Any air navigation facility, airport visual approach or landing aid, aircraft arresting device, or meteorological device, of any type approved by the FAA or the Pennsylvania Department of Transportation, Bureau of Aviation.
  - D. Any construction or alteration for which notice is required for any other

FAA regulation.

(*Ord. 360*, 11/23/2004, §607)

**Part 7****Standards and Criteria for Conditional Uses****§27-701. Procedure for Approval.**1. *Approval of Conditional Uses.*

A. The Township Board of Supervisors shall hear and decide requests for conditional uses within 45 days after the last hearing before the governing body. Where the application is contested or denied, each decision shall be accompanied by findings of fact or conclusions based thereon, together with any reasons therefore. Conclusions based on any provisions of this or any other ordinance contain a reference to the provision relied on and the reasons why the conclusion is deemed appropriate in the light of the facts found.

B. Where the Township Board of Supervisors fails to render the decision within the period required by this subsection or fail to commence, conduct or complete the required hearing as provided in §908(1.2) of the Pennsylvania Municipalities Code, 53 P.S. §10908(1.2), within 60 days from the date of the applicant's request for a hearing or fails to complete the hearing no later than 100 days after the completion of the applicant's case-in-chief, unless extended for good cause upon application to the Allegheny County Court of Common Pleas, the decision shall be deemed to have been rendered in favor of the applicant unless the applicant has agreed in writing or on the record to an extension of time. When a decision has been rendered in favor of the applicant because of failure of the governing body to meet or render a decision as hereinabove provided, the Township Board of Supervisors shall give public notice of the decision within 10 days from the last day it could have met to render a decision in the same manner as required by the public notice requirements of this act. If the Township Board of Supervisors shall fail to provide such notice, the applicant may do so.

C. Nothing in this subsection shall prejudice the right of any party opposing the application to appeal the decision to a court of competent jurisdiction. A copy of the final decision or, where no decision is called for, the findings shall be delivered to the applicant personally or mailed to him no later than the day following its date.

D. Given the requirements of paragraphs .A through .C, the Township Board of Supervisors shall not evaluate a conditional use application unless and until:

(1) A written application for conditional use approval is submitted to the Township Zoning Officer no less than 10 working days prior to the regular meeting of the Township Planning Commission. The application shall indicate the Section of this Chapter under which conditional use approval is sought and shall state the grounds upon which it is requested. The Township Land Use Administrator shall determine the completeness of the application and either accept the applications complete and properly filed or return the application to the applicant for resubmission if the application is incomplete and improperly filed. If the application is returned as incomplete, a written notice, which cites the specific requirements of this Chapter, which have not been met,

shall be sent to the applicant. The application shall include the following:

- (a) A development plan, as defined herein.
  - (b) A written statement showing compliance with the applicable express standards and criteria of this Part for the proposed use.
  - (c) A map showing and identifying all lots within 200 feet of the lot for which conditional use approval is requested and a list of the names and addresses of the owners of these lots from the most recent records of the Allegheny County Tax Assessors Office.
  - (d) A traffic impact analysis, if required by the North Fayette Township Subdivision Ordinance [Chapter 22] or by the requirements of this Part.
  - (e) The application fee required by Part 13 of this Chapter.
- (2) A written recommendation is received from the Township Planning Commission or 30 days has passed from the date of Township Planning Commission meeting at which the application is first considered for approval.
  - (3) A public hearing is held by the Township Board of Supervisors pursuant to public notice.
  - (4) In granting a conditional use, the Township Board of Supervisors may attach such reasonable conditions and safeguards in addition to those expressed in this Chapter, as it may seem necessary to implement the purposes of the Municipalities Planning Code and this Chapter.

2. *Expiration of Conditional Use Approval.* Conditional use approval shall expire automatically without written notice to the applicant if no application for a grading permit, building permit or zoning certificate to undertake the construction or authorize the occupancy described in the application for conditional use approval is submitted within 12 months of said approval, unless the Township Board of Supervisors, in their sole discretion, extends conditional use approval upon written request of the applicant received prior to its expiration. The maximum extension permitted shall be 1- to 12-month extension.

3. *Expiration of Conditional Use Approval Granted Prior to Effective Date of this Chapter.* Conditional use approval granted prior to the effective date of this Chapter shall expire automatically without written notice to the applicant if no application for a grading permit, building permit or zoning certificate to undertake the construction or authorize the occupancy described in the application for conditional use approval is submitted within 12 months of the effective date of this Chapter or as specified in the approval, unless the Township Board of Supervisors, in their sole discretion, extends conditional use approval upon written request of the applicant received prior to its expiration. The maximum extension permitted shall be 1- to 12-month extension.

(Ord. 360, 11/23/2004, §700)

## **§27-702. General Standards and Criteria.**

Before approving a conditional use application, the Board of Supervisors shall determine that the proposed use will not alter the established character and use of the neighborhood or district in which it is located, and that it will not substantially impair the use or development of adjacent properties. The Board of Supervisors shall use the

following general standards, among other things, in its evaluation. These standards shall be in addition to any other requirements in this Chapter for a specific type of use or development:

A. The proposed use complies with all applicable provisions and requirements for that type of use contained in this Chapter, unless a variance to any provision has been granted by the Zoning Hearing Board, and with other applicable Township, County and Commonwealth and Federal ordinances, laws and regulations. The proposed use shall obtain applicable permits, licenses, and approvals from the Township, Allegheny County, Pennsylvania and Federal agencies before final approval of the conditional use application shall be granted.

B. The proposed use is compatible with the surrounding land uses. It does not have a negative impact on the existing neighborhood or development in terms of air and water quality, noise, illumination and glare, restrictions to natural light and air circulation or other hazardous conditions that could endanger surrounding residents or impair the use of surrounding properties.

C. The proposed site for the conditional use is suitable in terms of topography and soil conditions and size, based on number of projected users and the frequency of use of the proposed use.

D. The proposed use and site provides for safe, adequate vehicular and pedestrian access. It has access from a street capable of handling the traffic generated by the proposed use, and it will not result in undue traffic congestion and hazardous conditions on adjacent streets. The use provides for safe, efficient internal circulation and sufficient off-street parking and loading.

E. The proposed use complies with all applicable standards and requirements for providing sanitary sewage disposal, water supply, storm drainage, solid and toxic waste storage and disposal.

F. The proposed use provides screening or buffer areas as required by this Chapter.

G. The proposed use/development conforms to the scale, character and exterior appearance of existing structures and uses in the neighborhood in which it is located.

(Ord. 360, 11/23/2004, §701)

### **§27-703. Standards for Specific Uses.**

In addition to the general standards and criteria for conditional uses listed in §27-702, above, an application for any of the following uses which are listed in any zoning district as a conditional use shall comply with the following applicable standards and criteria:

A. *Adult-Oriented Businesses.* An adult-oriented business shall be a permitted conditional use subject to the following minimum standards and criteria.

(1) An adult-oriented business shall only be established and operated in the Heavy Industrial District.

(2) Adult businesses shall not be located within 1,000 feet of any lot that is zoned residential.

(3) Adult-oriented businesses shall not be located within 500 feet of the

lot boundary of any existing school, day care center, hospital, group care facility, personal care boarding home, group home, public park or playground, place of worship or establishment which is licensed to serve and/or sell alcoholic beverages.

(4) No adult business shall be located within 500 feet of any other existing or proposed adult-oriented business.

(5) Persons or owners who intend to operate an adult-oriented business shall obtain from the Township a license to operate such an enterprise pursuant to Chapter 13, Part 6, and shall pay to the Township an investigation fee as may be set from time to time by resolution of the Township Board of Supervisors. In addition, such persons or owners shall supply to the Township detailed information regarding the ownership and financing of the proposed business as required on the licensing application as required by Chapter 13, Part 6. Applications for licensing can be obtained at the Township Planning Department and shall be filed with the Township Zoning Officer.

(6) An adult business shall be initially licensed when it has met the requirements set forth in this Chapter and Chapter 13, Part 6. The license shall be valid through December 31 of the year in which the license is initially issued. For each year thereafter that the business intends to continue, the owner or operator shall seek an annual renewal of the license. The application for renewal shall be submitted to the Township Zoning Officer by November 1 of the year proceeding the year for which the license renewal is sought. The lack of a license or failure to renew such license in a timely fashion shall be grounds for the Township to deny or revoke an occupancy permit for an adult business.

B. *Apartment, Garden.* A garden apartment shall be a permitted conditional use subject to the following express minimum standards and criteria:

(1) Parking spaces shall be located no more than 300 feet from the apartment's primary entrance.

(2) All parking spaces and driveways shall be surfaced with bituminous, brick, concrete or stone block paving material.

(3) The means of a building's ingress and egress shall meet requirements as outlined in the Township's Building Code.

(4) A 25-foot wide fire/emergency access route shall be provided around the perimeter of each building. Topography or other characteristics of the site or the development that might affect the use of emergency equipment between buildings may dictate a greater separation of structures.

(5) The maximum number of units per building shall not exceed 24.

(6) All dumpsters and/or waste collection areas shall be located at least 50 feet from nearest residential unit and shall be enclosed by solid masonry screen walls on a minimum of three sides.

(7) The primary vehicular entrance to a garden apartment development shall, at a minimum, have direct access to a collector road.

(8) Maximum height of lighting for outdoor parking areas and roadways shall be 25 feet.

(9) As part of all land development, the landowner and/or developer shall provide a plan for photometrics of the lot. Illumination, when measured at a lot line, shall be a maximum of 1 foot candle.

(10) Bufferyards between a garden apartment development and any other adjacent residential lot shall be increased by 10 feet in addition to the Township's required bufferyard width. Landscaping, within this additional width, shall be provided according to spacing, quantity and type of plants specified by the Township Planning Commission.

(11) Slopes shall be graded at a maximum of a 3-foot horizontal to 1-foot vertical (3:1) ratio.

(12) If the parking area for a garden apartment development is adjacent to a single-family residential lot and demands greater than ten automobiles, the following shall apply:

(a) An additional 10-foot bufferyard with one of the following shall be provided along the parking lot's perimeter to minimize the impact of inappropriate noise, dust, light and other disturbances on adjacent residential lots:

1) One and one-half times the required number of plants for screening and buffering off-street parking and loading areas.

2) A mound, a minimum of 3½ feet in height at its peak shall be constructed whereas the sides do not exceed a 4-foot horizontal to 1-foot vertical (4:1) change in elevation. Time mound shall be landscaped in its entirety with plants that provide four seasons of interest but shall not include turf grass. The landowner and/or developer shall coordinate site drainage so that site development and grading do not create any adverse effects on adjacent lots.

[Ord. 415]

C. *Apartment, High-Rise*. A high-rise apartment shall be a permitted conditional use subject to the following express minimum standards and criteria:

(1) Parking spaces shall be located no more than 300 feet from the high-rise apartment's primary entrance.

(2) All parking spaces and driveways shall be surfaced with bituminous, brick, concrete or stone block paving material.

(3) The means of a building's ingress and egress shall meet requirements as outlined in the Township's Building Code [Chapter 5].

(4) A 25-foot wide fire/emergency access route shall be provided around the perimeter of each building. Topography or other characteristics of the site or the development that might affect the use of emergency equipment between buildings may dictate a greater separation of structures.

(5) All dumpsters and/or waste collection areas shall be located on the interior of the high-rise apartment structure.

(6) The primary vehicular entrance to a high-rise apartment development shall, at a minimum, have direct access to a collector road.

(7) Maximum height of lighting for outdoor parking areas and roadways

shall be 25 feet.

(8) As a part of all land development, the landowner and /or developer shall provide a plan for photometrics of the lot. Illumination, when measured at a lot line, shall be a maximum of 1 foot candle.

(9) Bufferyards between apartment development and any other adjacent residential lot shall be increased by 10 feet in addition to the Township's required bufferyard width. Landscaping, within this additional width, shall be provided according to spacing, quantity and type of plants specified by the Township Planning Commission.

(10) Slopes shall be graded at a maximum of a 3-foot horizontal to 1-foot vertical (3:1) ratio.

(11) If the parking area for a high-rise apartment development is adjacent to a single-family residential lot and demands greater than ten automobiles, the following shall apply:

(a) An additional 10-foot bufferyard with one of the following shall be provided along the parking lot's perimeter to minimize the impact of inappropriate noise, dust, light and other disturbances on adjacent residential lots.

1) One and one-half times the required number of plants for screening and buffering off street parking and loading areas.

2) A mound, a minimum of 3½ feet in height at its peak, shall be constructed whereas the sides do not exceed a 4-foot horizontal to 1-foot vertical (4:1) change in elevation. The mound shall be landscaped in its entirety with plants that provide four seasons of interest not including turf grass. The landowner and/or developer shall coordinate site drainage so that site development and grading do not create any adverse effects on adjacent lots.

[Ord. 415]

D. *Bar/Nightclub*. A bar/nightclub shall be a permitted conditional use subject to the following express standards and criteria:

(1) A bar/nightclub shall be located in accordance with the provisions of the Pennsylvania Liquor Control Board.

(2) A bar/nightclub's hours of operation and activities must be appropriately scheduled to protect the existing neighborhood from detrimental noise, disturbance or interruption.

(3) The owner(s) and operator(s) of a bar/nightclub shall be responsible for the conduct and safety of the patrons.

(4) No more than one identification sign shall be permitted; said sign shall be a ground or a wall sign. The graphic area of the sign shall not exceed 40 square feet.

E. *Bed and Breakfast Facility*. A bed and breakfast facility shall be a permitted conditional use subject to the following express standards and criteria:

(1) The operator of the bed and breakfast must be the owner of the business and shall reside on the premises.

(2) Meals shall only be served to overnight guests of the bed and breakfast.

(3) Guests shall be limited to a maximum length of stay of 14 consecutive days in any 30-day period.

(4) No more than five guest sleeping rooms shall be available and/or utilized at any one time for the transient guests. Each guestroom may provide lodging for up to two individuals, unless children under the age of 16 years are accompanying the guest. In no instance shall the total number of guests in the bed and breakfast exceed 14 people.

(5) No part of the facility shall be rented for social or business functions.

(6) There shall be only one lodging house located on the lot.

(7) The lot shall meet all area and bulk regulations of the district in which it is located.

(8) Objectionable noise, vibration, smoke, dust, electrical disturbance, odors, heat, or glare shall not be produced. The use shall comply with the performance standards of §27-901 of this Chapter.

(9) Bufferyard B, as defined by §27-206 of this Chapter, shall be provided.

(10) Not more than one identification sign shall be permitted. The identification sign must conform to Part 10 of this Chapter.

(11) All required parking spaces shall be provided on the lot and shall not be located in the front yard. There shall be one space provided for each room and one space provided for each permanent resident.

(12) The driveway entrance and all parking areas shall be constructed of well-compacted stone or better and approved by the Township Engineer.

(13) The conditional use of a bed and breakfast expressly excludes alternative housing for criminal offenders, drug or alcohol rehabilitation, halfway house and similar uses.

F. *Billboards.* Billboards shall be a permitted conditional use subject to the following express standards and criteria:

(1) *Location.*

(a) Billboards shall not be erected within 500 feet of the boundary line of any R District or within 500 feet of any public or private school, place of worship or cemetery, said 500 feet being measured along the radius of a circle from the center-most point of the billboard structure extending in all directions.

(b) On limited access highways, billboards shall not be erected within 500 feet of an interchange.

(c) Billboards shall maintain a lateral minimum spacing between any existing or proposed billboard structures of 1,000 feet. Required spacing shall be measured along both sides of the same roadway frontage from the center-most point of the billboard structure along a line extending from the center-most point of the billboard that is parallel to the centerline of the roadway to which the billboard is oriented.

(d) The minimum front, side, and rear yard requirements applying to a principal structure as set forth within the zoning district in which the billboard is to be located shall apply to each billboard structure.

(e) No billboard shall be erected in such a manner as to block the view from the road or street, of any existing business identification sign, residential or nonresidential structure, or limit or reduce the light and ventilation requirements under the Township Building Code [Chapter 5].

(f) No billboard shall be constructed within the clear sight triangle of the public street or road on which it is situated and shall not in any case obstruct or impede traffic safety.

(g) No sign shall be erected over any sidewalk or public right-of-way.

(h) Billboards shall not be part of a roof or wall nor shall they be mounted on the roof, wall, or other part of a building or any other structure.

(2) *Size and Height.* A billboard shall have a maximum allowable gross surface area of 300 square feet per sign face. This gross surface area shall be permitted, provided all of the following additional requirements are met:

(a) A billboard shall have no more than two sign faces per billboard structure which may be placed back to back or in a V-shaped configuration having an interior angle of 90 degrees or less.

(b) The dimensions of the gross surface area of the billboard's sign face shall not exceed 20 feet in total height or 25 feet in total length, provided the total allowable gross surface area for the sign face is not exceeded.

(c) A billboard structure shall have a maximum height of 40 feet above the curb of the roadway from which it is intended to be viewed.

(3) *Construction Methods.* Billboards shall be constructed in accordance with applicable provisions of the Township Building Code [Chapter 5] and shall meet all of the following additional requirements:

(a) The entire base of the billboard structure parallel to the sign face shall be permanently landscaped with suitable shrubbery and/or ornamental grasses of a minimum height of 3 feet. The shrubbery and/or ornamental grasses shall be placed in such manner as to screen the foundation of the structure.

(b) Required landscaping, as defined in Part 2 of this Chapter, shall be maintained by the billboard structure owner in an attractive and healthy manner in accordance with the Township's accepted best management/conservation practices.

1) No bare cuts shall be permitted on a hillside.

2) All cuts or fills shall be permanently seeded or planted.

(c) *Lighting.* A billboard with display lighting shall be constructed so that it does not glare upon an adjoining lot and shall not exceed a maximum of 1 footcandle upon the adjoining lot.

1) Display lighting shall not operate between 12 Midnight and

5 a.m., prevailing local time.

2) No display lighting shall cause distractions, confusion, nuisance or hazard to traffic, aircraft or other lots.

3) The use of colored lighting shall not be permitted.

(d) *Appearance.* No billboard structure, sign face or display lighting shall cause distractions, confusion, nuisance or hazards to traffic, aircraft or other lots.

1) No sign face image shall contain parts that move, scroll, flash, glitter or emit noise.

2) A sign face that rotates to display two or three separate sign face images shall be permitted providing that each image is displayed for at least 30 consecutive seconds every time it is shown.

3) A maximum of 75 square feet of a sign face may be used to display a changeable copy sign. Lettering and other images on the changeable copy sign shall be displayed for at least 30 consecutive seconds every time it is shown.

(4) *Maintenance.*

(a) A billboard structure shall be entirely painted every 3 years, unless constructed of an approved corrosive-resistant material.

(b) Every 10 years, the owner of the billboard structure shall have a structural inspection made of the billboard by a registered engineer and shall provide to the Township a certificate from the engineer certifying that the billboard is structurally sound.

(c) The Township reserves the right to perform annual inspections of the billboard to determine compliance with this Chapter.

(d) Billboards found to be in violation of this Chapter shall be brought into compliance or removed within 30 days upon proper notification by the Township.

(e) Billboards using removable paper or other materials shall be maintained in such condition as to eliminate loose or frayed material protruding or hanging from the structure. All loose paper and other waste materials shall be removed and disposed of properly within 14 days from when fraying begins.

(5) *Liability Insurance.* In submitting a sign permit application to erect a billboard, the applicant shall provide a certificate of insurance for public liability and lot damage which holds the Township harmless. The amount of insurance to be maintained shall be determined and adjusted from time to time by resolution of the Board of Supervisors. The insurance certificate shall contain a clause stating that the insurance shall not be cancelled or reduced without first giving 10 days notice to the Township.

(6) *Permits.*

(a) Prior to submission of an application for a sign permit, the applicant for a billboard shall obtain and submit with the application, approvals from the County of Allegheny, and/or the United States Federal

Aviation Administration (FAA) and the Pennsylvania Department of Transportation, when applicable.

(b) Approval of the conditional use shall be valid for 6 months from the date of action by the Township Board of Supervisors granting the conditional use. If the applicant fails to obtain a sign permit for the approved billboard within the 6-month period, approval of the conditional use shall expire automatically, without written notice to the applicant.

(7) *Application Fees.* Said billboard application shall be accompanied by an application fee in an amount equal to that set from time to time by resolution of the Board of Supervisors.

(8) *Nonconforming Billboards.*

(a) Any billboard that does not conform to all the requirements of this Section shall not be enlarged or moved.

(b) Any billboard that is damaged or destroyed by more than 51 percent of its replacement value at the time of damage or destruction shall be reconstructed only in compliance with all provisions of this Section.

G. *Campground.* A public or private campground shall be a permitted conditional use subject to the following minimum standards and criteria:

(1) The minimum lot area of a campground, public or private shall be 20 acres.

(2) All campgrounds shall have direct vehicular access to an arterial or collector street.

(3) All campsites shall be located at least 200 feet from any adjoining residence and at least 100 feet from any other lot line or public right-of-way as defined by this Chapter.

(4) All campsites shall have a suitable source of potable water and sanitary sewer disposal as determined by the Township Engineer.

(5) No campground shall contain more than 200 individual campsites.

(6) Side and rear bufferyards shall each be a minimum of 25 feet in width and shall be planted with a combination of deciduous and evergreen trees, shrubs, ornamental grasses and groundcovers. Grass, sod, lawn or turf shall not be considered an acceptable plant for use within landscaped bufferyards.

(7) The owner(s) and operator(s) of the campground shall incorporate best management practices as outlined in the Pennsylvania Handbook of Best Management Practices to minimize negative impacts of erosion, siltation and surface water and groundwater contamination.

(8) The campground hours for visitors shall be limited to between 8 a.m. and 10 p.m. No deliveries or operations shall be permitted prior to 6 a.m. or after 9 p.m. Outdoor entertainment or related activities shall be limited to between 8 a.m. and 9 p.m.

(9) All outdoor storage areas, loading areas and dumpsters or waste collection areas shall be screened. Screens shall be a minimum of 8 feet in height and shall be constructed as earth berms, fences or walls with a minimum height of 8 feet and a minimum opacity of 80 percent.

(10) Visitor parking shall be provided at one space for every 3 camping sites.

H. *Car Wash*. A car wash shall be a permitted conditional use subject to the following minimum standards and criteria:

(1) The definition of a car wash does not include a one-bay washing facility in a service station where washing facilities are purely incidental to the operation.

(2) A car wash shall provide a minimum of five stacking spaces per washing bay.

(3) Paved off-street stacking spaces shall be arranged in an orderly fashion so as not to cause blockage of any means of ingress or egress and to insure that the traffic flow on public right-of-way is not endangered in any way. A separate means of ingress shall be established and clearly marked, as shall be a separate means of egress from the car wash. It shall be the responsibility of the owner to avoid any congestion in the public right-of-way by directing traffic away from the facility by posting a "Temporarily Closed" sign or other means. Traffic studies and associated improvements may be required by the Township as a condition of approval.

(4) The car wash shall have direct access to an arterial or collector road as defined by this Chapter or shall have a point of ingress/egress from a public or private street within the lot of a shopping center. The road shall have sufficient capacity to handle traffic generated by the facility.

(5) Objectionable noise, vibration, smoke, dust, electrical disturbance, odors, heat, or glare shall not be produced. The use shall comply with the performance standards of §27-901 of this Chapter.

(6) All equipment related to the operation of the car wash shall be properly screened to minimize nuisances to adjoining lots.

(7) A car wash that adjoins an existing nonresidential lot shall provide Bufferyard B. The bufferyard shall be planted within a combination of deciduous and evergreen trees, shrubs, ornamental grasses or groundcovers as defined by §27-206. Grass, sod or turf shall not be considered an acceptable plant for use within landscaped bufferyards.

I. *Collection and Recycling Facility*. A collection and recycling facility shall be a permitted conditional use subject to the following minimum standards and criteria:

(1) Operations shall be regulated so that nuisances such as visual blight, noise, odors, blowing debris and dust shall not be created.

(2) Materials shall be stored in such a manner as to discourage the presence of rodents and other disease carrying animals. If after operations commence, the Township Zoning Officer determines that a vermin problem exists, the operator of the facility shall be responsible for taking whatever measures are necessary to rid the premises of said nuisances.

(3) Adequate off-street loading areas shall be provided for loading and unloading of recyclable materials. Under no circumstance shall loading vehicles or other business vehicles be parked on a public right-of-way.

(4) All materials shall be stored within a completely enclosed building or

screened from adjacent lots and public rights of way with an 8-foot high opaque fence.

(5) A collection and recycling facility shall have direct access to a collector or arterial road with sufficient capacity to handle traffic generated by the facility.

(6) The Township Board of Supervisors may impose restrictions on access to the facility, hours of operation or other such matters as they deem necessary to insure that there is not adverse impact upon the functioning of the zoning district or adjacent lots.

J. *Commercial School*. A commercial school shall be a permitted conditional use subject to the following minimum standards and criteria:

(1) Such use shall not exceed the impact on the environment and adjacent streets of any use specifically listed as permitted in the zoning district in which the commercial school is located. In making such determination, the Township Board of Supervisors shall consider the following characteristics of the proposed use:

(a) The number of employees.

(b) The number of students.

(c) The floor area of the building or gross area of the lot devoted to the proposed use.

(d) The type of products, materials, equipment and/or the process involved in the proposed use.

(e) The traffic and environment impacts

(f) The ability of the proposed use to comply with the performance standards of §27-901.

(2) The commercial school shall comply with all applicable area and bulk regulations of the zoning district in which it is located.

(2) Commercial schools shall have a minimum of one point of ingress/egress to a collector or arterial road as defined by this Chapter. The road shall have sufficient capacity to handle traffic generated by the facility.

(3) As part of all land development, the landowner and/or developer shall provide a plan for photometrics of the lot. Illumination, when measured at a lot line, shall be a maximum of 1 footcandle.

(4) At no time shall any supply materials or equipment be permitted to be stored outdoors.

(5) The owner(s) and operator(s) of a commercial school shall be responsible for the conduct and safety of its students, staff, visitors or guests and shall be available to respond to inquiries and promptly quell any disturbances caused by its students, staff, visitors and guests.

K. *Communication Towers*. Communication towers shall be a permitted conditional use subject to the following minimum standards and criteria:

(1) *Use Regulations*.

(a) A telecommunication tower with antenna that is attached to an

existing communications tower, smoke stack, water tower, or other tall structure, is permitted as a conditional use in designated zoning districts. The height of the antenna shall not exceed the height of the existing structure by more than ten 10 feet. If the antenna is to be mounted on an existing structure, a full site plan shall not be required.

(b) A telecommunication tower that is not mounted on an existing structure or that is more than 10 feet higher than the structure in which it is mounted, is only permitted as a conditional use in designated zoning districts.

(c) All other uses ancillary to the communication tower and associated equipment (including a business office, maintenance depot, vehicle storage, etc.) are prohibited from the communication tower unless otherwise permitted in the zoning district in which the communication tower is located.

(2) *Standards of Approval.*

(a) The owner of the communication tower is required to demonstrate, using technological evidence that this tower must go where it is proposed, in order to satisfy its function in the company's grid system.

(b) If the communication tower owner proposes to erect a new tower (as opposed to mounting the antenna on an existing structure), it is required to demonstrate that it contacted the owners of tall structures within a 1/4 mile radius of the site proposed, asked for permission to install the antenna on those structures and was denied for reasons other than economic ones. This would include smoke stacks, water towers, tall buildings, antenna support structures of other communication phone companies, other communications (fire, police, etc.), and other tall structures. The Township may deny the application to construct a new tower if the applicant has not made a good faith effort to mount the antenna on an existing structure.

(c) *Tower Height.* The applicant shall demonstrate that the tower is the minimum height required to function satisfactorily. No communication tower that is taller than this minimum height shall be approved.

(d) Setbacks from the base of the communication tower support structure. If a new communication tower support structure is constructed (as opposed to mounting the antenna on an existing structure), the minimum distance between the base of the support structure and any lot line, road or highway shall be 115 percent of the tower's height with the minimum setback equal to 25 feet.

(e) The communication tower must be erected to comply with manufacturer requirements and accepted engineering standards.

(f) The communication tower shall be securely anchored in a fixed location on the ground, and the applicant shall provide qualified documentary evidence that the proposed structure will withstand wind, snow, ice and other natural forces. The applicant shall also demonstrate that the proposed tower and support structure are safe and the surrounding areas will not be negatively affected by support structure

failure, radio frequency, falling ice or other debris. The communication tower shall meet radio emission standards adopted by the Federal Communications Commission (FCC).

(g) The communication tower, or the yard area containing the communication tower, shall be protected and secured to guarantee the safety of the general public. Fencing shall consist of galvanized chain link, 8 feet in height, and installation of anti-climbing safety devices will be required at a minimum to demonstrate compliance with this subsection. Associated supports and guide wires shall not be located within the required setbacks.

(h) The applicant shall submit to the Township Planning Commission a site plan or survey of the lot certified by an Engineer or Architect. The applicant must also submit a fencing and landscaping plan with the application for conditional use.

(i) Only one communication tower shall be permitted per lot.

(j) The communication tower in its operation will not endanger the health, safety and welfare of the public.

(k) The applicant will provide, at the Township's request, copies of FCC licenses for all users of the facility. Conditional use approval is contingent upon the maintenance of FCC licenses for all users of the communications facility. Any grant of conditional use hereunder will automatically expire if said license ever expires.

(l) Communication tower owners shall be responsible for removing all communication towers whose licenses have expired. Removal of the tower shall occur within 1 calendar year following the expiration date of the license.

(m) All lighting, other than that required by the Federal Aviation Administration (FAA), shall be shielded and reflected away from adjoining lot.

(n) *Landscaping.* Outside of the required fencing, a landscaping screen of evergreen trees planted 10 feet on center and a minimum 6 feet in height shall be required.

(o) In order to reduce the number of antenna support structures needed in the community in the future, the proposed support structure shall be required to accommodate other users, including other cellular phone companies, and police, fire and ambulance companies.

(p) Communication tower and support structures fewer than 200 feet in height should be painted silver or have a galvanized finish retained in order to reduce the visual impact. Where a communication tower and support structure are located within an existing woodland, the communication tower and support structure shall be painted dark green. Support structures 200 feet in height or taller, or those near airports, shall meet all FAA regulations and shall be painted as per FAA recommendations. No communication tower support structure may be artificially lighted except when required by the FAA.

(3) *Additional Standards.* In addition to the foregoing, the following standards shall also apply to communication towers and the applications for conditional use:

(a) All conditional uses approved under this Section will automatically lapse if not used for 6 continuous months. The party responsible for erecting such tower will be responsible for all the costs associated with the removal. The applicant must also provide proof of purchase of a demolition bond, to be used in the event of abandonment and to be renewed annually, equal to 75 percent of construction cost.

(b) *Inspection.* The Township Board of Supervisors may require periodic inspections of communication towers to insure structural integrity. Such inspections may be required by owners as follows:

- 1) Monopole towers—at least once every 3 years.
- 2) Self-support towers—at least once every 3 years.
- 4) Guyed towers—at least once every 3 years.

(c) Inspections shall be conducted by an engineer licensed by the Commonwealth of Pennsylvania. The result of such inspections shall be provided to the Township. Based upon results of an inspection, the Township may require repair or removal of a communication tower.

(d) Equipment in a transmission facility shall be automated to the greatest extent possible to reduce traffic and congestion. The applicant shall describe anticipated maintenance needs, including frequency of service, personnel needs, equipment needs and traffic, noise, or safety impact of such maintenance. Where the site abuts or has access to a collector and local street, access for maintenance vehicle shall be exclusively the means of the collector street. A surfaced and maintained driveway with parking inside the fence boundaries must also be constructed.

(e) When lighting is required and permitted by the FAA or other Federal or State authority, it shall be oriented inward so as not to project onto a surrounding lot.

(f) Prior to the site plan certification, the applicant shall provide documentation that the proposed communication tower has been reviewed and is not determined to be a hazard by the FAA or the Allegheny County Department of Aviation (ACDA). The ACDA shall review the communication tower application to determine if it is a hazard to any FAA flight paths.

(g) Applicants will be required to execute a developers agreement with the Township Board of Supervisors.

L. *Convenience Store.* A convenience store shall be a permitted conditional use subject to the following minimum standards:

(1) Hours of operation shall be scheduled to minimize negative impacts on the surrounding neighborhood.

(2) Building and parking setbacks shall be consistent with the existing building and parking setbacks of adjoining lots.

(3) Buffering of parking and loading areas shall be provided in accordance with this Chapter.

(4) A convenience store shall have one point of ingress/egress to an arterial road as defined by this Chapter.

(5) A convenience store located within a Village District shall not exceed a total of 3,000 square feet in gross floor area.

(6) As part of all land development, the landowner and/or developer shall provide a plan for photometrics of the lot. Illumination, when measured at a lot line, shall be a maximum of 1 footcandle.

(7) A traffic impact study shall be required to be submitted where the proposed development, according to the Institute of Transportation Engineers (ITE) standards, will generate 100 trips in addition to the adjacent roadways' peak hour volumes. A description of future levels of service and their compliance with standards for traffic capacity of streets, intersections and driveways shall be provided. New streets shall be designed for adequate traffic capacity. 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.

