

**TOWNSHIP OF OHIO**

**ZONING ORDINANCE**

**ORDINANCE NO. 305**

**AN ORDINANCE REPEALING AND REPLACING CHAPTER 132 OF THE CODE OF THE TOWNSHIP, ENTITLED "ZONING" TO: DEFINE TERMS USED IN THE ORDINANCE; TO REGULATE THE LOCATION AND USE OF STRUCTURES AND LAND FOR RESIDENCES, BUSINESS, INDUSTRY AND OTHER PURPOSES; TO REGULATE THE HEIGHT OF STRUCTURES, THE PERCENTAGE OF LOT COVERED BY STRUCTURES, THE SIZE OF LOTS, THE SIZE OF YARDS AND OTHER OPEN SPACES; TO SPECIFY STANDARDS AND CRITERIA FOR CONDITIONAL USES AND USES BY SPECIAL EXCEPTION; TO ESTABLISH REQUIREMENTS FOR OFF-STREET PARKING AND LOADING, SIGNAGE, LANDSCAPING AND OTHER LOT IMPROVEMENTS; TO ESTABLISH STANDARDS FOR PLANNED RESIDENTIAL DEVELOPMENT; TO REGULATE NONCONFORMING USES, STRUCTURES AND LOTS; TO ESTABLISH PROVISIONS FOR THE ADMINISTRATION AND ENFORCEMENT OF THE ORDINANCE; TO PRESCRIBE POWERS AND DUTIES OF THE ZONING HEARING BOARD; AND TO ESTABLISH PROCEDURES FOR AMENDING THE ORDINANCE.**

**BE IT HEREBY ORDAINED AND ENACTED** by the Board of Supervisors of the Township of Ohio, Allegheny County, Pennsylvania, as follows:

**ARTICLE I**

**BASIC PROVISIONS**

**SECTION 100            TITLE**

The official title of this Ordinance is "Township of Ohio Zoning Ordinance."

**SECTION 101            EFFECTIVE DATE**

This Ordinance shall take effect immediately upon adoption by the Board of Supervisors.

**SECTION 102            AUTHORITY**

This Ordinance is adopted by virtue of the authority granted to the Township by the Commonwealth of Pennsylvania in the Pennsylvania Municipalities Planning Code, Act 247 of 1968 (as amended by Act 170 of 1988 (P.S. 10101 et. seq., as may be amended from time to time).

## **SECTION 103            INTERPRETATION**

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

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

In interpreting the language of this Ordinance 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 Board of Supervisors, in favor of the property owner and against any implied extension of the restriction.

## **SECTION 104            COMMUNITY DEVELOPMENT OBJECTIVES**

Community Development Objectives are set forth in the Township of Ohio 2008 Comprehensive Plan Update adopted by the Board of Supervisors on April 7, 2008. In addition to the specific objectives stated in the Comprehensive Plan Update, the general community development objectives on which this Ordinance is based are:

- A.** To promote the interest of public health, safety and the general welfare;
- B.** To provide adequate open spaces for light and air;
- C.** To preserve and stabilize property values;
- D.** To preserve woodlands, open space, recreational, agricultural and environmental sensitive lands from conflict with urban development;
- E.** To promote the provision of adequate transportation, water, sewage, parks and other public requirements;
- F.** To prevent the overcrowding of land, blight, danger and congestion in travel and transportation, loss of health, life or property from fire, flood, panic or other dangers;
- G.** To promote stormwater management, soil and water conservation;
- H.** To set forth population density controls; and
- I.** To promote coordinated and practical community development.

**SECTION 105            COMPLIANCE**

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

**SECTION 106            SEVERABILITY**

If any of the provisions of this Ordinance or the application of any provision to particular circumstances is held to be invalid, the remainder of the Ordinance or the application of such provision to other circumstances shall not be affected.

**ARTICLE II**  
**DEFINITIONS**

**SECTION 200            GENERAL INTERPRETATIONS**

All words used in this Ordinance shall carry their customary dictionary definitions as provided in the most recent edition of Webster's Collegiate Dictionary, 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 or designed to be used or occupied." The word "person" shall include the individual, corporation, partnership, incorporated association or any other entity. Words in the masculine gender shall include the feminine gender. The words "includes" and "including" shall not limit the defined term to the specific examples, but are intended to extend the terms meaning to other instances of like kind and character.

**SECTION 201            PARTICULAR MEANINGS**

The following words and phrases shall have the particular meaning specified in the purpose of interpreting this Ordinance:

**ACCESS:** A means of providing vehicular or pedestrian ingress and egress to and from a property.

**ACCESSORY USE OR STRUCTURE:** A use or structure, located on the same lot with the principal use or structure, that is subordinate and incidental to the principal structure or use of the property and which may occupy a separate structure and/or area on or in the ground, including, but not limited to storage sheds or other storage structures, off-street parking, signs, off-street loading, gazebos, children's playhouses, greenhouses for personal use, garages, swimming pools, detached decks, fences and similar structures.

**ACTIVE RECREATION:** See RECREATION, ACTIVE

**ADULT ARCADE:** Any place where the public is permitted or invited wherein coin-operated or electronically, electrically or mechanically controlled still or motion picture machines, projectors or other image producing devices are maintained to show images to five (5) or fewer persons per machine at any one time and where the images displayed are sexually explicit or depict nudity or sexual conduct, as defined herein.

**ADULT BOOKSTORE OR VIDEO STORE:** An establishment having a substantial or significant portion of its stock in trade, including but not limited to, video cassettes, movies, books, magazines and other periodicals, which is distinguished or characterized by its emphasis on matters depicting, describing or relating to nudity or sexual conduct, as defined herein, or an establishment with a segment or section devoted to the sale or display of such material.

**ADULT BUSINESS:** An adult arcade, adult bookstore or video store, adult motel, adult mini-motion picture theater, adult motion picture theater, adult newsrack, adult nightclub, bath house, body painting studio, escort service, massage parlor, or any other business establishment offering adult entertainment, as defined herein.

**ADULT ENTERTAINMENT:** Movies, videos, still or motion pictures, photographs, slides, films or other visual representation, books, magazines or other printed material or live dramatic, musical or dance performances that are sexually explicit or depict nudity or sexual conduct, as defined herein.

**ADULT MINI-MOTION-PICTURE THEATER:** An enclosed building with a capacity for accommodating fewer than fifty (50) persons, used for presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas, as defined herein, for observation by patrons therein.

**ADULT MOTEL:** A hotel or motel presenting adult motion pictures by means of closed circuit television, the material being presented having as a dominant theme or presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to nudity or sexual conduct, as defined herein, for observation by patrons therein.

**ADULT MOTION PICTURE THEATER:** An enclosed building with a capacity for accommodating fifty (50) or more persons used for presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to nudity or sexual conduct, as defined herein, for observation by patrons therein.

**ADULT NEWSRACK:** Any coin-operated machine or device that dispenses printed material substantially devoted to the depiction of nudity or sexual conduct, as defined herein.

**ADULT NIGHTCLUB:** Any nightclub, as defined herein, that offers adult entertainment, as defined herein.

**AGRICULTURAL OPERATION:** An enterprise that is actively engaged in the commercial production and preparation for market of crops, livestock and livestock products and in the production, harvesting and preparation for market of use of agricultural, agronomic, horticultural, silvicultural, and agricultural crops and commodities. The term includes an enterprise that implements changes in production practices and procedures or types of crops, livestock, livestock products or commodities produced consistent with practices that are normally engaged by farmers or are consistent with technological development within the agricultural industry.

**AGRICULTURAL SALES:** The sale of products raised, grown or produced on a farm, provided the sales are conducted on the farm property where the products are raised, grown or produced and where products sold that are not raised, grown or produced on the farm shall be a minor percentage of the total sales.

**AISLE:** A paved area of a minimum width specified by this Ordinance that provides direct access to one (1) or two (2) rows of parking spaces and connects those parking spaces with the driveways that provide circulation through a parking area.

**ALTERATION:** See STRUCTURAL ALTERATION.

**AMENDMENT:** See ZONING AMENDMENT.

**ARCHITECT:** A registered professional architect licensed as such by the Commonwealth of Pennsylvania.

**ARTERIAL STREET:** A public street that serves large volumes of high speed and long distance traffic. Streets classified as arterial in the Township include Interstate 79 and 279.

**ASSISTED LIVING FACILITY:** A residential building or group of buildings designed to provide multifamily dwelling units for elderly or physically or mentally disabled persons who are independently mobile and are not in need of the level of service provided by a personal care home, but that provides on-site supervision and assistance available to the residents on an occasional, "as-needed" basis, and where at least one (1) meal each day is provided in a common dining area and that includes certain design features associated with the needs of the elderly that are not customary in the construction of conventional dwelling units, such as emergency call systems, common dining facilities, common laundry facilities, minimal housekeeping services, common leisure and recreational facilities, transportation services and similar supporting services for the convenience of the residents.

**AUTOMOBILE SERVICE STATION:** A retail establishment that provides for one (1) or more of the following activities:

- A.** The servicing of motor vehicles and operations incidental thereto and limited to the retail sale of petroleum products, and that may include one (1) or more of the following activities: retail sales and installation of automotive accessories; automobile washing by hand; undercoating and rust proofing; waxing and polishing of automobiles; tire changing and repairing (excluding recapping); battery service, changing and replacement, excluding repair and rebuilding; radiator cleaning and flushing, excluding steam cleaning and repair; installation of accessories; and State Inspection; and/or
- B.** The following operations, if conducted within a "Completely Enclosed Building" as defined by this Ordinance: lubrication of motor vehicles; replacement of exhaust systems; brake servicing limited to servicing and replacement of brake cylinders, lines and brake shoes; wheel balancing; the testing, adjustment and replacement or servicing of carburetors, filters, generators, points, rotors, spark plugs, voltage regulators, water and fuel pumps, water hoses and wiring; and/or
- C.** The operation of a convenience food store, provided retail sale of petroleum products is a part of the operation.

**BAKERY:** A retail establishment that sells baked goods and which may include the baking of goods on the premises for sale primarily on the premises.

**BAR OR TAVERN:** A business, licensed by the Commonwealth, that sells alcoholic beverages for consumption on the premises as the principal use and that may offer food for consumption on the premises as an accessory use.

**BATH HOUSE:** An establishment that provides baths of all kinds, including methods of hydrotherapy involving nudity or sexual conduct, but not including hydrotherapy treatment practiced by or under the supervision of a medical practitioner, such as a medical doctor, physician, chiropractor or similar professional licensed by the Commonwealth of Pennsylvania.

**BED AND BREAKFAST:** A dwelling that is the principal residence of the operator where no more than four (4) sleeping rooms are offered to transient overnight guests for compensation and where the only meal served and included with the overnight accommodations is breakfast.

**BEER DISTRIBUTOR:** A commercial business licensed by the Commonwealth to sell beer in quantity entirely for off-premises consumption.

**BILLBOARD:** Any off-premises sign with a changeable or permanent advertising face that advertises an establishment, person, activity, product or service that is unrelated to or not available on the premises on which the sign is located.

**BOARD OF SUPERVISORS:** The Board of Supervisors of the Township of Ohio, Allegheny County, Pennsylvania.

**BODY PAINTING STUDIO:** Any establishment that provides the service of applying paint or other substance, whether transparent or nontransparent, to or on the human body in a state of nudity, as defined herein.

**BUFFER AREA:** A landscaped area of a certain depth specified by this Ordinance that shall be planted and maintained in trees, grass, ground cover, shrubs, bushes or other natural landscaping material and shall consist of a mix of types and sizes of plant material that, within three (3) years of planting, meets the standard of providing a compact year-round visual screen at least six (6) feet in height or an existing natural barrier, such as vegetation and/or topography, that duplicates the effect of the required buffer area, provided the natural barrier is maintained with vegetation or landscaping at all times.

**BUILDING FOOTPRINT:** The area of the lot expressed in square feet that is covered by the ground floor of a building, measured between exterior faces of walls. If the floor area of any upper floor exceeds the floor area of the ground floor by more than ten percent (10%), the upper floor shall be used to determine the building footprint.

**BUILDING:** A roofed structure, whether or not enclosed by walls to be used for shelter, enclosure or protection of persons, goods, materials, animals, things or an area of land. (See also COMPLETELY ENCLOSED BUILDING.)

**BUILDING HEIGHT:** The vertical distance measured from the average of the elevations of the finished grade at the four (4) corners of the building to the highest point of the roof for flat roofs, to the deck lines of mansard roofs, and to the mean height between eaves and ridge for gable, hip and gambrel roofs.

**BUILDING LINE, FRONT:** A line parallel to or concentric with the front lot line, the minimum measurement of which is the front yard depth required by this Ordinance.

**BUILDING SPACING:** The minimum distance between two (2) buildings on the same lot, measured from the outermost wall or projection, excluding bay windows, chimneys, flues, columns, ornamental features, cornices and gutters that project beyond the wall of the building no more than two (2) feet.

**BUSINESS ESTABLISHMENT:** Any premises operated by a single legal entity for an authorized use separate and independent from any other authorized use operated by that legal entity or any other legal entity.

**BUSINESS OR PROFESSIONAL OFFICES:** Any office of recognized professions, other than medical, such as 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. (See also MEDICAL OFFICES.)

**BUSINESS SERVICES:** Establishments engaged in providing services to business offices on a fee or contract basis, including, but not limited to, advertising and public relations; management and consulting services; employment services; building security and maintenance services; equipment servicing, rental/leasing and sales; computer and data processing services; mailing, photocopying, quick printing and fax services; sale of office supplies; and similar business services, but not including the rental, sale or repair of vehicles or heavy equipment.

**CAR WASH:** A facility, whether automatic, semi-automatic or manual, for washing and polishing vehicles.

**CARPORT:** A structure to house or protect motor vehicles that is open to the weather for at least forty percent (40%) of the total area of its sides.

**CARRY-OUT RESTAURANT:** See RESTAURANT, CARRY-OUT.

**CATERING SERVICE, EXCLUDING RENTAL HALL:** A business that provides the preparation and serving of food for businesses, groups or individuals for special occasions delivered for consumption off the premises and which does not include any space available for rent by customers where functions can be held.

**CATERING SERVICE, INCLUDING RENTAL HALL:** A business that provides the preparation and serving of food for businesses, groups or individuals for special occasions, usually delivered for consumption off the premises, but which includes a party room or other facility available for rent by customers where functions can be held.

**CARTWAY:** That portion of the street right-of-way that is surfaced for vehicular use, excluding curbs and shoulders.

**CEMETERY:** Property used for interring of dead persons or domestic pets, including mausoleums, columbariums, but not including any crematory or funeral home within the boundaries of such property.

**CERTIFICATE OF OCCUPANCY:** A document issued by the Zoning Officer indicating that a premises for which a Building Permit and/or a Zoning Certificate has been issued is ready for occupancy and is in compliance with the provisions of this Ordinance and the Township Building Code, if applicable.

**CHURCH:** A building, structure, lot or portion of land where people regularly observe, practice, or participate in religious or spiritual services, education, meetings, or activities, but not to include day care centers, preschools, nursery schools or kindergarten, boarding house or domiciliary care, except in those districts where such uses are specifically permitted.

**CLEAR SIGHT TRIANGLE:** A triangular area of unobstructed vision at the intersection of two (2) streets or of a driveway and a street defined by line of sight a given distance from the intersection of the centerlines of two (2) streets or the centerlines of the driveway and the street. (See Illustration in Appendix A.)

**CLINIC, VETERINARY:** See VETERINARY CLINIC.

**CLUB, PRIVATE:** See PRIVATE CLUB.

**COLLECTOR STREET:** A public street that, in addition to giving access to abutting lots, intercepts local streets and provides a route for carrying considerable volumes of local traffic to community facilities and arterial roads. Streets classified as collector in the Township include: Arndt Road, Camp Horne Road, Crawford Road, Duff Road, Mount Nebo Road, Nicholson Road and Roosevelt Road.

**COMMERCIAL:** A business, enterprise, activity or other undertaking engaged in for a profit.

**COMMERCIAL GREENHOUSE:** A retail business that sells flowers, plants, shrubs, trees and other natural flora and products that aid their growth and care and that may include a greenhouse and/or the growing of plant material outside on the lot.

**COMMERCIAL VEHICLE:** A motor vehicle licensed by the Department of Transportation, Commonwealth of Pennsylvania, having a gross vehicle weight in excess of 10,000 pounds; or any other vehicle either motorized, self-propelled or designed to be towed by another vehicle for use in commercial or industrial enterprises, such as air compressors, welding units and the like; or any and all earthmoving equipment, such as bulldozers, hi-lifts, backhoes, ditching equipment and the like.

**COMMON OPEN SPACE:** A lot or portion thereof or body of water or a combination thereof within a development site for the use and enjoyment of the residents of a development, but not including streets, off-street parking areas and other areas set aside for facilities for the general public.

**COMMUNICATIONS ANTENNA:** Any structure designed for transmitting or receiving wireless communications of video, voice, data and similar transmissions, including, but not limited to, omni-directional or whip antennas, directional or panel antennas and satellite or microwave dish antennas that may be mounted on an existing building, an existing public utility storage or transmission structure or an existing communications tower, excluding transmission and receiving devices licensed by the Federal Communications Commission (FCC) exclusively for private use by citizens.

**COMMUNICATIONS EQUIPMENT BUILDING:** A manned or unmanned structure that contains the equipment necessary to maintain and operate communications antennas and that covers an area on the ground in excess of two hundred (200) square feet.

**COMMUNICATIONS EQUIPMENT CABINET:** An unmanned structure that contains the equipment necessary to maintain and operate communications antennas and that covers an area on the ground of no more than two hundred (200) square feet.

**COMMUNICATIONS TOWER:** Any structure, whether freestanding or attached to a building, designed to support multiple communications antennas, including monopole, self-supporting and guyed towers and one (1) or more of the following mounts for antennas: rotatable platform, fixed platform, multi-point or side-arm mounts and pipe mounts for microwave dish antennas.

**COMPARABLE USES NOT SPECIFICALLY LISTED:** Uses of the same general character as any of the uses authorized in a specific zoning district, but which are not listed in that district.

**COMPLETELY ENCLOSED BUILDING:** A building designed and constructed so that all exterior walls shall be solid from the ground to the roof line, containing no openings except for windows and doors that are designed so that they may be closed and any other small openings required for the ventilation system.

**COMPLETION OF A WELL:** The date after treatment, if any, that a well is properly equipped for the production of oil or gas, or, if the well is dry, the date that the well is abandoned.

**COMPRESSOR STATION:** See NATURAL GAS COMPRESSOR STATION.

**CONDITIONAL USE:** A use authorized by this Ordinance that may be granted only by the Board of Supervisors following review by the Planning Commission and a public hearing, subject to express standards and criteria contained in this Ordinance.

**CONSTRUCTION TRAILER, TEMPORARY:** A structure designed, used or constructed, to provide temporary offices for construction supervision on the site of an approved subdivision or land development during the time that a valid building permit or grading permit is in effect.

**CONTRACTING BUSINESS:** The administrative offices of a business that provides construction, remodeling, home improvement, land development and related services on a contractual basis and that may include the storage of materials, equipment and vehicles, provided all materials, equipment and vehicles are stored within a completely enclosed building, but not including a landscaping contractor which is separately defined and regulated by this Ordinance.

**CONTRACTOR'S YARD:** An establishment that may or may not include administrative offices for a business that provides construction, remodeling, home improvement, land development and related services on a contractual basis, but that involves the outdoor storage of all or part of the materials, equipment or vehicles used in the business. (See also LANDSCAPING CONTRACTOR.)

**CONVENIENCE STORE:** A business offering a limited selection of grocery, household and personal items for quick purchase and that may include the dispensing of gasoline.

**CORNER LOT:** A lot at the intersection of, and fronting on, two (2) or more street rights-of-way.

**COUNTY:** Allegheny County, Pennsylvania.

**COVERAGE:** See LOT COVERAGE.

**CUT-OFF ANGLE:** The angle formed by a line drawn from the direction of light rays at the light source and a line perpendicular to the ground from the light source, above which no light is emitted. (See Appendix B.)

**DAY CARE CENTER:** A facility, licensed by the Commonwealth, located within a building that is not used as a dwelling unit, for the care, on a regular basis, during part of a twenty-four (24) hour day, of children under the age of sixteen (16) or handicapped or elderly persons and which may or may not offer private educational services to children who are under the minimum age for education in public schools.

