
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

Plans, Analyses and Reports	Minor Application	Major Application
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 petition 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)