M. *Country Club or Golf Course*. A country club or golf course shall be a permitted conditional use subject to the following minimum standards and criteria:

(1) The ground surface of off-street parking and loading spaces shall be paved with bituminous, brick, concrete or stone block paving material to protect the surrounding neighborhood from inappropriate dust and other disturbances.

(2) An additional 10 feet of yard setback with a landscape screen in conformance with the requirements of Bufferyard C, as defined by Part 2 of this Chapter, shall be provided around all off-street parking and loading areas. The intention of the Bufferyard shall be to protect the surrounding neighborhood from inappropriate light and other disturbances.

(3) The outer safety zone of all golf holes, as recommended by the United States Golf Association, shall be a minimum of 50 feet from all adjacent residential lots.

(4) A country club or golf course's hours of operation and activities must be appropriately scheduled to protect the surrounding neighborhood from detrimental noise, disturbance or interruption.

(5) The owner(s) and operator(s) of a country club or golf course shall be responsible for the conduct and safety of the members, visitors or guests and shall be available to respond to inquiries and promptly quell any disturbances caused by the members, visitors and guests.

(6) The site shall be served by public water and public sanitary sewer.

(7) No storage or transfer of toxic, corrosive, flammable, carcinogenic or explosive materials, chemicals, liquids, gases or solids is permitted with the exception of lawn chemicals and gasoline, diesel fuel and oil for the operations and maintenance of motorized vehicles and equipment.

(8) The owner(s) and operator(s) of a country club or golf course shall incorporate best management practices as outlined in the Pennsylvania *Handbook of Best Management Practices for Developing Areas* to minimize negative impacts of erosion, siltation and surface water and groundwater contamination.

N. *Day Care Center or Nursery School*. A day care center or nursery school shall be a permitted conditional use subject to the following minimum standards and criteria:

(1) The facility shall be licensed as such by the Commonwealth of Pennsylvania.

(2) Ingress and egress to the site shall be designed to assure the safe dropping off and pick up children. All drop-off locations shall be designed so as to not interfere with the free flow of traffic on adjacent streets.

(3) Outdoor play areas shall be provided and shall be secured by a fence, at least 4 feet in height, with a self-latching gate.

(4) Exterior open space shall be provided, being usable and accessible only for the children at a minimum ratio of 65 square feet per child. Interior space shall be provided as per the regulations of the Pennsylvania Department of Welfare. In addition, other lot and area requirements within the zoning district in which the day-care center is proposed shall apply.

(5) Depending on traffic and/or adjoining use of the premises, a fence with approved height and strength by the Township may be required along the lot's perimeter for the protection of those using the day care center or nursery school.

(6) Outdoor play areas that adjoin residential lots shall be screened by Bufferyard D as defined by §27-206 of this Chapter.

(7) The general safety of a day care center site shall be evaluated as it relates to the needs of small children.

(8) Off-street parking shall be provided in accordance with the requirements of Part 3 of this Chapter.

O. *Day Care Home*. A day care home shall be a permitted conditional use subject to the following minimum standards and criteria:

(1) Exterior open space shall be provided, being usable and accessible only for the children at a minimum ratio of 65 square feet per child. Interior space shall be provided as per the regulations of the Pennsylvania Department of Welfare. In addition, other lot and area requirements within the zoning district in which the day-care center is proposed shall apply.

(2) Off-street parking spaces required for day care homes shall be one for each 300 square feet of gross floor area with a minimum of four spaces.

(3) Depending on traffic and/or adjoining use of the premises, a fence with approved height and strength by the Township may be required along the lot's perimeter for the protection of those using the day care home.

(4) All drop-off locations shall not interfere with the free flow of traffic on adjacent streets.

P. *Dormitory*. A dormitory shall be a permitted conditional use subject to the following express standards and criteria:

(1) Residents shall be limited to students enrolled at the sponsoring associated institution.

(2) The service of meals, if provided, shall be limited to faculty, staff, enrolled students and authorized visitors only.

(3) All parking spaces and driveways shall be surfaced with bituminous, brick, concrete or stone block paving material.

(4) A 12-foot wide fire/emergency access route shall be provided around the perimeter of each building. Topography or other characteristics of the site or the development that might affect the use of emergency equipment between buildings may dictate a greater separation of structures. The fire/emergency access route shall be constructed, at a minimum, of stabilized turf grass.

(5) Means of building ingress and egress shall meet requirements as outlined in the Township Building Code [Chapter 5].

(6) The primary entrance to the dormitory shall be from a private street within the campus of the associated institution.

Q. *Farm with Retail Store or for Agri-tourism*. A farm with retail store activity shall be a permitted conditional use subject to the following minimum standards and criteria:

(1) To minimize conflicts with surrounding existing or potential higher intensity residential development, the minimum lot area in an R-2 Zoning District shall be 20 acres.

(2) A business established for the purposes of a farm with a retail store or for agri-tourism shall have one point of ingress and egress to a public road right-of-way. The point of ingress and egress shall be located in a manner that minimizes detrimental traffic impacts to both pedestrians and vehicles.

(3) Indoor and outdoor display area associated with retail activity shall not exceed a total of 3,000 square feet in gross floor area. Display areas within parking lots and outdoor storage areas shall be included within the calculated gross floor area.

(4) The minimum number of required parking spaces shall not be utilized for any display areas and/or outdoor storage areas.

(5) To promote adequate vehicular safety and circulation, an entrance drive surfaced with bituminous brick, concrete or stabilized aggregate shall be constructed between the nearest public road right-of-way and the retail area. The entrance drive shall be a minimum of 16 feet wide. Loading and equipment storage areas shall, at a minimum, be paved with crushed limestone aggregate.

(6) A farm with a retail store or for agri-tourism shall not significantly intensify vehicular or pedestrian traffic, which is normal for the residences in the neighborhood.

(7) No more than one identification sign associated with advertising the farm and/or retail store shall be permitted. The identification sign shall be a ground or a wall sign and shall have a maximum graphic area of 40 square

feet.

(8) The sale of live animals, if included as part of the retail use, shall be limited to domesticated animals.

(9) The minimum distance between buildings shall be 30 feet.

(10) The maximum length of any building shall be no more than 200 feet.

(11) Unless the landowner places a list of the following materials on written record with the Township Land Use Administrator, no storage or transfer of toxic, corrosive, flammable, carcinogenic or explosive materials, chemicals, liquids, gases or solids shall be permitted on the lot(s), with the exception of gasoline, diesel fuel and oil for the operation and maintenance of motorized vehicles and equipment.

(12) A traffic impact study, in accordance with Institute of Transportation Engineers (ITE) standards, may be required to be submitted where the proposed development could generate 100 trips in addition to the adjacent roadways' peak hour volumes or the traffic movements produced by the development could have the potential to create adverse conditions on public road right-of-way. A description of future levels of service and their compliance with standards for traffic capacity of streets, intersections and driveways shall be provided. New streets shall be designed for adequate traffic capacity. 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.

(13) The owner(s) and operator(s) of a farm with retail store or for agritourism activity shall incorporate best management practices as outlined in the *Pennsylvania Handbook of Best Management Practices for Developing Areas* to minimize negative impacts of erosion, siltation and surface water and groundwater contamination.

R. *Farm Without Retail*. A farm without retail shall be permitted as a conditional use subject to the following minimum standards and criteria:

(1) Vehicular access to and from a farm shall be conducted from an arterial or collector road.

(2) The owner(s) and operator(s) of the farm shall incorporate best management practices as outlined in the *Pennsylvania Handbook of Best Management Practices for Developing Areas* to minimize negative impacts of erosion, siltation and surface water and groundwater contamination.

(3) The owner(s)/operator(s) of any farm without retail shall be limited to descendants of owners of land within the TC District prior to the adoption date of this Chapter.

S. *Flea Market*. A flea market shall be permitted as a conditional use subject to the following minimum standards and criteria:

(1) The minimum lot area shall be 10 acres. The maximum lot area shall be 20 acres.

(2) The premises shall be maintained so as to not constitute a nuisance or a menace to public health and safety.

(3) No garbage, organic waste, petroleum products or hazardous waste shall be stored, buried or disposed of on the premises.

(4) No outdoor storage, outdoor sales, structure or outdoor display activity associated with a flea market shall occur within 200 feet of any dwelling unit or within 100 feet of any property line or right-of-way line of a public street.

(5) Any material or object associated with a flea market shall not be stored outdoors more than 48 hours in a 7-day period.

(6) The premises shall be enclosed by a wall or fence on the interior edge of the required bufferyard. If fencing is erected, supplemental vegetative screening not less than 6 feet in height and located between the fence and lot line. The vegetative screening shall create a visual buffer that is 100 percent opaque.

(7) Bufferyard A, as defined by Part 2 of this Chapter, shall be incorporated between all property lines adjoining a nonindustrial use or zoning district. Bufferyard C shall be incorporated along property lines adjoining an industrial use or zoning district.

(8) Persons or owners who intend to operate a flea market shall obtain a license to operate from the Township. Applications for licensing can be obtained at the Township Planning Department and shall be filed with the Township Zoning Officer. A traffic impact study shall be submitted as part of the application. A description of future levels of service and their compliance with standards for traffic capacity of streets, intersections and driveways shall be provided. New streets shall be designed for adequate traffic capacity. 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.

(9) To minimize traffic impacts on local Township roads, a flea market shall be located along and primarily accessible from an arterial road as defined by this Chapter. All flea markets shall have clearly labeled access points with no less than one dedicated entrance and one dedicated exit from the arterial road. The spacing of all entrances and exits shall be separated by no less than 150 linear feet.

(10) All business shall be conducted from individual booths. The placement of booths shall be arranged in a manner so that aisles of a minimum width of 25 feet between rows of booths are maintained in order to facilitate access for firefighting.

(11) All flea markets shall contain an indoor facility for booth spaces. Outdoor booth spaces are permitted, but shall not comprise more than 25 percent of the total booth spaces. Outdoor booth spaces are not permitted in any parking area that impacts the minimum number of required parking spaces.

(12) Seventy-five percent of all parking spaces that support flea market activity shall be paved to minimize risk of pedestrian injury.

(13) To minimize stormwater run-off from pervious surfaces, the landowner and/developer of a flea market owners/operators shall provide a

statement in writing that an attempt to utilize an existing parking lot for flea market attendees within an Industrial zoning district. The statement shall, at a minimum, contain signatures from the landowner and/or developer as well as landowners and/or developers of adjacent properties. Any agreement for said shared parking shall be submitted to the Township as part of the licensing application. It is the responsibility of the flea market owner/operator to provide pedestrian pathways for safe connections from all parking lots to the flea market sales area.

(14) All on-site parking lots shall comply with the standards of Part 3. Parking spaces on neighboring lots available through shared parking agreements shall be included when verifying that the total number of parking spaces meets the minimum requirements of Table 27-6. Parking for flea markets in areas other than parking lots, including the shoulder of the arterial roadway, shall be prohibited.

T. *Food and Grocery Store.* A food and grocery store shall be a permitted conditional use subject to the following minimum standards and criteria:

(1) Hours of operation shall be scheduled to minimize negative impacts on the surrounding neighborhoods.

(2) As part of all land development, the landowner and/or developer shall provide a plan for photometrics of the lot. Illumination, when measured at a lot line, shall be a maximum of 1 footcandle.

(3) A food and grocery store shall have a maximum of two points of ingress/egress to an arterial or collector street as defined by this Chapter.

(4) A food and grocery store shall not exceed 20,000 square feet in gross floor area.

U. *Funeral Home.* A funeral home shall be a permitted conditional use subject to the following minimum standards and criteria:

(1) All off-street parking must be provided on the lot.

(2) Exterior lighting for parking areas shall be reduced to half power after 11 p.m.

(3) Off-street parking shall be screened with an earth berm, landscaped bufferyard, fence or wall within a maximum height of 6 feet and a minimum opacity of 80 percent.

(4) Building and parking setbacks shall be consistent with surrounding development.

(5) All rooms available for funerals and viewing shall be located within the lot's principal building.

(6) Dumpsters shall be located in the rear yard setback and shall be screened with an earth berm, landscaped bufferyard, fence or wall with a maximum height of 8 feet and a minimum opacity of 80 percent.

V. *Group Care Facility or Personal Care Boarding Home.* A group care facility or personal care boarding home shall be a permitted conditional use subject to the following minimum standards and criteria:

(1) The minimum area and bulk regulations for a group care facility or personal care boarding home shall be the same as those required for all uses

in the zoning district in which the facility is located.

(2) In the R-3 and R-4 Districts, a group care facility or personal care boarding home shall have direct vehicular access to an arterial or collector road as defined by this Chapter.

(3) No group care facility or personal care boarding home shall be established within 1,000 feet of another Group care facility or personal care boarding home.

(4) A 12-foot wide fire/emergency access route shall be provided around the perimeter of each building. Topography or other characteristics of the site or the development that might affect the use of emergency equipment between buildings may dictate a greater separation of structures.

(5) Twenty-four hour supervision shall be provided by staff qualified by the sponsoring agency.

(6) Adequate open space opportunities for recreation shall be provided on the lot for the residents consistent with their needs. All open space areas shall be secured by a fence with a self-latching gate.

(7) Where applicable, certification or licensing by the sponsoring agency shall be prerequisite to obtaining a certificate of occupancy and a copy of an annual report with evidence of continuing certification shall be submitted to the Township Zoning Officer in January of each year.

W. *Group Home*. A group home shall be a permitted conditional use subject to the following minimum standards and criteria:

(1) Total acreage shall be a minimum of 1 acre and shall not exceed 2.5 acres. The total resident density shall not exceed 10 persons per acre.

(2) The Township Board of Supervisors may reduce minimum lot area dimensions when the building proposed to house such a facility is an existing building that has been established as appropriate for such an institution through a pre-existing use.

(3) On-lot parking facilities shall be provided at the ratio of one stall for every two full-time staff members and an additional stall for every two nonstaff residents who are eligible and are permitted by the sponsor to operate a vehicle.

(4) Whenever a party or parties seeks to occupy a dwelling or other building as a group living facility, the party or parties shall file a detailed statement of intent describing the proposed use of the dwelling or building. The statement shall detail the proposed number and nature of the anticipated occupants, with the Township Planning Department. A license or certification shall also be obtained from the Commonwealth of Pennsylvania or Allegheny County prior to issuance of an occupancy permit. If an appropriate licensing or certifying agency does not exist, the landowner and/or developer shall demonstrate to the Township Zoning Hearing Board that the proposal satisfies a demonstrative need and shall be conducted in a responsible manner without detriment to surrounding lots.

(5) The sponsoring agencies or owner of the facility shall file for certification annually with the Township Zoning Officer to indicate that the

facility continues to satisfy the conditions of original approval. The sponsoring agencies shall be notified by mail of the annual filing date 30 days prior to such date. Ten days after the filing date, the Township shall place an advertisement in a local newspaper for 1 day, listing those agencies that have applied for re-certification or requesting comments from residents in community organizations within 30 days from the date of the advertisement. Individuals or organizations wishing to file a complaint shall do so, in writing, to the Township Zoning Officer. Change in sponsorship or any conditions of original approval shall constitute a new use, and the full procedure for obtaining a new use shall be exercised.

X. *Heavy Equipment Repair.* Heavy equipment repair shall be a permitted conditional use subject to the following minimum standards and criteria:

(1) Such use shall not be located within 100 feet of any lot line adjoining a residential use or zoning district.

(2) Bufferyard A, as defined by §27-206 of this Chapter, shall be provided along all lot lines adjoining a residential use or residential zoning district.

(3) The storage of parts or dismantled vehicles shall not be visible from any public right-of-way or from an adjacent lot line.

(4) All repair work shall be performed within an enclosed building, which has adequate ventilation and fire protection provisions.

(5) All towed vehicles shall be stored on the premises, and no vehicle shall be stored or dismantled on any public street.

(6) Vehicles or equipment awaiting repair shall be kept in an enclosed building or in an outdoor area which is screened by an 8-foot high hedge, or fully opaque masonry wall or fence.

(7) The premises shall be kept clean and shall be maintained so as to not constitute a nuisance or menace to public health and safety.

Y. *Home Occupation.* Home occupation shall be a permitted conditional use subject to the following minimum standards and criteria:

(1) The home occupation shall be carried on wholly within the principal or accessory structures.

(2) No more than 15 percent of the gross floor area of the principal dwelling and any accessory structures used shall be devoted to the conduct of the home occupation.

(3) Articles not produced on the premises shall not be sold on the premises.

(4) There shall be no display of merchandise available for sale on the premises; however, merchandise may be stored on the premise for delivery off the premises.

(5) Exterior displays or signs other than those permitted in Part 10 of this Chapter, exterior storage of material and exterior indication of the home occupation or variation from the residential character of the principal structure shall not be permitted.

(6) Objectionable noise, vibration, smoke, dust, electrical disturbance,

odors, heat, or glare shall not be produced. The use shall comply with the performance standards of §27-901 of this Chapter.

(7) The use shall not significantly intensify vehicular or pedestrian traffic, which is normal for the residences in the neighborhood.

(8) The use shall not require internal or external alterations or construction features which are not customary to a dwelling or which change the fire rating of a structure.

(9) There shall be no use of materials or equipment except that of similar power and type normally used in a residential dwelling for domestic or household purposes.

(10) The use shall not cause an increase in the use of water, sewage, garbage, public safety or any other municipal services beyond that which is normal for the residences in the neighborhood.

(11) The use shall not cause a negative impact on lot values in the immediate neighborhood.

(12) The home occupation shall not involve the use of commercial vehicles for regular delivery of materials to or from the premises, and commercial vehicles shall not be permitted to be parked on the premises.

(13) The following uses shall not be considered home occupations and shall be restricted to the zoning districts in which they are specifically authorized as permitted uses or uses by special exception, including, but not limited to:

- (a) Beauty shops or barber shops containing more than two chairs.
- (b) Clinics, hospitals or nursing homes.
- (c) Kennels, veterinary offices and clinics.
- (d) Mortuaries.
- (e) Private clubs.
- (f) Private instruction to more than three students at a time.
- (g) Restaurants or tearooms.
- (h) Stables.
- (i) Tourist or boarding homes.
- (j) Vehicle or equipment rental, repair or sales.
- (k) Vehicle repair garages, as defined by this Chapter.

(14) Day care homes other than those defined in §27-205.6.B. of this Chapter shall meet all of the foregoing requirements for a home occupation as well as the following additional requirements:

(a) Adequate areas for outdoor recreation shall be provided and shall be secured by a fence with self-latching gate.

(b) A safe area shall be provided for the drop-off and pick up of children who do not obstruct the free flow of traffic on any public street.

(c) Off-street parking shall be provided in accordance with the requirements of Part 3 of this Chapter.

Z. *Horse Boarding and Riding Academy.* Horse boarding and riding academy

shall be a permitted conditional use subject to the following minimum standards and criteria:

(1) Such use shall be accessory to a farm, as defined by this Chapter, or, when proposed as a principal use, shall have a minimum site of 20 acres.

(2) No building housing animals shall be closer than 200 feet to any lot line.

(3) All lot lines adjoining a lot that is zoned R-R, R-1, R-2, R-3 or R-4 shall be screened by Bufferyard A, as defined by §27-206 of this Chapter. All other lot lines shall be screened by Bufferyard B.

(4) All training areas and bridal paths shall be adequately fenced to protect adjoining lots from drainage or intrusion.

AA. *Hospital*. A hospital shall be a permitted conditional use subject to the following minimum standards and criteria:

(1) The minimum site area required for a hospital shall be 5 acres.

(2) The site shall be served by public water and public sanitary sewer.

(3) All hospitals shall be licensed by the Commonwealth of Pennsylvania.

(4) Water pressure and volume shall be adequate for fire protection.

(5) Ingress, egress and internal traffic circulation shall be designed to ensure access by emergency vehicles.

(6) The plan illustrating parking and circulation shall be forwarded to the North Fayette Township Volunteer Fire Company for comments regarding traffic safety and emergency access.

(7) All lot lines adjoining a residential lot or zoning district shall be screened by Bufferyard B as defined by §27-206 of this Chapter. All other lot lines shall be screened by Bufferyard C as defined by §27-206.3

(8) The landowner and/or developer shall complete a traffic impact analysis to demonstrate that the Township's roadway network will maintain an acceptable level of service and roadway capacity based upon the proposed development's peak traffic volumes. The traffic impact analysis shall be completed in accordance with the requirements defined in the North Fayette Township Subdivision Ordinance [Chapter 22].

(9) Minimum lot area and yard setbacks shall be as described in Part 2 of this Chapter for the zoning district wherein the lot is located.

(10) Safe vehicular access and areas for discharging and picking up patients shall be provided.

(11) Air transport operations planning shall be coordinated with the Allegheny County Department of Aviation, the Pittsburgh International Airport and the Pennsylvania Department of Transportation's Bureau of Aviation.

(12) Parking facilities shall be provided at the ratio of one for each full-time staff members on peak shift and one additional stall for every two patients.

(13) A hospital's height shall not exceed 100 feet and, as applicable, shall

not pose a hazard to the operations of the Greater Pittsburgh International Airport.

BB. *Indoor Recreation.* An indoor recreation facility shall be a permitted conditional use subject to the following minimum standards and criteria:

(1) All indoor recreation facilities shall be located along an arterial or collector road as defined by This Chapter.

(2) All off-street parking areas located adjacent to existing residences shall reduce exterior lights to half power after 11 p.m. and shall be screened by Bufferyard A as defined by §27-206.

(3) Grass, sod or turf shall not be considered an acceptable plant for use within landscaped bufferyards.

(4) All off-street parking shall be located on the lot.

(5) All lots used for indoor recreation facilities shall have a minimum of two points of ingress and egress.

(6) All dumpsters, not incorporated into the principle building, shall be located in the rear yard setback and shall be screened with masonry or vegetation. All screens shall be a minimum of 8 feet high and shall have a minimum opacity of 80 percent.

(7) All indoor recreation facilities shall have a maximum gross floor area of 40,000 square feet.

CC. *Junkyard.* A junkyard shall be a permitted conditional use subject to the following minimum standards and criteria:

(1) The minimum site size shall be 10 acres.

(2) The premises shall be maintained so as to not constitute a nuisance or a menace to public health and safety.

(3) No garbage, hazardous materials or hazardous waste as defined by Federal Statute or other organic waste shall be stored on the premises.

(4) The manner of storage of junk or other materials shall facilitate access for fire fighting, shall prevent hazards from fire or explosion and shall prevent accumulation of stagnant water.

(5) Junkyards shall comply with the performance standards of §27-901.

(6) No junk shall be stored or accumulated and no structure shall be constructed within 100 feet of any residential lot or within 40 feet of any lot line or public right-of-way.

(7) The premises shall be enclosed by a metal chain link fence not less than 8 feet in height supported on steel posts with a self-latching gate.

(8) The fence shall be supplemented with screening material, which creates a visual barrier that has a minimum capacity of 80 percent.

(9) All lot lines adjoining a residential use or zoning district shall be screened by Bufferyard A, as defined by §27-206 of this Chapter.

(10) The site shall be designed utilizing natural topography and/or constructed earth mounds so as to not be visible from the adjoining public rights-of-way.

(11) The operator shall obtain an applicable license, as defined by Township Ordinance No. \_\_\_ from the Township prior to initiating operations. Said license(s) shall be renewed annually upon payment of a license fee established by resolution of the Township Board of Supervisors and subject to inspection by the Township Zoning Officer to determine continuing compliance with these standards.

(12) The owner(s) and operator(s) of a junkyard shall incorporate best managements practices as outlined in the Pennsylvania *Handbook of Best Management Practices for Developing Areas* to minimize negative impacts of erosion, siltation and surface water and groundwater contamination.

DD. *Landscaping Service Center, Wholesale.* A wholesale landscaping service center shall be a permitted conditional use subject to the following minimum standards and criteria:

(1) A business established for the purposes of wholesale landscaping shall have one point of ingress and egress to a public road right-of-way. The point of ingress and egress shall be located in a manner that minimizes detrimental traffic impacts to both pedestrians and vehicular.

(2) Equipment storage shall be permitted to include man-operated or mechanical equipment or other machinery that is in operable condition. The storage of inoperable vehicles is prohibited for this use.

(3) The storage of combustible materials shall be limited to 25 feet in height with available fire defense measures as approved by the North Fayette Township Volunteer Fire Company. The storage of noncombustible materials shall be limited to 30 feet in height. In order to minimize:

- (a) The risk of fire.
- (b) Visibility from adjacent lots.
- (c) Noxious odors to adjacent lots and/or right-of-ways.

(4) Site grading shall be completed to ensure that surface run-off is directed away from any and all material storage areas.

(5) The owner(s) and operator(s) of a wholesale landscaping service shall incorporate best managements practices as outlined in the Pennsylvania *Handbook of Best Management Practices for Developing Areas* to minimize negative impacts of erosion, siltation and surface water and groundwater contamination.

(6) The minimum distance between buildings shall be 30 feet.

(7) The maximum length of any building shall be no more than 200 feet.

(8) *Screen Walls.*

(a) An 8-foot high screen wall shall be constructed around the perimeter of a storage area if equipment and/or materials are not contained within an enclosed building/area. The screen wall shall be measured from the average grade of the adjacent ground, unless otherwise defined by the Township Planning Commission.

(b) The screen wall shall have a minimum capacity of 80 percent and shall be composed of one of the following.

- 1) Finished masonry or wood.
  - 2) Black or green vinyl-coated chain link fencing with 8-foot high evergreen plantings located on the exterior side of the fence, where as no fence components may be visible from an adjacent lot or right-of-way.
  - 3) The landowner and/or developer shall provide evergreen plantings with a minimum height of 8 feet in quantity and spacing as approved by the Township Planning Commission.
- (9) Excessive noise, dust, odor, vibration or light shall not be generated to disturb the surrounding neighborhood.
- (10) No storage or transfer of toxic, corrosive, flammable, carcinogenic or explosive materials, chemicals, liquids, gases or solids shall be permitted, with the exception of gasoline, diesel fuel and oil for the operation and maintenance of motorized vehicles and equipment.
- (11) The ground surface of off-street parking shall be paved with bituminous, brick, concrete or stone block paving material to protect the surrounding neighborhood from inappropriate dust and other disturbances. Loading and equipment storage areas shall, at a minimum, be paved with crushed limestone aggregate.
- (12) The hours of operation for material pick-ups, delivery, outdoor processing and outdoor manufacturing operations shall be limited to 7 a.m. to 8 p.m.
- (13) No more than one identification sign shall be permitted. The identification sign shall be a ground or a wall sign and shall have a maximum graphic area of 40 square feet.

EE. *Life Care Facility.* A life care facility shall be a permitted conditional use subject to the following minimum standards and criteria:

- (1) Total acreage shall be a minimum of 1 acre.
- (2) A landscape screen in conformance, with Bufferyard B as defined by §27-206 shall be constructed on the lot.
- (3) A useable open space area of 100 square feet per bed shall be provided exclusive of the front yard setback, buffer strip and parking area.
- (4) The lot shall be served by frontage on a public street and serviced by public sanitary sewers and public water.
- (5) Sidewalk gradients shall be constructed at 5 percent maximum.
- (6) The facility shall be accessible for firefighting purposes and evacuation at all levels and on all sides, otherwise the facility shall not be more than two stories.
- (7) Safe vehicular access and areas for discharging and picking up guests shall be provided.
- (8) The location, orientation and lot circulation shall be coordinated with the Township in order to minimize the disturbance of surrounding land uses.
- (9) Maximum height of outdoor parking area and roadway lighting shall

be 25 feet.

(10) As a part of all land development, the landowner and /or developer shall provide a plan for photometrics of the lot. Illumination, when measured at a lot line, shall be a maximum of 1 footcandle.

(11) If the parking area for a life care community is adjacent to a single-family residential lot or development, any parking areas that demand greater than 10 automobiles, the following shall apply:

(a) An additional 10-foot setback with one of the following shall be provided along the parking lot's perimeter to minimize the impact of inappropriate noise, dust, light and other disturbances on adjacent residential lots.

1) One and one-half times the required number of plants for screening and buffering off-street parking and loading areas.

2) A mound, a minimum of 3½ feet in height at its peak, shall be constructed whereas the sides do not exceed a 4:1 change in elevation. The mound shall be landscaped with plants that provide four seasons of interest not including turf grass. The landowner and/or developer shall coordinate lot drainage so that lot development and grading do not create any adverse effects on adjacent lots.

(12) The facility shall meet all State requirements for life care or nursing/convalescent care facilities in addition to those defined in this paragraph.

(13) The landowner and/or developer shall conduct a traffic analysis to show that adequate traffic controls are in place to minimize potential negative impacts.

(14) Any additional standards that are needed to protect public health, safety and welfare or to address unique characteristics of a particular site defined by the Township Planning Commission shall be complied with by the landowner and/or developer.

(15) Two-story buildings with second story dwelling units are permitted. A minimum of 50 percent of the second-story dwelling units shall have at-grade or elevator access.

(16) A 12-foot wide fire/emergency access route shall be provided around the perimeter of each building. Topography or other characteristics of the site or the development that might affect the use of emergency equipment between buildings may dictate a greater separation of structures.

(17) The Township shall review all applications for life care facilities and approve or disapprove such applications and require such covenants or legal restrictions deemed necessary to insure the intent of the ordinance.

FF. *Medical Clinic.* A medical clinic shall be a permitted conditional use subject to the following minimum standards and criteria:

(1) The landowner and/or developer shall be required to prepare and submit a traffic impact analysis of the proposed development. Potential implementation strategies of necessary infrastructure and/or safety improvements shall be identified in response to the analysis findings.

GG. *Mineral Removal and Restricted Mineral Removal.* Mineral removal and restricted mineral removal shall be a permitted conditional use subject to the following minimum standards and criteria:

(1) Restricted mineral removal shall be limited to mineral removal conducted entirely within the public rights of way of proposed streets in an approved subdivision plan or land development plan for which surety has been posted to guarantee the proper installation of public improvements or which is conducted prior to the preparation of foundations for structures to be constructed on approval lots within an approved plan. Restricted mineral removal shall be subject to all requirements of this Section, except that the approved development plan shall be submitted with the reclamation plan required by subparagraph (13) below. [Ord. 365]

(2) In the R-R and R-1 Districts, the minimum site required for mineral removal shall be 10 acres. The site shall be located at least 500 feet from any existing residential lot. [Ord. 365]

(3) There shall be no removal of minerals or vegetative cover within 100 feet of the bank of any stream or natural watercourse identified on maps prepared by the United States Geologic Survey (USGS).

(4) Mineral removal shall be prohibited in watersheds of rivers or streams now or hereafter designated by the Pennsylvania Fish Commission as a "wilderness trout stream," by the Pennsylvania Department of Environmental Protection as part of the Scenic Rivers System or designated under the Federal Wild and Scenic Rivers Act.

(5) No mineral removal shall be conducted within 300 feet of any public building, school, place of worship, community or institutional building, commercial building, public park or private recreational area.

(6) No mineral removal shall be conducted within 100 feet of the right-of-way line of any public road, except where access roads or haulage roads join the right-of-way line and where the appropriate State or Federal agency having jurisdiction over the conduct of mineral removal operations shall permit it in accordance with law.

(7) No mineral removal shall be conducted which will adversely affect any publicly owned park or places included in the National Register of Historic Sites, unless approved by the governmental agency with jurisdiction over the park or historic site.

(8) No mineral removal shall be conducted within 100 feet of a cemetery.

(9) No mineral removal shall be conducted within 300 feet of any occupied residential dwelling, unless the consent of the owner of the dwelling has been obtained in advance of the filing of the application for zoning approval.

(10) The applicant shall present expert testimony to demonstrate that the proposed mineral removal operation will not adversely affect any of the following:

(a) Lawful existing or permitted use of adjacent properties.

(b) The quality of adequacy of any public or private water supply

source.

(c) Any flood-prone or landslide prone areas within the Township.

(11) The applicant shall present expert testimony to demonstrate that the use of explosives, if proposed, shall not cause injury to any adjacent buildings or structures or shall not substantially diminish underground water resources.

(12) If blasting is to be undertaken, a seismograph shall be placed on the site of the operation during all times when blasting is performed which shall be monitored by an independent engineering consultant whose credentials are acceptable to the Township and whose fee is paid by the applicant.

(13) The applicant shall provide reclamation plans for the site, which demonstrate that the condition of the land after the operation is completed will allow economically and ecologically productive uses of the type permitted in the district in which the site is located. Acceptance of the reclamation plan shall not constitute approval of any aspect of any future development plan.

(14) The applicant shall show the proposed routes of all trucks to be utilized for hauling and the estimated weights of those trucks. The applicant shall show evidence of compliance with designated weight limits on State, County and Township roads and shall design the hauling routes for the mineral removal operation to minimize the impact on local roads with the Township.

(15) The operator shall post a bond in favor of the Township and in a form acceptable to the Township prior to beginning operations in the amount of \$100,000 for each mile of Township road or portion thereof proposed to be traversed for removing minerals from the site. The term of the bond shall begin on the date the zoning certificate is issued. The bond shall be returned to the operator upon completion of all operations, any backfilling and reconstruction of a damaged roadway due to excess weight in excess of the posted weight for the road. Any failure to complete the reconstruction required by this Chapter shall result in forfeiture of the required bond. Those portions of the Township roads that have been damaged shall be determined by inspection of the Township Engineer and shall be reconstructed to current Township Specifications for Street Construction.