**DAY CARE HOME:** See FAMILY DAY CARE HOME.

**DAY SPA:** A business establishment which provides one (1) or more of the following services to customers who do not stay overnight on the premises: massage therapy, facials, body wraps, tanning, steam or sauna baths, herbal treatments, hair styling, manicure, pedicure, nutritional counseling, Yoga exercise, aromatherapy, reflexology and relaxation therapy.

**DECK OR PATIO:** Any uncovered outdoor living area, without a roof, constructed on or above the surface of the ground.

**DENSITY, DWELLING UNIT:** See DWELLING UNIT DENSITY.

**DEVELOPER:** Any landowner, agent of such landowner, or tenant with the permission of such landowner, who makes or causes to be made a subdivision of land or a land development.

**DEVELOPMENT:** Any man-made change to an improved or unimproved land or water area, including, but not limited to, construction of buildings or structures or additions thereto, mining, dredging, filling, grading, paving, excavation or drilling operations.

**DEVELOPMENT PLAN:** A graphic and written presentation of a proposed development, including a plat of subdivision and all provisions relating to use, location and bulk of buildings and other structures, intensity of use or density of development, streets, parking facilities, common open space and public facilities.

**DIRECT VEHICULAR ACCESS:** A curb cut on or a private driveway leading directly to a public street right-of-way. In the case of the requirement for direct vehicular access to an arterial or collector street, the point of access shall be onto the arterial or collector street without traversing any other public street rights-of-way.

**DISTRICT:** See ZONING DISTRICT.

**DOMESTIC PETS:** Animals, fish or birds customarily found in a dwelling and kept for company or pleasure, including dogs and cats, provided that there is not a sufficient number to constitute a kennel, as defined herein; hamsters, rabbits, gerbils, parakeets, canaries and similar small animals or birds; however, the term "domestic pets" shall not include exotic animals such as lions, tigers, ocelots and other feral cats, venomous or constrictor snakes, alligators, monkeys or other animals normally found in a zoo, nor any horses, pigs or other fowl or livestock customarily found on a farm.

**DOMICILIARY CARE:** Care provided in the provider's dwelling unit to no more than three (3) persons aged eighteen (18) years or older who need assistance with daily activities and are unable to live alone, where the provider and the dwelling unit are certified by the Area Agency on Aging.

**DRILLING:** The drilling or re-drilling of a well or the deepening of an existing well.

**DRIVEWAY:** A private vehicular way providing access between a street and a parking area or garage located on a lot.

**DRIVE-THROUGH FACILITY:** Any principal use or accessory use that involves a window, service lane, bay or other facility where customers are provided services either inside or outside their vehicles and where cars may or may not wait in line to access these services, including, but not limited to "drive-in" or "drive-through" windows at fast food restaurants, banks or other businesses, exterior automated teller machines (ATMs), quick oil change facilities, car washes and similar automotive services and other such facilities.

**DRUGSTORE:** A retail establishment which sells prescription drugs, patent medicines, surgical and sickroom supplies and which also may sell cosmetics, household goods and a limited selection of food products.

**DWELLING:** Any building designed or used as permanent living quarters for one (1) or more families, but not including group care facilities, nursing homes, hotels or motels.

**DWELLING TYPES:** The following dwelling types are included in this Ordinance:

- A. **SINGLE FAMILY DWELLING:** A detached residential building that is the only principal structure on the lot, designed exclusively for occupancy by one (1) family, as defined herein, and containing one (1) dwelling unit.
- B. **TWO FAMILY DWELLING:** A residential building that is the only principal structure on the lot, unless authorized by this Ordinance to be subdivided along the common wall for fee simple ownership of each dwelling unit, designed exclusively for occupancy by two (2) families living independently of each other, and containing two (2) dwelling units, each with a separate entrance directly to the outside, including duplexes and carriage homes.
- C. **MULTIFAMILY DWELLING:** A residential building designed exclusively for occupancy by three (3) or more families living independently of each other and containing three (3) or more separate dwelling units, including triplexes, quadraplexes, townhouses and garden apartments.

- D. GARDEN APARTMENT:** A multifamily residential building no more than three (3) stories in height containing three (3) or more dwelling units that 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.
- E. MODULAR DWELLING:** A factory fabricated single family dwelling that is delivered to its site in at least two (2) sections that are set upon a permanent foundation and the sections joined together. Such dwellings shall be certified as meeting the minimum standards for manufactured housing in Pennsylvania. Modular dwellings shall be permitted wherever single family dwellings are allowed, provided they are installed on a permanent foundation and connected to all available utilities.
- F. PERSONAL CARE BOARDING HOME:** A dwelling or institution licensed by the Commonwealth where room and board is provided to more than three (3), permanent residents, who are not relatives of the operator, and who are mobile or semi-mobile and require specialized services for a period exceeding twenty-four (24) consecutive hours in such matters as bathing, dressing, diet and medication prescribed for self-administration, but who are not in need of hospitalization or skilled nursing or intermediate nursing care.
- G. TOWNHOUSE:** A multifamily residential building not more than two and one-half (2 1/2) stories in height that contains at least three (3), but not more than eight (8) 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.
- H. TRANSITIONAL DWELLING:** A dwelling unit occupied on a short term basis by persons assigned by a Court of Law, or assigned, self-referred or referred by a public agency, semi-public agency, non-profit entity, or for-profit entity and managed by a public agency, semi-public agency, non-profit entity, or for-profit entity responsible for the occupants' care, safety, conduct, counseling and supervision for a specified period of time, including, but not limited to, alcoholic recovery, shelters for battered persons and their children, maternity homes, community re-entry services following incarceration, prison assignment, house arrest, juvenile personal care/child residential facilities or other Court ordered treatment and other such short-term supervised assignments or occupancies.

**DWELLING UNIT:** One (1) or more rooms that are used as living quarters for one (1) family and that have permanent facilities for sleeping, cooking and eating, as well as sanitary facilities.

**DWELLING UNIT DENSITY:** The number of dwelling units authorized by this Ordinance per acre of land.

**EASEMENT:** A grant of one (1) or more property rights by the property owner to and for use by the public, a utility, a corporation or any other person, the use of which shall not be inconsistent with the rights of the grantee and in which no permanent structure shall be erected.

**EFFECTIVE DATE:** The date on which this Chapter is duly adopted by the Township or as specified in the Ordinance so adopted.

**ENGINEER:** A registered professional engineer licensed as such by the Commonwealth of Pennsylvania.

**EQUIPMENT STORAGE YARD:** An area of land devoted to the storage, whether temporary or permanent, of construction equipment, farm equipment or other heavy equipment or vehicles in excess of 26,000 pounds Gross Vehicle Weight.

**ERECTED:** Includes "built," "constructed," "reconstructed," "moved upon" or any physical operations on the land required for the building. Excavation, fill, drainage and the like shall be considered part of the erection.

**ESCORT SERVICE:** A business that provides a service by appointment or upon request where individuals leave one premises and go to another premises for a specified period of time for the purpose of engaging in nudity or sexual conduct as defined herein.

**ESSENTIAL SERVICES:** The provision of distribution and collection systems by public utilities, regulated by the Public Utilities Commission (PUC) or any agency, franchisee or authority of the Township of Ohio of underground or overhead gas, electrical, telephone, steam, or water lines, sewers, fire alarm boxes, traffic signals, hydrants, cable TV (not including towers) and accessories in connection therewith, reasonably necessary to furnish adequate services within the Township of Ohio to the general public.

**ESTABLISH AN ADULT BUSINESS:** Includes any of the following:

- A. the opening or commencement of any adult business as a new business;
- B. the conversion of an existing business, whether or not an adult business, to any adult business;
- C. the addition or change of any adult business to any other existing adult business or to a non-adult business; or
- D. the relocation of any adult business.

**FAMILY:** An individual, or two (2) or more persons related by blood, marriage, adoption or foster child care, including domestic servants, thereof; or a group of not more than four (4) unrelated persons, living and cooking together as a single housekeeping unit, and sharing common facilities as considered reasonably appropriate for a family related by blood, marriage or adoption, and whose membership in the housekeeping unit is not dependant on payment of compensation to anyone providing meals, supervision or specialized health, social or rehabilitative services; or not more than five persons living together in a group living arrangement with supervision, provided that the group living arrangement meets all of the following criteria:

- A. It provides non-routine support services, including supervision, personal care, social or counseling services and transportation, to persons who need such assistance in order to use and enjoy a dwelling or to avoid being placed within an institution, because of physical disability, old age, mental retardation, or other handicap or disability as defined by the Fair Housing Amendments Act or the Americans with Disabilities Act;

- B. It provides for the joint occupancy of a dwelling unit where the residents maintain a common household and practice, on a permanent or long-term basis, a joint economic, social and cultural life;
- C. It does not involve the housing of persons on a transient basis;
- D. It does not involve the housing or treatment of persons accepted for residence in the group living arrangement on the basis of their status as criminal offenders, juvenile offenders or delinquents, or who would otherwise qualify for residence by virtue of having been found by any governmental tribunal, or court or agency to be a danger to society or are on release or under the jurisdiction of the criminal justice system, a government bureau of corrections or similar institution.

Family shall not include persons living together in a Group Care Facility, Personal Care Boarding Home or Transitional Dwelling, as defined herein, or any other supervised group living arrangement for persons not protected by the Fair Housing Act or for any persons who constitute a direct threat to others or their physical property.

**FAMILY DAY CARE HOME:** A facility, licensed or approved by the Commonwealth, as required by the laws of the Commonwealth, located within a dwelling in which the operator resides, for the care on a regular basis during part of a twenty-four (24) hour day of not more than six (6) children under sixteen (16) years of age, including care provided to children who are relatives of the provider, where such use shall be secondary to the use of the dwelling for living purposes and shall meet all applicable requirements for a home occupation.

**FARM:** A site of ten (10) acres or more used for the pursuit of agriculture, as defined herein.

**FAST FOOD RESTAURANT:** See RESTAURANT, FAST FOOD.

**FENCE:** An artificially constructed barrier of wood, masonry, stone, wire, metal or any other manufactured or natural material or combination of materials erected for the enclosure of land and/or dividing one area of land from another. This definition shall not include agricultural fences erected for the purpose of enclosing livestock in areas properly used for agricultural purposes, nor shall it include retaining walls that are designed and approved in accordance with the Township Grading Ordinance.

**FINANCIAL INSTITUTION:** A bank, savings and loan association or similar institution that lends money or is engaged in a finance-related business.

**FIRE AND EMERGENCY MEDICAL SERVICES:** Facilities owned and operated by a public agency or nonprofit corporation used for the storage of fire trucks, fire-fighting equipment, ambulances and other emergency medical equipment and for the training of firefighters, paramedics and other medical rescue personnel and that may or may not include offices, meeting rooms, exercise rooms, sleeping quarters for the employees and volunteers, kitchen facilities and a social hall.

**FLEX SPACE:** Any building designed to accommodate a combination of office and warehousing or office and manufacturing or assembly.

**FLOOR AREA, GROSS:** The sum of all the horizontal floor areas of a building, measured between exterior faces of walls.

**FLOOR AREA, NET:** The total floor area of a building designed for tenant occupancy, or areas accessible to the customers, clients or general public, but excluding storage areas, equipment rooms, food preparation areas in a restaurant and common areas such as halls, corridors, stairwells, elevator shafts, restrooms, interior vehicular parking and loading areas and similar common areas, expressed in square feet and measured from the centerline of joint partitions and exteriors of outside walls.

**FOOD STORE:** A retail establishment that offers for sale specialty or gourmet food items or meats or groceries that are packaged and are not available for consumption on the premises.

**FOOD AND RELATED PRODUCTS, PACKAGING, STORAGE AND DISTRIBUTION:** A business that involves the packaging, storage and distribution of food and related products, but does not include the slaughtering, processing, or rendering of animals.

**FORESTRY:** The management of forests and timberlands when practiced in accordance with accepted silviculture principles, through developing, cultivating, harvesting, transporting and selling trees for commercial purposes that do not involve any land development.

**FRONT BUILDING LINE:** See BUILDING LINE, FRONT.

**FRONT LOT LINE:** See LOT LINE, FRONT.

**FUNERAL HOME:** A building used for the embalming of the deceased for burial and for the display of the deceased and ceremonies connected therewith before burial or cremation, but not including cremation, unless a crematory is specifically authorized by this Ordinance.

**GARAGE, PRIVATE:** An accessory building or a portion of the principal building, not accessible to the general public and designed or used for shelter or storage of private vehicles and personal property of the occupants of the principal building.

**GARAGE, PUBLIC PARKING:** See PUBLIC PARKING GARAGE

**GARAGE, VEHICLE REPAIR:** See VEHICLE REPAIR GARAGE.

**GARDEN APARTMENT:** See "D" under DWELLING TYPES.

**GAS:** See NATURAL GAS.

**GENERAL MERCHANDISE STORE:** A retail store selling a wide variety of products including, but not limited to: apparel, home furnishings, lawn and garden supplies, outdoor equipment and supplies, automotive, hardware, home improvement, beauty and health products, cards and gifts, office supplies, and may offer limited quantities of food products.

**GROCERY STORE:** A retail business that primarily sells meat, food and household products, but that may also include as accessory uses a pharmacy, a florist, a travel agency, video rental (excluding an adult video store), a coffee shop, a delicatessen, banking and copy/fax services and similar services.

**GROSS FLOOR AREA:** See FLOOR AREA, GROSS.

**GROUP CARE FACILITY:** Any supervised long-term group living arrangement licensed by the Commonwealth for any of the following:

1. Persons who do not meet the definition of mentally or physically handicapped provided in the Fair Housing Amendments Act or the Americans with Disabilities Act;
2. Persons who do meet the definition of mentally or physically handicapped provided in the Fair Housing Amendments Act or the Americans with Disabilities Act living in an institutional setting and not maintaining a common household;
3. Persons who, whether handicapped or not, are criminal offenders, juvenile offenders or delinquents or who have been found by any governmental tribunal, court or agency to be a danger to society or who under the jurisdiction of the criminal justice system, a governmental bureau of corrections or similar agency or institution.

**HAZARDOUS MATERIALS:** Any material designated as a hazardous material under the terms and provisions of the Pennsylvania Solid Waste Management Act of 1980 and/or any regulations promulgated thereunder by the Pennsylvania Department of Environmental Protection and designated as "hazardous materials."

**HEALTH CLUB:** A commercial recreational enterprise or private club that has as a principal use a gymnasium, swimming pool or other sports facility and that may offer massages, whirlpool baths, steam rooms, saunas and/or medical facilities as accessory uses to the principal use.

**HEIGHT OF BUILDING:** See BUILDING HEIGHT.

**HEIGHT OF SIGN:** The vertical distance measured from the average elevation of the finished grade around the sign to the highest point on the sign and its supporting structure, including the foundation of the sign, if it is elevated above the ground level.

**HEIGHT OF STRUCTURE:** For structures other than buildings or signs, the vertical distance measured from the average elevation of the finished grade around the structure to the highest point on the structure.

**HOME-BASED BUSINESS, NO IMPACT:** A business or commercial activity administered or conducted as an accessory use that is clearly secondary to the use of a dwelling for residential purposes and that involves no customer, client or patient traffic, whether vehicular or pedestrian, and no pick-up, delivery or removal functions to or from the premises in excess of those normally associated with residential use.

**HOME OCCUPATION:** An accessory use of a service character other than a no impact home-based business conducted entirely within a dwelling by the residents thereof, which use is clearly secondary to the use of the dwelling for living purposes and does not, in any way, change the character of the dwelling.

**HOSPITAL:** An institution licensed by the Commonwealth for the care of human patients suffering from physical or mental illnesses, and that may or may not include facilities for major surgery and that may be publicly or privately operated.

**HOTEL:** See MOTEL OR HOTEL.

**IMPERVIOUS SURFACE:** Surfaces with a coefficient of runoff greater than 0.85, including all buildings, roofed areas, parking areas, driveways, streets, sidewalks and areas paved in concrete and asphalt and any other areas determined by the Township Engineer to be impervious within the meaning of this definition.

**IMPERVIOUS SURFACE COVERAGE:** The percentage of the total lot area covered by impervious surfaces, as defined herein.

**IMPOUNDMENT:** An open, earthen receptacle used to store fresh water, waste water or other fluids produced by or used exclusively for oil and gas operations at one (1) or more well sites.

**IMPROVEMENT:** See DEVELOPMENT.

**INDEPENDENT LIVING FACILITY:** A residential building or group of buildings designed to provide housing for elderly or senior citizens, who are independently mobile and not in need of supervision, but that includes certain design features associated with the needs of elderly or senior citizens not customary in the construction of conventional multifamily dwellings, such as emergency call systems, handicapped facilities, minimal housekeeping and laundry services, common leisure and recreational services, personal services (e.g., beauty or barber shop or cleaner's valet), transportation services and similar support services for the convenience of the residents.

**INDOOR ENTERTAINMENT:** A commercial establishment located within a completely enclosed building, as defined by this Ordinance, where customers or patrons engage in non-athletic leisure activities as spectators or participants, including, but not limited to, theaters (live and motion picture), bowling alleys, pool halls, virtual reality video arcades, dance halls and similar facilities, but excluding any adult business, as defined herein.

**JUNK YARD:** Any premises devoted wholly or in part to the storage, buying or selling, salvaging, recycling or otherwise handling or dealing in scrap metals, building materials, scrapped or used appliances or other household goods, fixtures, vehicles and vehicle parts, machinery and machinery parts or other forms of discarded materials.

**KENNEL:** A structure and/or premises where a maximum often (10) dogs and/or cats who are six (6) months or older are kept, bred, trained and/or boarded at any one time, whether for profit or not.

**LAND DEVELOPMENT:** Any of the following activities:

- A. The improvement of one lot or two or more contiguous lots, tracts or parcels of land for any purpose involving:

1. 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; or
  2. 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.
- B.** A subdivision of land.
- C.** Land development involving any of the following is excluded from the definition of land development:
1. the conversion of an existing single-family detached dwelling or single family semi-detached dwelling into not more than three residential units, unless such units are intended to be a condominium;
  2. the addition of an accessory building, including farm buildings, on a lot or subordinate to an existing principal building; or
  3. the addition or conversion of buildings or rides within the confines of an enterprise which would be considered an amusement park. For purposes of this sub-clause, an amusement park is defined as a tract or area used principally as a location for permanent amusement structures or rides. This exclusion shall not apply to newly acquired acreage by an amusement park until initial plans for the expanded area have been approved by the proper authorities.

**LAND DEVELOPMENT PLAN:** A plan prepared in accordance with the application requirements of the Township Subdivision and Land Development Ordinance for approval of a land development, as defined herein.

**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 land.

**LANDSCAPE ARCHITECT:** A registered professional landscape architect licensed as such by the Commonwealth of Pennsylvania.

**LANDSCAPING CONTRACTOR:** A retail business that includes the growing and/or selling of flowers, plants, trees, shrubs and other natural flora and the products that aid their growth and care and that may include one (1) or more of the following activities as accessory uses only: storage of decorative landscaping materials such as landscaping ties, decorative rocks, marble chips, sandstone or limestone chips; storage of mulch, reddog, sand or gravel to be used in landscaping; and/or shredding, screening or storage of topsoil.

**LANDSCAPING PLAN:** A plan prepared by a registered architect or a registered landscape architect, identifying each tree and shrub by size, type and scientific name, indicating balled and burlapped or bare root, and location. The plan shall include a planting diagram and such other diagrams or reports necessary to show the method of planting, staking and mulching, grass seeding specifications and mixtures and existing trees over ten (10) inches in diameter at breast height.

**LANDSLIDE SUSCEPTIBILITY:** Land that is susceptible to movement or sliding, as identified in the *Soil Survey of Allegheny County*, prepared by the Soil Conservation Service of the United States Department of Agriculture; or as identified on the *Landslide Susceptibility Map of Allegheny County*; or as identified in the *Mining and Physiographic Study, Allegheny County, Pennsylvania*, prepared by A.C. Ackenheil & Associates; or as established by geotechnical investigation.

**LAUNDROMAT:** A retail business equipped with a number of individual clothes washing machines, clothes dryers and that may include individual dry cleaning machines for use by the general public, excluding laundry facilities provided as an accessory use in a multifamily residential building.

**LIFE CARE COMMUNITY:** A residential development that provides a continuum of care for the elderly including three (3) or more of the following uses: independent living facility, assisted living facility, personal care boarding home or nursing home and that may or may not include conventional single family dwellings and/or multifamily dwellings.

**LIGHT MANUFACTURING:** The assembly, processing or fabrication of certain materials and products where no process involved will produce noise, vibration, water pollution, fire hazard or noxious emissions that will disturb or endanger neighboring properties. Light manufacturing includes, but is not limited to, 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 non-ferrous metal castings, film processing, light sheet metal products, plastic goods, pharmaceutical goods, food products, not including animal slaughtering, curing or rendering of fats, and similar activities.

**LOADING SPACE:** An area within a principal building or on the same lot with the principal building designed in accordance with the requirements of this Ordinance and used for the standing, loading or unloading of tractor-trailer trucks and other vehicles.

**LOCAL STREET:** Any street in the Township not defined by this Ordinance as an arterial street or a collector street.

**LOT:** A designated parcel, tract or area of land established by a plat or otherwise as permitted by law to be used, developed or built upon as a unit.

**LOT AREA:** The total area within the lot lines, excluding the area within any street rights-of-ways.

**LOT, CORNER:** See CORNER LOT.

**LOT COVERAGE:** That portion of the lot area covered by all principal and accessory structures, expressed as a percentage.

**LOT DEPTH:** The mean horizontal distance between the front lot line and the rear lot line.

**LOT, THROUGH:** A lot that fronts on two (2) parallel streets.

**LOT FRONTAGE:** That portion of the lot that adjoins the street rights-of-ways or through which access is provided to a public street.

**LOT LINE:** A line of record bounding a lot that divides one lot from another lot or from a public or private street or other public space.

**LOT LINE, FRONT:** That lot line that is contiguous with the street right-of-way line. In the case of a lot that has no frontage on a street, the front lot line shall be the lot line through which vehicular access is provided, regardless of which way the dwelling faces.

**LOT LINE, REAR:** That lot line that is generally opposite the front lot line.

**LOT LINE, SIDE:** Any lot line that is not a front lot line or rear lot line.

**LOT OF RECORD:** Any lot that, individually, or as part of a subdivision, has been recorded in the Allegheny County Department of Real Estate.

**LOT WIDTH:** The straight line distance between the points of intersection of the front building line with the side lot lines.

**MANUFACTURING:** The mechanical or chemical transformation of raw materials or substances into new products or other raw materials, including the assembling of component parts, the manufacturing of products and the blending of materials into finished or semi-finished products.

**MASSAGE PARLOR:** Any establishment that provides services of massage or body manipulation, including exercises, heat and light treatments of the body, and all forms of physiotherapy, that is not operated by a medical practitioner, chiropractor or professional physical therapist licensed by the Commonwealth, excluding any active recreation facility, health club, day spa, reducing salon or similar establishment that offers massage as an accessory service to the principal use.

**MEDIATION:** A voluntary negotiating process in which parties to a dispute mutually select a neutral mediator to assist them in jointly exploring and settling their differences, culminating in a written agreement that the parties themselves create and consider acceptable.

**MEDICAL OFFICES:** One (1) or more administrative offices of individual doctors, dentists, chiropractors or other medical practitioners and their supporting staffs where human patients receive diagnosis, testing, treatment and counseling.

**METHADONE TREATMENT FACILITY:** A facility licensed by the Pennsylvania Department of Health to use the drug methadone in the treatment, maintenance or detoxification of persons.

**MINI-WAREHOUSE OR SELF-STORAGE FACILITY:** A building or group of buildings in a controlled access and fenced compound that contains various sizes of individual, compartmentalized and controlled access stalls and/or lockers leased to the general public for a specified period of time for the dead storage of personal property.

**MOBILE HOME:** A transportable, single family dwelling intended for permanent occupancy, contained in one (1) unit, or in two (2) or more units designed to be joined into one (1) integral unit capable of again being separated for repeated towing, that 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.

**MOBILE HOME LOT:** A parcel of land in a mobile home park improved with the necessary utility connections and other appurtenances necessary for the erection thereon of a single mobile home.

**MOBILE HOME PARK:** A parcel or contiguous parcels of land that has been so designated and improved that it contains two (2) or more mobile home lots for the placement of mobile homes.

**MOBILE HOME SALES, SERVICE AND STORAGE:** An establishment engaged in the retail sales of mobile homes, including the servicing and on-site storage of mobile homes offered for sale.

**MODEL HOME:** The temporary use of a dwelling unit in an approved plan that is under construction for the purpose of marketing dwelling units to be constructed.

**MODULAR DWELLING:** See "E" under DWELLING TYPES.

**MOTEL OR HOTEL:** An establishment that offers transient overnight lodging accommodations, including extended stays, to the general public and that also may provide additional supporting services such as restaurants, meeting rooms, recreation, facilities and living quarters for a resident manager or proprietor.

**MULTIFAMILY DWELLING:** See "C" under DWELLING TYPES.

**MUNICIPALITIES PLANNING CODE (MPC):** Act of 1968, P.L. 805, No. 247 as reenacted and amended. (53 P.S. §10101, et. seq.)

**NATURAL GAS:** A fossil fuel consisting of a mixture of hydrocarbon gases, primarily methane, and possibly including ethane, propane, butane, pentane, carbon dioxide, oxygen, nitrogen and hydrogen sulfide and other gas species. The term includes natural gas from oil fields known as associated gas or casing head gas from natural gas fields known as non-associated gas, coal beds, shale beds and other formations, but does not include coal bed methane.

**NATURAL GAS COMPRESSOR STATION:** A facility designed and constructed to compress natural gas and/or oil that originates from a gas and/or oil well site or collection of such well sites and to remove water or water vapor from natural gas, which operates as a midstream facility for delivery of gas and/or oil to a transmission pipeline, distribution pipeline, processing plant or underground storage field, including one or more natural gas and/or oil compressors, associated buildings, pipes, valves, tanks and other equipment.

**NATURAL GAS PROCESSING PLANT:** A facility designed and constructed to remove materials such as ethane, propane, butane and other constituents or similar substances from natural gas to allow such natural gas to be of such quality as is required or appropriate for transmission or distribution to commercial markets but not including facilities or equipment that are/is designed and constructed primarily to remove water, water vapor, oil or naturally occurring liquids from natural gas.

**NET FLOOR AREA:** See FLOOR AREA, NET.

**NIGHTCLUB:** A restaurant, or portion thereof, or any other establishment serving food and/or drink, whether or not the consumption of alcoholic beverages is permitted or allowed on the premises, that offers on a monthly or more frequent basis live entertainment on a stage or bandstand and/or dancing to music, either live or recorded, and that has a maximum permitted occupancy authorized by the Township Building Code of fifty (50) or more persons.

**NO IMPACT HOME-BASED BUSINESS:** See HOME-BASED BUSINESS, NO IMPACT.

**NONCONFORMING LOT:** Any lot, the area or dimension of which was lawful prior to the adoption or amendment of this Chapter, but which fails to conform to the requirements of the Zoning District in which it is located by reasons of such adoption or amendment.

**NONCONFORMING SIGN:** Any sign that was lawfully erected and maintained prior to the adoption or amendment of this Ordinance, that fails to conform to all applicable regulations and restrictions of this Chapter.

**NONCONFORMING STRUCTURE:** A structure or part of a structure manifestly not designed to comply with the applicable area and bulk provisions of this Ordinance or amendment heretofore or hereafter enacted, where such structure lawfully existed prior to the enactment of this Ordinance or an amendment or prior to the application of this Ordinance or amendment to its location by reason of annexation. Such nonconforming structures include, but are not limited to, nonconforming signs.

**NONCONFORMING USE:** A use, whether of land or of a structure, which does not comply with the applicable use provisions in this Ordinance or amendment heretofore or hereafter enacted, where such use was lawfully in existence prior to the enactment of this Ordinance or an amendment thereto, or prior to the application of this Ordinance or amendment to its location by reason of annexation.

**NUDITY:** The exposure of human bare buttocks, anus, male or female genitals or female breast or the appearance thereof.

**NUISANCE:** Any activity or condition that unreasonably annoys and disturbs a person, rendering the ordinary use of his/her property physically uncomfortable and/or anything that essentially interferes with enjoyment of life and property or that may constitute a threat to the health, safety and welfare of the citizens of the Township.

**NURSING HOME:** An institution licensed by the Commonwealth for the care of human patients requiring skilled nursing or intermediate nursing care, but not including facilities for major surgery or care and treatment of drug or alcohol addiction.

**OCCUPANCY, CERTIFICATE OF:** See CERTIFICATE OF OCCUPANCY.

**OFFICES, BUSINESS OR PROFESSIONAL:** See BUSINESS OR PROFESSIONAL OFFICES.

**OFFICES, MEDICAL:** See MEDICAL OFFICES.

**OIL:** Hydrocarbons in liquid form at standard temperature of 60 degrees Fahrenheit and pressure 14.7 PSIA, also referred to as petroleum.

**OIL AND GAS OPERATIONS:** Well location and assessment, including seismic operations, well site preparation, construction, drilling, hydraulic fracturing and site restoration associated with an oil or gas well of any depth; construction, installation, use, maintenance and repair of oil and gas pipelines and all equipment directly associated with oil and gas operations, provided the equipment is located at or immediately adjacent to a well site, impoundment, oil and gas pipeline, compressor station or natural gas processing plant.

While the PA Oil and Gas Act includes impoundments used exclusively for oil and gas operations, natural gas compressor stations and natural gas processing plants in the definition of oil and gas operations, for the purposes of this Ordinance, these terms are separately defined so that they can be separately regulated in conformity with the authority granted by the PA oil and Gas Act. (See IMPOUNDMENT, NATURAL GAS COMPRESSOR STATION AND NATURAL GAS PROCESSING PLANT.)

**ORDINANCE:** Township of Ohio Zoning Ordinance.

**OPEN SPACE, COMMON:** See COMMON OPEN SPACE.

**OPERATOR:** Any person, partnership, company, corporation and its subcontractors and agents who have an interest in real estate for the purpose of oil and gas development.

**OWNER:** See LANDOWNER.

**PACKAGING AND DELIVERY SERVICES:** A business that prepares, packages or delivers merchandise, goods or other items, including merchandise, goods and other items that have been prepared and packaged by others.

**PARKING AREA:** A portion of a lot designated for the parking of motor vehicles in accordance with the requirements of this Ordinance.

**PARKING SPACE:** A portion of a garage or parking area designated for the parking of one (1) motor vehicle in accordance with the requirements of this Ordinance.

**PASSIVE RECREATION:** See RECREATION, PASSIVE

**PERIMETER SETBACK:** The distance specified by this Ordinance from the entire boundary of a site proposed for a Planned Residential Development, as required by this Ordinance.

**PERSON:** An individual, proprietorship, partnership, corporation, association or other legal entity.

**PERSONAL CARE BOARDING HOME:** See "F" under DWELLING TYPES.

**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 and related activities, but not including any Adult Business, as defined herein.

**PET GROOMING:** Any establishment that offers services for domestic pets, including, but not limited to bathing, trimming, manicuring, massaging or other services to maintain the animals' well-being and which may sell pet care products and pet supplies as an accessory use, but not including a veterinary clinic or kennel, as defined herein.

**PET SERVICES:** A business establishment that offers one (1) or more of the following services to the general public: the sale of pet food and/or pet care products, pet grooming, and/or care during part of a twenty-four (24) hour day of domestic pets, but shall not include a veterinary clinic or kennel, as otherwise regulated by this Ordinance.

**PLACE OF ASSEMBLY:** An indoor or outdoor space with or without fixed seating used for public gatherings for religious, recreational, educational, cultural, political, social or entertainment purposes.

**PLANNED INDUSTRIAL PARK:** A development comprised of authorized industrial uses on a site that is under single ownership and control at the time of an application for development and that is planned and developed as a single unit wherein several buildings or lots utilize a common means of access and may share other common facilities such as parking and signs.

**PLANNED OFFICE PARK:** A site under single ownership and control that is developed as a unit for two (2) or more buildings containing medical offices or clinics or professional or business offices in a campus environment utilizing common means of access, parking and loading facilities and uniform signage and that may include other shared features.

**PLANNED RESEARCH OR TECHNOLOGY PARK:** A site under single ownership and control that is developed as a unit for two (2) or more buildings containing high technology industries and/or research and development establishments in a campus environment utilizing common means of access, parking and loading facilities and uniform signage and may include other shared features.

**PLANNED RESIDENTIAL DEVELOPMENT:** An area of land, controlled by a landowner, to be developed as a single entity for a number of dwelling units, the development plan for which does not correspond in lot size, bulk, type of dwelling, or use, density, or intensity, lot coverage and required open space to the regulations established in any one zoning district in this Ordinance.

**PLANNED SHOPPING CENTER:** A site under single ownership and control that is developed as a unit for two (2) or more retail businesses in one (1) or more buildings and designed with shared parking, loading and access facilities and uniform signage.

**PLANNING COMMISSION:** The Planning Commission of the Township of Ohio, Allegheny County, Pennsylvania.

**PORCH:** A roofed or uncovered structure without enclosing walls that is attached to or part of the principal building and that has direct access to and from the principal building.

**PRINCIPAL BUILDING OR STRUCTURE:** The building or structure in which the principal use is conducted.

**PRINCIPAL USE:** The primary or predominant use to which the property is or may be devoted, and to which all other uses on the premises are accessory.

**PRINTING ESTABLISHMENT:** An establishment engaged in commercial or job printing, including offset printing, engraving, photo-lithographing, and publishing and binding books, newspapers, pamphlets and other printed materials.

**PRIVATE:** Owned, operated or controlled by an individual, group of individuals, association or corporation, not for profit, and restricted to members and their guests.

**PRIVATE CLUB:** Any establishment other than a Sportsmen's Club, as defined herein, operated by a private organization for social, recreational, educational, fraternal or sororal purposes, which is open only to members and their guests and not to the general public.

**PRIVATE GARAGE:** See GARAGE, PRIVATE.

**PRIVATE SCHOOL:** See SCHOOL, PUBLIC OR PRIVATE.

**PRIVATE STABLE:** The keeping or raising of horses and/or ponies as an accessory use to a single family dwelling for the personal use and enjoyment of the residents of the lot, not involving any profit-making activity.

**PRIVATE STREET:** A street, including the entire private rights-of-ways, that is privately owned and maintained and that is intended for private, rather than public, use.

**PROFESSIONAL OFFICES:** See BUSINESS OR PROFESSIONAL OFFICES.

**PUBLIC:** Owned, operated or controlled by a government agency, Federal, State, County or local.

**PUBLIC BUILDING:** Any building owned or operated by a government agency, Federal, State, County or local, used to provide services to the public including administrative offices, public works buildings and storage yards, libraries, museums, fire companies, senior centers, recreation buildings, government service centers and similar facilities.

**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 the Pennsylvania Municipalities Planning Code.

**PUBLIC MEETING:** A forum held pursuant to notice under the Act of July 3, 1986 (P.L. 388, No. 84), known as the "Sunshine Act".

**PUBLIC NOTICE:** Notice published once each week for two (2) successive weeks in a newspaper of general circulation in the Township. 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 thirty (30) days and the second publication shall not be less than seven (7) days from the date of the hearing.

**PUBLIC PARKING GARAGE:** A parking area that is located in a building or parking structure that is the principal use on the lot and that may be operated by either a public agency or private entity, whether for profit or not, and that is available for use by the general public, usually for a fee.

**PUBLIC PARKING LOT:** A parking area on the surface of the ground that is the principal use on the lot, that may be operated by either a public agency or private entity, whether for profit or not, and that is available for use by the general public, usually for a fee.

**PUBLIC OR PRIVATE SCHOOL:** See SCHOOL, PUBLIC OR PRIVATE.

**PUBLIC STREET:** See STREET, PUBLIC.

**PUBLIC UTILITY BUILDING OR STRUCTURE:** Any administrative building, maintenance building, garage or other structure intended for human occupancy or storage of movable equipment or any part of the essential public utility installation, as defined herein, other than the general transmission distribution system provided by public utilities, regulated by the Public Utilities Commission (PUC) or any agency, franchisee or authority of the Township of Ohio that is reasonably necessary to furnish adequate services to the general public both within the Township of Ohio and outside the Township, including, but not limited to, long distance transmission facilities such as electrical power lines or high pressure natural gas or petroleum lines, switching facilities, substations, treatment plants, reservoirs, water towers, transmission towers and similar facilities.

**RECREATION, ACTIVE:** Indoor or outdoor leisure time pursuits involving activities that customarily raise the heart rate of participants above the resting level, including participation by individuals, groups of individuals or teams and any spectators, usually requiring the use of special equipment and/or a prescribed site, field or facility, including but not limited to: soccer fields, football, baseball and softball fields, basketball courts, tennis courts, handball or racquetball courts, swimming pools, golf courses, golf practice facilities, batting practice facilities, community centers and similar facilities of a size and operational character. (This definition excludes any recreational activity that is separately defined and regulated by this Ordinance, including, but not limited to: Health Club, Indoor Entertainment, Private Stable, and Sportsmen's Club.)

**RECREATION, PASSIVE:** Outdoor leisure time pursuits involving activities that do not raise the heart rate significantly above the resting level, but rather provide refreshment through furnishing a visual and/or psychological release from the pressure of everyday life for individuals or small groups of individuals, including, but not limited to: bridle trails, trails with exercise stations, Nordic ski trails, hiking, biking, walking, fishing, picnicking, children's playgrounds, table games, observation areas, bird watching, botanical gardens, historical or archaeological sites, scenic areas, nature preserves and similar facilities for relaxing in a natural environment.

**RECREATIONAL VEHICLE:** A single axle or multiple axle structure mounted on wheels or otherwise capable of being made mobile, either with its own motive power or designed to be mounted on or drawn by an automotive vehicle, for the purpose of travel, camping, vacation and recreational use, including, but not limited to: travel trailers, mobile homes, motor homes, tent trailers, boats, boat trailers, pick-up campers, horse trailers, snow mobiles, jet skis, wave runners, motorcycles and all-terrain vehicles.

**REPAIR SHOP:** A service establishment providing maintenance and repairs of personal and household items that can be carried in by hand, including personal effects (such as jewelry, watches, bicycles), small household appliances, office equipment, small gasoline engines and similar items, but not including repair of large appliances, motorized vehicles or heavy equipment.

**RESEARCH AND DEVELOPMENT:** Any establishment, including laboratories, that 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 that may include supporting storage and transportation facilities, but not including the mass production of such products.

**RESTAURANT:** An establishment that offers food and beverages for sale and consumption either on or on and off the premises as the principal use and may serve alcoholic beverages for consumption on the premises as an accessory use.

**RESTAURANT, CARRY-OUT:** A restaurant where refreshments, beverages, meals or frozen desserts or the like are served for consumption primarily outside of the premises and where no more than twelve (12) permanent seats are provided.

**RESTAURANT, FAST-FOOD:** A restaurant principally devoted to the retail sale of prepared or pre-measured food items where such food items are ordered by the customer at a window, counter or vehicle rather than from a table and that is designed to facilitate quick service and takeout orders.

**RESTAURANT, SIT DOWN:** An establishment where orders are placed with wait staff by customers seated at tables and food and beverages are served at the table by wait staff and where the usual length of stay is one (1) hour or more. A sit down restaurant may or may not serve alcoholic beverages for consumption on the premises as an accessory use and may or may not offer take out service as an accessory use, but shall not include a pick-up window or drive-thru window.

**RETAIL BUSINESS:** Any retail establishment not otherwise specifically defined in this Article that sells on the premises, commodities and/or services directly to consumers, but not including the manufacturing or processing of any products.

**SALES OFFICE:** A temporary use for the purpose of marketing the dwelling units in a residential development or the leasable space or other occupancy in a non-residential development.

**SATELLITE DISH ANTENNA:** A parabolic or dish-shaped antenna designed to receive radio waves.

**SCHOOL, COMMERCIAL:** A facility where persons are instructed, taught or trained in a specific trade, vocation, avocation or business discipline. The term commercial school shall include, but shall not be limited to, activities such as dancing, music, sports/recreation, business and technical training.

**SCHOOL, PUBLIC OR PRIVATE:** An accredited institution of learning that offers elementary and secondary level instruction or which offers associate, bachelor or higher degrees in the several branches of learning required by the Commonwealth of Pennsylvania.

**SEAT:** The area required for one (1) individual to sit on as regulated by the Township Building Code.

**SELF-STORAGE FACILITY:** See MINI-WAREHOUSE OR SELF-STORAGE FACILITY.

**SERVICE STATION, AUTOMOBILE:** See AUTOMOBILE SERVICE STATION.

**SEXUAL CONDUCT:** Patently offensive representations or descriptions of ultimate sexual acts, normal or perverted, actual or simulated, and patently offensive representations, descriptions or acts of masturbation, excretory functions, homosexuality, sodomy, sexual intercourse or physical contact with a person's clothed or unclothed genitals, pubic area, buttocks, or, if such person be female, breast.