(16) Portions of the site where mineral removal operations are conducted may be required to be fenced or screened, as necessary, to provide security and protect adjacent properties.

(17) Deep mine openings and aboveground structures shall not be located within 300 feet of any existing dwelling. Ventilating structures shall be located so as to comply with the performance standards of §27-901 regarding noise and to minimize noise impacts on adjoining property. Ventilating structures also shall comply with the requirements of §27-901 of this Chapter.

(18) The applicant shall comply with all applicable State and Federal regulations and shall show evidence of obtaining the required State or Federal permits, including proof of insurability, before initiating any work and of maintaining the required permits throughout the duration of all operations. Any suspension or revocation of the required State or Federal permits shall constitute a violation of zoning approval and will result in the suspension or

revocation of zoning approval and/or enforcement of the penalty provisions of this Chapter.

(19) Approval of the conditional use shall expire if work authorized in the application for the conditional use is not commenced within 90 days of the date of approval of the application by the Board of Supervisors unless the applicant submits a written request for an extension to the Board of Supervisors prior to the expiration of the 90 days explaining the reason for the delay in initiating the work and the Board of Supervisors approves the request.

(20) Once work is initiated under an approved application for a conditional use, zoning approval shall be valid for a period of 1 year from the date of conditional use approval by the Board of Supervisors. An application for renewal of zoning approval must be submitted prior to the date of expiration of zoning approval and can be granted by the Township Zoning Officer upon demonstration by the applicant that all conditions of approval of the conditional use and the required Federal and State permits remain in full force and effect and that the applicant is diligently pursuing the completion of the mineral removal operation. Upon expiration or revocation of zoning approval for the conditional use, the applicant may reapply for approval of the conditional use.

(21) During the mineral removal operation, the Township Engineer may inspect the site at the request of the Township to determine continuing compliance with these standards and criteria and any conditions of approval. The cost of inspection by the Township Engineer shall be borne by the operator.

HH. *Motel/Hotel*. A motel/hotel shall be a permitted conditional use subject to the following minimum standards and criteria:

(1) Drop-off/temporary parking areas shall remain free and clear of obstructions for general safety and fire department access.

(2) A 12-foot wide fire/emergency access route shall be provided around the perimeter of each building. Topography or other characteristics of the site or the development that might affect the use of emergency equipment between buildings may dictate a greater separation of structures.

(3) Service of meals and/or beverages (alcoholic/nonalcoholic) must be secondary to the principal use of room or suite rental.

(4) Secondary eating establishments serving alcoholic beverages or secondary bars or nightclubs must be licensed by the Pennsylvania Liquor Control Board.

(5) The owner(s)/operator(s) of a hotel/motel shall be responsible for the conduct and safety of the renters and guests and shall be available to respond to inquiries and promptly quell any disturbances caused by renters or guests.

II. *Nursing Home*. A nursing home shall be a permitted conditional use subject to the following minimum standards and criteria:

(1) The minimum site area required for a nursing home shall be 1 acre.

(2) The site shall be served by public water and public sewers.

(3) All nursing homes shall be licensed by the Commonwealth of

Pennsylvania.

(4) Water pressure and volume shall be adequate for fire protection and shall be referred to the North Fayette Township Volunteer Fire Company for review and comment.

(5) Ingress, egress and internal traffic circulation shall be designed to ensure access by emergency vehicles. A 12-foot wide fire/emergency access route shall be provided around the perimeter of each building. Topography or other characteristics of the site or the development that might affect the use of emergency equipment between buildings may dictate a greater separation of structures. The parking and circulation plan shall be referred to the North Fayette Township Volunteer Fire Company for comments regarding traffic safety and emergency access.

(6) Nursing homes shall have a bed capacity of at least 20 beds but no more than 200 beds.

(7) All property lines adjoining an existing residential use or residential district zoning classification shall be screened by Bufferyard B as defined by §27-206 of this Chapter.

**JJ. *Office, Medical.*** A medical office shall be a permitted conditional use subject to the following minimum standards and criteria:

(1) The landowner and/or developer shall be required to prepare and submit a traffic impact analysis of the proposed development. Potential implementation strategies of necessary infrastructure and/or safety improvements shall be identified in response to the analysis findings.

**KK. *Outdoor Recreation.*** Outdoor recreation shall be a permitted conditional use subject to the following minimum standards and criteria:

(1) A minimum site of 1 acre shall be required.

(2) All principal structures shall be located at least 40 feet from any property lot.

(3) Parking shall be provided in accordance with Part 2 of this Chapter.

(4) Screening by Bufferyard B, as defined by §27-206 of this Chapter, shall be provided along all lot lines adjoining residential use or zoning district classification.

(5) All lighting shall be shielded from adjacent streets and properties.

(6) The use shall comply with the performance standards of §27-901.

(7) Any facility located within 200 feet of a property line adjoining a residential use or zoning classification shall cease operations at 12 midnight.

**LL. *Parking Garage / Structure (Public or Private).*** A parking garage/structure (public or private) shall be a permitted conditional use subject to the following minimum standards and criteria:

(1) If the parking garage/structure is accessory to the principal use of a lot, it shall be included in all building coverage calculations.

(2) A parking garage/structure shall be illuminated in conformance to the requirements of this Chapter and any applicable provisions outlined in the Township Subdivision Ordinance [Chapter 22].

(3) A parking garage/structures shall not be located any closer to a right-of-way line or a property line than what is permitted by the building setbacks defined in Tables 27-2 and 27-3 of §27-205.3 of this Chapter.

(4) The perimeter of a parking garage/structure shall be landscaped in conformance to Bufferyard A as defined in §27-206 of this Chapter.

MM. *Place of Assembly*. A place of assembly shall be a permitted conditional use subject to the following minimum standards and criteria:

(1) The minimum lot area shall be 1 acre.

(2) A place of assembly's primary visitor drop-off and pick-up area shall be located in a manner that minimizes detrimental traffic impacts (both pedestrian and vehicular) on the surrounding neighborhood.

(3) A traffic impact study shall be required to be submitted whereas the proposed development which according to the Institute of Transportation Engineers (ITE) standards will generate 100 trips in addition to the adjacent roadway's peak hour volumes. A description of future levels of service and their compliance with standards for traffic capacity of streets, intersections and driveways shall be provided. New streets shall be designed for adequate traffic capacity. 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.

(4) The number of points of ingress/egress shall be based upon projected peak hour traffic for the use and approved by the Township Engineer to ensure employee and visitor safety.

(5) Hours of operation and events shall be scheduled to minimize negative impacts on the surrounding neighborhood.

(6) As part of all land development, the landowner and/or developer shall provide a plan for photometrics of the lot. Illumination, when measured at a lot line, shall be a maximum of 1 footcandle.

(7) For parking demands greater than 300 automobiles, additional setbacks, screening and buffering of off-street parking and loading areas may be required to be provided in order to protect the surrounding neighborhood from inappropriate noise, dust, light and other disturbances.

NN. *Place of Worship*. Place of worship shall be a permitted conditional use subject to the following minimum standards and criteria:

(1) The minimum lot area shall be 1 acre.

(2) A place of worship's primary visitor drop-off and pick-up area shall be located in a manner that minimizes detrimental traffic impacts (both pedestrian and vehicular) on the surrounding neighborhood.

(3) A traffic impact study shall be required to be submitted whereas the proposed development which according to the Institute of Transportation Engineers (ITE) standards will generate 100 trips in addition to the adjacent roadway's peak hour volumes. A description of future levels of service and their compliance with standards for traffic capacity of streets, intersections and driveways shall be provided. New streets shall be designed for adequate traffic

capacity. 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.

(5) The number of points of ingress/egress shall be based upon projected peak hour traffic for the use and approved by the Township Engineer to ensure employee and visitor safety.

(6) Hours of operation and events shall be scheduled to minimize negative impacts on the surrounding neighborhood.

(7) As part of all land development, the landowner and/or developer shall provide a plan for photometrics of the lot. Illumination, when measured at a lot line, shall be a maximum of 1 footcandle.

(8) For parking demands greater than 300 automobiles, additional setbacks, screening and buffering of off-street parking and loading areas may be required to be provided in order to protect the surrounding neighborhood from inappropriate noise, dust, light and other disturbances.

OO. *Pole Signs*. Pole sign shall be a permitted conditional use subject to the following minimum standards and criteria:

(1) A landowner and/or developer shall be required to demonstrate that no other identification sign listed on Table 27-11, "Commercial/Office/Industrial Sign Regulations," is practical for the site on which the business is located.

(2) The landowner and/or developer shall be responsible for demonstrating to the Township that natural conditions of the site prohibit all other signage except for pole signs as an effective means of identification.

(3) Landscaping shall be planted at the base of each pole sign. The landscape shall be equivalent to 200 percent of the sign face. Plant material shall include a variety of shrub and ground cover. Turf grass shall not be an acceptable form of landscaping.

(4) No backlighting of a pole sign shall be permitted.

PP. *Quad-Plex*. A quad-plex shall be a permitted as a conditional use subject to the following express standards and criteria:

(1) Buffer yards between a quad-plex development and adjacent residential lots shall be increased by 10 feet in width. Landscaping, within this expanded area additional width, shall be provided in accordance with the spacing, quantity and type of plants recommendations made by the Township Planning Commission.

(2) Slopes shall be graded at a maximum of a 3:1 ratio.

(3) The primary vehicular entrance to the quad-plex shall, at a minimum, have direct access to a collector road.

(4) Maximum height of outdoor parking area and roadway lighting shall be 25 feet.

(5) As a part of all land development, the landowner and /or developer shall provide a plan for photometrics of the lot. Illumination, when measured

at a lot line, shall be a maximum of 1 footcandle.

QQ. *Restaurant, High Turnover with Drive-Through.* A high turnover restaurant with drive-through shall be a permitted conditional use subject to the following minimum standards and criteria:

(1) The hours of operation and activities for a high turnover restaurant without drive-through shall be appropriately scheduled to protect adjoining neighborhoods from detrimental noise, disturbance or interruption.

(2) A traffic impact study shall be required to be submitted whereas the proposed development which according to the Institute of Transportation Engineers (ITE) standards will generate 100 trips in addition to the adjacent roadway's peak hour volumes. A description of future levels of service and their compliance with standards for traffic capacity of streets, intersections and driveways shall be provided. New streets shall be designed for adequate traffic capacity. 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.

(3) The number of points of ingress/egress shall be based upon projected peak hour traffic for the use and approved by the Township Engineer to ensure employee and visitor safety.

(4) All off-street parking shall be provided on the lot. The number of off-street parking spaces shall be provided as defined in Part 3 of this Chapter.

(5) As part of all land development, the landowner and/or developer shall provide a plan for photometrics of the lot. Illumination, when measured at a lot line, shall be a maximum of 1 footcandle.

(6) All dumpsters shall be located in the rear setback yard and shall be screened. All screens shall have a length of 8 feet high and shall have a minimum opacity of 80 percent.

(7) Mechanical equipment location(s) are subject to Board of Supervisor approval and shall be designed and screened so that visibility from an adjacent residential zoning district is minimized to the greatest extent possible.

(8) No more than one sign shall be permitted; said sign shall be a ground or a wall sign.

RR. *Restaurant, High Turnover Without Drive-Through* A high turnover restaurant without drive-through shall be a permitted conditional use subject to the following minimum standards and criteria:

(1) The hours of operation and activities for a high turnover restaurant without drive-through shall be appropriately scheduled to protect adjoining neighborhoods from detrimental noise, disturbance or interruption.

(2) All off-street parking shall be provided on the lot. The number of off-street parking spaces shall be provided as defined in Part 3 of this Chapter.

(3) As part of all land development, the landowner and/or developer shall provide a plan for photometrics of the lot. Illumination, when measured at a lot line, shall be a maximum of 1 footcandle.

(4) All dumpsters shall be located in the rear setback yard and shall be

screened. All screens shall have a length of 8 feet high and shall have a minimum opacity of 80 percent.

(5) Mechanical equipment location(s) are subject to Board of Supervisor approval and shall be designed and screened so that visibility from an adjacent residential zoning district is minimized to the greatest extent possible.

(6) No more than one sign shall be permitted; said sign shall be a ground or a wall sign.

SS. *Retail Store (less than 5,000 SF)*. A retail store shall be a permitted conditional use subject to the following minimum standards and criteria:

(1) The structure associated with the retail store shall not exceed 5,000 square feet in gross floor area.

(2) No shipping or receiving shall be permitted within 300 feet of property in a residential zoning district between the hours of 9 p.m. and 7 a.m.

(3) All property lines adjoining residential use or zoning classification shall be screened by Bufferyard A, as defined by §27-206 of this Chapter.

(4) Building setbacks shall be consistent with the existing building setbacks of adjoining lots.

(5) As a part of all land development, the landowner and /or developer shall provide a plan for photometrics of the lot. Illumination, when measured at a lot line, shall be a maximum of 1 footcandle. Lighting levels shall also be reduced by half their standard operating power, between 11 p.m. and 6 a.m.

(6) Exterior storage shall not be permitted to occur as a part of and retail store less than 5,000 square feet.

(7) Parking for a retail store shall be located in the side and/or rear yards of a lot, where practical.

TT. *Retail Store (5,000 to 20,000 SF)*. A retail store shall be granted as a conditional use subject to the following minimum standards:

(1) The structure associated with the retail store shall not exceed 20,000 square feet in gross floor area.

(2) Hours of operation shall be scheduled to minimize negative impacts on the surrounding neighborhood.

(3) All property lines adjoining residential use or zoning classification shall be screened by Bufferyard A, as defined by §27-206 of this Chapter.

(4) Building setbacks shall be consistent with the existing building setbacks of adjoining lots.

(5) As a part of all land development, the landowner and /or developer shall provide a plan for photometrics of the lot. Illumination on a lot, when adjacent to a residential district, shall be a maximum of 1 footcandle. Lighting levels shall also be reduced by one-half their standard operating power, between 11 p.m. and 6 a.m.

(6) The location and arrangement of parking on a lot shall be designed and constructed so that general safety and circulation is optimized and so that the impact of vehicles and lighting on right-of-ways or residential activity in proximity to the lot is minimized. The Township reserves the right to increase

bufferyard requirements, require parking to be located behind the minimum front principal building setback or to designate other measures on the lot in order to maximize safety and/or minimize impacts to surrounding uses.

(7) The ground surface of off-street parking shall be paved with bituminous, brick, concrete or stone block paving material to protect the surrounding neighborhood from inappropriate dust or other disturbances.

(8) One landscaped island for every 10 parking spaces shall be provided within all parking areas. All landscaped islands shall contain one tree a minimum of 2 inches dbh.

(9) Exterior storage shall not be permitted to occur as a part of and retail store between 5,000 and 20,000 square feet.

UU. *School, Private or Public.* A private or public school shall be a permitted conditional use subject to the following minimum standards and criteria:

(1) The number of off-street parking and loading spaces shall be provided as defined by Part 3 of this Chapter.

(2) Operations shall be regulated so that nuisances such as visual blight, glare and noise shall not be created.

(3) Light fixtures for the illumination of parking and service areas shall be designed to minimize illumination levels to 1 footcandle when measured from an adjacent lot line. Lighting levels shall also be reduced by one-half their standard operating power, between 11 p.m. and 6 a.m.

(4) Front, rear and side yards shall be maintained in accordance with Bufferyard A as defined in §27-206 of this Chapter.

(5) The owner(s) and operator(s) of a public or parochial school shall incorporate best management practices as outlined in the Pennsylvania *Handbook of Best Management Practices for Developing Areas* to minimize negative impacts of erosion, siltation and surface water and groundwater contamination.

VV. *Single-Family Dwelling.* A single-family dwelling shall be a permitted conditional use subject to the following express minimum standards and criteria:

(1) *Minimum Lot Area.* The minimum lot area of each lot on which a single-family dwelling is constructed in a CE District is shall be 1 acre (43,560 square feet). The minimum lot area of each lot on which a single-family dwelling is constructed in a TC District is 5 acres.

(2) The minimum lot width at the minimum front building setback of a single-family dwelling shall be 100 feet.

(3) All open space associated with the development of single-family dwellings shall be accessible to the public.

(4) Parking shall be provided on the same lot upon which the dwelling unit is located.

(5) In order to ensure that any proposed development does not create adverse conditions to the public road right-of-way, a traffic impact study, in accordance with Institute of Transportation Engineers (ITE) standards, shall be required to be submitted as part of any proposed development to determine peak hour volumes and the traffic movements produced by such development.

A description of future levels of service and their compliance with standards for traffic capacity of streets, intersections and driveways shall be provided. New streets shall be designed for adequate traffic capacity. 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.

*WW. Transfer Station, Incinerator or Resource Recovery Facility.* A transfer station, incinerator or resource recovery facility shall be a permitted conditional use subject to the following minimum standards and criteria:

- (1) The minimum site area shall be 50 acres for a transfer facility, incinerator or resource recovery facility.
- (2) The site shall have frontage on and direct vehicular access to an arterial road, as defined by this Chapter.
- (3) The driveway or haul road entering the site from a public street shall be paved for a distance of 500 feet from the public street.
- (4) A tire washing station shall be located on the site or service trucks exiting the facility.
- (5) The operator shall post a bond in favor of the Township and in a form acceptable to the Township prior to beginning operations in the amount of \$100,000 for each mile of Township road or portion thereof proposed to be traversed by vehicles traveling to the site. The term of the bond shall begin on the date that the zoning certificate is issued. The bond shall be returned to the operator upon completion of all operations and any backfilling or reconstruction of a damaged roadway due to weight in excess of the posted weight limits for the road. Any failure to complete the reconstruction required by this Chapter shall result in forfeiture of the required bond. Those portions of the Township roads that have been damaged shall be determined by inspection of the Township Engineer and shall be reconstructed to current Township Specifications for Street Construction.
- (6) Transfer station operations shall not be conducted within 200 feet of any property lines adjoining residential use or zoning district classification. Incinerator and resource recovery facilities shall not be located within 500 feet of any property lines adjoining a residential use or zoning district classification.
- (7) All lot lines adjoining an existing residential use or a residential zoning district shall be screened by Bufferyard A as defined by §27-206 of this Chapter.
- (8) Fencing at least 8 feet in height and with a minimum capacity of 80 percent shall be provided around any work area for security and to control windblown refuse.
- (9) The applicant shall show compliance with applicable State and Federal laws regulating landfills, transfer facilities, incinerators and recovery facilities.
- (10) The applicant shall obtain the required permits from the

Pennsylvania Department of Environmental Protection (PA DEP) and/or the U.S. Environmental Protection Agency (US EPA) prior to initiating any operation.

(11) The required State or Federal permits shall be maintained throughout the duration of all operations.

(12) Any suspension or revocation of the required State or Federal permits shall constitute a violation of this Chapter and will result in the suspension or revocation of the zoning certificate or enforcement of the penalty provisions of this Chapter or both.

(13) In January of each year, the operator shall apply to the Township Zoning Officer for renewal of the zoning certificate and shall present evidence of continuing compliance with all conditions of approval and require State or Federal permits.

*XX. Vehicle Repair Garage.* A vehicle repair garage shall be a permitted conditional use subject to the following minimum standards and criteria:

(1) Such use shall not be located within 100 feet of any lot line adjoining residential use or zoning classification.

(2) Bufferyard B, as defined by §27-206 of this Chapter, shall be provided along all lot lines adjoining an existing residential use or residential zoning district.

(3) There shall be no storage of parts or dismantled vehicles outside an enclosed building.

(4) All repair work shall be performed within an enclosed building, which has adequate ventilation and fire protection provisions.

(5) All towed vehicles shall be stored on the premises and no vehicle shall be stored or dismantled on any public street.

(6) Vehicles or equipment awaiting repair shall be kept in an enclosed wall or building or in an outdoor area which is screened by an 8-foot high hedge or opaque fence within a minimum capacity of 80 percent.

(7) The premises shall be kept clean and shall be maintained so as to not constitute a nuisance or menace to public health and safety.

*YY. Vehicle Sales and Service.* A vehicle sales and service facility shall be granted as a conditional use subject to the following minimum standards.

(1) The minimum site area shall be 2 acres.

(2) The site shall have frontage on and direct vehicular access to an arterial road as defined by this Chapter.

(3) The dealer shall provide an indoor showroom for the new equipment or vehicles.

(4) Only vehicles in “showroom condition” may be displayed on the property forward of the building setback line.

(5) All vehicles not in “showroom condition” (including but not limited to: those received in trade, awaiting repairs, for lease, etc.) shall be stored behind the building setback line and screened from view from the right-of-way and from adjoining properties by a landscape screen or fence of appropriate design,

as approved by the Township Planning Commission.

(6) Any vehicle or equipment that fits the definitions of “junked vehicle” or “abandoned vehicle” as defined in this Chapter is prohibited from the premises.

(7) The outdoor storage provisions of this Chapter shall be waived for such dealerships provided the above conditions are met and that the development complies with the percentage of impervious surface.

(8) The area used for display of merchandise offered for sale and the area used for the parking of customer and employee automobiles shall be continuously paved and maintained in either concrete over a base of crushed stone compacted to not less than 6 inches in depth or other surfacing of an equivalent or superior character, approved by the Township Engineer.

(9) Landscaping within or along the perimeter of surface parking and loading areas shall be encouraged to minimize the impact of heat and glare from paving.

(10) As a part of all land development, the landowner and /or developer shall provide a plan for photometrics of the lot. Illumination, when measured at a lot line, shall be a maximum of 1 footcandle.

*ZZ. Veterinary Clinics.* A veterinary clinic shall be a permitted conditional use subject to the following minimum standards and criteria:

(1) No outdoor pens shall be constructed or provided.

(2) Overnight boarding of animals is prohibited unless necessary for medical or surgical reasons in conjunction with on-site treatment.

(3) Noise shall not exceed the levels outlined as acceptable within the performance standards of §27-904 of this Chapter.

*AAA. Water Storage.* A water storage facility shall be a permitted conditional use subject to the following minimum standards and criteria:

(1) No water storage facility shall exceed 250 feet in height.

(2) Water storage facility shall be setback from adjacent property lines and/or right-of-ways a minimum distance equal to 115 percent of the water storage/tower’s height but shall not be less than 25 feet in width.

(3) The height of a water storage facility shall be measured from the top of the foundation to the upper most point of the tower.

(4) Lighting shall be required for the water storage facility as a safety measure for low-flying aircraft in accordance with all Federal Aviation Administration (FAA) regulations and approvals.

(5) Access driveways to a water storage/tower shall be paved with a minimum of 6 inches of slag or stone.

(6) All water storage uses, which are principal uses or structures, shall comply with the area and bulk regulations for principal structures in the zoning district in which they are proposed.

(7) All aboveground water storage facilities that exceed the height limitations of the district shall increase the required yard clearances by 1 foot for every 2 feet of height in excess of the height limitations of the district.

BBB. *Bufferyard Modifications.* Modifications to a bufferyard shall be a permitted conditional use subject to the following minimum standards and criteria:

(1) A minimum of 75 percent of each type of plant (tree, shrub and groundcover) required within the standard bufferyard for the development shall be planted within the modified bufferyard area.

CCC. *Uses Not Specifically Listed.* A use not expressly as a permitted use, conditional use or special exception may be permitted as a conditional use upon the applicant's demonstration that the proposed use:

(1) Impacts the environment and adjacent streets and properties equal to or less than any use specifically listed in the zoning district. In making such determination, the Township Board of Supervisors shall consider the following characteristics of the proposed use:

(a) The number of employees.

(b) The floor area of the building or gross area of the lot devoted to the proposed use.

(c) The type of products, materials, equipment and/or processes involved in the proposed use.

(d) The magnitude of walk-in trade.

(e) The traffic and environmental impacts and the ability of the proposed use to comply with the performance standards of §27-901.

(2) Will not endanger the public health and safety if located where proposed and that the use will not deteriorate the environment or generate nuisance conditions such as traffic congestion, noise, dust, smoke, glare or vibration.

(3) Is in general conformity with the North Fayette Township Comprehensive Plan and harmony with the area in which it is proposed.

(4) Complies with any applicable standards and criteria specified in this Part for the most nearly comparable conditional uses or use by special exception specifically listed in the zoning district in which it is proposed.

(5) Is in compliance with all other standards of this Chapter and all other Township ordinances.

DDD. *Oil and Gas Well.*

(1) At all times throughout the duration of all oil and gas operations, and as a condition of obtaining and maintaining any Township zoning approvals and permits in good standing, the applicant shall comply with all applicable State and Federal laws, regulations, and permits. The applicant shall provide to the Township evidence that it has obtained and maintains in good standing all required State or Federal permits, including proof of bonding, before obtaining any Township zoning approvals and permits and before initiating or continuing the operation of any oil and gas well in the Township. Any suspension or revocation of any required State or Federal approvals or permits shall automatically result in the suspension or revocation of any Township zoning approval and/or permit issued hereunder.

(2) Every application shall either include the land owner(s) as applicant or co-applicant, or shall have affixed thereto a notarized affidavit of consent to

file the application signed by the property owner on which the well site will be located.

(3) The applicant shall present expert testimony to demonstrate that the well location will not adversely affect any of the following:

- (a) Lawful existing or permitted use of any adjacent properties.
- (b) Any flood-prone or landslide prone areas within the Township.
- (c) Any prime agriculture and farmland considering topography, soil type and classification, and present use.

(d) If required by the Township's Grading Ordinance [Chapter 9, Part 1], the applicant shall apply for a grading permit and provide a soil erosion and sedimentation control plan, prepared by a person trained and experienced in control methods and techniques, which plan conforms to the requirements of the Pennsylvania Clean Streams Law, 35 P.S. §691.1 *et seq.*, and 25 Pa.Code, Chapter 102, of the Rules and Regulations of the Pennsylvania Department of Environmental Protection governing erosion control.

(e) The applicant shall provide reclamation plans for the site, which plans demonstrate that measures shall be taken after operations have been completed to assure that the land following reclamation will be in a condition that allows economically and ecologically productive uses of the type permitted in the zoning district in which the site is located. Acceptance of the reclamation plan shall not constitute approval of any aspect of any future development plan.

(f) The Township may require that portions of the site where wells are located to be fenced or screened as determined necessary to provide security and to protect adjacent properties.

(g) Approval of the conditional use shall expire if work authorized in the application for the conditional use is not commenced within one year of the date of approval of the application by the Board of Supervisors, unless the applicant submits prior to the 1-year expiration, and the Board of Supervisors approves, a written request for an extension prior to the expiration of the 1 year setting forth the reasonable cause(s) for the delay in initiating the work.

(h) Once work is initiated under an approved application for a conditional use, zoning approval shall be valid for a period of 1 year from the date of conditional use approval by the Board of Supervisors.

(i) An application for renewal of the zoning approval and/or any permits issued pursuant thereto must be submitted the Township Zoning Officer prior to the date of expiration of zoning approval, and the Township Zoning Officer may grant approval of the renewal upon satisfactory demonstration by the applicant that it remains in compliance with all conditions of the conditional use approval and Township permits, and that all required Federal and State permits remain in full force and effect and in good standing, and that the applicant is actively pursuing the completion of the well operation. Upon termination, expiration or revocation of zoning approval for the conditional use, the applicant may

reapply for approval of the conditional use.

(k) All site preparation, well drilling, fracking and pre-production operations on the site shall occur only on Mondays through Saturdays (with exception of Federal and/or State holidays) between the hours of 6 a.m. and 10 p.m. or as otherwise authorized by the Board of Supervisors. In the case of a gas or oil well, once the drilling operation has been completed and production started, the well may operate 24 hours a day, 7 days a week.

(l) Throughout the well drilling operation, the Township Engineer may as directed by the Township inspect the site to determine continuing compliance with these standards and criteria and any conditions of approval or permits issued thereunder.

(m) As authorized under the Municipalities Planning Code, 53 P.S. §10101 *et seq.*, all approvals shall provide for, include, and be conditioned upon applicant's duty and agreement to reimburse the township for the costs of professional consultant fees associated with the review and approval of any zoning and land use approvals and inspections of approved operations by the Township Engineer.

(n) The applicant shall submit plans for review and approval demonstrating to the Township's satisfaction how applicant intends to take all measures necessary to assure that Township Roads are maintained and kept free of mud and dust and that said streets are cleaned as necessary throughout operations. If the nature of the proposed operation and site conditions so require, or if excessive problems with mud and/or dust arise during operations, the Township may require that applicant shall take such measures or additional steps as deemed necessary in the sound judgment of the Township to prevent or remedy same, including but not limited to installation and use of an onsite dust/mud suppression sprinkler system to clean vehicle undercarriages and wheels before exiting the site.

(o) All approvals shall provide for, include, and be conditioned upon applicant's duty and agreement to the applicant shall submit to the Township for its approval the proposed route(s) of all trucks to be utilized for hauling equipment, supplies, and the like, to and from the property and the Township, along with the estimated weights of such trucks (empty and fully loaded). The applicant shall submit evidence of compliance with designated weight limits on all State, County and Township roads within the Township and shall demonstrate to the satisfaction of the Township that the proposed hauling routes within the Township for mineral removal operations have been designed to minimize, to the fullest extent possible consistent with public safety, the impact on local roads within the Township.

(p) At no time shall any excess weight vehicle tread upon any Township roads, or any portion thereof, except pursuant to a road maintenance agreement with associated posted security, both in a form approved by the Township, providing for the maintenance, repair, and restoration of any Township roads used for hauling excess weight vehicles

and equipment to and from the site and Township. As a condition of approval and prior to issuance of any permits for operations that will utilize Township roads, application shall execute a road maintenance agreement, with associated security, which agreement, without limitation, shall in the Township's discretion include the following requirements:

1) That applicant and Township shall conduct a pre-operations walk-through and inspection of the proposed Township roads, and that applicant shall submit to the Township following such inspection video taped documentation of the pre-operations conditions of the road; and, the Township Engineer shall issue its report outlining any areas where preoperation fortification or other protective measures are required to allow excess weight vehicles to utilize the road(s).

2) That, prior to the commencement of any work on the oil or gas well site, and as a condition precedent to issuance of any grading permits, the applicant shall complete all pre-construction repairs and protective measures to the affected Township Roads as recommended by the Township Engineer after the required onsite walk-through and inspection of affected Township Roads.

3) That the applicant shall post with the Township a replenishable bond or other security in a form and in an amount acceptable to the Township to guarantee the interim maintenance and repair of the covered roads during and throughout operations, and the restoration of the covered roads following completion of operations. The bond or other security shall remain in full force and effect throughout the period of operations and until restoration has been completed and shall be in an amount determined by the Township Engineer to be adequate to cover upon applicant's default the public cost of any potential damage or restoration to the Township roads. The bond or other security shall be released to the applicant upon completion of all operations and completion of all repair and restoration work on the covered roads. All maintenance and repairs shall be completed in accordance with then-current Township Specifications for Street Construction.

4) If the Township questions the quality of any road repairs, applicant will be required to perform material strength tests (laboratory analysis). The following information will need to be provided to the Township for review and approval:

a) California Bearing Ratio for measurement of subgrade strength.

b) Measure the depth and determine the type of subbase aggregates. Establish and assign the Structural Co-efficient Rating Number.

c) Measure the depth and determine the type of bituminous base course. Establish and assign the Structural Co-efficient Rating Number.

d) Measure the depth and determine the type of bituminous

wearing course. Establish and assign the Structural Co-efficient Rating Number.

e) Perform the "gradation and/or extraction" tests on bituminous materials when required.

f) Calculate the "construction number" based on the results of the above-referenced tests.

g) Compare the "construction number" with the findings presented in the Highway Capacity Study to determine if sufficient strength exists to support the proposed traffic volumes and axle loads.

h) A laboratory that has been certified by the State of Pennsylvania must perform all tests. The report verifying the construction number must be stamped and signed by the engineer.

5) That the Applicant agrees to reimburse the Township for all professional consultant fees incurred by the Township related to the well project including, but not limited to, the Township Engineer and Township Solicitor and other Township consultant fees incurred for the review and approval process, and for inspection, oversight, and enforcement of the permit and its conditions; and that applicant shall indemnify and hold the Township harmless for any claims and damages, including any legal fees, incurred as a result of damage done to any person or property by applicant, its employees, agents, or contractors, as a result of the oil and gas well or otherwise arising out of its operations and this approval.

[Ord. 388]

EEE. *Private Stables or Hobby Farms.*

(1) In the I-1 District, a private stable or hobby farm for personal use and enjoyment shall be permitted as a conditional use on a lot provided the lot contains at least 10 acres and all of the following requirements are met:

(a) The minimum lot area of a hobby farm in an I-1 District is 10 acres.

(b) The owner of a private stable or hobby farm shall reside on the lot.

(c) Hobby farms may include any of the activities encompassed by agriculture, as defined by this Chapter. The hobby farm shall be restricted to personal use and enjoyment and any sale of animals or produce shall not constitute the principal economic activity of the residents of the hobby farm. The sale of agricultural products raised on the hobby farm shall be permitted. Roadside stands, authorized by §27-401 of this Chapter, shall not be permitted on hobby farms.