**SIGN:** Any structure or device used to attract attention by word or graphic display. (See Article XVI for definitions of sign types and regulations governing signs.)

**SIGN, SURFACE AREA OF:** See Article XVI for definition.

**SIGN TYPES AND CLASSES:** See definitions for various types and classes of signs in Article XVI.

**SINGLE FAMILY DWELLING:** See "A" under DWELLING TYPES.

**SIT DOWN RESTAURANT:** See RESTAURANT, SIT-DOWN.

**SITE:** A tract of land or one (1) or more contiguous lots proposed for development.

**SITE AREA:** The total area within the boundary lines of a site proposed for development, expressed in acres or square feet.

**SLOPE:** The degree of rise or descent of the land surface calculated by dividing the number of feet of vertical rise/descent in elevation by the number of feet of horizontal distance, expressed as a percentage.

**SMALL WIND ENERGY SYSTEM:** A wind energy conversion system consisting of a wind turbine, a tower, and associated control or conversion electronics, which has a rated capacity of not more than 100 kW and which is intended solely to reduce on-site consumption of utility power.

**SPECIAL EXCEPTION:** See USE BY SPECIAL EXCEPTION.

**SPORTS COURT:** A surfaced outdoor area accessory to a dwelling or dwellings, used for playing sports, including, but not limited to, tennis, handball, basketball and similar sports.

**SPORTSMEN'S CLUB:** A legally chartered organization for the pursuit of hunting, fishing, marksmanship and related activities that may or may not include a clubhouse and that has a roster of membership and a regular calendar of activities limited to members and their guests.

**STABLE, PRIVATE:** See PRIVATE STABLE.

**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, excluding cellars.

**STREET:** A public or private recorded right-of-way that affords primary means of vehicular access to abutting property, but not including alleys.

**STREET LINE:** The legal rights-of-ways line that forms the dividing line between the street and the lot.

**STREET, PUBLIC:** A public rights-of-ways dedicated and open for public use that has been adopted by the Township, County, Commonwealth or governmental body.

**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 OF:** See HEIGHT OF STRUCTURE.

**STRUCTURAL ALTERATION:** A change or re-arrangement of the structural parts or in the means of ingress and egress, or an enlargement or diminution of the structure, whether by extending on the side or increasing the height or depth, or the moving from one location or position to another.

**SUBDIVISION:** The division or re-division of a lot, tract or parcel of land by any means into two (2) or more lots, tracts or parcels or other divisions of land including changes in existing lot lines for the purpose, whether immediate or future, of lease, partition by the Court for distribution to heirs or devisees, transfer of ownership, or building or lot development, provided, however, that the subdivision by lease of land for agricultural purposes into parcels of more than ten (10) acres, not involving any new street or easement of access or any residential dwelling, shall be exempted.

**SUBSTANTIALLY COMPLETED:** Where, in the judgment of the municipal engineer, at least 90% (based on the cost of the required improvements for which financial security was posted pursuant to Section 509 of the PA Municipalities Planning Code) of those improvements as required as a condition for final approval have been completed in accordance with the approved plan, so that the project will be able to be used, occupied or operated for its intended use.

**SUPPLY YARD:** A commercial establishment engaged in storing and selling building supplies, industrial supplies or feed and grain primarily to businesses, rather than the general public.

**SUPPORTING COMMERCIAL USES IN A PLANNED OFFICE PARK OR IN A PLANNED RESEARCH OR TECHNOLOGY PARK:** The specific commercial uses authorized in §1303.354a.

**SURFACE AREA OF SIGN:** See SIGN, SURFACE AREA OF

**SURGERY CENTER:** A facility not located on the premises of a hospital that is licensed by the Commonwealth to provide outpatient surgical treatment, but not including medical offices, as defined herein, unless the offices have a distinct area used solely for outpatient surgical treatment on a regular and organized basis.

**SURVEYOR:** A professional surveyor registered in the Commonwealth of Pennsylvania.

**SWIMMING POOL:** Any body of water or receptacle for water having a depth at any point greater than two (2) feet installed or maintained outside any building, including above-ground and in-ground swimming pools.

**TAVERN:** See BAR OR TAVERN.

**TEMPORARY CONSTRUCTION TRAILER:** See CONSTRUCTION TRAILER, TEMPORARY.

**TEMPORARY USE OR STRUCTURE:** Any use or structure that is intended to be used either on a seasonal basis, during the time of construction and completion of an approved development, or for any other period of time that is six (6) months or less.

**THROUGH LOT:** See LOT, THROUGH.

**TOWNHOUSE:** See "G" under DWELLING TYPES.

**TOWNSHIP:** The Township of Ohio, Allegheny County, Pennsylvania.

**TRAFFIC IMPACT STUDY:** An analysis prepared, signed and sealed by a qualified traffic engineer analyzing the expected trip generation expected to result from a proposed development based on the ratios and methodology contained in the current edition of the manuals of the Institute of Transportation Engineers (ITE), including current and projected capacities and levels of service of all streets and intersections within one thousand (1,000) feet of the site proposed for development or the next nearest intersection and recommendations for improvements to streets and/or traffic control devices within the site or immediately adjacent to the boundaries of the site.

**TRANSITIONAL DWELLING:** See "H" under DWELLING TYPES.

**TRUCK AND HEAVY EQUIPMENT RENTAL, SALES AND SERVICE:** An establishment engaged in the rental, sale and/or service of vehicles in excess of 26,000 pounds Gross Vehicle Weight and/or any other heavy equipment, including but not limited to, construction or farm equipment, whether or not the equipment is classified as a motor vehicle.

**TWO FAMILY DWELLING:** See "B" under DWELLING TYPES.

**USE:** The purpose, business or activity for which any land or structure is utilized.

**USE BY SPECIAL EXCEPTION:** A use authorized by this Ordinance that may be granted only by the Zoning Hearing Board following a public hearing subject to express standards and criteria contained in this Ordinance.

**VARIANCE:** A departure from the specific regulations of this Ordinance that may be granted by the Zoning Hearing Board in accordance with the criteria established by the Pennsylvania Municipalities Planning Code (Act 247, as amended) for a particular piece of property that, because of special circumstances applicable to it, cannot be developed in compliance with the literal terms of this Ordinance without undue physical hardship.

**VEHICLE ACCESSORIES SALES AND INSTALLATION:** An establishment engaged in the retail sales and installation of accessories for trucks, automobiles and motorcycles, including, but not limited to such items as tires, hubcaps, mirrors, seat covers, floor mats, tonneau covers, truck caps, windshield wipers, trim packages, running boards and the like, but not including any mechanical parts.

**VEHICLE RENTAL, SALES AND SERVICE:** The rental, sales and service of automobiles, motorcycles and trucks under 26,000 pounds Gross Vehicle Weight, but not including any heavy equipment or any other vehicle or equipment that is not classified as a "motor vehicle" under the Pennsylvania Motor Vehicle Code.

**VEHICLE REPAIR GARAGE:** A building, or part thereof, used for the servicing and repair of motor vehicles, including engine overhaul, body work and recapping/retreading of tires and where all storage of parts and dismantled vehicles and all repair work are conducted entirely inside a "Completely Enclosed Building", as defined by this Ordinance.

**VETERINARY CLINIC:** An establishment for the medical or surgical treatment of animals, including the boarding of hospitalized animals, excluding outdoor kennels.

**WAREHOUSING AND DISTRIBUTION:** A building used for the storage and handling of freight or merchandise, but not including the maintenance or fueling of commercial vehicles. Warehousing that is incidental to retail sales and that does not constitute in excess of thirty percent (30%) of the total floor area of the retail establishment shall be excluded from this definition.

**WATER MANAGEMENT PLAN:** A plan submitted to the PA DEP with a permit application associated with drilling or completing an unconventional well that demonstrates that the withdrawal and use of water sources protects those sources as required by law and protects public health safety and welfare.

**WELL:** A bore hole drilled or being drilled as part of oil and gas operations for the purpose of, or to be used for, producing, extracting or injecting gas, petroleum or another liquid related to oil and gas production or storage, including brine disposal, but excluding a bore hole drilled to produce potable water.

**WELL HEAD (WELL BORE):** The precise point of entry into the ground where drilling takes place, including the structure that is placed over the opening in the ground upon completion of the well and that is maintained during production.

**WELL PAD:** The disturbed area of the well site occupied by the well head, all drilling equipment and all surface facilities, structures and equipment incidental to the oil and gas operations, but not including the access road.

**WELL SITE:** The area occupied by all equipment or facilities necessary for or incidental to drilling, production or plugging a well, including, but not limited to the access road, the well pad, tanks, meters, storage tanks and impoundments.

**WHOLESALE BUSINESS:** An establishment engaged in selling merchandise to retailers, institutional, commercial or professional business customers or other wholesalers, rather than to the general public, or acting as a broker for such merchandise sales.

**WIND TURBINE:** A device that converts the kinetic energy of the wind into a useable form of electrical energy.

**WOODLANDS:** Areas, groves or stands of mature or largely mature trees that are greater than six inches (6") caliper (diameter) at a height of fourteen inches (14") above the ground that cover a land area greater than one-quarter (.25) of an acre; or any grove of more than ten (10) individual trees that are mature having a caliper (diameter) greater than twelve inches (12") at a height of fourteen inches (14") above the ground.

**YARD:** A required open space located on a lot that is unobstructed by any portion of a principal structure, other than certain projections expressly permitted by this Ordinance.

**YARD, FRONT:** A yard extending between side lot lines across the full lot width from the street right-of-way line to a line parallel to the front lot line known as the front building line.

**YARD, SIDE:** A yard extending from the required front building line to the rear lot line parallel to the side lot line, the minimum horizontal distance required by this Ordinance.

**YARD, REAR:** A yard extending across the rear of the lot between the required side yard lines parallel to the rear lot line, the minimum horizontal distance required by this Ordinance.

**ZONING AMENDMENT:** A change to the text of this Ordinance or to the Zoning District Map proposed for adoption by the Board of Supervisors pursuant to the procedures specified in this Ordinance.

**ZONING CERTIFICATE:** A document issued by the Zoning Officer indicating that approval of a conditional use has been granted by the Board of Supervisors, or approval of a use by special exception has been granted by the Zoning Hearing Board or approval has been granted by the Zoning Officer for a permitted use by right, pursuant to the procedures of this Ordinance indicating compliance with all applicable requirements of this Ordinance, which approval is prerequisite to the issuance of a building permit and/or certificate of occupancy.

**ZONING DISTRICT:** An area accurately defined as to boundaries and location on the Zoning District Map and within which area only certain types of land uses are permitted and within which other types of land uses are excluded, as set forth in this Ordinance.

**ZONING DISTRICT MAP:** The official map delineating the Zoning Districts of the Township of Ohio, Allegheny County, Pennsylvania, together with all amendments subsequently adopted, which is incorporated in and made a part of this Ordinance by reference thereto.

**ZONING HEARING BOARD:** The Zoning Hearing Board of the Township of Ohio, Allegheny County, Pennsylvania.

**ZONING OFFICER:** That person appointed by the Township of Ohio Board of Supervisors and charged with the responsibility of administering and enforcing this Ordinance.

## **ARTICLE III**

### **DISTRICT REGULATIONS**

#### **SECTION 300            ZONING DISTRICT MAP**

The Township is hereby divided into Zoning Districts, as shown on the official Zoning District Map that, together with all explanatory matter thereon, is hereby adopted by reference and declared to be a part of this Ordinance.

The Official Zoning District Map shall be identified by the signature of the Chairman of the Board of Supervisors, attested by the Township Secretary and certified by the Township Engineer, and shall bear the seal of the Township under the following words: "This is to certify that this is the Official Zoning District Map referred to in Article III of Ordinance Number 305 as amended, of the Township of Ohio, Allegheny County, Pennsylvania," together with the date of adoption of this Ordinance.

All amendments affecting district boundaries shall be noted on the Official Zoning District Map by the Township Engineer, including the date of adoption, and shall be attested to by the Township Secretary.

No changes of any nature shall be made in the Official Zoning District Map or matter shown thereof except in conformity with the procedure set forth in this Ordinance. Any unauthorized change of whatever kind by any person shall be considered a violation of this Ordinance and punishable as provided in Article XIX of this Ordinance.

The Official Zoning District Map, that shall be located in the Township Municipal Building, shall be the final authority as to the current zoning status of land and water areas, buildings and other structures in the Township.

#### **SECTION 301            ZONING DISTRICTS**

The Township is divided into the districts set forth by this Ordinance and as shown by the district boundaries on the Official Zoning District Map. The Zoning Districts are:

- |     |                                     |
|-----|-------------------------------------|
| C-D | Conservation District               |
| R-1 | Low Density Residential District    |
| R-2 | Medium Density Residential District |
| R-3 | High Density Residential District   |
| C-1 | Limited Commercial District         |
| C-2 | General Commercial District         |
| O-C | Office Commercial District          |
| L-I | Light Industrial District           |

## **SECTION 302**

## **DISTRICT BOUNDARIES**

Where uncertainty exists as to the boundaries of districts as shown on the Official Zoning District Map, the following rules shall apply:

- A.** District boundaries indicated as appearing to follow the centerlines of streets, highways or alleys shall be construed to follow such centerlines.
- B.** District boundaries indicated as appearing to follow platted lot lines shall be construed as following such lot lines;
- C.** District boundaries indicated as appearing to follow municipal boundaries shall be construed as following municipal boundaries;
- D.** Distances not specifically indicated on the Official Zoning District Map shall be determined by the scale of the map.

## **SECTION 303**

## **GENERAL DISTRICT REGULATIONS**

The following regulations shall apply in all Zoning Districts:

- A.** In the C-D, R-1, R-2 and R-3 Districts, any use not specifically listed as an Authorized Use in the Zoning District shall not be permitted in that Zoning District.
- B.** In the C-1, C-2, O-C and L-I Districts, any use not specifically listed in the Authorized Uses for the Zoning District shall not be permitted in that Zoning District, unless such use is authorized by the Zoning Hearing Board as a use by special exception in accordance with the applicable express standards and criteria for "Comparable Uses Not Specifically Listed" in §1303.11 of this Ordinance.
- C.** In all Zoning Districts where single family dwellings or two family dwellings are an authorized use or are a legally nonconforming use, the single family dwelling or two family dwelling shall be the only principal structure on the lot, except in an approved Planned Residential Development where single family dwellings or two family dwellings may be authorized on the same lot with other single family dwellings or two family dwellings.
- D.** In the Zoning Districts where such uses are authorized by this Ordinance, two (2) or more multifamily or nonresidential buildings may occupy the same lot, provided each building can independently meet the applicable area and bulk regulations and parking requirements to accommodate the possibility of subdivision of the property in the future to separate the buildings.
- E.** In the C-1, C-2, O-C and L-I Districts, two (2) or more authorized uses may occupy the same building, provided all applicable area and bulk regulations and parking requirements for each of the uses can be met on the lot.
- F.** In all Zoning Districts, all accessory structures shall be located on the same lot with the principal structure to which they are accessory. Any accessory structure shall not be built unless or until the principal structure it serves exists on the lot.

## ARTICLE IV

### C-D CONSERVATION DISTRICT

#### SECTION 400 PURPOSE

The purpose of this District is to preserve large tracts of open space that are owned by a public agency or by a non-profit preservation organization and/or are protected by conservation easements and to allow compatible low density development as permitted uses, conditional uses or uses by special exception.

#### SECTION 401 AUTHORIZED USES

In the C-D, Conservation District, only the following uses are authorized:

##### A. PERMITTED USES

###### 1. Principal Uses

- a. Agricultural Operations, subject to Section 1408
- b. Communications Antenna Mounted on an Approved Tower or on an Existing Building or Existing Public Utility Storage or Transmission Structure, subject to Section 1412
- c. Essential Services
- d. Forestry, subject to Section 1410
- e. Impoundments used exclusively for Oil and Gas Operations, subject to Section 1415
- f. Oil and Gas Operations, subject to Section 1415
- g. Passive Recreation
- h. Public Buildings
- i. Single Family Dwelling

###### 2. Accessory Uses

- a. Agricultural Sales, subject to Section 1408
- b. Carports, subject to Section 1403
- c. Domiciliary Care
- d. Fences, subject to Section 1403
- e. Keeping of Domestic Pets
- f. No Impact Home Based Business, subject to Section 1411
- g. Off-street Parking and Loading, subject to Article XV
- h. Private Garages and Storage Buildings, subject to Section 1403
- i. Private Residential Swimming Pools or Sports Courts, subject to Section 1403
- j. Satellite Dish Antenna, subject to Section 1403
- k. Signs, subject to Article XVI
- l. Temporary Construction Trailer, Model Home or Sales Office, subject to Section 1407

**2. Accessory Uses (Continued)**

- m. Other Accessory Uses customarily incidental to and on the same lot with any permitted use, conditional use or use by special exception authorized in this District

**B. CONDITIONAL USES**

**1. Principal Uses**

- a. Active Recreation, subject to §1303.1
- b. Kennel, subject to §1303.20
- c. Natural Gas Compressor Station, subject to §1303.24
- d. Sportsmen's Club, subject to §1303.34

**2. Accessory Uses**

- a. Family Day Care Home, subject to §1303.14
- b. Home Occupation, subject to §1303.17
- c. Private Stable, subject to §1303.29

**C. USES BY SPECIAL EXCEPTION**

**1. Principal Uses**

- a. Public Utility Building or Structure, subject to §1303.31
- b. Temporary Use or Structure, other than a Construction Trailer, Model Home or Sales Office, subject to §1303.36

**2. Accessory Uses**

- a. Communications Equipment Building or Communications Equipment Cabinet, subject to §1303.10
- b. Small Wind Energy System, subject to §1303.33

**SECTION 402 AREA AND BULK REGULATIONS**

In the C-D, Conservation, District, all uses shall be subject to the following regulations, except as they may be modified by the express standards and criteria for the specific conditional uses and uses by special exception contained in Article XIII.

**A. MINIMUM LOT AREA:**

Agricultural Operations:	10 acres	(435,600 sq. ft.)
Private Stable, Kennel	5 acres	(217,800 sq. ft.)
Single Family Dwelling: Without Pubic Sewers	As determined by Allegheny County Health Department	
With Public Sewers:	1 acre	(43,560 sq.ft.)

<b>MINIMUM LOT AREA (Continued)</b>		
	All Other Principal Uses:	1 acre (43,560 sq. ft.), unless a larger minimum lot area is specified in Article XIII
<b>B.</b>	<b>MINIMUM LOT WIDTH:</b>	150 feet
<b>C.</b>	<b>MAXIMUM LOT COVERAGE:</b>	25%
<b>D.</b>	<b>MINIMUM FRONT YARD:</b>	
	Principal and Accessory Structures:	50 feet
<b>E.</b>	<b>MINIMUM REAR YARD:</b>	
	Principal Structures:	50 feet
	Accessory Structures:	See §1403.3
<b>F.</b>	<b>MINIMUM SIDE YARD:</b>	
	Principal Structures:	25 feet each side
	Accessory Structures:	See §1403.3
<b>G.</b>	<b>SPECIAL YARD REQUIREMENTS:</b>	See Section1403
<b>H.</b>	<b>PERMITTED PROJECTIONS INTO REQUIRED YARDS:</b>	See Section1404
<b>I.</b>	<b>MAXIMUM HEIGHT:</b>	
	All Principal Structures:	2 ½ stories, but no more than 35 feet
	Accessory Farm Structures:	75 feet
	All Other Accessory Structures:	1 story, but no more than 15 feet
<b>J.</b>	<b>HEIGHT EXCEPTIONS:</b>	See Section1405
<b>SECTION 403</b>	<b>PARKING AND LOADING</b>	See Article XV
<b>SECTION 404</b>	<b>SIGNS</b>	See Article XVI
<b>SECTION 405</b>	<b>BUFFER AREAS AND LANDSCAPING</b>	See Section1402
<b>SECTION 406</b>	<b>STORAGE</b>	See Section1409
<b>SECTION 407</b>	<b>STEEP SLOPES</b>	See Section1413
<b>SECTION 408</b>	<b>FLOOD PRONE AREAS</b>	See Section1414

## ARTICLE V

### R-1 LOW DENSITY RESIDENTIAL DISTRICT

#### SECTION 500 PURPOSE

The purpose of this District is to preserve and provide areas of low density residential land resources and to provide for low density single family residential development that will be compatible with natural features in areas where public sewers are not anticipated in the near future and to provide for accessory uses and compatible existing public and semi-public uses as conditional uses or uses by special exception.

#### SECTION 501 AUTHORIZED USES

In the R-1, Low Density Residential District, only the following uses are authorized:

##### A. PERMITTED USES

###### 1. Principal Uses

- a. Agricultural Operations, subject to Section 1408
- b. Communications Antenna Mounted on an Approved Tower or on an Existing Building or Existing Public Utility Storage or Transmission Structure, subject to Section 1412
- c. Essential Services
- d. Forestry, subject to Section 1410
- e. Impoundment used exclusively for Oil and Gas Operations, subject to Section 1415
- f. Oil and Gas Operations, subject to Section 1415
- g. Passive Recreation
- h. Public Buildings
- i. Single Family Dwelling

###### 2. Accessory Uses

- a. Agricultural Sales, subject to Section 1408
- b. Carports, subject to Section 1403
- c. Domiciliary Care
- d. Fences, subject to Section 1403
- e. Keeping of Domestic Pets
- f. No Impact Home Based Business, subject to Section 1411
- g. Off-street Parking and Loading, subject to Article XV
- h. Private Garages and Storage Buildings, subject to Section 1403
- i. Private Residential Swimming Pools or Sports Courts, subject to Section 1403
- j. Satellite Dish Antenna, subject to Section 1403
- k. Signs, subject to Article XVI
- l. Temporary Construction Trailer, Model Home or Sales Office, subject to Section 1407

**2. Accessory Uses (Continued)**

- m. Other Accessory Uses customarily incidental to and on the same lot with any permitted use, conditional use or use by special exception authorized in this District

**B. CONDITIONAL USES**

**1. Principal Uses**

- a. Active Recreation, subject to §1303.1
- b. Assisted Living Facility, subject to §1303.3
- c. Cemetery, subject to §1303.7
- d. Church, subject to §1303.8
- e. Commercial Greenhouse, subject to §1303.9
- f. Day Care Center in a Church or School, subject to §1303.12
- g. Fire and Emergency Medical Services, subject to §1303.15
- h. Independent Living Facility, subject to §1303.3
- i. Kennel, subject to §1303.20
- j. Life Care Community, subject to §1303.21
- k. Natural Gas Compressor Station, subject to §1303.24
- l. Nursing Home, subject to §1303.26
- m. Personal Care Boarding Home, subject to §1303.16
- n. Sportsmen's Club, subject to §1303.34

**2. Accessory Uses**

- a. Bed and Breakfast, subject to §1303.4
- b. Family Day Care Home, subject to §1303.14
- c. Home Occupation, subject to §1303.17
- d. Private Stable, subject to §1303.29

**C. USES BY SPECIAL EXCEPTION**

**1. Principal Uses**

- a. Communications Tower, subject to §1303.10
- b. Public Utility Building or Structure, subject to §1303.31
- c. Temporary Use or Structure, other than a Construction Trailer, Model Home or Sales Office, subject to §1303.36

**2. Accessory Uses**

- a. Communications Equipment Building or Communications Equipment Cabinet, subject to §1303.10
- b. Small Wind Energy System, subject to §1303.33

**SECTION 502 AREA AND BULK REGULATIONS**

In the R-1, Low Density, District, all uses shall be subject to the following regulations, except as they may be modified by the express standards and criteria for the specific conditional uses and uses by special exception contained in Article XIII.

**A. MINIMUM LOT AREA:**

Agricultural:	10 acres (435,600 sq. ft.)
Private Stable, Kennel	5 acres (217,800 sq. ft.)

Single Family Dwelling: Without Pubic Sewers	As determined by Allegheny County Health Department 20,000 sq. ft.
With Public Sewers:	

All Other Principal Uses:	1 acre (43,560 sq. ft.), unless a larger minimum lot area is specified in Article XIII
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**B. MINIMUM LOT WIDTH:**

Single Family Dwelling:	100 feet
All Other Principal Uses:	150 feet

**C. MAXIMUM LOT COVERAGE: 40%**

**D. MINIMUM FRONT YARD:**

Principal and Accessory Structures:	50 feet
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**E. MINIMUM REAR YARD:**

Principal Structures:	50 feet
Accessory Structures:	See §1403.3

**F. MINIMUM SIDE YARD:**

Principal Structures:	20 feet each side 40 total both sides 30 feet each side
Single Family Dwellings:	
All Other Principal Structures:	

Accessory Structures:	See §1403.3
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**G. SPECIAL YARD REQUIREMENTS: See Section1403**

**H. PERMITTED PROJECTIONS INTO REQUIRED YARDS: See Section1404**

**I. MAXIMUM HEIGHT:**

All Principal Structures:	2 ½ stories, but no more than 35 feet
Accessory Farm Structures:	75 feet
All Other Accessory Structures:	1 story, but no more than 15 feet

**J. HEIGHT EXCEPTIONS:**

See Section1405

<b>SECTION 503</b>	<b>PARKING AND LOADING</b>	See Article XV
<b>SECTION 504</b>	<b>SIGNS</b>	See Article XVI
<b>SECTION 505</b>	<b>BUFFER AREAS AND LANDSCAPING</b>	See Section1402
<b>SECTION 506</b>	<b>STORAGE</b>	See Section1409
<b>SECTION 507</b>	<b>STEEP SLOPES</b>	See Section1413
<b>SECTION 508</b>	<b>FLOOD PRONE AREAS</b>	See Section1414

## ARTICLE VI

### R-2 MEDIUM DENSITY RESIDENTIAL DISTRICT

#### SECTION 600 PURPOSE

The purpose of this District is to protect existing residential land uses and preserve natural features and resources while encouraging medium density single family residential development suited to the natural conditions in areas where public sewers either exist or are anticipated in the near future and to provide for accessory uses and compatible public and semi-public uses as conditional uses or uses by special exception.

#### SECTION 601 AUTHORIZED USES

In the R-2, Residential District, only the following uses are authorized:

##### A. PERMITTED USES

##### 1. Principal Uses

- a. Communications Antenna Mounted on an Approved Communications Tower or on an Existing Building or Existing Public Utility Storage or Transmission Structure, subject to Section 1412
- b. Essential Services
- c. Forestry, subject to Section 1410
- d. Impoundment used exclusively for Oil and Gas Operations, subject to Section 1415
- e. Oil and Gas Operations, subject to Section 1415
- f. Passive Recreation
- g. Public Buildings
- h. Single Family Dwelling

##### 2. Accessory Uses

- a. Carport, subject to Section 1403
- b. Domiciliary Care
- c. Fences, subject to Section 1403
- d. Keeping of Domestic Pets
- e. No Impact Home Based Business, subject to Section 1411
- f. Off-street Parking and Loading, subject to Article XV
- g. Private Garages and Storage Buildings, subject to Section 1403
- h. Private Residential Swimming Pools or Sports Courts, subject to Section 1403
- i. Satellite Dish Antenna, subject to Section 1403
- j. Signs, subject to Article XVI
- k. Temporary Construction Trailer, Model Home or Sales Office, subject to Section 1407

**2. Accessory Uses (Continued)**

- i.** Other Accessory Uses customarily incidental to and on the same lot with any permitted use, conditional use or use by special exception authorized in this District.

**B. CONDITIONAL USES**

**1. Principal Uses**

- a.** Active Recreation, subject to §1303.1
- b.** Assisted Living Facility, subject to §1303.3
- c.** Church, subject to §1303.8
- d.** Day Care Center in a Church or School, subject to §1303.12
- e.** Fire and Emergency Medical Services, subject to §1303.15
- f.** Independent Living Facility, subject to §1303.3
- g.** Life Care Community, subject to §1303.21
- h.** Mobile Home Park, subject to §1303.23
- i.** Natural Gas Compressor Station, subject to §1303.24
- j.** Nursing Home, subject to §1303.26
- k.** Personal Care Boarding Home, subject to §1303.16
- l.** Planned Residential Development, subject to Article XII
- m.** Sportsmen's Club, subject to §1303.34

**2. Accessory Uses**

- a.** Bed and Breakfast, subject to §1303.4
- b.** Family Day Care Home, subject to §1303.14
- c.** Home Occupation, subject to §1303.17
- d.** Private Stable, subject to §1303.29

**C. USES BY SPECIAL EXCEPTION**

**1. Principal Uses**

- a.** Communications Tower, subject to §1303.10
- b.** Public Utility Building or Structure, subject to §1303.31
- c.** Temporary Use or Structure other than a Construction Trailer, Model Home or Sales Office, subject to §1303.36

**2. Accessory Uses**

- a.** Communications Equipment Building or Communications Equipment Cabinet, subject to §1303.10
- b.** Small Wind Energy System, subject to §1303.33

**SECTION 602            AREA AND BULK REGULATIONS**

In the R-2, Medium Residential District, all uses shall be subject to the following regulations, except as they may be modified by Article XII governing Planned Residential Development or by the express standards and criteria for the specific conditional uses and uses by special exception contained in Article XIII.

**A.        MINIMUM LOT AREA:**

Single Family Dwelling:	11,000 sq. ft.
Private Stable	5 acres (217,800 sq. ft.)
All Other Principal Uses:	1 acre (43,560 sq. ft.), unless a larger minimum lot area is specified in Article XIII.

**B.        MINIMUM LOT WIDTH**

75 feet

**C.        MAXIMUM LOT COVERAGE:**

50%

**D.        MINIMUM FRONT YARD:**

Principal and Accessory Structures:	30 feet
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**E.        MINIMUM REAR YARD:**

Principal Structures:	30 feet
Accessory Structures:	See §1403.3

**F.        MINIMUM SIDE YARD:**

Principal Structures:	
Dwellings:	10 feet on one side 25 feet total both sides
All Other Principal Structures:	30 feet
Accessory Structures:	See §1403.3

**G.        SPECIAL YARD REQUIREMENTS:**

See Section1403

**H.        PERMITTED PROJECTIONS INTO REQUIRED YARDS:**

See Section1404

**I. MAXIMUM HEIGHT:**

All Principal Structures:	2 ½ stories, but no more than 35 feet
All Other Accessory Structures:	1 story, but no more than 15 feet

**J. HEIGHT EXCEPTIONS:**

See Section1405

<b>SECTION 603</b>	<b>PARKING AND LOADING</b>	See Article XV
<b>SECTION 604</b>	<b>SIGNS</b>	See Article XVI
<b>SECTION 605</b>	<b>BUFFER AREAS AND LANDSCAPING</b>	See Section1402
<b>SECTION 606</b>	<b>STORAGE</b>	See Section1409
<b>SECTION 607</b>	<b>STEEP SLOPES</b>	See Section1413
<b>SECTION 608</b>	<b>FLOOD PRONE AREAS</b>	See Section1414

## ARTICLE VII

### R-3 HIGH DENSITY RESIDENTIAL DISTRICT

#### SECTION 700 PURPOSE

The purpose of this District is to existing neighborhoods and to provide opportunities for multifamily housing development in areas served by public sewers and other public services; and to provide for compatible public, semi-public and accessory uses as conditional uses or uses by special exception.

#### SECTION 701 AUTHORIZED USES

In the R-3, High Density Residential District, only the following uses are authorized:

##### A. PERMITTED USES

##### 1. Principal Uses

- a. Communications Antenna Mounted on an Approved Communications Tower or on an Existing Building or Existing Public Utility Storage or Transmission Structure, subject to Section1412
- b. Essential Services
- c. Forestry, subject to Section1410
- d. Impoundment used exclusively for Oil and Gas Operations, subject to Section 1415
- e. Multifamily Dwellings
- f. Oil and Gas Operations, subject to Section 1415
- g. Passive Recreation
- h. Public Buildings
- i. Single Family Dwellings
- j. Two Family Dwellings

##### 2. Accessory Uses

- a. Carport, subject to Section1403
- b. Domiciliary Care
- c. Fences, subject to Section1403
- d. Keeping of Domestic Pets
- e. No Impact Home Based Business, subject to Section1411
- f. Off-street Parking and Loading, subject to Article XV
- g. Private Garages and Storage Buildings, subject to Section1403
- h. Private Residential Swimming Pools or Sports Courts, subject to Section 1403
- i. Satellite Dish Antenna, subject to Section1403
- j. Signs, subject to Article XVI
- k. Temporary Construction Trailer, Model Home or Sales Office, subject to Section1407

**2. Accessory Uses (Continued)**

- i.** Other Accessory Uses customarily incidental to and on the same lot with any permitted use, conditional use or use by special exception authorized in this District.

**B. CONDITIONAL USES**

**1. Principal Uses**

- a.** Active Recreation, subject to §1303.1
- b.** Assisted Living Facility, subject to §1303.3
- c.** Church, subject to §1303.8
- d.** Day Care Center in a Church or School, subject to §1303.12
- e.** Fire and Emergency Medical Services, subject to §1303.15
- f.** Independent Living Facility, subject to §1303.3
- g.** Life Care Community, subject to §1303.21
- h.** Natural Gas Compressor Station, subject to §1303.24
- i.** Nursing Home, subject to §1303.26
- j.** Personal Care Boarding Home, subject to §1303.16
- k.** Planned Residential Development, subject to Article XII
- l.** Schools, Public or Private, subject to §1303.32

**2. Accessory Uses**

- a.** Bed and Breakfast, subject to §1303.4
- b.** Family Day Care Home, subject to §1303.14
- c.** Home Occupation, subject to §1303.17
- d.** Private Stable, subject to §1303.29

**C. USES BY SPECIAL EXCEPTION**

**1. Principal Uses**

- a.** Communications Tower, subject to §1303.10
- b.** Public Utility Building or Structure, subject to §1303.31
- c.** Temporary Use or Structure, other than a Construction Trailer, Model Home or Sales Office, subject to §1303.36

**2. Accessory Uses**

- e.** Communications Equipment Building or Communications Equipment Cabinet, subject to §1303.10
- f.** Small Wind Energy System, subject to §1303.33

**SECTION 702 AREA AND BULK REGULATIONS**

In the R-3, High Density Residential District, all uses shall be subject to the following regulations, except as they may be modified by Article XII governing Planned Residential development or by the express standards and criteria for the specific conditional uses and uses by special exception contained in Article XIII.

**A. MINIMUM LOT AREA:**

Single Family Dwelling:	11,000 sq.ft.
Two Family Dwelling:	6,000 sq. ft.
Multifamily Development Site Dwelling Unit Density	5 Acres (217,800 sq. ft.) 8 units per acre
Private Stable:	5 acres (217,800 sq. ft.)
All Other Principal Uses:	1 acre (43,560 sq. ft.), unless a larger minimum lot area is specified in Article XIII.

**B. MINIMUM LOT WIDTH:**

Single Family Dwelling:	75 feet
Two Family Dwelling:	75 feet
Multifamily Dwellings:	150 feet
All Other Principal Uses:	150 feet

**C. MAXIMUM LOT COVERAGE:**

50%

**D. MINIMUM FRONT YARD:**

30 feet

**E. MINIMUM REAR YARD:**

Principal Structures:	30 feet
Accessory Structures:	See §1403.3

**F. MINIMUM SIDE YARD:**

Single Family and Two Family Dwellings:	10 feet on one side 25 feet total both sides
Multifamily Dwellings:	20 feet on one side 40 feet total both sides
All Other Principal Uses:	20 feet
Accessory Structures:	See §1403.3

**G. SPECIAL YARD REQUIREMENTS:**

See Section 1403

<b>H.</b>	<b>PERMITTED PROJECTIONS INTO REQUIRED YARDS:</b>	See Section1404
<b>I.</b>	<b>MAXIMUM HEIGHT:</b>	
	Principal Structures:	
	Single Family and Two Family Dwellings:	2 ½ stories, but no more than 35 feet
	All Others:	3 stories, but no more than 45 feet
	All Accessory Structures:	1 story, but no more than 15 feet
<b>J.</b>	<b>HEIGHT EXCEPTIONS:</b>	See Section1405
<b>SECTION 703</b>	<b>PARKING AND LOADING</b>	See Article XV
<b>SECTION 704</b>	<b>SIGNS</b>	See Article XVI
<b>SECTION 705</b>	<b>BUFFER AREAS AND LANDSCAPING</b>	See Section1402
<b>SECTION 706</b>	<b>STORAGE</b>	See Section1409
<b>SECTION 707</b>	<b>STEEP SLOPES</b>	See Section1413
<b>SECTION 708</b>	<b>FLOOD PRONE AREAS</b>	See Section1414

## ARTICLE VIII

### C-1 LIMITED COMMERCIAL DISTRICT

#### SECTION 800 PURPOSE

The purpose of this District is to provide retail shopping and service facilities to serve immediate household needs of residents of the surrounding area and to limit the type and size of the businesses to suit smaller properties and minimize traffic and other impacts on adjacent established neighborhoods.

#### SECTION 801 AUTHORIZED USES

In the C-1, Limited Commercial District, only the following uses are authorized:

##### A. PERMITTED USES

##### 1. Principal Uses

- a. Antiques, Interior Decorating
- b. Apparel and Accessories Store
- c. Art, Book, Stationery Store
- d. Art, Music or Photography Studios
- e. Automobile Service Station
- f. Bakery Shop, including processing primarily for on-site sale
- g. Bar or Tavern
- h. Beer Distributor
- i. Business or Professional Offices
- j. Business Services
- k. Candy or Ice Cream Store, including processing primarily for on-site sale
- l. Card and Gift Shop
- m. Catering Service, excluding rental hall
- n. Church
- o. Communications Antenna Mounted on an Approved Communications Tower or on an Existing Building or an Existing Public Utility Storage or Transmission Structure, subject to Section 1412
- p. Convenience Store
- q. Day Care Center
- r. Day Spa
- s. Drugstore
- t. Dry Cleaning Pick-up Store
- u. Essential Services
- v. Financial Institution
- w. Florist Shop
- x. Food Store
- y. Forestry, subject to Section 1410
- z. Funeral Home, excluding crematory
- aa. Hobby Shop
- bb. Impoundment used exclusively for Oil and Gas Operations, subject to Section 1415

## **PERMITTED USES (continued)**

- cc.** Indoor Entertainment
- dd.** Laundromat
- ee.** Medical Offices
- ff.** Newsstand
- gg.** Oil and Gas Operations, subject to Section 1415
- hh.** Packaging and Delivery Services
- ii.** Passive Recreation
- jj.** Personal Services
- kk.** Pet Grooming
- ll.** Printing Establishment
- mm.** Private Club
- nn.** Public Building
- oo.** Public Utility Building or Structure
- pp.** Repair Shop
- qq.** Restaurant, Carry-out
- rr.** Restaurant, Sit-Down
- ss.** Vehicle Accessories Sales and Installation
- tt.** Vehicle Repair Garage
- uu.** Veterinary Clinic
- vv.** Video Store, excluding Adult Video Store

### **2. Accessory Uses**

- a.** Domiciliary Care in a Dwelling that is a Nonconforming Use
- b.** Family Day Care Home, Home Occupation or No Impact Home Based Business in a Dwelling that is a Nonconforming Use
- c.** Fences, subject to Section 1403
- d.** Keeping of Domestic Pets in a Dwelling that is a Nonconforming Use
- e.** Off-street Parking and Loading, subject to Article XV
- f.** Private Garages and Storage Buildings, subject to Section 1403
- g.** Private Swimming Pool or Sports Court Accessory to a Dwelling that is a Nonconforming Use, subject to Section 1403
- h.** Satellite Dish Antenna, subject to Section 1403
- i.** Signs, subject to Article XVI
- j.** Temporary Construction Trailer or Sales Office, subject to Section 1407
- k.** Other Accessory Uses customarily incidental to and on the same lot with any permitted use, conditional use or use by special exception authorized in this District

## **B. CONDITIONAL USES**

### **1. Principal Uses**

- a.** Active Recreation, subject to §1303.1
- b.** Group Care Facility, subject to §1303.16
- c.** Natural Gas Compressor Station, subject to §1303.24
- d.** Nursing Home, subject to §1303.26
- e.** Personal Care Boarding Home, subject to §1303.16

**CONDITIONAL USES (continued)**

- f. Places of Assembly, subject to §1303.27
- g. Transitional Dwelling, subject to §1303.16

**2. Accessory Uses**

None

**C. USES BY SPECIAL EXCEPTION**

**1. Principal Uses**

- a. Communications Tower, subject to §1303.10
- b. Comparable Uses Not Specifically Listed, subject to §1303.11
- c. Temporary Use or Structure, other than a Construction Trailer or Sales Office, subject to §1303.36

**2. Accessory Uses**

- a. Communications Equipment Building or Communications Equipment Cabinet, subject to §1303.10
- b. Small Wind Energy System, subject to §1303.33

**SECTION 802 AREA AND BULK REGULATIONS**

In the C-1, Limited Commercial District, all uses shall be subject to the following regulations, except as they may be modified by the express standards and criteria for the specific conditional uses and uses by special exception contained in Article XIII.