(d) The number of animals maintained on a hobby farm, if any, shall be reasonably related to the size of the lot, the area available for grazing and the capacity of the land to sustain the animals without creating a nuisance.

(e) On a lot utilized for a private stable, one horse or pony shall be permitted on the first 3 acres of land. One additional horse or pony shall be permitted for each additional acre over 3 acres. However, no private stable or hobby farm within an I-1 Zoning District shall have more than a total of eight horses or ponies at any one time.

(f) No stables or other buildings in which animals are kept or manure is stored shall be located within 75 feet of any lot line or within 100 feet of any occupied dwelling, other than the stable owner's dwelling.

(g) No grazing of any animals shall be permitted closer than 100 feet from any occupied dwellings within the parcel or located on an adjacent parcel, excluding the private stable or hobby farm owner's dwelling.

(h) A private stable or hobby farm owner shall not permit litter and droppings from the horses or other animals to collect so as to result in the presence of fly larvae or objectionable odors.

(i) The area of the lot used for grazing shall be adequately fenced to properly enclose the animals and to protect adjacent lots.

(j) The primary residence/principal structure on the hobby farm must meet the following lot area and bulk regulations:

- 1) Minimum lot width—400 feet.
- 2) Minimum front setback—50 feet.
- 3) Minimum side setback—100 feet.
- 4) Minimum rear setback—100 feet.

(k) The minimum accessory building setbacks are the same as the principal building setbacks.

(l) Maximum structure height is 35 feet.

(m) Maximum lot coverage is 30 percent.

(n) Screening by Bufferyard C, as defined by §27-206 of this Chapter, shall be provided along all lot lines adjoining industrial use classifications.

[*Ord. 417*]

(*Ord. 360*, 11/23/2004, §27-703; as amended by *Ord. 365*, 6/28/2005, §2; by *Ord. 388*, 4/8/2008, §2; by *Ord. 415*, 2/12/2013, §2; and by *Ord. 417*, 10/22/2013, §2)



**Part 8****Standards and Criteria for Uses  
by Special Exception****§27-801. Procedure for Approval.**

1. *Approval of Uses by Special Exception.* The Township Zoning Hearing Board shall hear and decide requests for uses by special exception. The Township Zoning Hearing Board shall not evaluate an application for a use by special exception unless and until:

A. A written application for approval of a use by special exception is submitted to the Township Zoning Officer. The application shall indicate the Section of this Chapter under which approval of the use by special exception is sought and shall state the grounds upon which it is requested. The application shall include the following:

(1) A development plan, as defined herein.

(2) A written statement showing compliance with the applicable express standards and criteria of this Part for the proposed use.

(3) A map showing and identifying all lots within 200 feet of the property for which use by special exception approval is requested and a list of the names and addresses of the owners of these lots from the most recent records of the Allegheny County Tax Assessors Office.

(4) A traffic impact analysis, if required by the North Fayette Township Subdivision Ordinance [Chapter 22].

(5) The application fee required by Part 13 of this Chapter.

B. A public hearing pursuant to public notice is held by the Township Zoning Hearing Board within 60 days of the date of submission of a complete and properly filed application. Said hearing shall be conducted in accordance with the procedures specified by Part 13 of this Chapter.

C. In considering an application for approval of a use by special exception, the Township Zoning Hearing Board may prescribe appropriate conditions and safeguards in conformity with the spirit and intent of this Part. A violation of such conditions and safeguards, when made part of the terms and conditions under which approval of a use by special exception is granted, shall be deemed a violation of this Chapter.

2. *Expiration of Approval of Use by Special Exception.* Approval of a use by special exception shall expire automatically without written notice to the applicant if no application for a grading permit, building permit or zoning certificate to undertake the construction for authorize the occupancy described in the application for approval of the use by special exception is submitted within 12 months of said approval, unless the Zoning Hearing Board, in their sole discretion, extends approval of the use by special exception upon written request of the applicant received prior to its expiration. The maximum extension permitted shall be one 12-month extension.

3. *Expiration of Approval of Use by Special Exception Granted Prior to Effective*

*Date of this Chapter.* Approval of a use by special exception granted prior to the effective date of this Chapter shall expire automatically without written notice to the applicant if no application for a grading permit, building permit or zoning certificate to undertake the construction or authorize the occupancy described in the application for approval of the use by special exception is submitted within 12 months of the effective date of this Chapter or as specified in the approval, unless the Zoning Hearing Board, in their sole discretion, extends approval of the use by special exception upon written request of the applicant received prior to its expiration. The maximum extension permitted shall be one 12-month extension.

(Ord. 360, 11/23/2004, §800)

### **§27-802. General Standards.**

In addition to the specific standards and criteria listed for each use in §27-803, below, all applications for uses by special exception listed in each zoning district shall demonstrate compliance with all of the following general standards and criteria:

A. The use shall not endanger the public health, safety or welfare nor deteriorate the environment, if it is located on the site where it is proposed.

B. The use shall comply with the performance standards specified in §27-901 of this Chapter.

C. The use shall comply with all applicable requirements of Parts 2 and 3 of this Chapter governing screening, landscaping and parking and loading, Part 5 of this Chapter governing buildable area and Part 10 of this Chapter governing signs.

D. Ingress, egress and traffic circulation on the site shall be designed to ensure safety and minimize congestion and the impact on local streets.

E. Site lighting, if proposed, shall be shielded and reflected away from adjacent residential properties and public streets.

(Ord. 360, 11/23/2004, §801)

### **§27-803. Standards for Specific Uses.**

In addition to the general standards and criteria for uses by special exception listed in §27-802, above, an application for any of the following uses which are listed in any zoning district as a use by special exception shall comply with the applicable standards and criteria specified below.

A. *Cemeteries.* A cemetery shall be permitted as a use by special exception subject to the following minimum standards and criteria:

(1) A minimum site of 10 acres shall be required.

(2) A drainage plan shall be submitted with the application for the use to show existing and proposed runoff characteristics.

(3) A ground water study prepared by a hydrologist or registered professional engineer qualified to perform such studies shall be submitted with the application.

(4) Plans for ingress/egress shall be referred to local police officials for comments regarding public safety.

(5) All property lines adjoining residential use or zoning classification

shall be screened by Bufferyard A as defined by §27-206 of this Chapter.

(6) All equipment shall be properly stored in an enclosed building when not in use.

(7) No burial sites or structures shall be located within 100 feet from any adjacent property line.

B. *Horse Boarding and Riding Academies.* A horse boarding and riding academy shall be permitted as a use by special exception subject to the following minimum standards and criteria:

(1) A horse boarding and/or riding academy shall be permitted as a use by special exception subject to the following minimum standards and criteria.

(2) Such use shall be accessory to a farm, as defined by this Chapter, or, when proposed as a principal use, shall have a minimum site of 10 acres.

(3) No building housing animals shall be closer than 200 feet to any lot line.

(4) All lot lines adjoining a single-family residential lot which is less than 2 acres or any property which is zoned residential shall be screened by Bufferyard A, as defined by §27-206 of this Chapter.

(5) All training areas and bridal paths shall be adequately fenced to protect adjoining properties.

C. *Kennel.* A kennel shall be permitted as a use by special exception subject to the following minimum standards and criteria:

(1) In instances where veterinary services are offered in addition to kennel facilities, the kennel shall be considered the principal use.

(2) If located in an R-R or R-1 District, a kennel shall be accessory to a farm or, when proposed as a principal use, shall have a minimum site area of 5 acres.

(3) Outdoor kennels shall be located at least 200 feet from any property line adjoining residential use or zoning classification and at least 50 feet from any other property line.

(4) Outdoor runs and similar facilities shall be constructed for easy cleaning, shall be adequately secured by a fence with self-latching gate and shall be screened by Bufferyard A as defined by §27-206 of this Chapter.

D. *Mobile Home Park.* A mobile home park shall be permitted as a use by special exception subject to the following minimum standards and criteria:

(1) The site of a mobile home park shall be serviced by public water or Pennsylvania Department of Environmental Protection (PA DEP) approved private water system and public sewers or PA DEP approved private sewage disposal system.

(2) The site of a mobile home park shall have frontage on and direct vehicular access to an arterial or collector street.

(3) *Support and Anchoring.* Individual mobile homes shall be placed upon suitable supports to insure that the unit will remain level and free from structural damage. Each mobile home shall be provided with an anchoring system to prevent and resist overturning or lateral movement caused by wind

forces. Such anchoring shall be equivalent to or exceed NFPA Standard No. 501A-1974 (ANSI A129.3-1975).

(4) *Skirting*. Each mobile home shall be skirted with an enclosure of compatible design and material. Such skirting shall provide adequate ventilation to inhibit the formation of moisture and decay.

(5) *Common Facilities*. No less than 10 percent of the mobile home park site shall be devoted to common facilities for passive and active recreation limited to use by the residents of the mobile home park. Such common facilities may include, but shall not be limited to, community clubs, swimming pools, tennis courts, parks, playgrounds, shelters, hiking trails, hobby areas, laundries and service buildings for resident uses.

(6) *Screening*. All property lines adjoining residential use or zoning district classification shall be screened by Bufferyard A, as defined by §27-206 of this Chapter.

(7) Sidewalks at least 4 feet in width shall be provided along both sides of the interior streets.

(8) Parking shall be provided based on the ratio of two parking spaces per mobile home, one of which shall be required to be on the mobile home lot and one of which may be located in a common parking area which shall be located within 300 feet of the mobile home it is intended to serve.

(9) Interior streets shall be lighted in accordance with the requirements of the North Fayette Township Subdivision Ordinance [Chapter 22].

(10) Interior streets that are not to be dedicated to Township in accordance with North Fayette Township Subdivision Ordinance [Chapter 22] shall be constructed in accordance with the following standards:

(a) One-way minor streets serving less than 20 lots shall have a minimum paving width of 14 feet. Two-way minor streets serving less than 20 lots shall have a minimum paving width of 16 feet.

(b) All other one-way streets within the mobile home park shall have a minimum paving width of 16 feet where on-street parking is prohibited and shall have a minimum paving width of 20 feet where on-street parking is permitted.

(c) All other two-way streets within the mobile home park shall have a minimum paving width of 20 feet where on-street parking is prohibited and shall have a minimum paving width of 22 feet where on-street parking is permitted.

(d) The mobile home park shall comply with all other requirements of the Township Subdivision Ordinance [Chapter 22].

(11) *Gross Lot Requirements*.

(a) Gross lot: 15 contiguous acres minimum.

(b) Front and rear yards of gross lot: 75 feet minimum from any mobile home berth to any lot line.

(c) Side yards of gross lot: 50 feet minimum from any mobile home berth to any lot line.

(d) Landscaping, parking and recreational facilities may project into the required perimeter yards if they are at least 20 feet from the exterior property line bounding the site.

(e) Maximum structure heights:

- 1) Thirty-five feet for all principal structures.
- 2) Fifteen feet for all accessory structures.

(12) *Net Lot Requirements.*

(a) Berth size shall be a minimum of 6,000 square feet area and 60 feet wide.

(b) *Interior Yards.*

- 1) Twenty-five feet from interior access roads minimum.
- 2) Thirty feet between parallel ends or sides of mobile homes or other principal buildings minimum.
- 3) Fifteen feet between mobile homes and any other accessory buildings minimum.

E. *Pilot Manufacturing.* Pilot manufacturing shall be permitted as a use by special exception subject to the following minimum standards and criteria:

(1) The floor area devoted to pilot manufacturing shall not exceed 25 percent of the total floor area of all buildings devoted to research and development.

(2) All materials and equipment shall be stored within a completely enclosed building.

(3) The use shall comply with all performance standards specified in §27-901 of this Chapter.

(4) The storage or manufacture of hazardous or potentially hazardous materials shall not be permitted.

F. *Public Buildings.* Public buildings shall be permitted as a use by special exception subject to the following minimum standards and criteria:

(1) The minimum site required shall be 1 acre.

(2) Ingress and egress for police and fire stations shall be located so as to maximize sight distance along adjacent public streets.

(3) Fire stations, police stations and municipal maintenance facilities shall be located on the site so that vehicles and equipment can be maneuvered on the site without interrupting traffic flow or blocking public streets.

G. *Public Utility Buildings and Transmission Facilities.* Public utility buildings and transmission facilities shall be permitted as a use by special exception subject to the following minimum standards and criteria:

(1) Uses involving distribution equipment, which is not enclosed by a building or structure, shall be secured by a fence, which is at least 8 feet in height with a self-latching gate. The fence shall have a minimum capacity of 80 percent.

(2) Uses involving distribution equipment which is not enclosed by a building shall be adequately screened by Bufferyard A as defined by §27-206

of this Chapter along all lot lines adjacent to an existing residential use or residential zoning district.

(3) Uses involving towers or other distribution structures which exceed the height limitations of the district shall be required to increase the yard clearance required for the structure by 1 foot for every 2 feet in excess of the height limitations of the district.

H. *Service Station*. Service station shall be permitted as a use by special exception subject to the following minimum standards and criteria:

(1) All minor repair work, vehicle washing, lubrication and installation of parts and accessories shall be performed within an enclosed building.

(2) All automobile parts, dismantled vehicles and similar materials shall be stored within an enclosed building or totally screened from view by a solid or privacy fence.

(3) All vehicles awaiting repair shall be stored on site in approved parking spaces and, under no circumstances, shall said vehicles be stored on or obstruct access to a public right-of-way.

(4) Canopies over gasoline pumps shall be subject to the requirements of Part 2 of this Chapter.

(5) Gasoline pumps shall be located at least 30 feet from the edge of the right-of-way of a public street.

(6) All fuel, oil or similar substances shall be stored at least 25 feet from any property line.

(7) All lighting shall be shielded and reflected away from adjacent lots, streets and roadways.

(8) Bufferyard A, as defined by §27-206 of this Chapter, shall be provided along all lot lines adjoining an existing residential use or residential zoning district.

I. *Wholesale Business*. A wholesale business shall be permitted as a use by special exception subject to the following minimum standards and criteria:

(1) Any site that involves wholesale distribution shall have direct access to an arterial or collector street, as defined by this Chapter.

(2) Off-street parking and loading shall be provided in accordance with the requirements of Part 3 of this Chapter.

(3) All materials and equipment shall be stored within a completely enclosed structure or shall be limited to storage in the rear or side yard if screened from view from the street or adjacent residential properties by a 6-foot hedge or opaque fence.

(4) No shipping or receiving shall be permitted within 300 feet of property in a residential zoning district between the hours of 7 p.m. and 7 a.m.

(5) The operations shall comply with the performance standards specified by §27-901 of this Chapter.

(6) All lot lines adjoining an industrial-oriented use or zoning classification shall be screened by Bufferyard A, as defined by §27-206 of this Chapter.

(*Ord. 360, 11/23/2004, §802*)



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**Part 9****Performance Standards****§27-901. Overview.**

The following restrictions shall apply to all uses in all zoning districts. All conditional uses and uses by special exception shall comply with the requirements of this Section. In order to determine whether a proposed use will conform to the requirements of this Chapter, the Township Board of Supervisors or Township Zoning Hearing Board may require a qualified consultant to testify, whose cost for services shall be borne by the applicant.

(*Ord. 360, 11/23/2004, §900*)

**§27-902. Fire Protection.**

Fire prevention and fighting equipment acceptable to the Board of Fire Underwriters shall be readily available when any activity involving the handling or storage of flammable or explosive materials is carried on.

(*Ord. 360, 11/23/2004, §901*)

**§27-903. Electrical Disturbance.**

No activity shall cause electrical disturbance adversely affecting radio or other equipment in the vicinity.

(*Ord. 360, 11/23/2004, §902*)

**§27-904. Noise.**

No operation or activity shall cause or create noise in excess of the sound levels prescribed below:

A. *Residential Districts.* At no point beyond the boundary of any lot within these districts shall the exterior noise level resulting from any use or activity located on such lot exceed a maximum of 60 dBA for more than 4 hours during a 24-hour equivalent period.

B. *Commercial Districts.* At no point on or beyond the boundary of any lot within these districts shall the exterior noise level resulting from any use or activity located on such lot exceed a maximum of 65 dBA for more than 8 hours during a 24-hour equivalent period.

C. *Industrial Districts.* At no point on or beyond the boundary of any lot within these districts shall the exterior noise level resulting from any use or activity located on such lot exceed a maximum of 75 dBA for more than 8 hours during a 24-hour equivalent period.

D. Where two or more zoning districts in which different noise levels are prescribed share a common boundary, the most restrictive noise level standards shall govern.

E. The following uses or activities shall be exempted from the noise regulations:

(1) Noises emanating from construction or maintenance activities between 7 a.m. and 9 p.m.

(2) Noises caused by safety signals, warning devices and other emergency-related activities or uses.

(3) Noises emanating from public or private recreational use between 7 a.m. and Midnight.

F. In addition to the above regulations, all uses and activities within the Township shall conform to all applicable County, State and Federal regulations. Whenever the regulations contained herein are at variance with any other lawfully adopted rules or requirements, the more restrictive shall govern.

*(Ord. 360, 11/23/2004, §903)*

**§27-905. Vibrations.**

Vibrations detectable without instruments on neighboring property in any district shall be prohibited.

*(Ord. 360, 11/23/2004, §904)*

**§27-906. Odors.**

No malodorous gas or matter shall be permitted which is discernable on any adjoining lot or property.

*(Ord. 360, 11/23/2004, §905)*

**§27-907. Smoke, Ash, Dust, Fumes, Vapors and Gases.**

There shall be no emission of smoke, ash, dust, fumes, vapors or gases which violates applicable Federal, State or County laws and regulations.

*(Ord. 360, 11/23/2004, §906)*

**§27-908. Glare.**

Lighting devices which produce objectionable direct or reflected glare on adjoining properties or thoroughfares shall not be permitted.

*(Ord. 360, 11/23/2004, §907)*

**§27-909. Erosion.**

No erosion by wind or water shall be permitted which will carry objectionable substances onto neighboring properties.

*(Ord. 360, 11/23/2004, §908)*

**§27-910. Water Pollution.**

Water pollution shall be subject to the standards established by the PA DEP.

*(Ord. 360, 11/23/2004, §909)*

**§27-911. Determination of Compliance with Performance Standards.**

During the review of an application for zoning approval, the applicant may be required to submit and date any evidence documenting that the proposed activity,

facility or use will comply with the provisions of this Part. In reviewing such documentation, the Township may seek the assistance of any public agency having jurisdiction or interest in the particular issues, and the Township may seek advice from a qualified technical expert. All costs of the expert's review and report shall be paid by the applicant. A negative report by the technical expert and the applicant's refusal or inability to make alterations to ensure compliance with this Part shall be a basis for denying approval of the application.

910

**§27-912. Continuing Enforcement.**

1. The Township Zoning Officer shall investigate any purported violation of the performance standards and, subject to the approval of the Township Board of Supervisors, may employ qualified technical experts to assist in the determination of a violation. Costs of the services of such experts shall be paid by the owner or operator of the facility or use accused of the violation if the facility or use is found to be in violation. If the facility or use is found to be in compliance with the performance standards, said costs shall be borne by the Township.

2. If the facility or use is found to be in violation, the owner or operator shall be given written notice of violation in accordance with Part 13 of this Chapter and a reasonable length of time to correct the violation. Failure to correct the violation shall be subject to the penalty provisions of this Chapter and shall result in the revocation of the occupancy permit for the facility or use.

*(Ord. 360, 11/23/2004, §911)*



**Part 10****Signs****§27-1001. Signs.**

The regulations contained in this Part shall apply to all signs in all zoning districts.

A. *Purpose.* The sign regulations, controls and provisions set forth in this Part are made in accordance with an overall plan and program related to residential and nonresidential uses. The regulations, controls and provisions are intended to guide public safety, area development, preservation of lot values and the general welfare of North Fayette Township. The regulations, controls and provisions are also intended to aid in traffic control and traffic safety; lessen congestion of land and air space; guard against concentrations of signs which distract and endanger traffic safety and traffic flow; establish reasonable standards for nonresidential and other advertising through the use of signs in order to maintain and encourage business activity and economic development; avoid uncontrolled proliferation of signs; recognize the rights of the public in roads, streets, highways and the areas adjacent to those roads, streets, and highways; preserve the wholesome and attractive character of the Township; and to recognize that the general welfare includes a community plan that shall be beautiful as well as healthy, spacious as well as clean, and well balanced in its growth and development.

B. *Illegal Signs.* The Zoning Officer shall deem illegal any sign erected in the Township that is not a permitted sign as defined by this Section or is erected without a necessary permit.

(Ord. 360, 11/23/2004, §1000)

**§27-1002. Major Types and Classes of Permanent Signs.**

Signs, in all zoning districts shall be categorized according to the types and classes described below and shall comply with the requirements for those types and classes described in this Section.

A. *Types.* Permanent signs are categorized by use, function or purpose into the following types:

- (1) Development/residential plan identification.
- (2) Business/occupation identification.
- (3) Building identification.
- (4) Directional (on-premises).
- (5) Display sign.

B. *Classes.* Permanent signs that are permitted within North Fayette Township are classified by physical attributes into the following categories:

- (1) *Freestanding.*
  - (a) Ground sign.
  - (b) Pole sign.
    - 1) Pole signs shall only be permitted as a conditional use subject

to the regulations noted in Part 7.

- (2) Wall sign.
- (3) Arcade sign.
- (4) Bulletin.
- (5) Changeable copy.

(a) A sign with changeable copy shall be permanently affixed to the ground or principal structure of a lot. Signs, if lighted, shall be lit from the top or from a ground source. Backlighting shall not be an acceptable form of lighting.

(b) No electronic scrolling images or metallic movement shall be incorporated into a changeable copy sign.

- (6) Window.

(Ord. 360, 11/23/2004, §1001)

### **§27-1003. Minor Types of Permanent Signs.**

The following types of signs are considered minor and are permitted for all land uses and within all zoning districts of the Township:

#### *A. Notification.*

(1) Signs bearing legal and/or lot notices such as: no trespassing, private property, no turnaround, safety zone, no hunting and similar messages and signs posted by a governmental agency for traffic control or the safety of the general public.

(2) In all zoning districts, the number, location and size of legal notification signs erected by public agencies shall be in accordance with the laws of the Commonwealth. In all zoning districts, legal notification signs posted on private lot by landowner and/or developers such as “no trespassing,” “no hunting” and the like shall be limited to a surface area not exceeding 2 square feet. The placement and maximum notification signs permitted along road frontages shall be one sign for every 100 feet of road frontage.

*B. Memorial/ Historical Plaques.* Commemorative plaques placed by a recognized agency of the Township, County, State or Federal government.

*C. Governmental Signs.* Signs erected by a governmental agency, including street signs and official traffic signs.

*D. Secondary Signs.* In all zoning districts, the number, location and size of secondary signs shall be in accordance with the following provisions:

(1) A secondary sign shall be permitted to be posted on the lot’s principal structure so long its placement is secondary to the function of the structure on which it is located.

(2) The maximum area of secondary signage on any given structure shall be not exceed 10 percent or 10 square feet, whichever is lesser, of the surface of the structure on which the sign is located.

(3) Secondary signs, if lighted, shall be lit from the top or from a ground source. Backlighting shall not be an acceptable form of lighting.

(4) A maximum of one secondary sign shall be permitted on a single lot. To protect the general safety of the public and to minimize motorist distractions, secondary signs shall be spaced a minimum of 300 feet from one another.

(5) No metallic streamers, flashing illumination, changeable copy or similar visual components shall be utilized as part of secondary signs.

(6) Any business posting a secondary sign shall demonstrate in writing to the Township that the property owner, Township and/or PennDOT on which the structure is located has granted permission for the posting of said secondary sign.

(Ord. 360, 11/23/2004, §1002)

#### **§27-1004. Temporary Signs.**

The following classes of temporary signs are permitted for all land uses and within all zoning districts of North Fayette Township.

##### *A. Classes of Temporary Signs.*

- (1) Real estate.
- (2) Development.
- (3) Construction.
- (4) Political sign.
- (5) Temporary event or temporary display.

##### *B. Conditions for Use of Temporary Signs.*

(1) *Real Estate Sign.* One nonilluminated temporary real estate sign shall be permitted on each lot provided the surface area of the sign shall not exceed 6 feet square feet. The real estate sign shall not exceed 12 square feet in surface area when located in on a lot with any residential use and shall not exceed 32 square feet on any other lot. Such sign shall be removed within 30 days of the sale or rental of the lot on which it is located.

(2) *Development Sign.* One nonilluminated temporary development sign shall be permitted on each lot provided the surface area of the sign shall not exceed 32 square feet in surface area. The development sign shall not exceed 6 feet in height when located on a lot with any residential use and shall not exceed 10 feet in height on any other lot. Such sign shall be removed within 30 days of the sale or rental of the last lot or completion of the proposed construction in the development.

(3) *Construction Sign.* Two nonilluminated temporary construction signs announcing the names of contractors, mechanics or artisans engaged in performing work on the premises shall be permitted on a lot, provided that:

- (a) Each sign shall not exceed 32 square feet in area
- (b) The signs shall be removed within 30 days of the completion of the work.
- (c) The establishment wishing to display such signs shall contact the office of the Zoning Officer prior to displaying, to give notice of the intent and the period during which the sign will be displayed.

(4) *Political Signs.* Nonilluminated temporary political signs erected during a political campaign shall be permitted in public rights-of-way, provided that they are not of a type restricted by this Chapter. A political sign shall not be erected more than 45 days prior to the election in which the candidate is pursuing office and shall be removed within 5 days after the election for which it was erected.

(5) *Temporary Event Sign.*

(a) One nonilluminated temporary event sign, as defined by this Chapter, shall be permitted to be erected on the face of the lot's principal structure; provided, that the area of the signs shall not exceed 40 square feet; and, provided, the sign is displayed for a period no longer than 30 days and is removed within 5 days following the event that it is erected to promote.

(b) Portable signs shall not be permitted as temporary event signs.

(c) Temporary event signs shall be nonilluminated.

(d) If the landowner and/or developer fail(s) to remove the temporary sign by beginning of the thirty-sixth day from which the permit had been issued, the landowner and/or developer shall be subject to the provisions of §27-1305.B (2) (a).

(e) Landowners and/or developers found violating the provisions set forth within this Section will forfeit their right to be issued a temporary sign permit for a period of 1 year commencing from the date said violation is found to have occurred.

(Ord. 360, 11/23/2004, §1003)

#### **§27-1005. Prohibited Signs.**

The following signs shall not be permitted within North Fayette Township:

- A. "A-frame" or sandwich board signs.
- B. Portable or wheeled signs.
- C. Banners and pennants, other than temporary event or displays authorized by this Chapter.
- D. Moving or flashing signs otherwise not authorized by this Chapter.
- E. Signs on trees, utility poles or official traffic control devices or signs.
- F. Signs that imitate traffic control devices.
- G. Signs painted on walls or chimneys of a building or on fences or walls.
- H. Signs on or affixed to vehicles and/or trailers which are parked on a public right-of-way, public lot or private lot, other than temporarily for overnight storage on the sight of a business or for maintenance, repair, loading, unloading or rendering a service at any location, which are visible from the public right-of-way and where the apparent purpose is to advertise a product or direct people to a business or activity located on the same or nearby lot.
- I. Signs that by reason of size, location, content, coloring or manner of illumination, obstruct the vision of drivers or obstruct or detract from the visibility or effectiveness of any traffic sign or control device on public streets and roads.

J. Any sign that obstructs free ingress to or egress from a fire escape, door, window or other required exit way.

K. Signs that make use of words as “Stop,” “Look,” “One Way,” “Danger,” “Yield,” or any similar words, phrases, symbols, lights or characters in such a manner as to interfere with, mislead, or confuse traffic.

L. *Misleading Information.* No sign shall be created which states or implies that a lot may be used for any purpose not permitted under the provisions of this Chapter.

(Ord. 360, 11/23/2004, §1004)

### **§27-1006. General Sign Provisions.**

1. *Lots with Multiple Street Frontage.* In all zoning districts, lots fronting on more than one street shall be permitted to have one sign of authorized sign types as defined by Table 27-12, Table 27-13 or Table 27-14 for each street frontage.

2. *Visibility.* No sign shall be located in such a position that it will cause a hazard by obstructing visibility for traffic on a street or obscuring a traffic signal or other traffic control device. No sign, other than official traffic signs, shall hang over or be erected within the right-of-way of any street.

3. *Illumination.* Illumination, when authorized by this Chapter, shall be directed upon the sign face and not towards adjoining lots or streets. Flashing or oscillating signs shall not be permitted. Lighting shall be stationary and constant in intensity and color at all times. The intensity of any source of illumination of any sign, whether indirect or internal, shall be controlled so as to not create glare and to be compatible with the intensity of ambient light and illumination on surrounding lots.

4. *Maintenance and Inspection.* All signs must be constructed of a durable material, maintained in good condition and otherwise comply with the Township Property Maintenance Code [Chapter 5, Part 2].

5. *Removal of Signs.*

A. Whenever any business, activity or product on a lot is discontinued, vacated or no longer sold, all signs relating to the discontinued or vacated business shall be removed within 30 days of the vacation or discontinuance of the business or activity.

B. If the landowner and/or developer fails to remove the sign by the end of the thirty-sixth day, the landowner and/or developer shall be subject to the provisions of §27-1305.B(2)(a). If the landowner and/or developer fail(s) to remove the temporary sign by beginning of the forty-sixth day from which the permit had been issued, the Township shall be permitted to remove the sign at the owner's expense.

6. *Permits.* No permit shall be required for the following types of signs as described above: Notification, Real Estate, Political and Construction Signs erected by a governmental agency. Permits shall be required for all other signs authorized by § 27-1002 through §27-1004. The Zoning Officer shall issue the required permits upon submission of an application that complies with all applicable provisions of this Chapter and payment of the required fee established from time to time by Resolution of the Township Board of Supervisors.

7. *Expiration of Permits.* Any permit issued by the Zoning Officer for erection,

alteration, replacement or relocation of any sign shall expire automatically within 6 months of the date of issuance if work authorized by the permit has not been initiated and diligently pursued.

8. *Sign Location.* Except for billboards and political signs, as defined herein, where authorized by this Chapter, all signs shall be located on the premises which they are intended to serve.

(Ord. 360, 11/23/2004, §1005)

**§27-1007. Size Regulations of Major Signs.**

1. *Use Categories.* Land uses defined in Table 27-1, “Permitted Uses, Conditional Uses and Uses by Special Exception,” shall be classified within one of the following use categories. A complete listing of authorized land uses per use category is included within the Appendix 27-C of this Chapter. Use categories include:

- A. Commercial/office/industrial. See Table 27-11.
- B. Residential. See Table 27-12.
- C. Miscellaneous. See Table 27-13.

(Ord. 360, 11/23/2004, §1007)

**Table 27-11**

**Commercial/Office/Industrial Sign Regulations**

	Commercial/Office/Industrial			
Sign Type	Number of Signs (Maximum)	Maximum Size	Maximum Height	Restrictions
Development Plan Identification				
Ground	1 (per development)	60 sf	12 ft	Ground or Wall sign (not both), Wall sign may be affixed to decorative wall, Internally illuminated signs prohibited
Wall		24 sf	N/A	
Pole		Not Permitted		
Business/Occupation Identification				
Ground	1 ground or 1 pole (per lot)	1 sf/linear ft of front wall building width (120 sf maximum)	6 ft	10 ft from property line or ROW, requirements for vehicular visibility: 500 ft/30 ft (arterial/collector) 250 ft/25 ft (local) 200 ft/25 ft (service), if Ground sign, no Pole sign
Pole		60 sf (1 business) 80 sf (>1 business)	25 ft at top, 12 ft minimum at bottom	10 ft from property line or ROW, no portion of sign over ROW, 5 ft minimum for any sign dimension, if Pole sign, then no Ground sign
Wall	1 per building or business in building	2 sf/linear ft of front wall building width (200 sf maximum)	Below roofline	6 inch maximum projection from wall
Projecting or Arcade	1 (per business)	8 sf	N/A	for shopping centers/office complexes with roofed pedestrian accessway, marquee or exterior arcade
Building Identification				

		Commercial/Office/Industrial			
Sign Type		Number of Signs (Maximum)	Maximum Size	Maximum Height	Restrictions
Ground or Wall		1	20 sf	Below roofline	Multi-Tenant Building only
Directional (On-Premises)					
Ground		4 (per lot if lot <1 acre); 6 (per first acre if lot >1 acre) and 2 add'l (per each add'l lot acre or portion of an acre)	4 sf (per sign)	3 ft	
Display					
Changeable Copy	Ground	1 (lot)	32 sf	6 ft	permanently affixed to authorized Ground/Pole sign on the lot
Bulletin	Not Permitted				
Window		<50 ft frontage=3 50-100 ft frontage =5 >100 ft frontage=7	15 sf each	N/A	for commercial buildings only

**Table 27-12**

**Residential Signage**

		Residential		
Sign Type	Number of Signs (maximum)	Maximum Size	Restrictions	
Development Plan Identification				
Ground	1 (per development)	24 sf	Ground or Wall sign (not both), Wall sign may be affixed to decorative wall, Internally illuminated signs prohibited	
Wall				
Pole	Not Permitted	24 sf		
Business/Occupation Identification				
Ground	1 (per lot)	12 sf	for businesses other than home occupations and no-impact home-based businesses, maximum height of 4 ft	
Pole	Not Permitted			
Wall	1 (per dwelling unit)	1 sf	for home occupation	
Projecting or Arcade	Not Permitted			
Building Identification				
Ground or Wall	Not Permitted			
Directional (On-Premises)				
Ground	4 (per lot if lot <1 acre); 6 (per first acre if lot >1 acre) and 2 add'l (per each add'l lot acre or portion of an acre)	4 sf (per sign)	for lots with 2 or more multi-family buildings and/or 100 or more parking spaces	
Display				
Change-able Copy	Ground	Not Permitted		
Bulletin	Not Permitted			
Window	Not Permitted			

**Table 27-13**

**Miscellaneous Sign Size Regulations**

Sign Type	Other		
	Number of Signs (maximum)	Maximum Size	Restrictions
Development Plan Identification			
Ground	1 (per lot)	40 sf	12 ft height
Wall			Below roofline
Business/ Occupation Identification			
Ground	Not Permitted		
Wall	1 (per dwelling unit)	12 sf	Below roofline
Projecting or Arcade	Not Permitted		
Building Identification			
Ground or Wall	Not Permitted		
Directional (On-Premises)			
Ground	4 (per lot if lot <1 acre); 6 (per first acre if lot >1 acre) and 2 add'l (per each add'l lot acre or portion of an acre)	4 sf (per sign)	for lots with 2 or more nonresidential buildings and /or 100 or more parking spaces
Display			
Changeable Copy	Ground	Not Permitted	
Bulletin	1	24 sf	for public/semi-public building
Window	Not Permitted		

**§27-1008. Sign Packages, Permits, Fees and Procedures.**

1. All proposed development shall be required to submit a sign package to the Township for its approval prior to any sign permits being issued to businesses. This provision shall apply to new construction after the effective date of this Chapter and to the proposal of new or changes in signs of an existing use. Sign package shall mean a detailed description including, but not limited to, type, size, and location of all signs for

each unit within the complex/center, as well as the ground sign. The Township Land Use Administrator shall review all sign packages for completeness. Any application determined to be incomplete shall be returned to the applicant with a description of missing and/or incomplete items.

2. A sign permit shall be required in order to erect, install, relocate, modify or change any sign within the Township unless otherwise indicated in this Section. "Modify," as it is used herein, shall mean a cabinet or face replacement because of a change in the nature of the business or a change in the name and ownership of a business; or replacement of supporting structures.

3. The application for a permit shall be signed by the landowner and/or developer of the lot. The tenant of the lot, if not the landowner and/or developer, shall be permitted to sign the permit application if he can present notarized evidence that the tenant has permission to act on the landowner and/or developer behalf.

4. Failure to conform to the conditions of a sign permit, including any conditions and/or stipulations attached thereto shall render such permit void.

5. Fees for sign permits shall be required and payable in such sums as the North Fayette Township Board of Supervisors may from time to time establish by resolution. [Ord. 418]

6. No sign permit shall be valid or effective after 6 months from the date of issuance thereof and shall thereafter be void unless the sign is in place as of the expiration date.

7. To obtain a sign permit, a sign permit application must be completed and include the following information:

A. A drawing prepared to scale, of the proposed sign showing: all sign dimensions, including the height of the sign and grade level of base of sign; sign materials and colors.

(2) Lot plan showing proposed locations of sign.

(3) Any building elevations showing proposed location of sign.

(4) The sources of sign illumination and applicable details of the fixture and screening.

8. *Sign installation.* All signs shall be installed in accordance with good engineering practice which shall be the responsibility of the sign owner.

9. *Sign Maintenance.*

A. Every permitted sign must be constructed of durable material and kept in good condition and repair and otherwise comply with the Township Property Maintenance Code [Chapter 5, Part 2]. If the durability and/or condition of said sign is not improved within the time period defined by the Zoning Officer, the sign shall be removed by the Township at the expense of the owner or person in possession of the lot on which the sign is located. The Zoning Officer will notify the responsible party with a certified letter prior to any removal action being taken by the Township.

B. Any damaged sign shall be repaired within 60 days.

C. Any sign which has been damaged to such extent that it may pose an imminent hazard to passers by, as determined by the Zoning Officer, shall be repaired or removed immediately.

D. Any internally illuminated sign cabinets or sign panels which have been damaged shall remain nonilluminated until repaired.

E. Nonconforming signs shall only be repaired in accordance with §27-1103.D.

F. Failure to comply with these sign maintenance requirements shall constitute a violation of this Chapter.

10. *Size.*

A. The square footage of the sign shall refer to the area of the sign facing; including, any border or framing or decorative attachments but not including some architectural or landscaping element which otherwise meets zoning regulations and is clearly incidental to the sign itself. Size of individually mounted letters or logos shall be measured as the area enclosed by the smallest single rectangle or square which will enclose all sign copy and logos. Ground signs mounted as individual letters and/or graphics against a wall or fence incorporated in the landscaping of a building shall be measured from the outermost length and height dimensions of the sign.

B. The height of any decorative base or architectural or landscape feature erected to support or ornament the sign shall be measured at average grade as part of the sign height. Maximum sign height shall be measured from the existing or proposed average ground level to the top of the sign structure provided the ground level is not deliberately elevated to increase the height of the sign.

C. Ground signs installed perpendicular to a street may be double faced with the allowable square footage on each face. Double-faced signs that are erected at an angle to each other will be subject to the interpretation of the Zoning Officer as to whether they are intended as two signs or for all intents and purposes only constitute one sign for N/S, E/W orientation on the serving street.

D. Wall signs shall not exceed the width of the front of the building on which it is located and shall not protrude more than 12 inches from the facade on which the sign is mounted.

E. In no case shall a wall, projecting or awning sign exceed the height of building allowed in the zoning district.

F. Gasoline service stations shall be allotted 10 additional square feet to display price per gallon figures divided as they select between logo and prices on the one ground sign permitted on the lot.

G. Existing multi-tenant developments shall be permitted one permanent message board or an electronic variable message sign of 36 square feet in lieu of any temporary signs permitted by said land use. The additional sign area shall be either incorporated below the existing pole sign or installed as a ground-based sign subject to the regulations of minor permanent signs. A lot that has been granted a variance on sign size will not be eligible for this additional sign. New multi-tenant developments shall be required to incorporate this type of sign into their maximum ground sign allotment or concede all future use of temporary signs.

H. Automobile dealers are permitted one "used car" ground sign not to exceed 12 feet in height and 10 square feet in area; or, the 10 additional square feet can be incorporated into the existing sign to advertise used cars divided as the sign

owner selects.

I. Sign copy mounted or painted on an illuminated surface (including awnings) or illuminated architectural element of a building shall be measured as the entire illuminated surface or architectural element which contains sign copy. A nonilluminated sign placed on an awning shall be measured as if placed on any other architectural element.

11. *Lighting and Movement.*

A. Signs which incorporate in any manner any flashing or moving illumination, or illumination which varies in intensity and signs which have visible movement achieved by electric pulsations or by actions of normal wind currents shall comply within the regulations of the subsection unless otherwise noted. This regulation shall also apply to waving banners, fluttering appurtenances and balloons or other special devices. Banners used as temporary signs are permitted as long as they are secured and not waving or fluttering and comply with maximum size permitted. National, State or municipal flags shall not be considered a banner.

(1) Externally illuminated, building mounted signs may be illuminated by either ground-mounted lights or building-mounted light bars. In either situation the light source shall be totally screened from view.

(2) Externally illuminated freestanding signs shall be illuminated by ground-mounted lights, with the light source being totally screened from view.

(3) Electronic variable message signs, meaning an electrically activated sign whose message content, either in whole or in part, may be changed by means of electronic programming are permitted provided:

(a) Informational content shall be alphabetic or numeric only.

(b) Messages shall not change at a frequency of more than 12 times per hour; except for time and temperature signs.

12. *Signage placement.*

A. No sign shall be placed, erected or located so that:

(1) It is pasted, stapled or otherwise attached to public utility poles or trees within the street right-of-way line.

(2) It is on a public lot or public rights-of-way, unless erected by a governmental body, or unless required to be so located by order of a governmental body.

(3) It is painted on, attached to, or supported by a tree, stone, cliff or other natural objects.

(4) It is displayed on a vehicle parked and visible from a public right-of-way unless the vehicle is used for the normal day-to-day operation of a business on the premises. The intent of this provision is to prohibit the use of a sign on a vehicle to circumvent sign limits on a lot.

B. Signage for ground signs shall be set back 16 feet from the paved cartway of any street in the B-2 Districts and in all other zoning districts shall be set back a minimum of 10 feet from the paved cartway of any street.

C. Sign font and logos shall not be legible from the rear of the sign.

D. Signage shall not be lettered or painted directly upon the wall or any other

part of the building except for windows.

E. Building signs in nonresidential districts shall be placed on the front face of the building only, except in instances where the entrance door to the business is on the side or the rear of the building. However, no signs in nonresidential districts may face an immediately adjacent residential zoning district.

F. Illuminated window signs shall include lit signs placed inside a window facing the exterior of the building. A permit shall be required only for illuminated window signs.

(1) Illuminated window signs shall not be placed above the ground floor of the building and/or more than 10 feet above grade level of the building.

(2) Illuminated window signs shall not exceed a size of 16 square feet. Anything exceeding this size shall be deemed the building sign to which the business is entitled. Any combination of illuminated window signs grouped in an area not to exceed 16 square feet will be permitted.

### 13. *Sign Landscaping.*

A. *Ground Sign.* For each visible sign face, the landowner and/or developer shall provide landscaping equivalent to 1 and 1.5 square feet for each square foot of sign area. Landscaping shall consist of a combination of deciduous and evergreen ornamental grasses, groundcover and/or small shrubs. Turf grass shall not be considered as landscaping for ground signs.

B. *Pole Sign.* See §27-703.OO.

14. *Liability.* The provisions of this Section shall not be construed as relieving or limiting in any way the responsibility or liability of any person, firm or corporation, erecting or owning any sign, or resulting from the negligence or willful acts of such person, firm or corporation, its agents, employees or workmen, in the construction, maintenance, repair or removal of any sign erected in accordance with a permit issued hereunder. Nor shall issuance of such permit be construed as imposing on the Township or its offices or employees, any responsibility or liability by reasons of approval of any sign's structural integrity, construction methods, materials, electrical or mechanical devices or other components which shall be the sole responsibility of the person, firm or corporation erecting, owning, repairing or removing such sign.

(*Ord. 360, 11/23/2004, §1007; as amended by Ord. 418, 1/29/2014*)

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**Part 11****Nonconforming Uses, Structures and Lots****§27-1101. Applicability.**

This Part shall apply to all nonconforming uses, structures, and lots as defined by this Chapter. Nothing contained herein shall require any change in the overall layout, plans, construction, size or designated use of any development, building, structure or part thereof for which official approval and required permits have been granted prior to the effective date of this Chapter or any amendment thereto.

(Ord. 360, 11/23/2004, §1100)

**§27-1102. Nonconforming Uses.**

These regulations shall apply to any of a structure or lot in any zoning district which is a nonconforming use as defined by this Chapter. Whenever the boundaries of a zoning district shall be changed so as to transfer an area from one zoning district to another of a different classification, these regulations shall also apply to any uses which thereby become nonconforming:

A. *Continuation.* Where, at the effective date of adoption or amendment of this Chapter, a lawful use of a lot or structure exists that is made no longer permissible under the terms of this Chapter as enacted or amended, such use may be sold or otherwise transferred to other owners and may be continued as long as it remains otherwise lawful.

B. *Enlargement or Expansion.*

(1) No nonconforming use of a lot or structure shall be enlarged or increased or extended to occupy a greater area than was occupied at the effective date of adoption or amendment of this Chapter, unless the Township Zoning Hearing Board, after public hearing, shall interpret that the enlargement or extension is necessary by the natural expansion and growth of trade of the nonconforming use. Any such enlargement or expansion shall conform to the area, height and yard requirements of the zoning district in which it is located.

(2) No nonconforming use shall be moved in whole or in part to any other portion of the lot occupied by such use at the effective date of adoption or amendment of this Chapter.

(3) Any nonconforming use may be extended throughout any part of a structure which was designed for such use at the time the use became nonconforming; however, a nonconforming use shall not be extended to occupy any structure, except on a lot or portion of a lot owned at the time the use became nonconforming.

C. *Change of Use.* A nonconforming use shall not be changed unless to a conforming use, except as permitted by the Township Zoning Hearing Board in accordance with the following:

(1) The new use will more closely correspond to the uses permitted in the district.

(2) The changed use will be in keeping with the character of the neighborhood in which it is located.

(3) When a nonconforming use is changed to a conforming use, the use thereafter shall not be changed to a nonconforming use. Any change from one nonconforming use to another shall comply with the parking requirements of Part 2 of this Chapter for the use and shall be subject to the area, bulk and bufferyard regulations for such use in the district where such use is authorized.

D. *Abandonment.* When a nonconforming use of a structure and/or lot is discontinued or abandoned for 12 consecutive months or for 18 months during any 3-year period, the structure and/or lot shall not thereafter be used, except in conformance with the regulations of the zoning district in which it is located.

E. *Damage or Destruction.* In the event that damage or destruction of a structure in which a nonconforming use is conducted involves 75 percent or less of the total floor area of the structure, repairs or reconstruction may be undertaken, provided that such restoration is started within 12 months of the date of destruction. In the event that a structure in which a nonconforming use is conducted is damaged or destroyed by fire or other means to an extent of more than 75 percent of its total floor area, the structure shall be reconstructed only to house a conforming use.

(Ord. 360, 11/23/2004, §1101)

### **§27-1103. Nonconforming Structures.**

These regulations shall apply to all nonconforming structures as defined by this Chapter in all zoning districts:

A. *Structural Alteration.* No such structure may be enlarged or structurally altered in a way which increases its nonconformity.

B. *Damage or Destruction.* Any nonconforming structure which has been partially or completely damaged or destroyed by fire or other means may be rebuilt or repaired on its existing foundation even though such foundation may violate the setback requirements for the zoning district in which the structure is located, provided that the repair or reconstruction and reoccupancy of the structure occurs within 18 months of the date that the original structure was damaged or destroyed.

C. *Moving.* Should such structure be moved for any reason for any distance whatever, it shall thereafter conform to the requirements of the zoning district in which it is located.

D. *Signs.*

(1) Nonconforming signs may be repaired or reconstructed, provided that no structural alterations are made which increase the gross surface area of the sign; however, nonconforming signs which are damaged or destroyed to an extent of more than 50 percent of their replacement cost at the time of destruction shall not be reconstructed except in conformity with the provisions of this Chapter.

(2) Nonconforming signs may not be enlarged, added to or replaced by another nonconforming sign, use or structure, except that the interchange of

poster panels shall be permitted.

(3) A sign on a nonconforming use may be continued, but the size or shape of such a sign, shall not be modified.

(4) A sign which is nonconforming as to location on a lot or building shall not be enlarged.

(5) Whenever any use of a building, structure or land ceases, all nonconforming signs may be removed by the Township at the expense of the owner or person in possession of the lot on which said sign is located after official notification.

E. *Repair or Maintenance.* Nothing in this Chapter shall be deemed to prevent the strengthening or restoring to a safe condition of any structure or part thereof declared to be unsafe by any official charged with protecting the safety of the public.

(Ord. 360, 11/23/2004, §1102)

#### **§27-1104. Nonconforming Lots.**

1. Any lot of record existing at the effective date of this Chapter, and held in separate ownership different from the ownership of adjoining lots, may be used for the erection of a structure conforming to the use regulations of the zoning district in which it is located, without a lot area or lot width variance, even though its lot area and width are less than the minimum required by this Chapter; however, such lot must comply with the front, rear and side yards, height and lot coverage standards of the zoning district wherein it is located.

2. Where structures exist on adjacent nonconforming lots of record which have front yards less than the minimum depth required, the minimum front yard for an adjacent undeveloped nonconforming lot of record shall be the average depth of the nonconforming front yards on the immediately adjacent developed nonconforming lots on either side of the undeveloped lot; provided, however, that in no instance shall the front yard be less than 50 feet from the centerline of any public street.

(Ord. 360, 11/23/2004, §1003)

#### **§27-1105. Registration of Nonconformity.**

1. The owner of a nonconforming use shall make an application for registration of the nonconforming use and upon presentation of documentation acceptable to the Township Zoning Officer that the use was lawfully in existence prior to the effective date of this Chapter or any amendment which created the nonconformity, the Township Zoning Officer shall register the same on a map and by Allegheny County Deed and Assessment Registry block and lot number as a legal nonconforming use.

2. In the course of administering this Chapter and reviewing applications for zoning certificates or variances, the Township Zoning Officer shall register all nonconforming structures and nonconforming lots as they become known through the application process.

(Ord. 360, 11/23/2004, §1104)



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**Part 12****Rezoning and Ordinance Amendments****§27-1201. 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.

(Ord. 360, 11/23/2004, §1200)

**§27-1202. 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 the Subdivision and Land Development Ordinance [Chapter 22], unless otherwise specified by the Township Land Use Administrator.

(Ord. 360, 11/23/2004, §1201)

**§27-1203. 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.

(Ord. 360, 11/23/2004, §1202)

**§27-1204. 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:

A. *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:

(1) The rezoning of a nonresidential parcel, or contiguous parcel(s), that totals 1 acre or less and is not located on one of the Township's primary roadways as specified in Part 2 of this Chapter.

(2) The rezoning of an existing residential parcel, or contiguous parcel(s), that totals 10 acres or less to either the zoning district R-R, R-1 or R-2 classification.

B. *Major Applications.* Any rezoning project that does not meet either of the criteria in §27-1204.A is a major application.

C. *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 §27-1205.

**Table 27-14**

**Rezoning Requirements**

<b>Plans, Analyses and Reports</b>	<b>Minor Application</b>	<b>Major Application</b>
Preliminary Plat (§27-1204.1)	X	X
Topographic Survey (§27-1204.2)	X	X
Site Conditions Report (§27-1204.3)	X	X
Infrastructure Demand Statement (§27-1204.4)	X	X
Conceptual Development Plan (§27-1204.5)		X
Buildable Area Analysis (§27-1204.6)		X
Fiscal Impact Analysis (§27-1204.7)		X
Slope Stability Investigation (§27-1204.8)		X
Phase One Environmental Assessment (§27-1204.9)		X
Traffic Report (§27-1204.10)		X

(Ord. 360, 11/23/2004, §1203)

**§27-1205. Rezoning Applications Plans, Analyses and Reports.**

The plans, analyses and reports to be submitted as part of a minor application shall include paragraph .A through paragraph .D; a major application shall include paragraph .A through paragraph .J.

A. *Preliminary Plat.* See North Fayette Township Subdivision Ordinance [Chapter 22].

B. *Topographic Survey.* Contours shall be illustrated at intervals of elevation of not more than 5 feet where the slope is greater than 10 percent and at intervals of not more than 2 feet where the slope is 10 percent or less.

C. *Site Conditions Report.* 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.

D. *Infrastructure Demand Statement.*

(1) The infrastructure demand statement shall be submitted to the Township, containing the following information:

(a) Predevelopment data for overall Township demand.

1) Estimated gallons of sanitary sewage created per average day.

2) Estimated gallons of potable water consumed/utilized per average day.

3) Estimated number of school age children.

4) Estimated total residents and/or employees.

(b) Post-development data for overall Township demand.

1) Estimated gallons of sanitary sewage created per average day.

2) Estimated gallons of potable water consumed/utilized per average day.

3) Estimated number of school age children.

4) Estimated total residents and/or employees.

E. *Conceptual Development Plan.* See the North Fayette Township Subdivision Ordinance [Chapter 22].

F. *Buildable Area Analysis.* See Part 5 of this Chapter.

G. *Fiscal Impact Analysis.* 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.

H. *Slope Stability Investigation*. See the North Fayette Township Subdivision Ordinance [Chapter 22].

I. *Phase One Environmental Assessment*.

(1) *Purpose*. An environmental site assessment evaluates whether a property is likely to have suffered environmental degradation. It involves nonintrusive investigative techniques to establish whether the property is likely to be contaminated and if so, to initiate the next level of environment assessment.

(2) *Content*. See the North Fayette Township Subdivision Ordinance [Chapter 22].

J. *Traffic Report*. To complete a traffic network analysis, a rezoning applicant shall provide the following:

(1) Any proposed zoning change, which will generate, on the average, 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 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:

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

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

- a) Roadway network and traffic control.
  - b) Existing traffic volumes in terms of peak hours and average daily traffic (ADT).
  - c) Planned roadway improvements by others.
  - d) Intersection levels of service.
  - e) Other measures of roadway adequacy; i.e., lane widths, traffic signal warrants, vehicle studies, etc.
- 3) Proposed site-generated traffic volumes in terms of:
- a) Peak hours and ADT (by development phase if required).
  - b) Arrival/departure distribution including method of determination.
  - c) Site traffic volumes on study roadways.
- 4) An analysis of future traffic conditions including:
- a) 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.
  - b) Future design year, or years, with phasing, combined traffic volumes (site traffic plus future roadway traffic). Design year is projected to 10 years beyond the expected opening year of the development or change in use.
  - c) Intersection levels of service for opening year conditions and design year conditions.
  - d) Roadway levels of service on roadway segments within the defined study.
  - e) A pavement analysis of roadways which are projected to experience significant increase in ADT volumes off-site.
  - f) Other measures of roadway adequacy; i.e., lane widths, traffic signal warrants, vehicle delay studies, etc.
  - g) When access is onto a State road, the analysis of future conditions shall be consistent with Pennsylvania Department of Transportation requirements.
- 1) 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.
- a) Traffic capacity LOS shall be based upon both future opening year and design year analysis.
  - b) 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.

c) 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.

d) 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.

e) 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.

6) A description and analysis of the proposed access plan and land development plan including:

a) 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.

b) On-site circulation plan showing parking locations and dimension, loading access, circulation roadway and traffic control.

7) A traffic circulation mitigating action plan shall include:

a) Project features relative to site access and on-site circulation which could be modified to maximize positive impact or minimize negative impact.

b) Off-site improvement plan depicting required roadway and signal installation and signing improvements to meet the minimum level of service requirements.

(Ord. 360, 11/23/2004, §1204)

#### **§27-1206. 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.

(Ord. 360, 11/23/2004, §1205)

#### **§27-1207. Amendments.**

1. *General.* The Township Board of Supervisors may introduce and consider amendments to this Chapter and to the Official Zoning Map as proposed by a Supervisor, by the Township Planning Commission or by a petitioner of a landowner within the Township.

2. *Petitions.* Petitions for amendment shall be filed with the Township Planning Commission, and the petitioner, upon such filing, shall pay an advertising deposit and

a filing fee in accordance with a schedule affixed from time to time by Resolution of the Township Board of Supervisors. The Township Planning Commission shall review the proposed amendment and report its findings and recommendations in writing to the Township Board of Supervisors and to the Petitioner.

3. *Referral.*

A. *Referral to Township Planning Commission.* Any proposed amendment introduced by a Supervisor without written findings and recommendations from the Township Planning Commission shall be referred to the Township Planning Commission for review at least 30 days prior to public hearing by the Township. The Township Planning Commission shall report its findings and recommendations in writing to the Township Board of Supervisors within such reasonable time prior to the public hearing as the Township Board of Supervisors may specify in the referring action.

B. *Referral to County Planning Agency.* The proposed amendment shall be submitted to the County Planning Agency for recommendations at least 30 days prior to the public hearing on the amendment by the Township Board of Supervisors.

4. *Posting of Property.* In the case where a proposed amendment involves the rezoning of a lot, a minimum of five public notices or a number otherwise defined by the Township Land Use Administrator shall be posted in conspicuous locations on and around the affected lot for a minimum of 7 days prior to the date of the public hearing.

5. *Action.*

A. Before acting upon a proposed amendment, the Township Board of Supervisors shall hold a public hearing thereon.

(1) Notice of such public hearing, containing a brief summary of the proposed amendment and a reference to the place where copies of the same may be examined, shall be published once each week for 2 successive weeks in a newspaper of general circulation in the Township. The first publication shall be no more than 30 days and the second notice shall be not less 7 days prior to the date of hearing.

(2) Publication of the proposed ordinance or amendment shall include either the full text thereof or the title and a brief summary, prepared by the Township Solicitor and setting forth all the provision in reasonable detail. If the full text is not included:

(a) A copy thereof shall be supplied to a newspaper of general circulation in the Township at the time the public notice is published.

(b) An attested copy of the proposed ordinance shall be filed in the County law library or other County office designated by the Allegheny County Commissioners, who may impose a fee no greater than that necessary to cover the actual costs of storing said ordinances.

B. In addition to the requirement that notice be posted in accordance with subsection .5.A, where the proposed amendment involves a zoning map change, notice of the public hearing shall be mailed by the municipality at least 30 days prior to the date of the hearing by first class mail to the addresses to which real estate tax bills are sent for all real property located within the area being rezoned, as evidenced by tax records within the possession of the Township. The notice shall

include the location, date and time of the public hearing. A good faith effort and substantial compliance shall satisfy the requirements of this subsection.

C. If, after any public hearing held upon an amendment, the proposed amendment is changed substantially, or is revised, to include land previously not affected by it, the Township Board of Supervisors shall hold another public hearing, pursuant to public notice, before proceeding to vote on the amendment.

(1) The governing body shall, at least 10 days prior to enactment, re-advertise, in one newspaper of general circulation in the Township, a brief summary setting forth all the provisions in reasonable detail together with a summary of the amendments.

6. *Mediation.* The Township may offer a mediation option as an aid in completing proceedings authorized by this Part. In exercising such an option, the Township and the mediating parties shall meet the stipulations and follow the procedures set forth in §27-1309 of this Chapter.

7. *Filing Amendment with County Planning Agency.* Within 30 days after enactment, a copy of the amendment to this Chapter shall be forwarded to the County Planning Agency.

8. *Landowner Curative Amendments.*

A. A landowner who desires to challenge on substantive grounds the validity of a zoning ordinance or map or any provision thereof, which prohibits or restricts the use or development of land in which he has an interest may submit a curative amendment to the governing body with a written request that his challenge and proposed amendment be heard and decided in accordance with §916.1 of the MPC, 53 P.S. §10916.1, as amended.

B. All procedures regarding landowner curative amendments shall be conducted in accordance with §609.1 of the MPC, 53 P.S. §10609.1, as amended.

9. *Municipal Curative Amendments.* If the Township Board of Supervisors determines that this Chapter or a portion thereof is substantially invalid, it may implement the procedure for municipal curative amendments provided for in §609.2 of the MPC, 53 P.S. §10609.2, as amended.

(Ord. 360, 11/23/2004, §1206)

**Part 13****Administration and Enforcement****§27-1301. Township Board of Supervisors.**

*Duties and Power.* The Township Board of Supervisors shall have the duties and power to:

- A. Amend the Comprehensive Plan for the Township.
- B. Enact or amend an Official Map, a Zoning Ordinance, an Official Zoning Map, a Subdivision Ordinance, PRD and PNRD Ordinances, Building Code(s), and a Housing Code, in accordance with this Chapter, other Township Ordinances, and the laws of the Commonwealth of Pennsylvania.
- C. Appoint a Township Zoning Hearing Board, a Township Planning Commission (Commission), and approve the appointment of a Township Land Use Administrator in accordance with the prescribed rules of the Municipalities Planning Code, 53 P.S. §10101 *et seq.*, and remove Board or Commission members. [Ord. 418]
- D. Establish a Planning Department of such employees as may be necessary to carry out the purpose of this Chapter and other land use ordinances of the Township.
- E. Appropriate funds to finance the preparation of zoning ordinances and for administration, for enforcement and for actions to support or oppose, upon appeal to the courts, decisions of the Township Zoning Hearing Board.
- F. May utilize grants, monetary donations or volunteer services from private sources and from County, State and Federal Governments for the purposes of completing physical or policy improvements in the Township.
- G. May prescribe by ordinance reasonable fees with respect to the administration of a Zoning Ordinance and with respect to hearings before the Township Zoning Hearing Board. Fees for these hearings may include compensation for the secretary and Township Zoning Hearing Board members, notice/advertising costs and necessary administrative overhead connected with the hearing. The costs, however, shall not include legal expenses of the Township Zoning Hearing Board, expenses for engineering, architectural or other technical consultants or expert witness costs.
- H. Shall hear and render final adjudication in the following matters:
  - (1) Applications for conditional use after referral to the Township Planning Commission for a Recommendation.
  - (2) Lot plans for conditional uses.
  - (3) Amendments to this Chapter.
  - (4) Applications for landowner curative amendments to this Chapter after referral to the Township Planning Commission for recommendation; unless the Applications are submitted to the Township Zoning Hearing Board.
  - (5) Municipal curative amendments.

(6) Appeals from the decision of the Township Zoning Officer or the Township Engineer in the administration of any land use ordinance or provisions thereof with reference to sedimentation and erosion control and stormwater management insofar as the same relate to application for final approval of a land development under the Subdivision and Land Development Regulations [Chapter 22].

(7) Applications for special permits.

(Ord. 360, 11/23/2004, §1300; as amended by Ord. 418, 1/29/2014)

### **§27-1302. Township Planning Commission.**

#### *1. Membership.*

A. The membership of the Township Planning Commission (Commission) shall consist of five residents of the Township. Their terms of the office shall be 5 years and shall be so fixed that one position is up for appointment each year.

B. Appointments to fill vacancies shall only be for the unexpired portion of the term.

#### *2. Conduct of Business.* The Commission shall:

A. Elect its own chairman and vice-chairman as well as create and fill such other offices as it may determine. Officers shall serve annual terms and may succeed themselves.

B. May make and alter by-laws and rules consistent with Township ordinances and laws of the Commonwealth of Pennsylvania.

C. Shall keep a full record of its business and shall annually make a written report by March 1 of each year of its activities to the Township Board of Supervisors. In addition to a summary of actions on applications, such record should include an analysis of the cumulative effect of the applications and other planning activities completed or recommended for the future.

D. Shall make interim reports to the Township Board of Supervisors as often as necessary or as requested by Township Board of Supervisors.

E. May hold public hearings as required by law or as they deem necessary.

F. In the performance of its duties and power, any act or recommendation which involves engineering consideration and compliance with this Chapter, shall be subject to the review and comments of the Township Engineer, which shall be incorporated and separately set forth in any report, written act, or recommendation of the Commission.

#### *3. Duties and Power.* The Township Planning Commission shall at the request of Township Board of Supervisors have the power and shall be required to:

A. Prepare or amend a Comprehensive Plan for the development of the Township, as set forth in the Municipalities Planning Code, 53 P.S. §10101 *et seq.*, and present it to Township Board of Supervisors.

B. Maintain and keep on file records of its action.

C. May perform these duties outlined in §209.1 of the Municipalities Planning Code, 53 P.S. §10209.1, including:

(1) Make recommendations to the Township Board of Supervisors

concerning the adoption or amendment of an Official Map.

(2) Prepare and present to the Township Board of Supervisors a Zoning Ordinance and an Official Zoning Map and make recommendations to the Township Board of Supervisors on proposed amendments to it.

(3) Prepare, recommend and administer Subdivision and Land Development Regulations [Chapter 22].

(4) Prepare and present to the Township Board of Supervisors a building code and a housing code and make recommendations concerning proposed amendments thereto.

(5) Do such other acts or make such studies as may be necessary to fulfill the duties and obligations imposed by the Pennsylvania Municipalities Planning Code, 53 P.S. §10101 *et seq.*

(6) Prepare and present to the Township Board of Supervisors any environmental studies that may be appropriate to examine or identify recommended cautionary or preventative measures.

(7) Submit to the Township Board of Supervisors a recommended capital improvements program.

(8) Prepare and present to the Township Board of Supervisors a water survey, which shall be consistent with the State Water Plan and any applicable water resources plan adopted by a river basin commission. The water survey shall be conducted in consultation with any public water supplier in the area to be surveyed.

(9) Promote public interest in, and understanding of, the comprehensive plan and community planning process.

(10) Make recommendations to governmental, civic and private agencies and individuals as to the effectiveness of the proposals of such agencies and individuals.

(11) Hold public hearings and meetings.

(12) Present testimony before any board.

(13) Require from other departments and agencies of the Township such available information as relates to the work of the Planning Department.

(14) In the performance of its functions, enter upon any land to make examinations and surveys with the consent of the landowner and/or developer.

(15) Prepare and present to the Township Board of Supervisors a study regarding the feasibility and practicability of using renewable energy sources in specific areas within the Township.

(16) Review the Zoning Ordinance, the Official Zoning Map, the Subdivision Ordinance, the Official Map, provisions for PRD and PNRD, and such other ordinances and regulations governing the development of land no less frequently than it reviews the Comprehensive Plan.

D. Conduct such other powers delegated by the Township Board of Supervisors and/or referenced in this Chapter or other Township Ordinances.

(*Ord. 360, 11/23/2004, §1301*)

**§27-1303. Township Manager.**

Under this Chapter, the Township Manager shall have the duties of:

A.. Appointing a Township Zoning Officer and Township Land Use Administrator.