- A. **MINIMUM LOT AREA:** 10,000 sq. ft.
  - B. **MINIMUM LOT WIDTH:** 100 feet
  - C. **MAXIMUM LOT COVERAGE:** 50%
  - D. **MAXIMUM FLOOR AREA PER BUSINESS ESTABLISHMENT:** 5,000 sq. ft.
  - E. **MINIMUM FRONT YARD:** 30 feet
  - F. **MINIMUM REAR YARD:**
- All Principal and Accessory Structures:
- Adjoining any "R" District: 50 feet
  - Adjoining All Other Districts: 30 feet

<b>G.</b>	<b>MINIMUM SIDE YARD:</b>	
	All Principal and Accessory Structures:	
	Adjoining any “R” District:	50 feet
	Adjoining All Other Districts:	25 feet
<b>H.</b>	<b>MINIMUM DISTANCE BETWEEN BUILDINGS:</b>	25 feet
	(Where two [2] or more buildings are on the same lot)	
<b>I.</b>	<b>SPECIAL YARD REQUIREMENTS:</b>	See Section1403
<b>J.</b>	<b>PERMITTED PROJECTIONS INTO REQUIRED YARDS:</b>	See Section1404
<b>K.</b>	<b>MAXIMUM HEIGHT:</b>	
	All Principal Structures:	3 stories, but no more than 45 feet
	All Accessory Structures:	1 story, but no more than 15 feet
<b>L.</b>	<b>HEIGHT EXCEPTIONS:</b>	See Section1405
<b>SECTION 803</b>	<b>PARKING AND LOADING</b>	See Article XV
<b>SECTION 804</b>	<b>SIGNS</b>	See Article XVI
<b>SECTION 805</b>	<b>BUFFER AREAS AND LANDSCAPING</b>	See Section1402
<b>SECTION 806</b>	<b>STORAGE</b>	See Section1409
<b>SECTION 807</b>	<b>STEEP SLOPES</b>	See Section1413
<b>SECTION 808</b>	<b>FLOOD PRONE AREAS</b>	See Section1414

## ARTICLE IX

### C-2 GENERAL COMMERCIAL DISTRICT

#### SECTION 900 PURPOSE

The purpose of this District is to provide retail and shopping facilities in locations adjacent to the regional highway network to serve the needs of households in the region and to accommodate uses that require larger development sites and a road network that can handle the traffic generated by the uses.

#### SECTION 901 AUTHORIZED USES

In the C-2, General Commercial District, only the following uses are authorized:

##### A. PERMITTED USES

###### 1. Principal Uses

- a. Antiques, Interior Decorating
- b. Apparel and Accessories Store
- c. Appliance or Home Furnishing Store
- d. Art, Book, Stationery Store
- e. Art, Music or Photography Studios
- f. Automobile Service Station
- g. Bakery Shop, including processing primarily for on-site sale
- h. Bar or Tavern
- i. Beer Distributor
- j. Business or Professional Offices
- k. Business Services
- l. Candy or Ice Cream Store, including processing primarily for on-site sale
- m. Card and Gift Shop
- n. Catering Service, including rental hall
- o. Church
- p. Commercial Greenhouse
- q. Commercial School
- r. Communications Antenna Mounted on an Approved Communications Tower or on an Existing Building or an Existing Public Utility Storage or Transmission Structure, subject to Section 1412
- s. Contracting Business
- t. Convenience Store
- u. Day Care Center
- v. Day Spa
- w. Drugstore
- x. Dry Cleaning Pick-up Store
- y. Essential Services
- z. Financial Institution
- aa. Fire and Emergency Medical Services
- bb. Florist Shop

## **PERMITTED USES (continued)**

- cc.** Food Store
- dd.** Forestry, subject to Section 1410
- ee.** Funeral Home, excluding crematory
- ff.** General Merchandise Store
- gg.** Health Club
- hh.** Hobby Shop
- ii.** Hotel or Motel
- jj.** Impoundment used exclusively for Oil and Gas Operations, subject to Section 1415
- kk.** Indoor Entertainment
- ll.** Laundromat
- mm.** Medical Offices
- nn.** Newsstand
- oo.** Oil and Gas Operations, subject to Section 1415
- pp.** Packaging and Delivery Services
- qq.** Passive Recreation
- rr.** Personal Services
- ss.** Pet Grooming
- tt.** Pet Services
- uu.** Printing Establishment
- vv.** Private Club
- ww.** Public Building
- xx.** Public Utility Building or Structure
- yy.** Repair Shop
- zz.** Restaurant, Carry-out
- aaa.** Restaurant, Fast Food
- bbb.** Restaurant, Sit-down
- ccc.** Retail Businesses not otherwise listed herein
- ddd.** Vehicle Accessories Sales and Installation
- eee.** Vehicle Rental, Sales and Service
- fff.** Veterinary Clinic
- ggg.** Video Store, excluding Adult Video Store
- hhh.** Wholesale Business

### **2. Accessory Uses**

- a.** Domiciliary Care in a Dwelling that is a Nonconforming Use
- b.** Drive-through Facilities, subject to Section 1406
- c.** Family Day Care Home, Home Occupation or No Impact Home Based Business in a Dwelling that is a Nonconforming Use
- d.** Fences, subject to Section 1403
- e.** Keeping of Domestic Pets in a Dwelling that is a Nonconforming Use
- f.** Off-street Parking and Loading, subject to Article XV
- g.** Private Garages and Storage Buildings, subject to Section 1403
- h.** Private Swimming Pool or Sports Court Accessory to a Dwelling that is a Nonconforming Use, subject to Section 1403
- i.** Satellite Dish Antenna, subject to Section 1403
- j.** Signs, subject to Article XVI

**2. Accessory Uses (Continued)**

- k. Temporary Construction Trailer or Sales Office, subject to Section 1407
- l. Other Accessory Uses customarily incidental to and on the same lot with any permitted use, conditional use or use by special exception authorized in this District

**B. CONDITIONAL USES**

**1. Principal Uses**

- a. Car Wash, subject to §1303.6
- b. Group Care Facility, subject to §1303.16
- c. Hospital or Surgery Center, subject to §1303.18
- d. Natural Gas Compressor Station, subject to §1303.24
- e. Nightclub, subject to §1303.25
- f. Places of Assembly, subject to §1303.27
- g. Planned Office Park, subject to §1303.28
- h. Planned Shopping Center, subject to §1303.28
- i. Public Parking Garage or Public Parking Lot, subject to §1303.30
- j. Transitional Dwelling, subject to §1303.16

**2. Accessory Uses**

- a. Supporting Commercial Uses in a Planned Office Park, subject to §1303.35

**C. USES BY SPECIAL EXCEPTION**

**1. Principal Uses**

- a. Billboard, subject to Section 1606
- b. Communications Antenna, subject to §1303.10
- c. Comparable Uses Not Specifically Listed, subject to §1303.11
- d. Temporary Use or Structure, other than a Construction Trailer or Sales Office, subject to §1303.36

**2. Accessory Uses**

- a. Communications Equipment Building or Communications Equipment Cabinet, subject to §1303.10
- b. Small Wind Energy System, subject to §1303.33

**SECTION 902 AREA AND BULK REGULATIONS**

In the C-2, General Commercial District, all uses shall be subject to the following regulations, except as they may be modified by the express standards and criteria for the specific conditional uses and uses by special exception contained in Article XIII.

- A. MINIMUM LOT AREA:**
  - Planned Office Center: 5 acres (217,800 sq. ft.)
  - Planned Shopping Center: 3 acres (130,680 sq. ft.)
  - All Other Uses: 20,000 sq. ft. unless a larger minimum lot area is specified in Article XIII
  
- B. MINIMUM LOT WIDTH:** 100 feet
  
- C. MAXIMUM LOT COVERAGE:** 50%
  
- D. MINIMUM FRONT YARD:** 30 feet
  
- E. MINIMUM REAR YARD:**
  - All Principal and Accessory Structures:
    - Adjoining any "R" District: 50 feet
    - Adjoining All Other Districts: 30 feet
  
- F. MINIMUM SIDE YARD:**
  - All Principal and Accessory Structures:
    - Adjoining any "R" District: 50 feet
    - Adjoining All Other Districts: 25 feet
  
- G. MINIMUM DISTANCE BETWEEN BUILDINGS:** 25 feet  
(Where two [2] or more buildings are on the same lot)
  
- H. SPECIAL YARD REQUIREMENTS:** See Section1403
  
- I. PERMITTED PROJECTIONS INTO REQUIRED YARDS:** See Section1404
  
- J. MAXIMUM HEIGHT:**
  - All Principal Structures: 3 stories, but no more than 45 feet
  - All Accessory Structures: 1 story, but no more than 15 feet
  
- K. HEIGHT EXCEPTIONS:** See Section1405

<b>SECTION 903</b>	<b>PARKING AND LOADING</b>	See Article XV
<b>SECTION 904</b>	<b>SIGNS</b>	See Article XVI
<b>SECTION 905</b>	<b>BUFFER AREAS AND LANDSCAPING</b>	See Section1402
<b>SECTION 906</b>	<b>STORAGE</b>	See Section1409
<b>SECTION 907</b>	<b>STEEP SLOPES</b>	See Section1413
<b>SECTION 908</b>	<b>FLOOD PRONE AREAS</b>	See Section1414

## ARTICLE X

### O-C OFFICE COMMERCIAL DISTRICT

#### SECTION 1000 PURPOSE

The purpose of this District is to accommodate professional offices, shopping opportunities, lodging and supporting facilities in a planned development on large sites that are immediately accessible to the regional highway network.

#### SECTION 1001 AUTHORIZED USES

In the O-C, Office Commercial District, only the following uses are authorized:

##### A. PERMITTED USES

###### 1. Principal Uses

- a. Antiques, Interior Decorating
- b. Apparel and Accessories Store
- c. Art, Book, Stationery Store
- d. Art, Music or Photography Studios
- e. Bakery Shop, including processing
- f. Bar or Tavern
- g. Business or Professional Offices
- h. Business Services
- i. Candy or Ice Cream Store, including processing primarily for on site sale
- j. Card and Gift Shop
- k. Catering Service, excluding rental hall
- l. Church
- m. Commercial School
- n. Communications Antenna Mounted on an Approved Communications Tower or on an Existing Building or Existing Public Utility Storage or Transmission Structure, subject to Section 1412
- o. Convenience Store
- p. Day Care Center
- q. Day Spa
- r. Drugstore
- s. Dry Cleaning Pick-up Store
- t. Essential Services
- u. Financial Institution
- v. Fire and Emergency Medical Services
- w. Florist Shop
- x. Food Store
- y. Forestry, subject to Section 1410
- z. General Merchandise Store
- aa. Grocery Store
- bb. Health Club

**PERMITTED USES** (continued)

- cc.** Hobby Shop
- dd.** Hotel or Motel
- ee.** Impoundment used exclusively for Oil and Gas Operations, subject to Section 1415
- ff.** Indoor Entertainment
- gg.** Medical Offices
- hh.** Newsstand
- ii.** Oil and Gas Operations, subject to Section 1415
- jj.** Packaging and Delivery Services
- kk.** Passive Recreation
- ll.** Personal Services
- mm.** Pet Services
- nn.** Places of Assembly
- oo.** Printing Establishment
- pp.** Private Club
- qq.** Public Building
- rr.** Public Utility Building or Structure
- ss.** Restaurant, Carry-out
- tt.** Restaurant, Fast Food
- uu.** Restaurant, Sit Down
- vv.** Retail Businesses not otherwise listed herein
- ww.** Vehicle Accessories Sales and Installation
- xx.** Vehicle Rental, Sales and Service
- yy.** Veterinary Clinic
- zz.** Wholesale Business

**2. Accessory Uses**

- a.** Domiciliary Care in a Dwelling that is a Nonconforming Use
- b.** Drive-through Facilities, subject to Section 1406
- c.** Fences, subject to Section 1403
- d.** Family Day Care Home, Home Occupation or No Impact Home Based Business in a Dwelling that is a Nonconforming Use
- e.** Keeping of Domestic Pets in a Dwelling that is a Nonconforming Use
- f.** Private Garage or Storage Building, subject to Section 1403
- g.** Private Swimming Pool or Sports Court Accessory to a Dwelling that is a Nonconforming Use, subject to Section 1403
- h.** Off-street Parking and Loading, subject to Article XV
- i.** Satellite Dish Antenna, subject to Section 1403
- j.** Signs, subject to Article XVI
- k.** Temporary Construction Trailer or Sales Office, subject to Section 1407
- l.** Other Accessory Uses customarily incidental to and on the same lot with any permitted use authorized in this District.

**B. CONDITIONAL USES**

**1. Principal Uses**

- a. Hospital or Surgery Center, subject to §1303.18
- b. Natural Gas Compressor Station, subject to §1303.24
- c. Nightclub, subject to §1303.25
- d. Places of Assembly, subject to §1303.27
- e. Planned Office Park, subject to §1303.28
- f. Planned Shopping Center, subject to §1303.28
- g. Public Parking Lot or Public Parking Garage, subject to §1303.30

**2. Accessory Uses**

- a. Supporting Commercial Uses in a Planned Office Park, subject to §1303.35

**C. USES BY SPECIAL EXCEPTION**

**1. Principal Uses**

- a. Billboard, subject to Section 1606
- b. Communications Tower, subject to §1303.10
- c. Comparable Uses Not Specifically Listed, subject to §1303.11
- d. Temporary Use or Structure, other than a Construction Trailer or Sales Office, subject to §1303.36

**2. Accessory Uses**

- a. Communications Equipment Building or Communications Equipment Cabinet, subject to §1303.10
- b. Small Wind Energy System, subject to §1303.33

**SECTION 1002 AREA AND BULK REGULATIONS**

In the O-C Office Commercial District, all uses shall be subject to the following regulations, except as they may be modified by the express standards and criteria for the specific conditional uses and uses by special exception contained in Article XIII.

**A. MINIMUM LOT AREA:**

Planned Shopping Center:	3 acres (130,680 sq. ft.)
Planned Office Park:	5 acres (217,800 sq. ft.)
All Other Uses:	1 acre (43,560 sq. ft.), unless a larger minimum lot area is specified in Article XIII

<b>B.</b>	<b>MINIMUM LOT WIDTH:</b>	
	Planned Shopping Center:	200 feet
	All Other Uses:	100 feet
<b>C.</b>	<b>MAXIMUM LOT COVERAGE:</b>	60%
<b>D.</b>	<b>MINIMUM FRONT YARD:</b>	50 feet
<b>E.</b>	<b>MINIMUM REAR YARD:</b>	
	All Principal Structures:	100 feet
	Accessory Structures:	50 feet
<b>F.</b>	<b>MINIMUM SIDE YARD:</b>	
	All Principal Structures:	
	Adjoining any "R" District:	75 feet
	Adjoining All Other Districts:	50 feet
	Accessory Structures:	50 feet
<b>G.</b>	<b>SPECIAL YARD REQUIREMENTS:</b>	See Section1403
<b>H.</b>	<b>PERMITTED PROJECTIONS INTO REQUIRED YARDS:</b>	See Section1404
<b>I.</b>	<b>MAXIMUM HEIGHT:</b>	
	Principal Structures:	
	Hotel or Motel:	6 stories, but no more than 60 feet
	All Other Principal Structures:	3 stories, but no more than 45 feet
	All Accessory Structures:	1 story, but no more than 20 feet
<b>J.</b>	<b>HEIGHT EXCEPTIONS:</b>	See Section1405
<b>SECTION 1003</b>	<b>PARKING AND LOADING</b>	See Article XV
<b>SECTION 1004</b>	<b>SIGNS</b>	See Article XVI
<b>SECTION 1005</b>	<b>BUFFER AREAS AND LANDSCAPING</b>	See Section1402
<b>SECTION 1006</b>	<b>STORAGE</b>	See Section1409
<b>SECTION 1007</b>	<b>STEEP SLOPES</b>	See Section1413
<b>SECTION 1008</b>	<b>FLOOD PRONE AREAS</b>	See Section1414

## ARTICLE XI

### L-I LIGHT INDUSTRIAL DISTRICT

#### SECTION 1100 PURPOSE

The purpose of this District is to encourage development of light industrial uses in appropriate locations in the Township.

#### SECTION 1101 AUTHORIZED USES

In the L-I Light Industrial District, only the following uses are authorized:

##### A. PERMITTED USES

##### 1. Principal Uses

- a. Automobile Service Station
- b. Business or Professional Offices
- c. Business Services
- d. Church
- e. Cleaning and Dyeing Plant
- f. Commercial Greenhouse
- g. Commercial School
- h. Communications Antenna Mounted on an Approved Communications Tower or on an Existing Building or an Existing Public Utility Storage or Transmission Structure, subject to Section 1412
- i. Contracting Business
- j. Contractor's Yard
- k. Day Care Center
- l. Essential Services
- m. Fire and Emergency Medical Services
- n. Flex Space
- o. Food and Related Products, Packaging, Storage and Distribution
- p. Forestry, subject to Section 1410
- q. Funeral Home, including crematory
- r. Hotel or Motel
- s. Impoundment used exclusively for Oil and Gas Operations, subject to Section 1415
- t. Indoor Entertainment
- u. Landscaping Contractor
- v. Light Manufacturing, provided all storage and operations are within a completely enclosed building
- w. Mini-Warehouse or Self-Storage Facilities
- x. Mobile Home Sales, Service and Storage
- y. Natural Gas Compressor Station, subject to Section 1415
- z. Natural Gas Processing Plant, subject to Section 1415
- aa. Oil and Gas Operations, subject to Section 1415
- bb. Packaging and Delivery Services
- cc. Passive Recreation

## **PERMITTED USES (continued)**

- dd.** Printing Establishment
- ee.** Public Building
- ff.** Public Utility Building or Structure
- gg.** Repair Shop
- hh.** Research and Development
- ii.** Restaurant, Carry-out
- jj.** Restaurant, Fast Food
- kk.** Restaurant, Sit-down
- ll.** Truck and Heavy Equipment Rental, Sales and Service
- mm.** Vehicle Accessories Sales and installation
- nn.** Vehicle Rental, Sales and Service
- oo.** Vehicle Repair Garage
- pp.** Warehousing and Distribution
- qq.** Wholesale Business

### **2. Accessory Uses**

- a.** Domiciliary Care in a Dwelling that is a Nonconforming Use
- b.** Drive-through Facilities, subject to Section 1406
- c.** Fences, subject to Section 1403
- d.** Family Day Care Home, Home Occupation or No Impact Home Based Business in a Dwelling that is a Nonconforming Use
- e.** Keeping of Domestic Pets in a Dwelling that is a Nonconforming Use
- f.** Off-street Parking and Loading, subject to Article XV
- g.** Private Garage or Storage Building, subject to Section 1403
- h.** Private Swimming Pool or Sports Court Accessory to a Dwelling that is a Nonconforming Use, subject to Section 1403
- i.** Satellite Dish Antenna, subject to Section 1403
- j.** Signs, subject to Article XVI
- k.** Temporary Construction Trailer or Sales Office, subject to Section 1407
- l.** Other Accessory Uses customarily incidental to and on the same lot with any permitted use, conditional use or use by special exception authorized in this District.

## **B. CONDITIONAL USES**

### **1. Principal Uses**

- a.** Adult Business, subject to §1303.2
- b.** Equipment Storage Yard, Subject to §1303.13
- c.** Group Care Facility, subject to §1303.16
- d.** Junk Yard, subject to §1303.19
- e.** Methadone Treatment Facility, subject to §1303.22
- f.** Places of Assembly, subject to §1303.27
- g.** Planned Industrial Park, subject to §1303.28
- h.** Planned Office Park, subject to §1303.28

**CONDITIONAL USES (continued)**

- i. Planned Research and Technology Park, subject to §1303.28
- j. Supply Yard, subject to §1303.13
- k. Transitional Dwelling, subject to §1303.16

**2. Accessory Uses**

- a. Supporting Commercial Uses in a Planned Office Park, subject to §1303.35
- b. Supporting Commercial Uses in a Planned Research and Technology Park, subject to §1303.35

**C. USES BY SPECIAL EXCEPTION**

**1. Principal Uses**

- a. Billboard, subject to Section 1606
- b. Communications Tower, subject to §1303.10
- c. Comparable Uses Not Specifically Listed, subject to §1303.11
- d. Temporary Use or Structure, other than a Construction Trailer or Sales Office, subject to §1303.36

**2. Accessory Uses**

- a. Communications Equipment Building or Communications Equipment Cabinet, subject to §1303.10
- b. Small Wind Energy System, subject to §1303.33

**SECTION 1102 AREA AND BULK REGULATIONS**

In the L-I, Light Industrial District, all uses shall be subject to the following regulations, except as they may be modified by the express standards and criteria for the specific conditional uses and uses by special exception contained in Article XIII.