B. Informing the Township Board of Supervisors in regular intervals in regard to the planning, use and design of the Township's buildings, land and property.

(*Ord. 360, 11/23/2004, §1302*)

**§27-1304. Township Land Use Administrator.**

1. *Role.* The Township Land Use Administrator, in addition to being the administrator of the Planning Department, shall exercise only those powers and be subject to only those duties specifically conferred by ordinance.

2. *Duty.* The duties of the Township Land Use Administrator in administering this Chapter shall be:

A. Preparation and modification of Township maps and Zoning Ordinances.

B. Highway layout.

C. Traffic and parking problems.

D. Use design and layout of Township structures, buildings, land, parks and other Township lot.

E. The zoning enforcement and ICC International Property Maintenance Code enforcement operations.

3. The Township Land Use Administrator shall make an annual report to the Township Board of Supervisors by February 15 of each year regarding all land use and rezoning applications for the previous year.

(*Ord. 360, 11/23/2004, §1303*)

**§27-1305. Township Zoning Officer.**

The Township Zoning Officer shall be appointed by the Township Board of Supervisors and shall hold no elective office in the Township. The Township Zoning Officer shall meet the qualifications established by the Township and shall be able to demonstrate, to the satisfaction of the Township and a working knowledge of municipal zoning.

A. *Role of Zoning Officer.*

(1) Administer and enforce the provisions of this Chapter.

(2) Institute civil enforcement proceedings as a means of enforcement when acting within the scope of his/her employment.

(3) Issue zoning certificates, building permits, certificates of occupancy and sign permits.

(4) Maintain a permanent file of all zoning certificates, zoning permits, occupancy permits, sign permits, building permits and applications as public records.

(5) Register and record nonconforming uses.

(6) Inspect all land and structures for which a zoning certificate, building permits, occupancy permit or sign permit has been applied for or issued to determine compliance with this Chapter and make all the inspections necessary to enforce the provisions of this Chapter.

B. *Enforcement.*

(1) *Enforcement Notice.* The enforcement notice shall contain the following information:

(a) The name of the owner of record and any other person against whom the municipality intends to take action.

(b) The location of the lot in violation.

(c) The specific violation with a description of the requirements which have not been met, citing in each instance the applicable provisions of this Chapter.

(d) The date before which the steps for compliance must be commenced and the date before which the steps must be completed.

(e) That the recipient of the notice has the right to appeal to the Township Zoning Hearing Board within a prescribed period of time in accordance with procedures set forth in this Chapter.

(f) That failure to comply with the notice within the time specified, unless extended by appeal to the Township Zoning Hearing Board, constitutes a violation, with possible sanctions clearly described.

(1) *Enforcement Remedies.*

(a) Any person, partnership or corporation who or which has violated or permitted the violation of the provisions of this Chapter shall, upon being found liable therefor in a civil enforcement proceeding commenced by the Township, pay a judgment of not more than \$500 plus all court costs, including reasonable attorney fees incurred by the Township as a result thereof. No judgment shall commence or be imposed, levied or be payable until the date of the determination of a violation by the magisterial district judge. If the defendant neither pays nor timely appeals the judgment, the Township may enforce the judgment pursuant to the applicable rules of civil procedure. Each day that a violation continues shall constitute a separate violation, unless the magisterial district judge, determining that there was a good faith basis for the person, partnership or corporation violating this Chapter to have believed that there was no such violation, in which event there shall be deemed to have been only one such violation until the fifth day following the date of the determination of a violation by the magisterial district judge and thereafter each day that a violation continues shall constitute a separate violation. All judgments, costs and reasonable attorney fees collected for the violation of this Chapter shall be paid over to the Township. [*Ord. 418*]

(b) The Court of Common Pleas, upon petition, may grant an order of stay, upon cause shown, tolling the per diem fine pending a final adjudication of the violation and judgment.

(c) Nothing contained in this subsection shall be construed or

interpreted to grant to any person or entity other than the Township the right to commence any action for enforcement pursuant to this subsection.

(3) *Other Remedies.* In case any building, structure, landscaping or land is, or is proposed to be, erected, constructed, reconstructed, altered, converted, maintained or used in violation of this Chapter, the Township Board of Supervisors, or with the approval of the Township Board of Supervisors, an officer of the Township, or any aggrieved owner or tenant of real property who shows that his property or person will be substantially affected by the alleged violation, in addition to other remedies, may institute any appropriate action or proceeding to prevent, restrain, correct or abate such building, structure, landscaping, or land, or to prevent, in or about such premises, any act, conduct, business or use constituting a violation. When any such action is instituted by a landowner or tenant, notice of that action shall be served upon the municipality at least 30 days prior to the time the action is begun by serving a copy of the complaint on the governing body of the municipality. No such action may be maintained until such notice has been given.

C. *Zoning Certificates.*

(1) A zoning certificate shall be obtained before any person may:

- (a) Occupy or use any vacant land except for agricultural purposes.
- (b) Occupy or use any structure hereafter constructed, reconstructed, moved altered or enlarged.
- (c) Change the use of a structure or land to a different use.
- (d) Change a nonconforming use.
- (e) Construct, reconstruct, move, structurally alter or enlarge any structure or building.

(2) Application for a zoning certificate for all uses other than a single-family or two-family dwelling shall be accompanied by a development plan, as defined herein, together with a filing fee in accordance with a schedule affixed from time to time by a Resolution of the Township Board of Supervisors.

(3) Any proposed use or expansion or change of any existing use which is authorized in a zoning district as a conditional use or use by special exception shall require approval of the conditional use or use by special exception in accordance with the procedures specified in Parts 7 or 8 of this Chapter as a prerequisite to issuance of a zoning certificate by the Zoning Officer.

D. *Zoning and Occupancy Permits.*

(1) *General.*

(a) No use of land shall be made, no building or structure shall be constructed, reconstructed, altered, remodeled, enlarged, moved, occupied or used, no existing use of a building, structure or lot shall be changed, no nonconforming use shall be changed, enlarged or extended, and no retaining wall shall be constructed, reconstructed, altered or moved until a zoning and occupancy permit has been issued by the Zoning Officer.

(b) Applications for said occupancy permit shall be made at the Municipal Building and upon the payment of the required fee established from time to time by Resolution of the Township Board of Supervisors.

(c) Where a change in occupancy or use of any structure or lot in any district, whether or not there is any construction, reconstruction, structural alteration or movement of the structure, will generate, on the average, an additional 20 peak hour trips on any adjacent street, the applicant shall comply with applicable requirements of the Township Subdivision and Land Development Ordinance [Chapter 22], which is incorporated herein by reference, prior to the issuance of a zoning and occupancy permit.

(d) Any permit issued in conflict with the provisions of this Chapter shall be null and void.

(2) *Permit Application and Issuance Procedure.*

(a) Whenever the proposed activity, whether new construction or alteration of an existing use requires a building permit under the North Fayette Township Code, the application for the zoning and occupancy permit shall be made prior to or simultaneously with the application for the building permit. However, the building permit shall not be issued until the zoning and occupancy permit has been granted.

(b) When no building permit is required, the application for the zoning and occupancy permit may be made at any time prior to the use or occupancy of the building, structure or property.

(c) Permit applications shall be submitted in writing on such forms or in such format as established by the Township. The Zoning Officer may request any information necessary to determine the application's compliance with this Chapter, the North Fayette Township Code and any ordinance of the Township.

(d) The Zoning Officer shall not issue the zoning and occupancy permit unless the property complies with all provisions and requirements of this Chapter, the Township Construction Code [Chapter 5, Part 1], the Township Property Maintenance Code [Chapter 5, Part 2], the Township Subdivision and Land Development Ordinance [Chapter 22], the North Fayette Township Code and all other applicable Township, County, State and Federal laws, ordinances and regulations, and until all other required approvals and permits have been obtained from applicable Township, County, State and Federal agencies. The applicant shall submit copies of all such required approvals and permits to the Zoning Officer.

(e) Where approvals are not required by other Township agencies or governmental entities, the Zoning Officer shall review and approve or disapprove the application. However, the Zoning Officer may seek the advice and recommendations of the Planning Commission on any application.

(f) Upon completion of the applied-for work, the applicant shall notify the Zoning Officer who shall examine the building, structure and/or use of the property involved to determine compliance with any conditions of the Zoning and Occupancy Permit, and with the provisions of this Chapter and all other applicable provisions of the North Fayette Township Code and Township ordinances.

(g) As a precondition to the issuance of any zoning and occupancy permit, a landowner shall permit the Zoning Officer to inspect both the exterior and interior of the property, as deemed necessary by the Zoning Officer. Any failure or refusal to permit such inspection shall result in denial of any application for a zoning and occupancy permit.

(3) *Period of Validity.* A zoning and occupancy permit shall become null and void unless the construction, reconstruction, alteration, remodeling, use or occupancy of the subject building, structure and/or property is commenced within 6 months of the date of issuance, unless an extension of this time period is granted in writing by the Zoning Officer. The Zoning Officer may place reasonable conditions on any such written time extension.

E. *Fees.* The Township Board of Supervisors shall establish and revise, from time to time, a schedule of fees by Resolution, as well as a collection procedure, for all applications submitted under the provisions of this Chapter. The schedule of fees shall be available to the public from the Zoning Officer or the Township Secretary.

F. *Method of Appeal.* Any person or Township Official aggrieved or affected by any provision of this Chapter, or by any decision of the Zoning Officer, may appeal to the Township Zoning Hearing Board by filing a notice of appeal specifying the grounds thereof in accordance with the provisions of §27-1306.4 of this Chapter.

(Ord. 360, 11/23/2004, §1304; as amended by Ord. 418, 1/29/2014)

### **§27-1306. Township Zoning Hearing Board.**

1. *General.* In accordance with law, the Township Board of Supervisors shall appoint and organize a Township Zoning Hearing Board, which said Township Zoning Hearing Board may adopt rules to govern its procedure. The Township Zoning Hearing Board shall hold meetings, keep minutes and, pursuant to public notice, shall conduct hearings, compel the attendance of witnesses, take testimony under oath, and render decisions in writing within 45 days after hearing or continued hearing, in accordance with the requirements of Article IX of the Pennsylvania Municipalities Planning Code, 53 P.S. §10901 *et seq.* A fee shall be charged in accordance with a schedule affixed by Resolution for any appeal or proceeding filed with the Township Zoning Hearing Board.

2. *Membership.* The membership of the Township Zoning Hearing Board shall consist of three residents of the Township appointed by the Township Board of Supervisors. Their terms of office shall be 3 years and shall be so fixed that the term of office of one member shall expire each year. The Board shall promptly notify the Township Board of Supervisors when vacancies occur. Appointments to fill vacancies shall be only for the unexpired portion of the term. Members of the Board shall hold no other office in the Township.

3. *Alternate Members.*

A. *Appointment of Alternate Members.* The Township Board of Supervisors may appoint by Resolution at least one, but no more than three, residents of the Township to serve as alternate members of the Township Zoning Hearing Board. The term of office of an alternate member shall be 3 years. When seated pursuant to the provisions of subsection .3.B, an alternate shall be entitled to participate in all proceedings and discussions of the Township Zoning Hearing Board to the same

and full extent as provided by law for Board members, including specifically the right to cast a vote as a voting member during the proceedings, and shall have all the power and duties set forth in this Chapter and as otherwise provided by law. Alternates shall hold no other office in the Township, including membership on the Township Planning Commission and Township Zoning Officer. Any alternate may participate in any proceeding or discussion of the Board but shall not be entitled to vote as a member of the Township Zoning Hearing Board unless designated as a voting alternate member pursuant to subsection .3.B of this Chapter.

B. *Participation by Alternate Members.* If, by reason of absence or disqualification of a member, a quorum is not reached, the Chairman of the Township Zoning Hearing Board shall designate as many alternate members of the Township Zoning Hearing Board to sit on the Township Zoning Hearing Board as may be needed to provide a quorum. Any alternate member of the Township Zoning Hearing Board shall continue to serve on the Township Zoning Hearing Board in all proceedings involving the matter or case for which the alternate was initially appointed until the Township Board has made a final determination of the matter or case. Designation of an alternate pursuant to this paragraph shall be made on a case by case basis in rotation according to declining seniority among all alternates.

4. *Jurisdiction of the Board.* The Township Zoning Hearing Board shall have exclusive jurisdiction to hear and render final adjudication in the following matters:

A. Substantive challenges to the validity of any land use ordinance, except curative amendments brought before the Township Board of Supervisors.

B. Challenges to the validity of a land use ordinance raising procedural questions or alleged defects in the process of enactment or adoption which challenges shall be raised by an appeal taken with 30 days after the effective date of the ordinance.

C. Appeals from the determination of the Township Zoning Officer, including, but not limited to, the granting or denial of any permit, or failure to act on the application therefor, the issuance of any cease and desist order or the registration or refusal to register any nonconforming use, structure or lot.

D. Appeals from a determination by the Township Engineer or the Township Zoning Officer with reference to the administration of any floodplain or flood hazard ordinance or such provision within a land use ordinance.

E. Applications for variances from the terms of this Chapter and flood hazard ordinance or such provisions within a land use ordinance, pursuant to subsection .5.

F. Applications for special exceptions under this Chapter of the floodplain or flood hazard ordinance or such provisions within a land use ordinance, pursuant to Part 8 of this Chapter and subsection .6 of this Chapter.

G. Appeals from the Zoning Officer's determination under §916.2 of the Pennsylvania Municipalities Planning Code, 53 P.S. §10916.2.

H. Appeals from the determination of the Zoning Officer or Township Engineer in the administration of any land use ordinance or provision thereof with reference to sedimentation and erosion control and stormwater management insofar as the same relate to development not involving subdivision and land

development, PRD or PNRD.

5. *Variances.*

A. The Board, upon appeal, shall have the power to authorize variances from the requirements of This Chapter, and to attach such conditions to the variance as it deems necessary to assure compliance with the purposes of this Chapter. A variance may be granted if all of the following findings are made where relevant in a given case:

(1) That there are unique physical circumstances or conditions, including irregularity, narrowness or shallowness of lot area or shape, or exceptional topographical or other physical conditions peculiar to the particular lot and that the unnecessary hardship is due to such conditions and not the circumstances or conditions generally created by the provisions of this Chapter in the neighborhood or district in which the lot is located.

(2) That because of such physical circumstances or conditions, there is no possibility that the lot can be developed in strict conformity with the provisions of this Chapter and that the authorization of a variance is thereof necessary to enable the reasonable use of the lot.

(3) That such unnecessary hardship has not been created by the appellant.

(4) That the variance, if authorized, will not alter the essential character of the neighborhood or district in which the lot is located, nor substantially or permanently impair the appropriate use or development of adjacent lot, nor be detrimental to the public welfare.

(5) That the variance, if authorized, will represent the minimum variance necessary to afford relief and will represent the least modification possible of the regulation in issue.

B. In granting any variance, the Township Zoning Hearing Board may attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes of this Chapter and protect the public health, safety and welfare.

6. *Uses by Special Exception.* The Township Zoning Hearing Board shall have the power to hear and decide on applications for uses by special exception as authorized by this Chapter, in harmony with its general purpose and intent, and in accordance with the standards set forth in Part 8 of this Chapter. The Township Zoning Hearing Board shall approve a use by special exception only if it meets all applicable requirements of this Chapter and the express standards and criteria set forth in Part 8 of this Chapter. In granting a use by special exception, the Township Zoning Hearing Board may attach such reasonable safeguards, in addition to those expressed in this Chapter, as it may deem necessary to properly implement this Chapter and protect the public health, safety and welfare.

(Ord. 360, 11/23/2004, §1305)

**§27-1307. Conduct of Hearings.**

A public hearing shall be held on any appeal filed under §27-1306.4 of this Chapter within 60 days of filing of a complete application. The public hearing shall be held pursuant to public notice, as defined by this Chapter. In addition to the public notice, at least 1 week prior to the hearing, the Township Zoning Hearing Board shall post at

least one copy of the notice on the affected lot and shall mail a copy of the notice by regular mail to each adjoining landowner and/or developer, including those located across a street right-of-way. The Township Zoning Hearing Board shall comply with all requirements of the Pennsylvania Municipalities Planning Code, 53 P.S. §10101 *et seq.*, regarding conduct of the public hearing and rendering a decision.

(*Ord. 360, 11/23/2004, §1306*)

**§27-1308. Failure to Render Decision.**

1. Where the Township Zoning Hearing Board fails to commence, conduct or complete the required hearing within 60 days after the request is filed, unless the applicant has agreed in writing or on the record to an extension of time, the decision shall be deemed to have been rendered in favor of the applicant.

2. When a decision has been rendered in favor of the applicant because of failure of the Board to meet or render a decision, the Township Zoning Hearing Board shall give public notice of the decision within 10 days from the last day it could have met to render a decision. If the Township Zoning Hearing Board shall fail to provide such notice, the applicant may do so. Nothing in this Section shall prejudice the right of any party opposing the application to appeal the decision to the Court of Common Pleas.

(*Ord. 360, 11/23/2004, §1307*)

**§27-1309. Mediation Option.**

1. Parties to proceedings authorized in this Part may utilize mediation as an aid in completing such proceedings. In proceedings before the Township Zoning Hearing Board, in no case shall the Township Zoning Hearing Board initiate mediation or participate as a mediating party. Mediation shall supplement, not replace, those procedures in this Part once they have been formally initiated. Nothing in this Section shall be interpreted as expanding or limiting municipal police powers or as modifying any principles of substantive law.

2. Participation in mediation shall be wholly voluntary. The appropriateness of mediation shall be determined by the particulars of each case and the willingness of the parties to negotiate. Any municipality offering the mediation option shall assure that in each case, the mediating parties, assisted by the mediator as appropriate, develop terms and conditions for:

A. Funding mediation.

B. Selecting a mediator who, at a minimum, shall have a working knowledge of municipal zoning and subdivision procedures and demonstrated skills in mediation.

C. Completing mediation, including time limits for such completion.

D. Suspending time limits otherwise authorized in this Chapter or in the Pennsylvania Municipalities Planning Code, 53 P.S. §10101 *et seq.*, provided there is written consent by the mediating parties, and by an applicant or Township decision-making body, if either is not a party to the mediation.

E. Identifying all parties and affording them the opportunity to participate.

F. Subject to legal restraints, determining whether some or all of the mediation sessions shall be open or closed to the public.

G. Assuring that mediated solutions are in writing and signed by the parties, and become subject to review and approval by the appropriate decision-making body pursuant to the authorized procedures set forth in this Chapter.

3. No offers or statements made in the mediation sessions, excluding the final written mediated agreement, shall be admissible as evidence in any subsequent judicial or administrative proceedings.

(Ord. 360, 11/23/2004, §1308)

#### **§27-1310. Fees and Expenditures.**

1. *Fees.*

A. The Township Board of Supervisors may prescribe reasonable fees with respect to hearings before the Township Zoning Hearing Board. Fees for said hearings may include compensation for the secretary and members of the Township Zoning Hearing Board, notice and advertising costs and necessary administrative overhead connected with the hearings. The costs, however, shall not include legal expenses of the Township Zoning Hearing Board, expenses for engineering, architectural or other technical consultants or expert witness costs.

B. Any filing fees paid by a party to appeal an enforcement notice to the Township Zoning Hearing Board shall be returned to the appealing party by the Township if the Township Zoning Hearing Board, or any court in subsequent appeal, rules in the appealing party's favor.

2. *Stenographer's Appearance Fee and Transcripts.* The appearance fee for a stenographer shall be shared equally by the applicant and the Township Zoning Hearing Board. The cost of the original transcript shall be paid by the Township Zoning Hearing Board if the transcript is ordered by the Township Zoning Hearing Board or hearing officer or shall be paid by the person appealing from the decision of the Township Zoning Hearing Board if such appeal is made, and in either event, the cost of additional copies shall be paid by the person requesting such copy or copies. In other cases the party requesting the original transcript shall bear the cost thereof.

3. *Expenditures.* Members of the Township Zoning Hearing Board may receive compensation for the performance of their duties as may be fixed by the Township Board of Supervisors, but in no case shall it exceed the rate of compensation authorized to be paid to the members of the Township Board of Supervisors. Within the limits of funds appropriated by the Township Board of Supervisors, the Township Zoning Hearing Board may employ or contract for secretaries, clerks, legal counsel, consultants and other technical and clerical services.

(Ord. 360, 11/23/2004, §1309)

#### **§27-1311. Time Limitations.**

1. No person shall file any proceeding before the Township Zoning Hearing Board later than 30 days after a preliminary or final application for development has been approved by an appropriate Township Officer, agency or body, if such proceeding is designed to secure reversal or to limit the approval in any manner, unless such person alleges and proves that he had no notice, knowledge or reason to believe that such approval had been given. If such person has succeeded to his interest after such approval, he shall be bound by the knowledge of his predecessor in interest.

2. The failure of anyone, other than the landowner and/or developer, to appeal from an adverse decision on an application for tentative approval of a PRD, a PNRD or from an adverse decision by a Zoning Officer on a challenge to the validity of an ordinance or map filed pursuant to § 916.2 of the Pennsylvania Municipalities Planning Code, 53 P.S. §10916.2, shall preclude an appeal from a final approval except in the case where the final submission substantially deviates from the approved tentative approval.

3. All appeals from determinations adverse to the landowner shall be filed by the landowner within 30 days after notice of the determination is issued, except appeals of the Zoning Officer's issuance of an enforcement notice, which shall be filed within 10 days after receipt of the enforcement notice.

(*Ord. 360, 11/23/2004, §1310*)

**§27-1312. Stay of Proceedings.**

Upon filing of any proceeding, and during its pendency before the Township Zoning Hearing Board, all land development pursuant to any challenged ordinance, order or approval of the Township of North Fayette Zoning Officer, and all official action thereunder shall be stayed unless the Township Zoning Officer or any other appropriate agency or body certifies to the Board, facts indicating that such stay would cause imminent danger to life or property, in which case the development or official action shall not be stayed otherwise than by a restraining order, which may be granted by the Township Zoning Hearing Board or by the Court having jurisdiction of zoning appeals on petition after notice to the Township Zoning Officer or other appropriate agency or body. When an application for development, tentative or final, has been duly approved and proceedings designed to reverse or limit the approval are filed with the Township Zoning Hearing Board by persons other than the applicant, the applicant may petition the court having jurisdiction of zoning appeals to order such persons to post bond as a condition to continuing the proceedings before the Township Zoning Hearing Board. The question whether or not such petition should be granted and the amount of the bond shall be within the sound discretion of the court.

(*Ord. 360, 11/23/2004, §1311*)

**§27-1313. Jurisdiction and Venue on Appeal; Time for Appeal.**

All appeals from decisions rendered by the Township Zoning Hearing Board shall be taken to the Allegheny County Court of Common Pleas and shall be filed within 30 days after the entry of the decision or, in the case of a deemed decision, within 30 days after the date upon which notice of said deemed decision is given as required by §908(9) of the Pennsylvania Municipalities Planning Code, 53 P.S. §10908(9).

(*Ord. 360, 11/23/2004, §1312*)



**Part 14****Definitions****§27-1401. General Rules of Interpretation.**

All words used in this Chapter shall carry their customary meanings except where specifically defined herein. Words used in the present tense shall include the future. The singular number shall include the plural, and the plural the singular. The word “shall” is always mandatory and not permissive; the word “may” is permissive. The words “used” or “occupied” as applied to any land or structures, shall be construed to include the words “intended, arranged, designed to be used or occupied.” The word “person” shall include an individual, corporation, partnership, incorporated association or any other entity.

(Ord. 360, 11/23/2004, §1400)

**§27-1402. Specific Meanings.**

The following words and phrases shall have the particular meaning specified for the purpose of this Chapter.

*Access drive*—the area between the traveled portion of a roadway and a parking lot used by motor vehicles for access to and from the parking lot, but does not include an aisle.

*Accessory structure*—a structure which is on the same lot with, but detached from, the principal building or structure and which is customarily incidental and subordinate to the principal structure or principal use of the land, including, but not limited to, private garages, storage sheds and the like.

*Accessory use*—a use customarily incidental and subordinate to the principal use of the land located on the same lot as the principal use.

*Adult-oriented business*—an adult bookstore/video store, adult live theater, movie theater or movie house, which may or may not include tattooing and/or body piercing activities, where as such a business and licensing regulations are further defined in Chapter 13, Part 6.

*Agriculture operation (agriculture)*—any use of land or structures for an enterprise that is actively engaged in the commercial production and preparation or market of crops, livestock and livestock products and in the production, harvesting and preparation for market or use of agricultural, agronomic, horticultural, silvicultural and aquacultural crops and commodities. The term includes an enterprise that implements changes in the production practices and procedures or types of crops, livestock, livestock products or commodities produced consistent with practices and procedures that are normally engaged by farmers are consistent with technological development within the agricultural industry.

*Agri-tourism*—the practice of attracting travelers or visitors to an area or areas used primarily for agricultural purposes including, but not limited to, overnight stays (lodging and camping), special events and festivals, recreation activities and events, fresh products and value-added products, tourism-enhanced direct marketing, and/or education. Agri-tourism may serve as a supplementary,

complimentary or primary enterprise of the area(s).

(1) *Supplementary agri-tourism enterprise*—minor activity that would support the other products on the farm.

(2) *Complementary enterprise*—agri-tourism shares equal footing with other enterprises in the farm product mix.

(3) *Primary enterprise*—agri-tourism is the dominant activity on the farm.

*Aisle*—the area used by motor vehicle for access to and from all off-street parking spaces, by does not include an access drive.

*Alteration, structural*—see “structural alteration.”

*Applicant*—a landowner or developer who has filed an application for development, permit or approval pursuant to this Chapter including his heirs, successors and assigns, as the case may be.

*Architect*—a professional architect licensed as such in the Commonwealth of Pennsylvania.

*Area, lot*—see “lot area.”

*Auto auction*—see “flea market.”

*Bank / Financial Institution*—a business in which money is kept for saving or commercial purposes, is invested, is supplied for loans or is exchanged.

*Bar*—an establishment where the principal use is the serving of alcoholic beverages by the drink to the general public and where food or packaged beverages may be served or sold as an accessory use.

*Basement*—a story having more than 50 percent of its clear height below finished grade.

*Bed and breakfast*—a specialized lodging house, having predominately the character of a single-family residence, where rooms are provided for overnight transient guests and where meals may be served in conjunction with the accommodations.

*Billboard*—see “sign.”

*Board of Fire Underwriters*—the American National Board of Fire Underwriters responsible for establishing the set of regulations governing construction and installation of electrical wiring and apparatus in the United States and as issued by the National Electrical Code and administratively sponsored by the National Fire Protection Associations.

*Board of Supervisors*—the Board of Supervisors of the Township of North Fayette, Allegheny County, Pennsylvania.

*Boarding house*—an establishment with lodging for five or more persons where meals are regularly prepared and served for compensation and where food is placed upon the table family style, without service or ordering of individual portions from a menu.

*Bufferyard*—a landscaped area of a certain depth specified by this Chapter which shall be planted and maintained in trees, grass, ground cover, shrubs, bushes or other natural landscaping material or an existing natural or constructed natural barrier which duplicates the effect of the required bufferyard.

*Buildable area analysis*—the process by which sensitive natural resources are inventoried and net buildable area is calculated.

*Building*—a roofed structure, whether or not enclosed by walls, to be used for shelter, enclosure or protection of persons, goods, materials, or animals.

*Building height*—see “structure height.”

*Building permit*—a permit for the erection or structural alteration of a structure in accordance with the Township Construction Standards [Chapter 5, Part 4], as amended.

*Building setback, front*—the line of that face of the building nearest the front line of the lot. This face includes sun parlors, covered porches and covered patios, whether enclosed or unenclosed, but does not include steps.

*Building setback, rear*—the line of that face of the building nearest the rear line of the lot. This face includes sun parlors, covered porches and covered patios, whether enclosed or unenclosed but does not include steps.

*Building setback, side*—the line of that face of the building nearest the side line of the lot. This face includes sun parlors, covered porches and covered patios, whether enclosed or unenclosed but does not include steps.

*Business services*—a commercial establishment which provides services primarily to business establishments on a fee or contract basis, such as advertising and public relations, management and consulting services, security and maintenance services, equipment rental/leasing, document reproduction-related services, computer and data processing services.

*Campground*—an open area, fields or woodlands dedicated to the rental or granted permission of space for organized overnight sleeping.

*Canopy*—a permanent freestanding roofed structure without walls and not intended for human shelter.

*Car wash*—a structure or area used for the purpose of cleaning or reconditioning the exterior and interior surfaces of automotive vehicles but not including an incidental one-bay washing facility in a gasoline service station where washing facilities are accessory to the operation of said service station. A self-operated vehicular laundering facility not requiring attendants or employees, regardless of capacity, is also considered to be a car wash. No vehicle repairs or sale of petroleum, fuels or lubricants shall be performed in association with the car wash.

*Cartway*—the portion of the street right-of-way that is surfaced for vehicular or other traffic use, excluding shoulders and berms; the portion(s) between curbs where curbs are used.

*Cemetery*—land that is reserved for the burying of the dead and that could contain mausoleums and columbaria but not crematoriums.

*Clear sight triangle*—an area of unobstructed vision at the intersection of two streets or the intersection of a driveway with a street, measured at the height of a driver’s eye, which is assumed to be 3.75 feet above the road surface, between points at a given distance from the intersection of the center lines of the two streets or of a street and driveway as specified in this Chapter and the Township Subdivision and Land Development Ordinance [Chapter 22], intended to allow the operators of vehicles approaching simultaneously to see each other in time to

prevent a collision.

*Collection and recycling facility*—a center for the acceptance and processing of recyclable materials from the public. Recyclable materials shall be limited to glass containers, plastic containers, aluminum beverage cans, steel/bi-metal containers, newsprint, high grade office paper and corrugated paper. Processing of recyclable materials shall be limited to crushing, baling, chipping, shredding or other operations which physically reduce the mass of the materials but which do not alter their composition in any way.

*Commercial school*—an establishment providing nonacademic training, vocational or trade educational courses and programs.

*Common open space*—a parcel or parcels of land or an area of water, or a combination of land and water within a development site and designed and intended for the use and enjoyment of the residents of the development, not including streets, off-street parking areas and areas set aside for public facilities.

*Commonwealth*—the Commonwealth of Pennsylvania.

*Communication tower*—a structure used for public or private communication purposes and regulated by the Federal Communications Commission. Communication towers shall be considered to be a different and distinct use than a radio or television antenna not permitted as accessory uses but considered to be a principal use of a lot.

*Comprehensive Plan*—the Comprehensive Plan of the Township which guides the physical development of the Township and which consists of maps, charts and textual matter in accordance with the provisions of the Pennsylvania Municipalities Planning Code, 53 P.S. §10101 *et seq.*

*Comprehensive transportation network*—the Township's interconnected system of collector and arterial roads.

*Conditional use*—an authorized use which may be granted only by the Township Board of Supervisors pursuant to express standards and criteria prescribed in this Chapter, after review and recommendation by the Township Planning Commission and public hearing by the Township Board of Supervisors.

*Construction*—the erection, renovation, repair extension, expansion, alteration or relocation of a building, structure, or site improvements including the placement of mobile homes.

*Convenience store*—a retail establishment offering for sale food products, household items, and other goods commonly associated with the same and generally having a gross floor area of less than 10,000 square feet.

*County*—County of Allegheny, Pennsylvania

*County planning agency*—Allegheny County Economic Development, Planning and Project Development Division, or its predecessor.

*Country club / golf course*—a recreational facility operated by a public or private entity which has as its principal use, facilities for playing golf and which may include one or more of the following accessory uses: a clubhouse and/or restaurant, locker rooms, pro shop, swimming pool, and facilities for racquet sports.

*Day care center*—a facility, licensed by the Commonwealth, located within a building which is not used as a dwelling unit, for the care during part of a 24-hour

day of children under the age of 16 or handicapped or elderly persons.

*Day care home*—a facility, licensed by the Commonwealth, located within a dwelling, for the care on a regular basis during part of a 24-hour day of not more than six children under 16 years of age, excluding care provided to children who are relatives of the provider. Such use shall be secondary to the use of the dwelling for living purposes and persons who do not reside in the dwelling shall not be employed.

*Decision*—final adjudication of any board or other body granted jurisdiction under any land use ordinance or this act to do so, either by reason of the grant of exclusive jurisdiction or by reason of appeals from determinations. All decisions shall be appealable to the Court of Common Pleas of Allegheny County and judicial district wherein the municipality lies.

*Density*—the number of dwelling units in a lot, or group of lots, divided by the area in acres of the lot, or group of lots, computed exclusive of any portion of the right-of-way of any public road.

*Developer*—any landowner or agent of such landowner or tenant with permission of such landowner who proposes, makes or causes to be made an application for development, permit or approval pursuant to this Chapter.

*Development plan*—the provisions for development, including a planned residential development and planned for nonresidential development, a plat of subdivision, all covenants relating to use, location, and bulk of buildings and other structures, intensity of use or density of development, streets, ways and parking facilities, common open space and public facilities. Such provisions shall be prepared by a surveyor, engineer or architect and drawings associated with such provisions shall be drawn at a scale no greater than 1 inch equals 100 feet.

*Domestic pets*—animals or fowl customarily found in a dwelling and kept for company or pleasure, including, but not limited to dogs, cats, hamsters, parakeets or canaries and the like, but not including any animal, reptile, fish and/or fowl normally found on a farm or any other animal, reptile or fish and/or fowl normally found in a zoo. Domestic pets shall not include a sufficient number to constitute a kennel, as herein defined.

*Dormitory*—a building used as a group living facility for a student body or other group as an associated use to a college, university, boarding school or other similar educational use.

*Drive-through facility*—a business that orients the sale of goods or service to those remaining in their cars while business transactions occur.

*Driveway*—a private vehicular access route serving only one parcel or lot which provides access to a public street, but which does not provide access to any other lot or parcel under separate ownership.

*Dwelling*—any structure designed or used as permanent living quarters for one or more families, but not including hotels, motels, lodging or boarding houses.

(1) *Single-family dwelling*: A residential building containing one dwelling unit which is the only principal building on the lot and which has a minimum gross floor area of 750 square feet.

(2) *Two-family dwelling*: A residential building containing two

independent dwelling units, each having a separate entrance, and which is the only principal building on the lot.

(3) *Multi-family dwelling*—a residential building or portion thereof containing three or more dwelling units, including garden apartments, high-rise apartments and townhouses.

(4) *Garden apartment*—a multi-family residential building no more than three stories in height containing three or more dwelling units which share a common entrance to the outside, usually through a common corridor, and which dwelling units may have other dwelling units either above or below them.

(5) *High-rise apartment*—a multi-family residential building containing at least four residential floors.

(6) *Quad-plex*—detached building designed for or occupied exclusively as a residence and where the building is divided by two common party walls into four distinct dwelling units where each dwelling unit has direct access to the outdoors.

(7) *Townhouse*—a multi-family residential building no more than two and one-half stories in height which contains no more than eight dwelling units, each of which are separated from the adjoining unit or units by a continuous, unpierced vertical wall extending from the basement to the roof, each unit having independent access directly to the outside and having no other units above or below.

*Dwelling unit*—one or more rooms which are used as quarters for one family and having permanent facilities for sleeping, cooking and eating, as well as sanitary facilities.

*Emergency services facility*—an area utilized for the maintenance, fueling, storage, dispatching or parking of vehicles and/or equipment providing rescue or ambulatory services, excepting rescue services offered from a fire station, and where the area may or may not include buildings utilized in connection therewith.

*Employee cafeteria/dining room*—an eating establishment located within a business establishment which is restricted to employees of the business establishment and their invited guests.

*Engineer*—a professional engineer licensed as such in the Commonwealth of Pennsylvania.

*Essential services*—the erection, construction, alteration or maintenance by public utilities or municipal or other governmental agencies of underground or overhead gas, electrical, steam or water transmission or distribution systems, including poles, wires, mains, drains, sewers, pipes, conduit cables, fire alarm boxes, police call boxes, traffic signals, hydrants, street signs, and other similar equipment and accessories in connection therewith, reasonably necessary for the furnishing of adequate service by such public utilities or municipal or other governmental agencies or for the public health or safety or general welfare, but not including buildings. Communication towers shall not be considered essential services for the purposes of this Chapter.

*Existing conditions*—unique and/or environmentally fragile lands that are susceptible to negative geological or ecological impacts created by land

development.

*FAA*—the Federal Aviation Administration of the United States.

*Family*—one of the following:

(1) All persons living in the same household who are related by birth, marriage or adoption.

(2) Those defined as such by the United States Code or Federal Register.

(3) No more than four unrelated individuals occupying a premises and living as single housekeeping unit, as distinguished from a group occupying a boarding house, group home, hotel or the like.

*Farm with retail store*—any lot or group of contiguous lots under single ownership containing at least 10 acres which is used for agriculture, as defined by this Chapter, excluding the raising of fur-bearing animals, which includes retail sales as an ancillary use.

*Farm without retail store*—any lot or group of contiguous lots under single ownership containing at least 10 acres which is used for agriculture, as defined by this Chapter, excluding the raising of fur-bearing animals.

*Final approval*—the ultimate approval of a development plan granted by the Township Board of Supervisors which follows tentative approval and filing of an application of final approval.

*Flea market*—an establishment used for the sale of assorted new and used goods by auctioneers or by vendors in an indoor facility with or without outdoor space for said sales.

*Floodway*—the channel of a river or other watercourse and adjacent land areas that must be reserved in order to discharge the base flood (100-year floodplain) without cumulatively increasing the water surface elevation more than 1 foot, or as amended by the National Flood Insurance Program (NFIP).

*Floodway fringe*—the remainder of the floodplain, after the floodway has been determined. Generally, the slower velocity backwater area of the floodplain.

*Floodplain, approximate 100-year*—as defined or amended by NFIP, the area encompasses by a flood that has a 1 percent chance of being equaled or exceeded in any given year.

*Floor*—a habitable area of uniform vertical elevation that is contained within the outside walls of a building or structure.

*Floor area*—the sum of the gross floor areas for each of a building's stories, including the basement, but not including the attic unless the attic meets the ICC International Property Maintenance Code standards for habitable floor area [see Chapter 5, Part 2]. Floor area shall not include cellars and unenclosed porches or any floor area in any accessory building or principal building which is designed for the parking of motor vehicles.

*Food and grocery store*—supermarkets; bakeries, dairies, delicatessens; but not including convenience stores.

*Forestry*—the management of forests and timberlands when practiced in accordance with accepted silvicultural principles, through developing, cultivating, harvesting, transporting and selling trees for commercial purposes, which does not

involve any land development.

*Freight terminal*—a building and adjacent loading area where cargo is stored and where commercial vehicles load and unload cargo on a regular basis which may or may not include facilities for maintenance, fueling, storage or dispatching of the vehicles.

*Front yard*—see “yard, front.”

*Funeral home*—a building used for the embalming of the deceased for burial, but not including cremation, and for the display of the deceased and ceremonies connected therewith before burial or cremation.

*Garden apartment*—see “dwelling.”

*Gross*—the total area or number prior to any deductions.

*Gross density*—the total number of dwelling units per 1 acre permitted to be developed on a lot.

*Group care facility*—a facility, licensed or certified by a governmental or sponsoring agency, which provides room and board and specialized services for six or more residents who are mentally or physically handicapped or any number of residents who are recovering alcoholics, abused or battered persons, persons in a prison work-release program or delinquent children adjudicated by the criminal court system under the age of 18 who are in need of supervision for specialized health, social and/or rehabilitative services.

*Group home*—a dwelling where room and board is provided to not more than five permanent residents, including and limited to dependent children (excluding those adjudicated by the criminal court system), mentally retarded or physically handicapped persons of any age or elderly persons, 62 or more years of age, who are in need of supervision and specialized services and no more than two supervisors on any shift who may or may not reside in the dwelling and who provide health, social and/or rehabilitative services to the residents. The services shall be provided only by a governmental agency, its licensed or certified agents, or any other responsible nonprofit social services corporation and the facility shall meet all minimum requirements of the sponsoring agency. A group home shall be considered a single-family dwelling and shall be authorized wherever a single-family dwelling is permitted subject to the requirements of the district applicable to single-family dwellings.

*Grubbing or grubbing activity* – the cleaning of underbrush from a well-treed area.

*Habitable*—a structure consisting of an enclosed living room, sleeping room, kitchen/dining room. A finished basement is considered habitable.

*Heavy equipment repair*—a facility that includes enclosed buildings for the repair of large vehicles and equipment including construction machinery and vehicles.

*High-rise apartment*—see “dwelling.”

*Hobby farm*—a lot with a minimum area of 5 acres where agricultural activities are conducted by the residents thereof, but where such activities are not the principal source of employment or income.

*Home occupation*—see “no-impact home-based business.”

*Horse boarding and riding academy*—land and/or structures utilized for the maintenance of horses and/or ponies for personal enjoyment and/or profit making activity.

*Hospital*—an establishment (including sanitariums) for the short-term care of patients suffering from physical or mental illnesses, but not including narcotics addiction or those found to be criminally insane, and which may or may not include facilities for major surgery and which may be publicly or privately operated.

*Hydric soils* – soils, classified by the Allegheny County Conservation District, whose major components are conducive to wetland conditions, are located in a high water table and are saturated with water close to the surface most of the year.

*Imminent development*—development which is reasonably expected to commence, and for which there are realistic plans to commence, on a minimum 8 hours per day, 40 hours per week basis, utilizing a 5 on, 2 off standard work week basis within 30 days of the completed cutting activities and for which a development plan has been submitted and approved by the Township.

*Impervious coverage*—the percentage of land utilized by impervious surfaces including but not limited to buildings, structures, paving, parking structures, swimming pools and recreational sport courts/surfaces.

*Incinerator*—an enclosed device licensed by the Pennsylvania Department of Environmental Protection (DEP), or its successor agency, which uses controlled combustion for the primary purpose of breaking down solid or semi-solid waste.

*Indoor recreation*—a use consisting of indoor facilities for the pursuit of sports, recreation and leisure activities including, but not limited to, tennis or racquet clubs, fitness clubs, swimming pools, bowling alleys and similar facilities.

*Junkyard*—land or structure used for the collection, storage, processing and/or sale of scrap metal, scrapped, abandoned, or junked motor vehicles, machinery, equipment, waste paper, glass rags, containers, and other discarded materials. Under this Chapter, two or more scrapped, abandoned, unregistered, unoperable or junked motor vehicles shall constitute a junkyard. Refuse or garbage kept in a proper container for prompt disposal shall not be regarded as a junkyard.

*Kennel*—any household or establishment, whether for profit or not, where more than four dogs or more than six cats who are more than 6 months old are kept, bred, trained, groomed, boarded and/or administered veterinary services.

*Land development*—either:

(1) The improvement of one lot or two or more contiguous lots of land for any purpose involving:

(a) A group of two or more residential or nonresidential buildings, whether proposed initially or cumulatively, or a single nonresidential building on a lot or lots regardless of the number of occupants or tenure.

(b) The division or allocation of land or space whether initially or cumulatively between or among two or more existing or prospective occupants by means of, or for the purpose of streets, common areas, leaseholds, condominiums, building groups or other features.

(d) A subdivision of land.

(e) Development in accordance with §504 (1.1) of the Pennsylvania

Municipalities Planning Code, 53 P.S. §10504(1.1).

*Land use administrator*—the person appointed by the Township Manager to be the administrative head of the Planning Department.

*Landfill*—any site licensed by the Pennsylvania Department of Environmental Protection (PA DEP) for the disposal of solid waste, other than hazardous waste, as defined and regulated by Federal Statute.

*Landowner*—the legal or beneficial owner or owners of land, including the holder of an option or contract to purchase (whether or not such option or contract is subject to any condition), a lessee if he is authorized under the lease to exercise the rights of the landowner, or other person having a proprietary interest in the land.

*Landscape architect*—a professional landscape architect licensed as such in the Commonwealth of Pennsylvania.

*Landscape plan*—a plan prepared by a registered landscape architect identifying each tree and shrub by size, type and scientific name, the location of each, including a planting diagram and such other diagrams or reports as are necessary to show the method of planting, staking and mulching, grass seeding specifications and mixtures and existing trees over 10 inches in DBH.

*Landscaping service center, retail*—a business primarily engaged in selling indoor or outdoor grown plants and landscaping materials to the general public.

*Landscaping service center, wholesale*—a business primarily engaged in processing, selling and distributing indoor or outdoor grown plants and landscaping materials to industrial, commercial, institutional or professional users or to other wholesalers.

*Level of service*—a qualitative measure describing operational conditions within a traffic stream; generally described in terms of such factors as speed, freedom to maneuver, traffic, interruptions, comfort, convenience, and safety. Levels of service (LOS) are designated A through F, with LOS A indicating the best service and LOS F indicating the worst service.

*Light manufacturing*—the processing and fabrication of certain materials and products where no process involved will produce noises, vibration, air pollution, fire hazard, or noxious emissions which will disturb or endanger neighboring lots. Light manufacturing includes the production of the following goods: home appliances, electrical instruments, office machines, precision instruments, electronic devices, timepieces, jewelry, optical goods, musical instruments, novelties, wood products, printed material, lithographic plates, type composition, machine tools, dies and gauges, ceramics, apparel, lightweight nonferrous metal castings, film processing, light sheet metal products, plastic goods, pharmaceutical goods and food products, but no animal slaughtering, curing nor rendering of fats.

*Life care facility*—a facility for the transitional residency of elderly and/or disabled persons, progressing from independent living in single-family units to congregate apartment living where residents share common meals and culminating in a full health and continuing-care nursing home facility.

*Loading berth*—a portion of a lot used for the standing, loading or unloading of motor vehicles.

*Lot*—a designated parcel, tract or area of land established by a plat or otherwise as permitted by law and to be used, developed or built upon.

*Lot area*—that area measured on a horizontal plane bounded by the front, rear and side lot lines, exclusive of any area within a street right-of-way.

*Lot, corner*—a lot at the intersection of, and fronting on, two or more street rights of way.

*Lot coverage*—the area of a lot covered by all principal and accessory structures.

*Lot, double frontage*—any lot, except a corner lot, bounded on opposite sides by streets.

*Lot, flag*—a lot that has any portion of its front lot line or front yard abut the rear or side yard of an adjacent lot rather than a public road right-of-way and where access to the public road right-of-way would typically be by a narrow, private right-of-way or driveway.

*Lot of record*—any lot which individually or as a part of a subdivision, has been recorded in the Office of Recorder of Deeds of the County.

*Lot line, front*—that line which bounds the lot contiguous with the street right-of-way line.

*Lot line, rear*—that line which is generally opposite to the front lot line.

*Lot line, side*—Any lot line which is not a front lot line or a rear lot line.

*Lot, width of*—the measurement as defined by this Chapter calculated at the required minimum front building setback for the lot's principal building.

*Manufacturing*—the processing and fabrication of any article, substance or commodity.

*Mediation*—a voluntary negotiating process in which parties in a dispute mutually select a neutral mediator to assist them in jointly exploring and settling their differences, culminating in a written agreement which the parties themselves create and consider acceptable.

*Medical clinic*—a building or structure where two or more licensed medical professionals provide diagnostic health, medical, surgical and/or psychiatric services and/or treatment diagnosis and treatment to the general public without overnight accommodation and shall include such uses as reception areas, waiting areas, consultation rooms, x-ray and minor operating rooms and a dispensary, providing that all such uses have access only from the interior of the building or structure.

*Methadone treatment facility*—a facility owned and operated by a private for-profit entity, a private nonprofit entity or the Allegheny County Department of Human Services, Bureau of Drug and Alcohol, where the drug “methadone” or similar substance is prescribed and administered for the treatment, maintenance or detoxification of persons.

*Mineral removal*—any extraction of any mineral for sale or other commercial purpose which involves removal of the surface of the earth or exposure of the mineral or subsurface of the earth to wind, rain, sun or other elements of nature. The term “mineral” includes any aggregate or mass of mineral matter, whether or not coherent. The term includes, but is not limited to, limestone and dolomite, sand and gravel, rock and stone, earth, fill, slag, iron ore, zinc or, vermiculite and clay,

anthracite and bituminous coal, coal refuse, peat and crude oil and natural gas. Mining activities carried out beneath the surface of the earth by means of shafts, tunnels or other underground mine openings are not included in this definition.

*Mineral removal, restricted*—mineral removal, as defined above, which is conducted entirely within a public street right-of-way or which is conducted prior to the preparation of foundations for structures to be constructed on lots within a recorded plan of subdivision for which surety has been posted to guarantee the proper installation of public improvements.

*Mini-warehouse and self-storage building*—a building or group of buildings in a controlled access and fenced compound that contains various sizes of individualized, compartmentalized and controlled access stalls and/or lockers leased by the general public for a specified period of time for the dead storage of personal lot.

*Mobile home*—

(1) 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.

(2) A mobile home which is utilized without a permanent foundation shall be located only in a mobile home park, as defined and regulated herein; however, a mobile home which is rendered immobile by permanent placement on a continuous masonry foundation or at least two concrete footers which project at least 3 feet below finished grade and are placed along the longer dimension of the mobile home and which mobile home is skirted and tied to its foundation in accordance with the requirements of the American National Installation of Mobile Homes Requirements (NFPA No. 501-A1974, ANSI A119.3-1975), as amended and which is connected to all available utilities shall be regarded as a single-family dwelling and shall be subject to the requirements of this Chapter for single-family dwellings in the district in which it is proposed to be located.

*Mobile home lot*—a parcel of land in a mobile home park, improved with the necessary utility connections and other appurtenances necessary for the erections thereon of a single mobile home.

*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.

*Motel/hotel*—an establishment which provides transient lodging accommodations to the general public and which may provide such additional supporting services as restaurants, meeting rooms, recreation facilities and living quarters for a resident manager or proprietor.

*Municipalities Planning Code (MPC)*—the Pennsylvania Municipalities Planning Code, Act 247 of 1968, 53 P.S. §10101 *et seq.*, as amended.

*Natural drainage area*—a channel or surface where a recurring flow of water is dictated by existing geography and is recorded and/or regulated water by the US

Army Corps of Engineers, the Pennsylvania Department of Environmental Protection or United States Geologic Survey.

*Net buildable area*—the total acreage of permitted disturbance on a lot. Disturbance includes the portions of a lot where grading and construction activities occur.

*Net floor area*—the total of the floor areas of a building, measured from the interior faces of walls, excluding stairwells and elevator shafts, common hallways which are not rentable space, lobbies, restrooms, storage (except in conjunction with warehouses and other industrial uses) and equipment rooms, food preparation areas, interior vehicle parking or loading areas and any other areas not accessible to the general public.

*Nightclub*—a commercial establishment offering that may or may not offer alcoholic and/or nonalcoholic beverages for consumption on the premises and which may also serve food, where the principal use is entertainment, either live or recorded, characterized by closely packed tables around a stage and/or dance floor.

*No-impact home-based business*—a business or commercial activity administered or conducted as an accessory use which is clearly secondary to the use as a residential dwelling and which involves no customer, client or patient, traffic, whether vehicular or pedestrian, pickup, delivery or removal functions to or from the premises, in excess of those normally associated with residential use, and which otherwise comply with the requirements of §27-205.6.B of this Chapter. For the purposes of this Chapter, an occupation conducted within the home that does not fit the definition of “no-impact home-based business” shall be defined to be a “home occupation.”

*Nonconforming lot*—any lot which does not comply with the applicable area and bulk provisions of this Chapter or an amendment hereafter enacted, which lawfully existed prior to the enactment of this Chapter or any subsequent amendment.

*Nonconforming building or structure*—a structure, or part of a structure, manifestly not designed to comply with the applicable area, bulk or other provisions in this Chapter or an amendment hereafter enacted, which lawfully existed prior to the enactment of this Chapter or any subsequent amendment. Such nonconforming structures include, but are not limited to, nonconforming signs.

*Nonconforming use*—a use, whether of land or of structure, which does not comply with the applicable use provisions in this Chapter or an amendment hereafter enacted, which lawfully existed prior to the enactment of this Chapter or any subsequent amendment.

*Nursing home*—a facility licensed to operate as such by the Commonwealth of Pennsylvania for the purpose of providing skilled or intermediate nursing care and related medical or other health services.

*Nursery school*—a facility licensed by the Commonwealth of Pennsylvania designed to provide daytime care and educational instruction for compensation to children who are not related to the operator.

*Occupancy permit* – A permit for the use or occupancy of a building, structure or lot indicating compliance with all provisions of this Chapter and the ICC International Property Maintenance Code [Chapter 5, Part 2].

*Offices, business and professional* – Any office of recognized professions such

as doctors, lawyers, architects, engineers, real estate brokers, insurance agents, and others who, through training, are qualified to perform services of a professional nature and other offices used primarily for accounting, corresponding, research, editing or other administrative functions, but not including banks or other financial institutions.

*Office, medical* – A building or a series of buildings or rooms where one or more licensed medical professionals provide diagnosis and treatment to the general public without overnight observation. A medical office shall include such uses as reception areas, offices, examination rooms and x-ray rooms, provided that all such uses have access only from the interior of the building. A medical office shall not include a pharmacy or surgical suites.

(1) Low intensity medical office—such facility that contains a total of four or fewer examination rooms (not including laboratories and/or x-ray rooms).

(2) *High intensity medical office*—such facility that contains more than four exam rooms (not including laboratories and/or x-ray rooms).

*Official Map*—the map established by the Township Board of Supervisors pursuant to Article IV of the Municipalities Planning Code, 53 P.S. §10401 *et seq.*, illustrating streets, highways, parks, drainage systems and right-of-ways lines laid out, adopted, and established by law, and any amendments or additions adopted by the Township Board of Supervisors resulting from the approval of subdivision plats by the Township Planning Commission and the subsequent filing of approved plats.

*Official Zoning Map*—the official plan delineating the official zoning districts of North Fayette Township, Allegheny County, Pennsylvania, together with all amendments subsequently adopted.

*Oil and gas well*—the extraction of any oil or gas for sale or other commercial purpose which involves drilling or other means to remove the substance from the earth. The term "oil and gas" includes but is not limited to any crude oil, natural gas, methane gas and coalbed methane gas. [Ord. 388]

*Ordinance*—the North Fayette Township Zoning Ordinance, this Chapter, as amended, unless otherwise noted.

*Open space*—public or private land used for recreation, resource protection, amenity and/or buffers, not including any area of a lot, any part an existing or future street right-of-way, easement of access or areas set aside for public or private utilities, stormwater facilities and easements.

*Outdoor recreation*—an enterprise which is conducted wholly or partly outside an enclosed structure for the pursuit of sports, recreation and amusement activities, including, but not limited to, such establishments as drive-in theaters, arenas, stadia, racetracks, swimming pools, ballfields, parks, tennis courts, miniature golf courses and the like.

*Outdoor storage*—storage of materials and/or equipment, but not including motorized vehicles such as automobiles, boats and buses, outside of a completely enclosed building.

*Overlay district*—a zoning district that encompasses one or more underlying zoning districts and that imposes additional requirements or provisions above that

required by the underlying zoning district.

*PA DEP*—The Pennsylvania Department of Environmental Protection or any successor agency or agencies.

*Park / playground*—land designated for the purpose(s) of recreation and leisure and maintained by a private or public entity as such.

*Parking garage / structure*—a building with multiple stories of off-street parking spaces where vehicles are temporarily stored with or without a nominal fee.

*Parking lot*—an area utilized to meet the parking requirements of this Chapter, including the parking aisles that provide access to the parking spaces, but not including any streets or driveways that provide access to the parking lot.

*PennDOT*—the Pennsylvania Department of Transportation or any successor agency or agencies.

*Permitted use*—an authorized use allowed by right, which may be granted by the Township Zoning Officer upon compliance with the requirements of this Chapter.

*Personal care boarding home*—a facility licensed by the Commonwealth located within a dwelling where room and board is provided to more than three permanent residents who are not relatives of the operator and who are mobile or semi-mobile and require specialized services in such matters as bathing, dressing, diet and medication prescribed for self-administration for a period exceeding 24 hours, but who are not in need of hospitalization or skilled or intermediate nursing care.

*Personal services*—any enterprise providing services pertaining to the person, their apparel, or personal effects commonly carried on or about the person, including, but not limited to, shoe repair, tailoring, clothes cleaning, watch repairing, barber shops, beauty parlors, tattoo parlors, body piercing establishments and/or other related activities.

*Pilot manufacturing*—an establishment or part thereof used to test concepts and ideas, determine physical layouts, material flows and processes, types of equipment required, costs and other information necessary prior to undertaking full-scale production.

*Place of assembly*—a public or private lot of land, building or structure that is designed for the assembly or collection of persons, for civic, political, religious, educational, social purposes and where recreation, amusement or dining occur as accessory activities.

*Place of worship*—a institution of any denomination where people regularly observe, practice or participate in religious or spiritual services, meetings and/or activities.

*Planned nonresidential development (PNRD)*—an area of land controlled by a single landowner and developed as a single entity for a combination of nonresidential uses, the plan for which does not necessarily correspond in lot area, bulk, type of dwelling unit or use, density or intensity, lot coverage or required open space to any one district in this Chapter but which complies with §27-603 of this Chapter.

*Planned residential development (PRD)*—an area of land controlled by a single landowner and developed as a single entity for a number of dwellings or a

combination of residential and nonresidential uses, the plan for which does not necessarily correspond in lot area, bulk, type of dwelling unit or use, density or intensity, lot coverage or required open space to any one district in this Chapter but which complies with §27-607 of this Chapter.

*Planning Commission*—the North Fayette Township Planning Commission, Allegheny County, Pennsylvania.

*Principal building or structure*—the building(s) or structure(s) on a lot in which the principal use or uses are conducted.

*Principal use*—the primary or predominant use of any lot or structure.

*Private* – owned, operated or controlled by an individual, group of individuals, association or corporation, not for profit, and restricted to members who meet certain qualifications and their guests.

*Private improvements*—all roads, streets, walkways, gutters, stormwater management facilities, curbs, sewers and other facilities not owned, maintained or operated by the Township for which plans and specifications shall comply with the Township Construction Standard Details [Chapter 5, Part 4].

*Private stable*—the keeping of horses and/or ponies for the personal use of the residents of a lot, not including any profit-making activities.

*Public*—owned, operated or controlled by a government agency (Federal, State, County or local).

*Public building*—of, or pertaining to, buildings, structures, or uses belonging to, or affecting, any duly authorized governmental body, which is available for common or general use by all.

*Public grounds*—land reserved for, but not limited to, one or more of the following:

- (1) Parks, playgrounds, trails, paths, and other recreational areas and other public areas.
- (2) Sites for schools, sewage treatment, refuse disposal and other publicly owned or operated facilities.
- (3) Publicly owned or operated scenic or historic sites.

*Public hearing*—a formal meeting held pursuant to public notice by the governing body or planning agency, intended to inform and obtain public comment, prior to taking action in accordance with this Chapter.

*Public meeting*—A forum held pursuant to notice under the Sunshine Act, 65 Pa.C.S.A. §701 *et seq.* [Ord. 418]

*Public notice*—notice published once each week for 2 successive weeks in a newspaper of general circulation in the municipality. Such notice shall state the time and place of the hearing and the particular nature of the matter to be considered at the hearing. The first publication shall not be more than 30 days and the second publication shall not be less than 7 days from the date of the hearing.

*Public park*—an area of public land specifically defined or set aside for use by and for the general public in both active or passive recreational uses; and includes all landscaping, facilities and apparatus, playing fields, utilities, buildings and other structures that are consistent with the general purposes of public parkland,

and whether or not such recreational facilities are publicly operated or operated by other organizations pursuant to arrangements with the public authority owning the park and may include public and private cemeteries.

*Public utility building*—any administrative or service building operated by a public utility which does not meet the definition of an essential service.

*Public utility transmission facility*—a structure used for relaying public utilities including electricity, potable water, sanitary sewer lines and other similar functions.

*Quad-plex* – see “dwelling.”

*Rear yard*—see “yard, rear.”

*Recreation*—activity or area intended for the use play, relaxation, sports and other leisure-oriented activities. Active recreation uses includes activities or areas for game courts, athletic playing fields, play apparatus and similar facilities. Passive recreation uses includes open space, trails and similar low impact activities.

*Recreation facility*—a building, structure or area designed and equipped for the conduct of sports and/or leisure activities that attract a large number of users. Activities and improvements associated with a recreation facility include:

- (1) Amphitheaters/outdoor theaters.
- (2) Indoor/outdoor swimming pools.
- (3) Indoor/outdoor ice skating rinks.
- (4) Any other public recreation facilities.

*Research and development*—any establishment which carries on investigation in the natural, physical or social sciences or engineering and development as an extension of such investigation with the objective of creating end products and which may include pilot manufacturing, as defined by this Chapter, as an accessory use.

*Resource recovery facility*—a processing facility that provides for the extraction and utilization of materials or energy from municipal waste which is generated off-site, including, but not limited to, a facility that mechanically extracts materials from municipal waste, a combustion facility that converts organic fraction of municipal waste to usable energy and any chemical or biological process that converts municipal waste into a fuel product.

*Restaurant, high turnover*—a sit-down and/or carry-out eating establishment:

- (1) With turnover rates typically less than 1 hour in duration.
- (2) Where food is ordered at tableside and may or may not utilize drive-through facilities.
- (3) That generates greater than 20 combined peak-hour weekday trips per 1,000 square feet of gross floor area.
- (4) That generally has a gross floor area open to the public >1,000 SF in size.

*Restaurant, low turnover*—a sit-down type eating establishment:

- (1) With turnover rates typically at more than 1 hour in duration.

(2) Where food is ordered at tableside for eat-in only.

(3) That generates less than 20 combined (a.m. and p.m.) peak-hour weekday trips per 1,000 square feet of gross floor area that is open to public use.

(4) Where the gross floor area of space open to public use does not exceed 5,000 square feet.

*Restaurant, retail food*—a “retail food restaurant” is a fixed, small retail facility in which food or drink is offered or prepared solely for retail sale where no consumption takes place inside the establishment or on the property, where food items are ordered by the customer at a counter, window, or by phone to facilitate quick service and takeout orders, and where all food is consumed off the premises. A retail food restaurant may include such facilities as takeout pizza shops, delicatessens, and Chinese take-outs, but shall exclude facilities such as ice cream stands or any other establishment where patrons may tend to congregate and consume food on the property. [Ord. 415]

*Restricted mineral removal*—see “mineral removal, restricted.”

*Retail store*—a business establishment located entirely within an enclosed building which sells goods, services or merchandise to the general public for personal, household or office consumption and which shall not include wholesaling, manufacturing or processing of the goods offered for sale.

*Right-of-way*—a strip of land acquired by reservation, dedication, forced dedication, prescription or condemnation and intended to be occupied or occupied by a road, crosswalk, railroad, electric transmission lines, oil or gas pipeline, water line, sanitary or storm sewer and other similar uses. A right-of-way grants a lot interest to the grantee and no permanent structure may be erected herein.

*Satellite dish antenna*—A device incorporating a reflective surface that is solid, open mesh, or bar configured and is in the shape of a shallow dish, cone, horn, or cornucopia. Such a device shall be used to transmit and/or receive radio or electromagnetic waves between terrestrially- and/or orbitally-based uses. This definition is meant to include, but not be limited to, what are commonly referred to as satellite earth stations, TVROs (television reception only satellite dish antennas), and satellite microwave antennas.

*School*—a place of instruction operated by a public, private or religious organization, having regular sessions, with regularly employed instructors and meeting all of the requirements of the Pennsylvania Department of Education for providing primary, secondary, vocational or post-secondary education. This definition shall not include privately operated, for-profit schools of trade, vocation, avocation or business.

*Selection method*—a logging method of selectively removing trees from a wooded area either singly or in a small group according to age and size.

*Service station*—a retail place of business, engaged primarily in the sale of motor fuels or supplying goods and services generally required in the operation and maintenance of motor vehicles and fulfilling of motorist’s needs, including the sale of petroleum products; sale and service of tires, batteries, automotive accessories and replacement items; washing and lubrication services; the supplying of other incidental automotive customer services and products; and the performing of

automotive maintenance and repair, excluding such repairs as spray painting, body, fender, axle, frame, major engine overhaul or recapping/retreading of tires. A service station may also include the operation of a convenience food store.

*Shopping center*—a group of three or more permitted or conditional commercial uses, which have been designed, developed and/or managed as a unit by a single owner or tenant, or group of owners or tenants.

*Side yard*—see “yard, side.”

*Sight distance*—the maximum extent of unobstructed vision (in a horizontal or vertical plane) along a street from a vehicle located at any given point on the street. The safe stopping sight distance for the vertical curves on roadway pavement shall be calculated with an eye of 3.75 feet above the pavement.

*Sign*—any structure or device used to attract attention by word or graphic display.

(1) Signs are classified by physical attributes into the following categories:

(a) *Arcade sign*—a sign suspended beneath a ceiling of an arcade, a roof or marquee containing only the name of a business for the purpose of assisting pedestrian traffic traveling under the arcade, roof or marquee to identify the location of establishments within a shopping center or similar building.

(b) *Billboard*—an off-premises sign which advertises an establishment, activity, person, product or service which is unrelated to or unavailable on the premises where the billboard is located.

(c) *Bulletin*—a type of changeable copy sign constructed to allow letters or symbols to be changed periodically such as those used by place of worship and schools to announce events.

(d) *Changeable copy*—a sign that is designed so that characters, letters or illustrations can be changed or rearranged without altering the face or surface of the sign.

(e) *Freestanding*—a sign permanently affixed to the ground and not attached to any building or other structure, including:

1) *Ground sign*—a sign that is affixed to the ground by means of a permanent foundation other than a freestanding frame, mast or pole.

2) *Pole sign*—a sign erected and maintained on a free-standing frame, mast or pole.

(f) *Indirectly illuminated*—a sign which is lighted by means of lamps or lighting devices external to, and reflected on, the sign, which lighting is stationary and constant in intensity and color at all times and which is shielded so that the illumination is concentrated on the face of the sign and there is no spillover of illumination or glare beyond the face of the sign.