**A. MINIMUM LOT AREA:**

Planned Industrial Park:	10 acres (435,600 sq.ft.)
Planned Office Park:	5 acres (217,800 sq. ft.)
Planned Research and Technology Park:	10 acres (435,600 sq. ft.)
All Other Uses:	1 acre ( 43,560 sq. ft.)

**B. MINIMUM LOT WIDTH:** 150 feet

**C. MAXIMUM IMPERVIOUS SURFACE COVERAGE:** 50%

<b>D.</b>	<b>DISTANCE BETWEEN BUILDINGS:</b> (Where Two or More Buildings Occupy the Same Lot)	40 feet
<b>E.</b>	<b>MAXIMUM BUILDING LENGTH:</b>	400 feet
<b>F.</b>	<b>MINIMUM FRONT YARD:</b>	50 feet
<b>G.</b>	<b>MINIMUM REAR YARD:</b>	
	Principal Structures:	
	Adjoining any "R" District:	100 feet
	Adjoining All Other Districts:	50 feet
	Accessory Structures:	30 feet
<b>H.</b>	<b>MINIMUM SIDE YARD:</b>	
	Principal Structures:	
	Adjoining any "R" District:	100 feet
	Adjoining All Other Districts:	50 feet
	Accessory Structures:	20 feet
<b>I.</b>	<b>SPECIAL YARD REQUIREMENTS:</b>	See Section 1403
<b>J.</b>	<b>PERMITTED PROJECTIONS INTO REQUIRED YARDS:</b>	See Section 1404
<b>K.</b>	<b>MAXIMUM HEIGHT:</b>	
	Principal Structures:	
	Hotel or Motel:	6 stories, but no more than 60 feet
	All Others:	3 stories, but no more than 45 feet
	All Accessory Structures:	1 story, but no more than 20 feet
<b>L.</b>	<b>HEIGHT EXCEPTIONS:</b>	See Section 1405
<b>SECTION 1103</b>	<b>PARKING AND LOADING</b>	See Article XV
<b>SECTION 1104</b>	<b>SIGNS</b>	See Article XVI
<b>SECTION 1105</b>	<b>BUFFER AREAS AND LANDSCAPING</b>	See Section 1402
<b>SECTION 1106</b>	<b>STORAGE</b>	See Section 1409
<b>SECTION 1107</b>	<b>STEEP SLOPES</b>	See Section 1413
<b>SECTION 1108</b>	<b>FLOOD PRONE AREAS</b>	See Section 1414

## ARTICLE XII

### PLANNED RESIDENTIAL DEVELOPMENT

#### SECTION 1200 PURPOSE

The purpose of these Planned Residential Development (PRD) regulations is to permit residential development that is more creative and imaginative than is generally possible under conventional zoning district controls and subdivision requirements. Further, these regulations are intended to promote more economical and efficient use of the land while providing a compatible blend of housing types, amenities and community facilities of high quality, oriented to the specific development site and preserving the natural scenic qualities of open space.

Each Planned Residential Development should be designed to accomplish the following:

- a. A maximum choice in the types of living environments.
- b. Open space and recreation areas directly related to the intended users.
- c. A pattern of development that preserves trees, outstanding natural topography and geological features and prevents soil erosion.
- d. A creative approach to the use of land and related physical development.
- e. An efficient use of land, resulting in smaller networks of utilities and streets and lower housing costs.
- f. An environment of stable character in harmony with surrounding development.
- g. A more desirable environment than would be possible through the strict application of other Articles of the Chapter.

#### SECTION 1201 APPLICABILITY AND RELATIONSHIP TO OTHER ORDINANCES

The provisions of this Article for approval of a Planned Residential Development shall be a modification to and in lieu of procedures and criteria for approvals otherwise required in this Ordinance and the Township Subdivision and Land Development Ordinance. Failure to comply with the provisions of this Article with respect to a recorded Development Plan shall be deemed to constitute a violation of this Ordinance.

#### SECTION 1202 SITE AREA, OWNERSHIP, USE AND DENSITY REQUIREMENTS

##### 1202.1 Site Area

In all cases, the minimum site required for a Planned Residential Development shall be twenty (20) contiguous acres. Sites that are divided by a public or private street rights-of-ways shall not be construed as contiguous for the purposes of a Planned Residential Development.

**1202.2        Site Ownership**

The site proposed for a Planned Residential Development shall be under single ownership and control. Prior to submitting an application for Tentative Approval, the applicant shall demonstrate that he is the landowner, as defined by this Ordinance. Legal, as well as equitable, ownership shall be demonstrated coincident with approval of the Final Development Plan.

**1202.3        Dwelling Units Authorized**

Any of the following dwelling units may be included in a Planned Residential Development:

- Single Family Dwelling
- Two Family Dwelling
- Townhouse
- Garden Apartment

In the R-2 District, garden apartments shall comprise no more than forty percent (40%) of the total number of dwelling units proposed in the Planned Residential Development.

**1202.4        Recreational and Other Common Facilities for the Residents**

In addition to the residential uses permitted in a Planned Residential Development, recreation facilities designed for the use of the residents of the Planned Residential Development shall be permitted, including, but not limited to, hiking, biking or exercise trails; tennis, paddle tennis, basketball, volleyball or other playing courts; swimming pool and related facilities; golf course or putting green; community building for meetings and social activities; picnic pavilions; other passive and low impact active recreational uses deemed appropriate to the needs and interests of the proposed residents of the Planned Residential Development by the Board of Supervisors.

Passive recreation facilities may be provided within the common open space. Active recreation shall be provided based on the ratio of five hundred (500) square feet per dwelling unit. The total area devoted to active recreation shall be located within the common open space. The specific facilities proposed shall be subject to approval by the Township based on the anticipated needs of the residents. In lieu of providing the area devoted to active recreation, the developer may pay the fee in lieu of dedication of open space. Payment of the fee in lieu shall not relieve the developer of the requirement to reserve twenty percent (20%) of the site as common open space.

**1202.5        Maximum Dwelling Unit Density**

Regardless of whether a Planned Residential Development is comprised of a mix of dwelling unit types or a single type of dwelling unit, the maximum dwelling unit density shall be four (4) units per acre in the R-2 District and eight (8) units per acre in the R-3 District. Dwelling unit density shall be calculated using the gross site area excluding any areas of the site having slopes of twenty-five percent (25%) or greater.

**1202.6 Minimum Lot Area**

In no case shall the minimum lot area required for a single family dwelling or two family dwelling be reduced to less than the following minimum lot areas in any Planned Residential Development:

<u>Dwelling Type</u>	<u>Minimum Lot Area</u>
Single Family Dwelling	7,500 square feet
Two Family Dwelling	8,000 square feet (4,000 sq. ft. per unit)

There shall be no minimum lot area required for townhouse and garden apartment dwellings, provided all other applicable requirements of this Article are met.

**1202.7 Minimum Building Setback on the Perimeter of the Planned Residential Development Site**

In all Zoning Districts where Planned Residential Development is authorized, no garden apartment shall be located closer to any boundary of the Planned Residential Development site than seventy-five (75) feet. All other principal structures shall be located at least fifty (50) feet from the boundary of the Planned Residential Development site. No accessory structure, other than a fence or wall, and no off-street parking shall be located in this required perimeter setback area.

**1202.8 Internal Setbacks and Distance Between Buildings**

The minimum required front yard setback from a public or private street shall be twenty-five (25) feet. There shall be no other required setback internal to the PRD provided that where two (2) or more principal residential buildings (regardless of dwelling type) are proposed on the same lot, the minimum distance between the buildings shall be twenty (20) feet.

In the case of lots proposed for fee simple ownership, all principal structures shall be set back a minimum of fifteen (15) feet from a rear property line. Decks or other structures attached to the principal building may encroach into the rear yard if the rear lot line adjoins common open space. Attached units shall have a zero (0) side yard along common walls.

All other side yards shall be a minimum of five (5) feet on one (1) side of the lot with a combined total of two (2) side yards on the lot equaling not less than twenty (20) feet, provided that, in every case, the total distance between proposed structures on adjacent lots shall be not less than twenty (20) feet.

**1202.9 Buffer Areas**

- a. Buffer Area "A", as defined in §1402.1 of this Ordinance, shall be provided along all property lines on the perimeter of a Planned Residential Development site adjoining any C-D, R-1, R-2 or R-3 District.

- b. Buffer Area "C", as defined in §1402.1 of this Ordinance, shall be provided along all other property lines on the perimeter of a Planned Residential Development.
- c. Buffer Area "C", as defined in §1402.1 of this Ordinance, shall be required along all property lines within the PRD site that separate single family dwellings in the PRD from two family, townhouse or garden apartment dwellings. Where these units are separated by a public or private street rights-of-ways, a Buffer Area shall not be required.
- d. All Buffer Areas shall be incorporated in the Common Open Space and shall not be permitted to be part of any individual lot in the Planned Residential Development.

**1202.10 Modifications to Otherwise Applicable Zoning and Subdivision Regulations**

- a. In reviewing an application for Tentative Approval of a Planned Residential Development, the Board of Supervisors may consider modifications to the zoning regulations of the District in which the Planned Residential Development is proposed or to any applicable regulation of this Article XII, except maximum dwelling unit density. The Board of Supervisors, in reviewing such modifications, shall determine whether the proposed modification contributes to a more beneficial use of the site, preserves natural features and is in the public interest in accordance with the criteria set forth in Section 1206.
- b. The applicant shall submit a written request for any zoning modifications, as required by §1205.2d, with the application for Tentative Approval. The Board of Supervisors shall include reference to the specific modifications granted in the written decision granting Tentative Approval required by §1205.6. At the time of Final Approval, the recording plat shall contain notations regarding the date and substance of any modifications granted.
- c. The Design and Construction Standards of the Township Subdivision and Land Development Ordinance shall apply to all public and private improvements proposed in a Planned Residential Development unless a waiver or modification is granted by the Board of Supervisors in accordance with the procedure for granting waivers and modifications specified in the Township Subdivision and Land Development Ordinance.
- d. All requests for modification to the requirements of the Township Subdivision and Land Development Ordinance shall be in writing and shall accompany and be a part of the application for tentative and final approval. Such written request shall specify the ordinance section from which a modification is requested and shall state the grounds for the request, the unreasonable hardship on which the request is based and the minimum modification necessary to relieve the hardship.
- e. Whenever a request for modification is granted or denied, the reasons for such grant or denial shall be stated within the official written communication to the landowner. The grant of a modification request may be subject to reasonable conditions designed to promote the purposes set forth in this Article.

## **SECTION 1203 ACCESS AND AVAILABILITY OF PUBLIC SERVICES**

### **1203.1 Access and Traffic Control**

If a Planned Residential Development contains townhouses or garden apartments, the site of a Planned Residential Development shall have frontage on and direct vehicular access to a collector street, as defined by this Ordinance. The projected traffic volumes associated with the proposed Planned Residential Development shall be capable of being accommodated by the adjacent street network. The site proposed for a Planned Residential Development shall have a minimum of two (2) means of ingress and egress from the existing street network.

### **1203.2 Traffic Impact Study**

The developer shall submit a Traffic Impact Study prepared in accordance with the requirements specified in the definition of "Traffic Impact Study" in Section 201 of this Ordinance. The Traffic Impact Study shall identify the traffic impact of the proposed Planned Residential Development and the recommendations to mitigate those impacts, as warranted. Ingress and egress to and from the site shall be designed to comply with the minimum requirements of the Township Subdivision and Land Development Ordinance.

### **1203.3 Sidewalks**

Sidewalks shall be provided on at least one (1) side of every street in the Planned Residential Development. Sidewalks shall be constructed in accordance with the requirements of the Township Subdivision and Land Development Ordinance and Construction Specifications.

### **1203.4 Public Water and Sewer Service**

All dwelling units and other principal structures in a Planned Residential Development shall be connected to a public water supply and public sanitary sewer service.

### **1203.5 Storm Drainage**

The developer shall provide a storm drainage system within a Planned Residential Development that shall be of sufficient size and design to collect, carry off and dispose of all predictable surface water runoff within the Planned Residential Development and shall be so constructed to conform with the statutes, ordinances and regulations of the Commonwealth of Pennsylvania and the Stormwater Management regulations contained in the Township Subdivision and Land Development Ordinance.

## **SECTION 1204 COMMON OPEN SPACE**

### **1204.1 Areas Required**

- a. Common open space shall comprise at least twenty percent (20%) of the total gross site area of the PRD.

- b. Recreational facilities or structures and their accessory uses located in common open space areas shall be considered improved open space as long as the total impervious surface area constitutes no more than five percent (5%) of the total common open space.
- c. No more than fifty percent (50%) of the required open space area shall be in excess of a twenty-five percent (25%) slope.
- d. To the extent feasible, steep slopes, streams, lakes, ponds, woodlands and other environmentally sensitive areas shall be incorporated into the common open space.
- e. Required Buffer Areas shall be included in the Common Open Space and shall be maintained in perpetuity by the organization created to own and maintain the Common Open Space. Restrictive covenants and/or provisions in the organization's by-laws shall specify this responsibility.
- f. At least forty percent (40%) of the minimum required common open space (that is, a minimum of twenty percent [20%] of the gross site area) shall be suitable for active recreation, and shall have slopes of fifteen percent (15%) or less. This common open space shall be located on a portion of the site that is easily accessible by pedestrians. The actual amount of this common open space that is developed for active recreation shall be subject to approval by the Township in accordance with the provisions of §1202.4. If the developer proposes to reserve common open space in excess of the minimum required twenty percent (20%) of the gross site area, this Subparagraph "f" shall not apply to the common open space in excess of the minimum requirement.

**1204.2      Protection of Common Open Space**

Common open space in a Planned Residential Development shall be protected by adequate covenants running with the land or by conveyances or dedications. Said covenants shall restrict the further subdivision of the common open space. A Planned Residential Development shall be approved subject to the submission of a legal instrument or instruments setting forth a plan for the permanent preservation, care and maintenance of such common open space, recreational areas and other facilities owned in common by an organization established for such purposes. No such instrument shall be acceptable until approved by the Board of Supervisors as to legal form and effect. In cases where the Township will not be accepting dedications of streets, recreation areas or common open spaces, the developer shall create an organization or trust for ownership and maintenance of the common open space and common facilities.

**1204.3      Common Open Space Maintenance**

In the event that the organization established to own and maintain the common open space, or any successor thereto, shall at any time after establishment of the Final Development Plan fail to maintain the common open space, including all streets, driveways and recreational facilities, in reasonable order and condition in accordance with the Development Plan granted Final Approval, the Township may take remedial action to cause the common open space and common facilities to be properly maintained, as provided for in Section 705(f) of the Pennsylvania Municipalities Planning Code.

## **SECTION 1205            ADMINISTRATION AND PROCEDURE**

The Planned Residential Development provisions of this Ordinance shall be administered by the Board of Supervisors. The Planning Commission shall review all applications on the basis of the standards specified in this Article and make a recommendation to the Board of Supervisors. The Board of Supervisors shall conduct the public hearings required by the Pennsylvania Municipalities Planning Code and shall have the final authority to approve, approve with conditions or disapprove a Planned Residential Development.

### **1205.1            Pre-Application Conference**

Prior to filing an application for Tentative Approval, the applicant or his representative may meet with Township staff to obtain application forms and to discuss application procedures and applicable ordinance requirements.

In addition, the developer may request a pre-application conference with the Planning Commission to discuss the conceptual design for the development of the property and the feasibility and timing of the application. The applicant shall contact the Township Zoning Officer or his or her designated representative at least five (5) calendar days prior to the regular meeting of the Planning Commission to request a pre-application conference with the Planning Commission.

The pre-application conference with the Planning Commission is voluntary and no formal application or fee is required. This opportunity is afforded to the developer to obtain information and guidance before entering into binding commitments or incurring substantial expenses for plan preparation.

While no formal application is required for a pre-application conference, the applicant should provide one (1) copy of readily available information with the request for a pre-application conference which shows the location of the property and any special features such as streams, floodplains or other conditions that may affect the development of the property. Readily available resources that may be used include the deed for the property, a property survey, the Tax Parcel Maps prepared by the Allegheny County Office of Property Assessment, U.S.G.S. Quadrangle Map showing natural features and topography, the National Flood Insurance Administration (NFIA) Flood Hazard Boundary Maps, Natural Resources Conservation Service Maps of soil types and the U.S. Bureau of Mines coal mine maps.

A pre-application conference shall not constitute formal filing of any application for approval of a Planned Residential Development, shall not bind the Planning Commission to approve any concept presented in the pre-application conference and shall not protect the application from any subsequent changes in ordinance provisions adopted between the pre-application conference and the date of filing of an application for Tentative Approval of a Planned Residential Development that may affect the proposed development under the terms of this Ordinance.

### **1205.2            Application for Tentative Approval**

At least twenty (20) calendar days prior to the regular meeting of the Planning Commission, seven (7) copies of an Application for Tentative Approval shall be submitted. The application for tentative approval shall be filed by the landowner on such form as prescribed by the Township

and be accompanied by payment of the application fee established in accordance with Section 1908 of this Ordinance. The application shall be in sufficient detail for the Planning Commission to determine compliance with the standards of this Article and shall contain, at a minimum, the following information. Following initial review and receipt of comments provided by the Township in accordance with §1205.3, the applicant shall submit seven (7) copies of the application for review at the next regular monthly meeting of the Planning Commission.

- a.** A legal description of the total tract proposed for development, including a statement of present and proposed ownership.
- b.** A written statement of planning objectives to be achieved by the Planned Residential Development through the particular approach proposed by the developer. The statement shall include a description of the character of the proposed development and its relationship to the immediate area in which it is to be located.
- c.** A written statement by the landowner setting forth the reasons why the proposed Planned Residential Development would be in the public interest and would be consistent with the Township's Comprehensive Plan.
- d.** A written statement of the requested modifications to the Township Zoning Ordinance and Subdivision and Land Development Ordinance otherwise applicable to the property, if any.
- e.** Evidence in the form of a transmittal letter, that the application has been submitted to the Allegheny County Department of Economic Development for review.
- f.** A location map that clearly shows the location and area of the site proposed for development with relation to all lands, buildings and structures within two hundred (200) feet of its boundaries, the location and distance to existing streets and highways and the names of landowners of adjacent properties.
- g.** A Traffic Impact Study, as defined in Section 201 of this Ordinance.
- h.** A Development Plan prepared at a scale no smaller than one inch equals fifty feet (1"=50') in the form required by the Township Subdivision and Land Development Ordinance for a Preliminary Plan showing the following information:
  - 1.** The location, size and topography of the site and the nature of the landowner's interest in the land proposed to be developed;
  - 2.** The density of land use to be allocated to parts of the site to be developed;
  - 3.** The location and size of the common open space and the form of organization proposed to own and maintain the common open space;
  - 4.** The use and the approximate height, bulk and location of buildings and other structures;

5. The feasibility of proposals for water supply and the disposition of sanitary waste and storm water;
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 or grants for public utilities;
7. The provisions for parking of vehicles and the location and width of proposed streets and public ways;
8. The required modifications in the municipal land use regulations otherwise applicable to the subject property;
9. The feasibility of proposals for energy conservation and the effective utilization of renewable energy sources; and
10. In the case of development plans which call for development over a period of years, a schedule showing the proposed times within which applications for final approval of all sections of the planned residential development are intended to be filed. This schedule must be updated annually, on the anniversary of its approval, until the development is completed and accepted.

### **1205.3 Review of Application**

The Zoning Officer or his or her designated representative shall review the application to determine whether it is complete and properly filed in accordance with all requirements of this Ordinance. If the Zoning Officer determines that the application is not complete and properly filed, written notice shall be provided to the applicant specifying the defects in the application and returning the application for resubmission. If a revised application is resubmitted within sixty (60) days of the date of the written notice from the Zoning Officer, another application filing fee shall not be required. Any application submitted after sixty (60) days shall be considered a new application and shall be accompanied by the required application filing fee.