(g) *Internally illuminated*—a sign which is lighted by means of lamps or lighting devices internal to the sign, which lighting is either behind the face of the sign or is an integral part of the sign structure and the advertising effect.

(h) *Projecting*—a sign, other than a wall sign, which is affixed to, supported by and perpendicular to the exterior wall of a building or structure.

(i) *Wall*—a sign attached to and erected parallel to the face of an outside wall of a building, projecting outward no more than 6 inches from the wall of the building.

(2) Signs are also categorized by use, function or purpose into the following types:

(a) *Agricultural sales sign*—a sign displayed on any farm by the owner or other operator thereof, for the purpose of identify such farm or advertising the products thereof.

(b) *Business identification sign*—a sign which contains the name, address and goods, services, facilities or events available on the premises.

(c) *Construction*—a temporary sign announcing the name of contractors, mechanics or artisans engaged in performing work on the premises.

(d) *Development*—a temporary sign erected during the period of construction and/or development of a lot by the contractor and landowner and/or developer or their agent.

(e) *Development/residential plan identification sign*—a permanent wall or freestanding ground sign containing only the name and address of a plan of subdivision or a multi-family building or development.

(f) *Home occupation or home office identification*—a sign containing only the name and address of the occupant of the premises and their occupation. No logos or other advertising shall be permitted.

(g) *Memorial / historical plaques*—commemorative plaques placed by a recognized agency of the Township, County, State or Federal government.

(h) *Notification*—signs bearing legal and/or lot notices such as: no trespassing, private lot, no turnaround, safety zone, no hunting and similar messages and signs posted by a governmental agency for traffic control or the safety of the general public.

(i) *On-premises directional*—a sign which directs and/or instructs vehicular or pedestrian traffic relative to a parking area, proper exit, loading area, entrance point and similar information on the premises on which it is located.

(j) *Political sign*—a temporary sign which indicates the name, cause or affiliation of anyone seeking public office or which refers to an issue concerning which a public election is scheduled to be held.

(k) *Real estate*—a temporary sign advertising the sale or rental of premises. The signs may also bear the words “sold”, “sale pending” or “rented” across their face.

(l) *Residential identification*—a sign containing only the name and address of the occupant of the premises.

(m) *Secondary sign*—a sign located on a structure whereas the sign is intended for the advertisement of a product, service or directions related to

goods and/service sold or provided on the subject property.

(n) *Temporary event*—a banner, flag, pennant or similar display constructed of durable material and affixed to the wall of a building erected for a period of not exceeding 30 days whose sole purpose is to advertise an atypical event.

(o) *Window display*— a sign or group of signs affixed to the inside of a display window in a commercial establishment which advertises a product or service available on the premises or which announces or promotes a special sale or special event.

*Sign, surface area of*—see “surface area of sign.”

*Single-family dwelling*—see “dwelling.”

*Site*—the original tract of land which exists prior to any subdivision activity and which is the subject of an application for development, as defined by the Township Subdivision Ordinance [Chapter 22].

*Site area*—the total area of all lots, rights or way, easements, open space and other features contained within the boundaries of a site.

*Slope map*—a plan identifying the location and extent of topographic gradient changes based upon contour intervals of not more than 5 feet where the slope is greater than 10 percent and at intervals of not more than 2 feet where the slope is ten 10 percent or less. Slopes shall be identified by color or symbol for each of the following categories.

*Special event*—any temporary display, sale of goods, use or event that is located outside of a principal building structure and is accessory to the principal use of the lot that has the potential to create an increase in traffic, congestion and/or noise than that is typically caused by the principal use of the lot.

*Special exception*—see “use by special exception.”

*Steep slope*—any portion of any lot which has a natural or finished slope in excess of 25 percent shall be considered a steep slope and shall be subject to these regulations, except that high walls remaining from mineral removal activities shall be exempt from these regulations. Slope is calculated based upon contours at intervals of not more than 5 feet where the slope is greater than 10 percent and at intervals of not more than 2 feet where the slope is 10 percent or less.

*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 is no floor above it, then the space between any floor and the ceiling next above it.

*Street*—all land between right-of-way lines, whether public or private and whether improved or unimproved, which is intended to accommodate vehicular traffic, including an avenue, drive, boulevard, highway road, freeway, parkway, lane, viaduct or other vehicular way.

(1) *Arterial road / street*—a public street that serves large volumes of high speed and long distance traffic.

(2) *Collector road / street*—a public street which, in addition to providing access to abutting lots, intercepts local streets and provides a route for carrying considerable volumes of local traffic to community facilities and arterial roads.

*Structural alteration*—any change in the support members of a building such as bearing walls, columns, beams, or girders; changes in the means of ingress and/or egress; enlargement of floor area or height of a structure; or relocation of a structure from one position to another.

*Structure*—any man-made object having an ascertainable stationary location on or in land or water, whether or not affixed to the land.

*Structure height*—the vertical distance from the average elevation at finished grade level to the highest point of the structure.

*Student recreational facilities*—facility for enjoyable relaxation of students enrolled at commercial school.

*Subdivision and Land Development Ordinance (SALDO)*—the North Fayette Township Subdivision and Land Development Ordinance, as amended [Chapter 22].

*Supply yard*—a commercial establishment storing or offering for sale building supplies, steel supplies, coal, heavy equipment, feed and grain, and similar goods. Supply yards do not include the wrecking, salvaging, dismantling or storage of automobiles and similar vehicles.

*Surface area of sign*—that area enclosed by one continuous line, connecting the extreme points of edges of a sign. The area shall be determined using the largest sign area or silhouette visible at any one time from any one point. This area shall not include the main supporting sign structure, but all other ornamental attachment, inner connecting links, etc., which are not part of the main supports of the sign. For two-sided signs, only one face is counted in computing the surface area.

*Surveyor*—a professional surveyor licensed as such in the Commonwealth of Pennsylvania.

*Swap meet*—see “flea market.”

*Tattooing/body piercing establishment*—any business or part thereof, subject to all applicable County and/or State health and licensing requirements, where the piercing of skin related to tattooing and/or jewelry/metal is performed for artistic and/or recreational purposes.

*Temporary structure*—a building or structure intended to be used for a period of 6 months or less, including but not limited to construction or land sales trailers, tents, bleachers, air-supported structures, seasonal displays and similar structures.

*Tentative approval*—approval prerequisite to final approval of a development plan granted by the Township Board of Supervisors in accordance with this Chapter.

*Theater*--an establishment, other than an adult movie theater or movie house, inside a completely enclosed building devoted to showing pictures and/or live dramatic or musical performances.

*Townhouse*—see “dwelling.”

*Township*—the Township of North Fayette, Allegheny County, Pennsylvania.

*Township Board of Supervisors*—see “Board of Supervisors.”

*Township Construction Code*—The Township Construction Code Ordinance No.

344, as amended [Chapter 5, Part 4]. Any reference to “Township Building Code” shall be interpreted to mean the Township Construction Code.

*Township Construction Standards* – the plans and specifications for building infrastructure and other defined systems and/or facilities [Chapter 5, Part 4].

*Township Engineer*–a professional engineer licensed as such in the Commonwealth of Pennsylvania, duly appointed by the Board of Supervisors to serve as the engineer for the Township.

*Township Land Use Administrator*–a person retained by the Township responsible for administering this Chapter and to undertake all other powers and duties specified by the Board of Supervisors in accordance with Article II of the Municipalities Planning Code, 53 P.S. §10201 *et seq.*

*Township Manager*–a person retained by the Township Board of Supervisors as the Manager of North Fayette Township and responsible for directing and controlling the business and administrative affairs of the Township.

*Township Solicitor*–an attorney licensed as such in the Commonwealth of Pennsylvania and retained by and responsible to the Board of Supervisors to furnish legal assistance for the administration of municipal regulations and arrangements relative to this Chapter.

*Township Zoning Hearing Board*–the Zoning Hearing Board of North Fayette Township, Allegheny County, Pennsylvania.

*Traffic network analysis*–a technical report, submitted by a professional traffic engineer, which projects the trip generation of a land development and the anticipated trip impact on the Township’s Comprehensive Transportation Network.

*Transfer facility*–a facility licensed by the Pennsylvania Department of Environmental Protection (PA DEP) which receives and temporarily stores solid waste at a location other than the generation site, and which facilitates the bulk transfer of accumulated solid waste to a facility for further processing and disposal.

*Truck terminal*–a facility to accommodate the service, repair and storage of trucks and other motorized equipment and trailers, and which may incidentally provide warehousing activities and transfer facilities.

*Two-family dwelling*–see “dwelling.”

*Use*–any activity business or purpose for which any lot or structure is utilized.

*Use by special exception*–an authorized use which may be granted only by the Township Zoning Hearing Board in accordance with express standards and criteria specified in this Chapter after public hearing.

*Variance*–a departure from the strict letter of this Chapter, as it applies to specific lots, as authorized by the Township Zoning Hearing Board in accordance with the terms of this Chapter and the Municipalities Planning Code, 53 P.S. §10101 *et seq.*

*Vehicle repair garage*–a building, or part thereof, used for the servicing, repairing, retreading of tires for vehicles and where all storage of parts and dismantled vehicles and all repair work are conducted entirely inside an enclosed building. Businesses solely devoted to vehicle electronics repair and/or installation shall be considered retail stores.

*Vehicle sales and service*—a retail establishment which may include one or more of the following: an open area, other than a street, for the display and sale or rental of new or used automobiles and light duty trucks; buildings which may contain offices and showrooms; an area within a completely enclosed building where reconditioning, preparation, accessory installation, repairs and/or servicing of vehicles is performed.

*Veterinary clinic*—an establishment owned and operated by a veterinary medical doctor(s), certified in the Commonwealth of Pennsylvania, for the medical or surgical treatment of domestic, agricultural or zoological animals but excluding the boarding and grooming of animals not subjected to medical or surgical treatment.

*Warehouse*—an establishment for the storage and handling of freight or merchandise, but not including the maintenance or fueling of commercial vehicles.

*Water storage*—any impoundment of water by a public or private authority, agency or corporation for the purpose of providing water supply or recreation to the general public.

*Wholesale business*—a business primarily engaged in selling merchandise to retailers, institutional, commercial or professional business customers or other wholesalers, rather than to the general public which includes the warehousing of merchandise and which may include distribution of such merchandise on the site of the principal business.

*Yard*—a required open space located on a lot which is unobstructed from the ground to the sky except as expressly permitted by this Chapter.

*Yard, front*—a yard extending across the full lot width of the lot and extending back in depth measured at the minimum distance from the front lot line to a line parallel thereto on the lot.

*Yard, rear*—a yard extending across the full width of the lot and extending forward in depth the required minimum distance from the rear lot line to a line parallel thereto on the lot.

*Yard, side*—a yard between the building and the adjacent side line of the lot extending from the front yard to the rear yard, or in the case of a corner lot, extending from the front yard to the yard opposite the front yard.

*Zoning certificate*—a document signed and issued by the Zoning Officer upon a request to certify: the correct zoning classification; the compatibility of existing land uses; the compatibility of proposed land uses; and/or the legal status of a nonconforming use, structure or lot.

*Zoning district*—administrative areas within the Township designating the uses to which land can legally be utilized for which the boundaries are shown on the Zoning Map which is part of this Chapter.

*Zoning Map*—the official map delineating the zoning districts of North Fayette Township, Allegheny County, Pennsylvania, together with all amendments subsequently adopted.

*Zoning Officer*—the designated official or an authorized representative appointed by the Township Board of Supervisors whose duty it shall be to administer this Chapter.

*Zoning Ordinance*—the North Fayette Township Zoning Ordinance, *Ord. 360*, as amended, this Chapter.

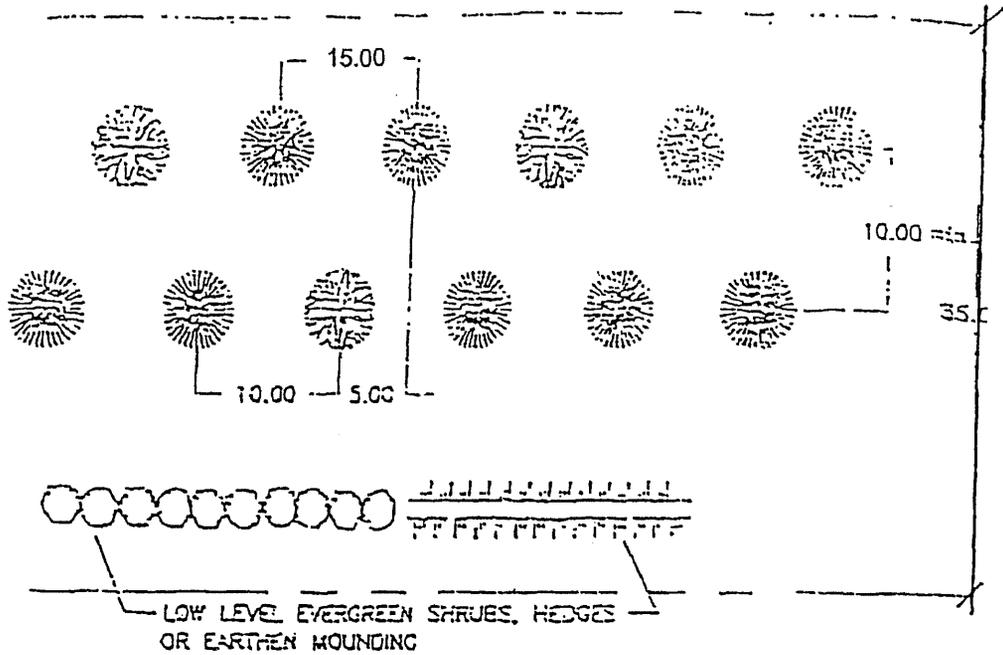
*Zoning and occupancy permit*—a permit issued by the Zoning Officer which is required by this Chapter prior to: the commencement of a use; the construction, reconstruction, alteration, remodeling, enlargement, movement, occupancy or use of a building, structure or lot; the change in use of a building, structure or lot; any change to, or enlargement or extension of a nonconforming use; and/or the construction, reconstruction, alteration or movement of a retaining wall.

(*Ord. 360*, 11/23/2004, §1402; as amended by *Ord. 415*, 2/12/2013, §1; and by *Ord. 418*, 1/29/2014)

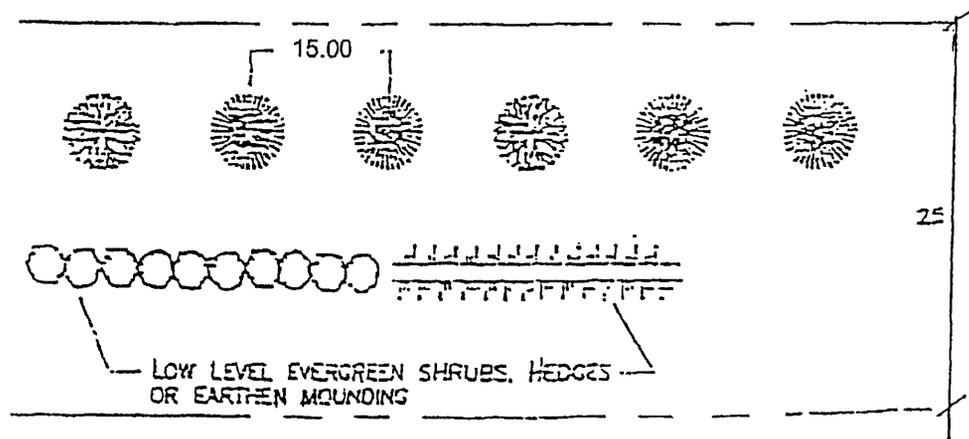


Appendix 27-A

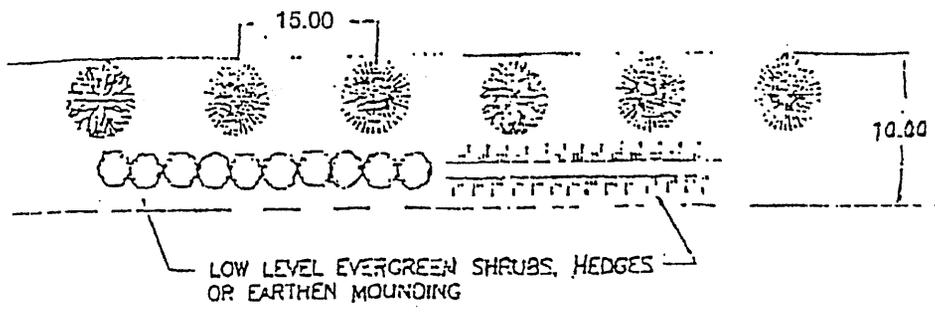
APPENDIX A



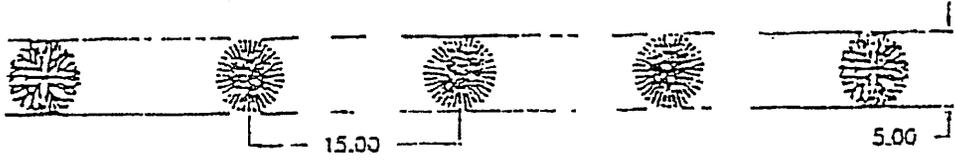
BUFFERYARD A



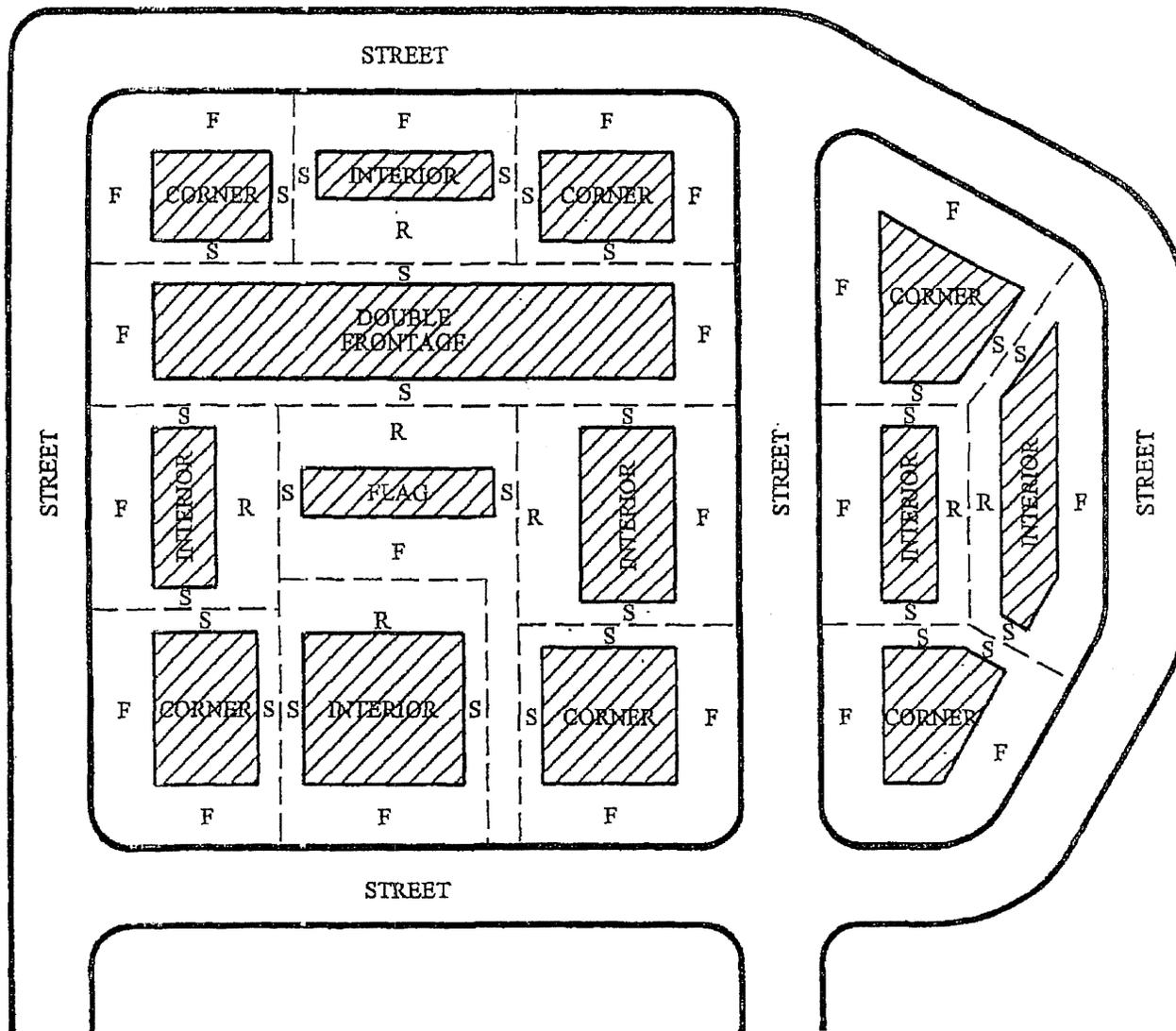
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BUFFERYARD C

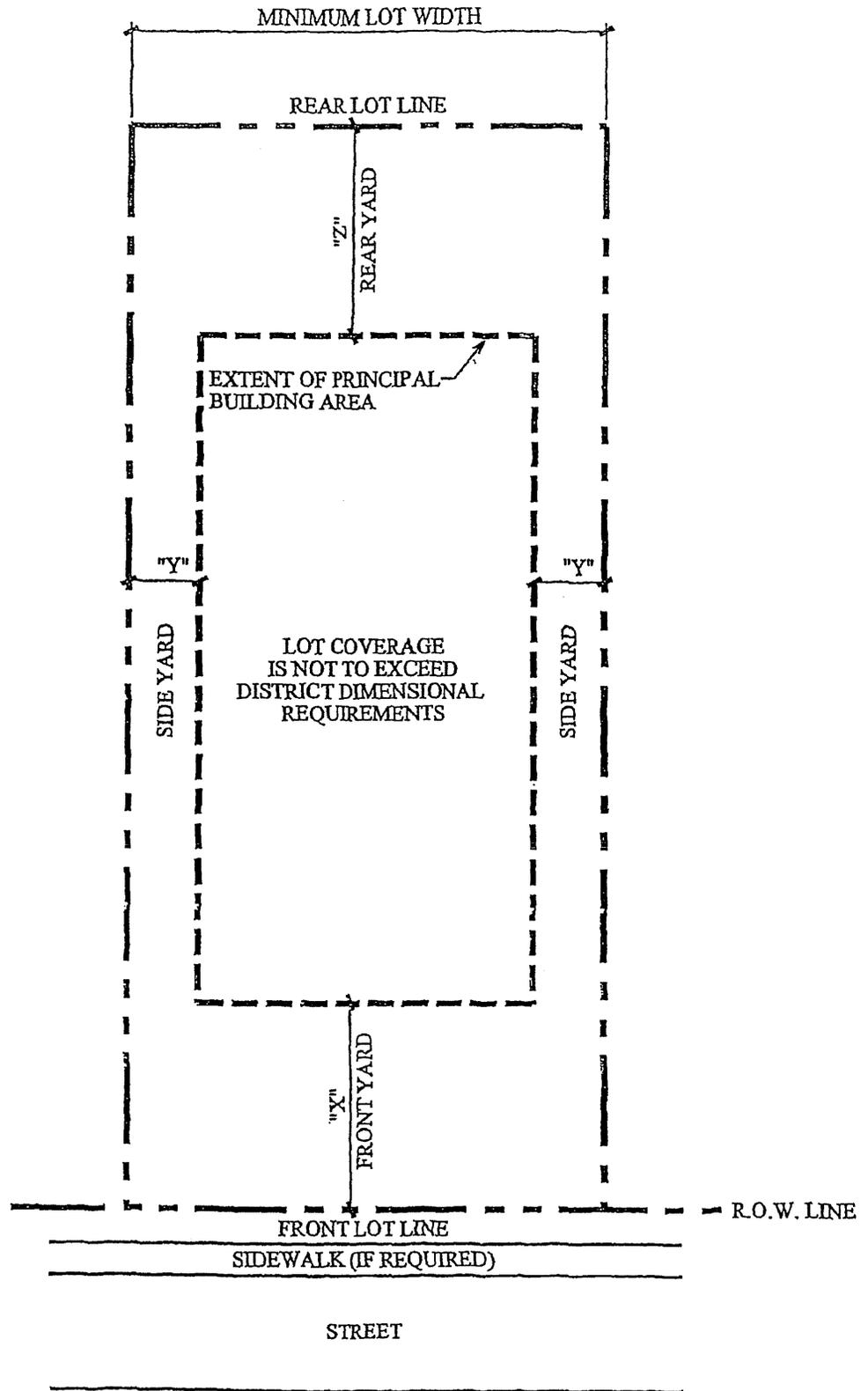


BUFFERYARD D

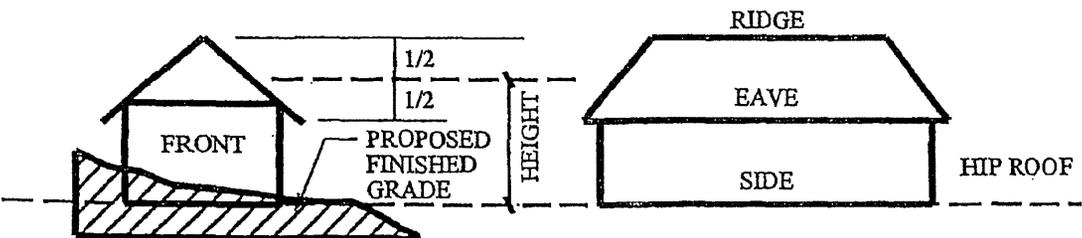
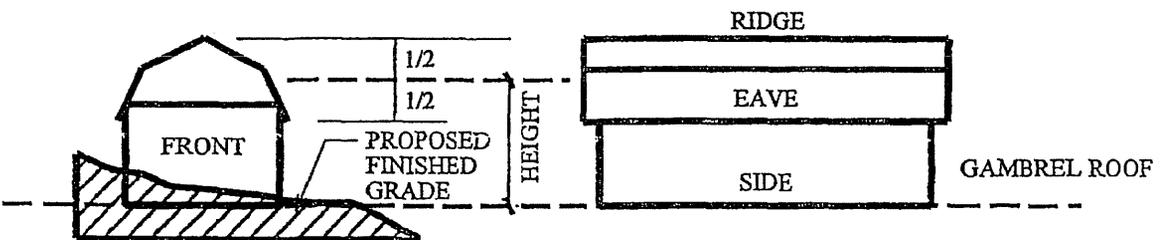
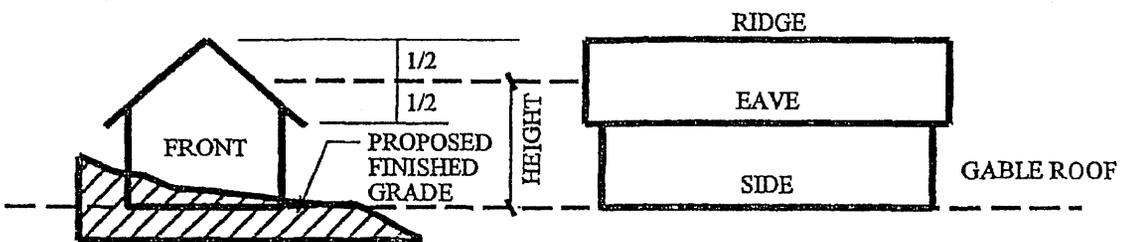
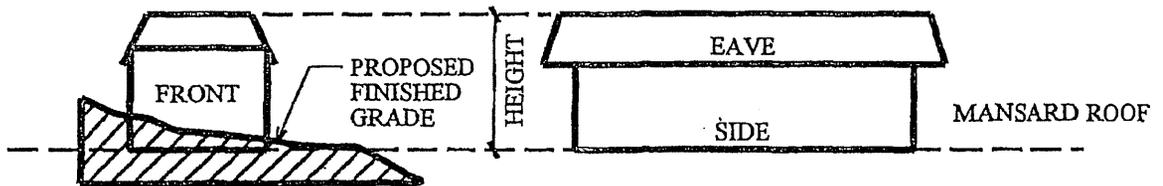
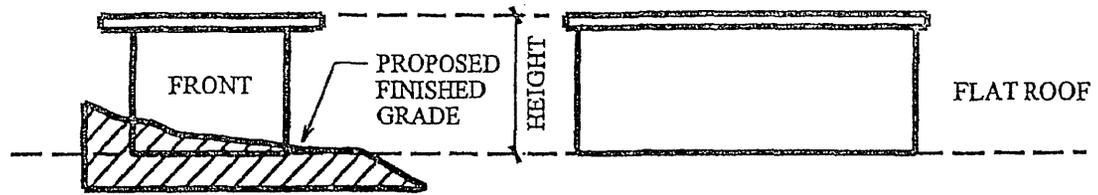


S - SIDE YARD  
 F - FRONT YARD  
 R - REAR YARD

LOT TYPES & YARD DEFINITIONS



YARD AND LOT COVERAGE



BUILDING HEIGHTS



**Appendix 27-C**

**Authorized Land Uses per Signage Category**

<b>Commercial/Office/ Industrial</b>	<b>Residential</b>	<b>Other</b>	<b>Not Applicable</b>
Adult Business	Apartment, Garden	Campground	Billboard
Bank/Financial Institution	Apartment, High-Rise	Cemetery	Communication Tower
Bar/Nightclub	Mobile Home Park	Emergency Services Facility	Essential Services
Business Services	Quad-Plex	Park and Playground (Public)	Forestry
Car Wash Single	Family Dwelling	Parking Garage/Structure (Public or Private)	Home-Based Business (No Impact)
Collection and Recycling Facility	Townhouse	Parking Lot (Public)	Home Occupation (Other)
Commercial School	Two Family Dwelling	Place of Assembly	Mineral Removal
Convenience Store	Bed and Breakfast Facility	Place of Worship	Mineral Removal, Restricted
Country Club or Golf Course	Day Care Home	Public Building (Municipal Building, Library and Fire Station)	Water Storage
Day Care Center or Nursery School	Dormitory	Public Utility Building and Public Utility Transmission Facility	
Employee Cafeteria/Dining Room	Farm without Retail Store	School, Private or Public	
Farm with Retail Store	Group Home	Uses Not Specifically Listed	
Flea Market			
Food and Grocery Store			

<b>Commercial/Office/ Industrial</b>	<b>Residential</b>	<b>Other</b>	<b>Not Applicable</b>
Freight and Truck Terminal			
Funeral Home			
Group Care Facility or Personal Care Boarding Home			
Heavy Equipment Repair			
Horse Boarding and Riding Academy			
Hospital			
Indoor Recreation			
Junk Yard			
Kennel			
Landfill			
Landscaping Service Center, Retail			
Landscaping Service Center, Wholesale			
Light Manufacturing			
Life Care Facility			
Manufacturing, Other than Light Manufacturing			
Medical Clinic			
Mini-Warehouse and Self- Storage. Building			
Motel/Hotel			
Nursing Home			

<b>Commercial/Office/ Industrial</b>	<b>Residential</b>	<b>Other</b>	<b>Not Applicable</b>
Office, Business and Professional (< 5,000 sf)			
Office, Business and Professional (> 5,000 sf)			
Office, Medical			
Outdoor Recreation			
Personal Services			
Pilot Manufacturing			
Research and Development			
Drive-Through Restaurant, High Turnover with Drive-Through			
Restaurant, High Turnover without Drive-Through			
Restaurant, Low Turnover			
Retail Store (< 5,000 sf)			
Retail Store (5,000 to 20,000 sf)			
Retail Store (> 20,000 sf)			
Service Station			
Supply Yard			
Transfer Facility, Incinerator or Resource Recovery Facility			
Vehicle Repair Garage			
Vehicle Sales and Service			
Veterinary Clinic			

<b>Commercial/Office/ Industrial</b>	<b>Residential</b>	<b>Other</b>	<b>Not Applicable</b>
Warehouse			
Wholesale Business			

**Appendix 27-D**

**[Reserved]**



## Zoning Map Amendments

<b>Ord./Res.</b>	<b>Date</b>	<b>Subject</b>
Ord. 379	6/12/2007	Approving the application of Ronald and Susan Snatchko to Rezone 1.2 acres of land at the intersection West Allegheny Road, Main Street, McClaren Road and Enlow Road, designated as Tax Parcel Id No. 9929-X-50088, from R-3, Medium Density Residential, to V, Village District, and thereby amending the North Fayette Township Official Zoning Map to reflect same.
Ord. 417, §3	10/22/2013	<ol style="list-style-type: none"><li>1. Rezoning the vacant property on Gamble Road (Tax Parcel No. 409-J-18), from CE Civic and Education to R-2 Suburban Residential Zoning District.</li><li>2. Rezoning two vacant parcels at Sutherland Drive (Tax Parcel Nos. 413-P-3 and 413-P-8) from current "split zoned" I-2 Heavy Industrial/B-2 General Commercial to become entirely B-2 General Commercial.</li><li>3. Amending to accurately reflect previous re-zoning in 1999 of three parcels at 228, 234 and 236 West Allegheny Road (Tax Parcel Nos. 800-M-17, 800-M-15 and 691-E-7) from R-2 Suburban Residential to B-1 Neighborhood Commercial (corrective amendment).</li></ol>