If the Zoning Officer determines that the application is complete and properly filed, the date that the application submitted to the Township constitutes the date of filing for determining the deadline for scheduling a public hearing, as required by §1205.4 .

Within five (5) days of receipt of the application, the Zoning Officer shall refer the application to the Township Engineer for review and comment. The Township Engineer's comments shall be provided to the applicant. If revisions are required, the applicant shall submit seven (7) copies of the revised application for consideration at the next regular meeting of the Planning Commission.

The Planning Commission shall forward a written recommendation on the application for Tentative Approval to the Board of Supervisors in time for the Board of Supervisors public hearing required by §1205.4 of this Ordinance.

#### **1205.4      Public Hearing**

Within sixty (60) days following the date of submission of an application for Tentative Approval of a Planned Residential Development, a public hearing pursuant to public notice shall be held by the Board of Supervisors. At least fourteen (14) days prior to the hearing, the Zoning Officer shall mail a copy of the notice by first class mail to each property owner within three hundred (300) feet of the entire perimeter of the property, including those located across a street right-of-way. The cost of mailing the notices shall be paid by the applicant.

The public hearing shall be conducted in the manner prescribed in Article IX of the Pennsylvania Municipalities Planning Code and all references to the Zoning Hearing Board in Article IX shall apply to the Board of Supervisors. The public hearing or hearings shall be concluded within sixty (60) days of the first hearing.

The Township may offer mediation as an aid in completing these proceedings, provided that, in exercising such an option, the Township and the mediating parties shall meet the stipulations and follow the procedures set forth in Section 1809.

#### **1205.5      Tentative Approval**

Within sixty (60) days following the conclusion of the public hearings, or within one hundred eighty (180) days after the date of filing of the application, whichever occurs first, the Board of Supervisors shall, by official written communication, either:

- a. Grant Tentative Approval of the Development Plan, as submitted;
- b. Grant Tentative Approval of the Development Plan, subject to specified conditions not included in the Development Plan as submitted; or
- c. Deny Tentative Approval.

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 Tentative Approval is granted subject to conditions, the landowner may, within thirty (30) days after receiving a copy of the official written communication of the Board of Supervisors, notify the Board of Supervisors of his refusal to accept all said conditions, in which case, the Board of Supervisors shall be deemed to have denied Tentative Approval of the Development Plan. In the event that the landowner does not, within said period, notify the Board of Supervisors of his refusal to accept all said conditions, Tentative Approval of the Development Plan, with all said conditions, shall stand as granted.

#### **1205.6      The Findings**

The grant or denial of Tentative Approval by official written communication shall include not only the conclusions but also findings of fact related to the specific proposal and shall set forth the reasons for the grant, with or without conditions, or for the denial and said communication shall be set forth with particularity in what respects the development plan would or would not be in the public interest, including, as a minimum, but not limited to, findings of fact and conclusions on the criteria specified in Section 1206.

**1205.7            Status of Plan After Tentative Approval**

The official written communication provided for in this Article shall be certified by the Township Secretary and shall be filed in his office, and a certified copy shall be mailed to the landowner. Where tentative approval has been granted, it shall be deemed an amendment to the zoning map, effective upon final approval, and shall be noted on the zoning map.

Tentative approval of a development plan shall not qualify a plat of the planned residential development for recording nor authorize development or the issuance of any building permits. A development plan which has been given tentative approval as submitted, or which has been given tentative approval with conditions which have been accepted by the landowner (and provided that the landowner 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 landowner, provided an application or applications 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.

In the event that a development plan is given tentative approval and thereafter, but prior to final approval, the landowner shall elect to abandon said development plan and shall so notify the Township Board of Supervisors in writing, or in the event the landowner 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 local ordinances otherwise applicable thereto as they may be amended from time to time, and the same shall be noted on the Township Zoning District Map and in the records of the Township Secretary.

**SECTION 1206            CRITERIA FOR TENTATIVE APPROVAL**

The Board of Supervisors shall grant Tentative Approval if, and only if, all applicable requirements of this Article are met and all of the following criteria are met.

**1206.1**

The proposed application for Tentative Approval complies with all standards, restrictions, criteria, requirements, regulations and procedures of this Article; preserves the Community Development Objectives of this Ordinance; and is found by the Board of Supervisors to be compatible with the public interest and consistent with the Township's Comprehensive Plan.

**1206.2**

Where the proposed application for Tentative Approval provides standards that vary from this Ordinance and the Township Subdivision and Land Development Ordinance otherwise applicable to the subject property, such departure shall promote protection of the environment, and public health, safety and welfare and shall be in the public interest.

### **1206.3**

The proposals for the maintenance and conservation of any proposed common open space are reliable and meet the standards of this Ordinance and the amount and extent of improvements within the common open space are appropriate with respect to the purpose, use and type of the residential development proposed.

### **1206.4**

The physical design of the proposed Development Plan adequately provides for public services, traffic facilities and parking, light, air, recreation and visual enjoyment.

### **1206.5**

The proposed Development Plan is beneficially related to the immediate area in which it is proposed to be located.

### **1206.6**

The proposed Development Plan will afford adequate protection of natural watercourses, wetlands, topsoil, woodlands, steep slopes and other natural features and will prevent erosion, landslides, siltation and flooding.

### **1206.7**

In the case of a Development Plan that proposes development over a period of years, the terms and conditions thereof are sufficient to protect the interests of the public and of the residents of the Planned Residential Development in the integrity of the Final Development Plan.

## **SECTION 1207      APPLICATION FOR FINAL APPROVAL**

After the Development Plan is granted Tentative Approval by the Board of Supervisors, the developer shall submit seven (7) copies of the application for Final Approval at least twenty (20) calendar days prior to the regular meeting of the Planning Commission. The Final Application shall consist of detailed plans for any phase or section of the Development Plan. The Final Application for the first phase shall be submitted within one (1) year of the date of Preliminary Approval. The Final Application for each subsequent phase shall be submitted within one (1) year of the date that the Township Engineer determines the immediately prior phase to be substantially completed.

No building permit shall be issued until Final Approval has been granted by the Board of Supervisors for the phase or section in which the proposed development is located. Final Approval shall be valid for a period of five (5) years from the date that the Board of Supervisors grants Tentative Approval. In the case of phased developments, this time period may be extended subject to compliance with the provisions of Section 508(4) of the Pennsylvania Municipalities Planning Code.

### **1207.1      Review of Application**

The Zoning Officer shall review the application to determine whether it is complete and properly filed in accordance with all requirements of this Ordinance. If the Zoning Officer determines that the application is not complete and properly filed, written notice shall be provided to the applicant specifying the defects in the application and returning the application for resubmission.

If the Zoning Officer determines that the application is complete and properly filed, the date that the application is received by the Zoning Officer shall constitute the date of filing of the application. Within five (5) days of receipt of a complete and properly filed application, the Zoning Officer or his or her designated representative shall refer the application to the Township Engineer and the Township Planning Commission for review and recommendation.

The applicant shall submit the application to the Allegheny County Department of Economic Development for review and comment.

Within thirty-five (35) days of receipt of a complete and properly filed application for Final Approval, the Planning Commission shall forward a written recommendation to the Board of Supervisors.

A public hearing on an application for Final Approval shall not be required, provided the development plan is in compliance with the development plan granted Tentative Approval and with any specified conditions attached thereto.

### **1207.2      Action by Board of Supervisors**

In the event that an application for Final Approval has been filed, together with all drawings, specifications and other documentation in support thereof, in accordance with the requirements of this Ordinance and the official written communication granting Tentative Approval, the Board of Supervisors shall, within forty-five (45) days of the date of filing of the application, grant Final Approval to the Development Plan.

### **1207.3      Variations from the Plan Granted Tentative Approval**

In the event that the development plan submitted contains variations from the development plan granted Tentative Approval, the Board of Supervisors may refuse to grant Final Approval and may, within forty-five (45) days of the date of filing of the application for Final Approval, advise the applicant, in writing, of said refusal, setting forth in said notice the reasons why one (1) or more of the variations are not in the public interest. In the event of such refusal, the landowner may either:

- a. Refile the Application for Final Approval without the variations objected; or
- b. File a written request with the Board of Supervisors that it hold a public hearing on the Application for Final Approval.

If the landowner wishes to take either alternate action, he may do so at any time within which he shall be entitled to apply for Final Approval, or within thirty (30) additional days, if the time for

applying for Final Approval shall have already passed at the time when the landowner was advised that the Development Plan was not in substantial compliance.

If the landowner fails to take either of these alternate actions within said time, he shall be deemed to have abandoned the Development Plan.

**1207.4 Public Hearing on a Final Plan that Contains Variations from the Plan Granted Tentative Approval**

Any public hearing held on an Application for Final Approval shall be held pursuant to public notice within thirty (30) days after the request for the hearing is made by the landowner and the hearing shall be conducted in the manner prescribed in this Article for public hearings on an application for Tentative Approval. At least fourteen (14) days prior to the hearing, the Zoning Officer shall mail a copy of the notice by first class mail to each property owner within three hundred (300) feet of the entire perimeter of the property, including those located across a street right-of-way. The cost of mailing the notices shall be paid by the applicant.

Within thirty (30) days after the conclusion of the public hearing, the Board of Supervisors shall, by official written communication, either grant or deny Final Approval. The grant or denial of Final Approval of the Development Plan shall, in cases where a public hearing is required, be in the form and contain the findings required for an application for Tentative Approval. Failure of the Board of Supervisors to render a decision on an application for final approval and communicate it to the applicant within the time and in the manner required by this section shall be deemed an approval of the application for final approval, as presented, unless the applicant has agreed in writing to an extension of time or change in the prescribed manner of presentation of communication of the decision, in which case failure to meet the extended time or change in manner of presentation of communication shall have like effect.

**1207.5 Changes in the Approved Plan**

Changes in the location and siting of buildings and structures deemed minor by the Board of Supervisors may be authorized without additional public hearings, if required by engineering or other circumstances not foreseen at the time of Tentative Approval. However, gross density and/or any increase in the total number of townhouses or garden apartments established at the time of Tentative Approval shall not be changed without a public hearing.

**1207.6 Application for Final Approval**

The application for Final Approval shall comply with all applicable ordinance provisions and the Development Plan shall include, as a minimum, the following information:

- a. All data required by the Township Subdivision and Land Development Ordinance for a Final Plan, including application filing, application review and inspection fees and performance bond.
- b. Accurately dimensioned locations for all proposed buildings, structures, parking areas and common open space.
- c. The number of families to be housed in each residential building or structure and the intended use of each non-residential building or structure.

- d.** Building elevation drawings for all principal structures, other than single family dwellings.
- e.** A lighting plan, showing the location, height and type of any exterior lighting fixtures proposed and a photometric plan showing the distribution of lighting on the site and at the site boundaries.
- f.** A Landscaping Plan, as defined by this Ordinance, including the location and types of plant materials, sidewalks, trails and recreation facilities authorized by this Ordinance.
- g.** Supplementary data, including any covenants, grants of easements or other restrictions to be imposed on the use of the land, building and structures and the organization proposed to own, maintain and operate the common open space facilities.
- h.** An engineering report that shall include the following data, wherever applicable:
  - 1.** Profiles, cross-sections and specifications for proposed public and private streets.
  - 2.** Profiles and other explanatory data concerning installation of water distribution systems, storm sewers and sanitary sewers.
  - 3.** Feasibility of the sanitary sewerage system in terms of capacity to serve the proposed development.
- i.** A grading plan prepared in compliance with the requirements of the Township Grading Ordinance.
- j.** Evidence that the applicant has submitted plans to the Allegheny County Conservation District for review and approval.
- k.** An Erosion and Sedimentation Control Plan that shall specifically indicate all erosion and sedimentation control measures to be utilized on the site. The Erosion and Sedimentation Control Plan shall be designed to prevent accelerated erosion and sedimentation. The Plan shall include, but not be limited to, the following:
  - 1.** The topographic features of the site;
  - 2.** The types, depth, slope and extent of the soils by area;
  - 3.** The proposed alterations to the site;
  - 4.** The amount of runoff from the site area and the upstream watershed;
  - 5.** The staging of earthmoving activities;
  - 6.** Temporary control measures and facilities during earthmoving;
  - 7.** Permanent control measures and facilities for long-term protection;

- 8. A maintenance program for the control facilities, including disposal of materials removed from the control facilities or site area.
- l. A stormwater management plan prepared in compliance with the requirements of the Township Stormwater Management Ordinance.
- m. Performance Bond and Development Agreement as required by the Township Subdivision and Land Development Ordinance.

**1207.7      Recording**

A Final Development Plan, or any part thereof, that has been granted Final Approval shall be so certified without delay by the Board of Supervisors. Before any development shall take place, in accordance with the approved development plan, the developer shall record the approved development plan in the office of the Allegheny County Department of Real Estate within ninety (90) days of the final approval or ninety (90) days after the date of delivery of an approved plan signed by the Board of Supervisor, following completion of conditions imposed for such approval, whichever is later. Approval for recording shall be subject to posting of the financial security required by the Township Subdivision and Land Development Ordinance for public and private improvements in the Development Plan.

**1207.8      Revocation of Final Approval**

In the event that a Development Plan, or section thereof, is given Final Approval and thereafter the landowner shall abandon such plan, or section thereof, that has been finally approved, and shall so notify the Board of Supervisors in writing; or, in the event that the landowner shall fail to commence and carry out the Planned Residential Development in accordance with the time provisions stated in Section 508 of the Pennsylvania Municipalities Planning Code after Final Approval has been granted, and no further development shall take place on the property included in the Development Plan until a new application for Tentative Approval of a Planned Residential Development is submitted for said property or the property is developed in accordance with the then applicable Zoning District regulations. If the Planned Residential Development has been recorded on the Township's Zoning District Map, said property shall be reclassified by enactment of an amendment to the Zoning District Map in the manner prescribed for zoning amendments in Section 1907 of this Ordinance.

## ARTICLE XIII

### PROCEDURES FOR APPROVAL AND EXPRESS STANDARDS AND CRITERIA FOR CONDITIONAL USES AND USES BY SPECIAL EXCEPTION

#### SECTION 1300      **APPLICABILITY**

The following procedures shall apply to all applicants for approval of a conditional use or use by special exception in all Zoning Districts.

#### SECTION 1301      **PROCEDURE FOR APPROVAL**

##### 1301.1      **Approval of Conditional Use**

The Board of Supervisors shall hear and decide requests for conditional uses; however, the Board of Supervisors shall not approve a conditional use application unless and until:

- a.      A written application for conditional use approval is submitted to the Zoning Officer or his or her designated representative no less than twenty (20) calendar days prior to the regular meeting of the Planning Commission. The application shall indicate the Section of this Ordinance under which conditional use approval is sought and shall state the grounds upon which it is requested. The application shall include the following:
  1.      A preliminary land development plan, if required by the Township Subdivision and Land Development Ordinance or, if a land development plan is not required, a current property survey indicating all existing and proposed structures and all proposed construction, additions or alterations on the site in sufficient detail to determine the feasibility of the proposed development and compliance with all applicable requirements of this Ordinance.
  2.      A written statement showing compliance with the applicable express standards and criteria of this Article for the proposed use.
  3.      A Traffic Impact Study, as defined in Section 201, for any use that, according to the latest edition of the Institute of Transportation Engineers (ITE) Trip Generation Manual, will generate seventy-five (75) or more additional trips during the adjacent street's peak hours.
  4.      The application fee required by Section 1908 of this Ordinance.
- b.      A written recommendation is received from the Township Planning Commission or forty-five (45) days has passed from the date of the Planning Commission meeting at which the application is first considered as complete and properly filed for approval.
- c.      A public hearing is conducted by the Board of Supervisors pursuant to public notice and said hearing is scheduled no more than sixty (60) days following the date of submission of a complete and properly filed application, unless the applicant has agreed in writing to an extension of time.
- d.      Each subsequent hearing before the Board of Supervisors shall be held within forty-five (45) days of the prior hearing, unless otherwise agreed to by the applicant in writing or

on the record. An applicant shall complete the presentation of his case-in-chief within one hundred (100) days of the first hearing. Upon the request of the applicant, the Board of Supervisors shall assure that the applicant receives at least seven (7) hours of hearings within the one hundred (100) days, including the first hearing. Persons opposed to the application shall complete the presentation of their opposition to the application within one hundred (100) days of the first hearing held after the completion of the applicant's case-in-chief. And the applicant may, upon request, be granted additional hearings to complete his case-in-chief provided the persons opposed to the application are granted an equal number of additional hearings. Persons opposed to the application may, upon the written consent or consent on the record by the applicant and the Township, be granted additional hearings to complete their opposition to the application provided the applicant is granted an equal number of additional hearings for rebuttal.

- e. The Board of Supervisors shall render a written decision within forty-five (45) days after the last public hearing. Where the application is contested or denied, the decision shall be accompanied by findings of fact and conclusions based thereon. Conclusions based on any provision of this Ordinance or any other applicable rule or regulation shall contain a reference to the provision relied upon and the reasons why the conclusion is deemed appropriate in light of the facts found.
- f. Where the Board of Supervisors fails to render a decision within the required forty-five (45) days or fails to commence, conduct or complete the required hearing as specified in Subparagraphs "c" and "e", above, 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. The Board of Supervisors shall give public notice, as defined herein, of said deemed approval within ten (10) days from the last day it could have met to render a decision. If the Board of Supervisors shall fail to provide such notice, the applicant may do so. Nothing in this Subsection shall prejudice the right of any party opposing the application to appeal the decision to a Court of competent jurisdiction.
- g. In considering an application for conditional use approval, the Board of Supervisors may prescribe appropriate conditions and safeguards in conformity with the spirit and intent of this Article. A violation of such conditions and safeguards, when made a part of the terms and conditions under which conditional use approval is granted, shall be deemed a violation of this Ordinance and shall be subject to the enforcement provisions of Section 1901 of this Ordinance.

#### **1301.2      Expiration of Conditional Use Approval**

Conditional use approval shall expire automatically without written notice to the applicant, if no application for a grading permit, a building permit or an occupancy permit to undertake the construction or authorize the occupancy described in the application for conditional use approval is submitted within twelve (12) months of said approval, unless the Board of Supervisors, in its sole discretion, extends conditional use approval upon written request of the applicant received prior to its expiration. The maximum extension permitted shall be one (1) twelve (12) month extension.

### **1301.3 Approval of Uses by Special Exception**

The Zoning Hearing Board shall hear and decide requests for uses by special exception. The Zoning Hearing Board shall not approve 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 Zoning Officer or his or her designated representative at least twenty (20) days prior to the Zoning Hearing Board meeting at which the appeal is to be heard. The application shall indicate the Section of this Ordinance 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 current property survey indicating all existing and proposed structures and all proposed construction, additions or alterations on the site in sufficient detail to determine the feasibility of the proposed development and compliance with all applicable requirements of this Ordinance.
  2. A written statement showing compliance with the applicable express standards and criteria of this Article for the proposed use.
  3. A Traffic Impact Study, as defined in Section 201, for any use that, according to the latest edition of the Institute of Transportation Engineers (ITE) Trip Generation Manual, will generate seventy-five (75) or more additional trips during the adjacent street's peak hours.
  4. The application fee required by Section 1908 of this Ordinance.
- b. A public hearing pursuant to public notice is conducted by the Zoning Hearing Board within sixty (60) days of submission of a complete and properly filed application, unless the applicant has agreed in writing to an extension of time. Said hearing shall be conducted in accordance with the procedures specified by Section 1807 of this Ordinance.
- c. In considering an application for approval of a use by special exception, the Zoning Hearing Board may prescribe appropriate conditions and safeguards in conformity with the spirit and intent of this Article. A violation of such conditions and safeguards, when made a part of the terms and conditions under which approval of a use by special exception is granted, shall be deemed a violation of this Ordinance and shall be subject to the enforcement provisions of Section 1901 of this Ordinance.
- d. If land development approval is required for the use by special exception, the application for approval of a land development required by the Township Subdivision and Land Development Ordinance shall be submitted to the Township Planning Commission following approval of the use by special exception by the Zoning Hearing Board.

### **1301.4 Expiration of Approval of a 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 land development plan, a grading permit, a building permit or an occupancy permit to undertake the construction or authorize the occupancy described in the

application for approval of the use by special exception is submitted within twelve (12) months of said approval, unless the Zoning Hearing Board, in its 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 (1) twelve (12) month extension.

## **SECTION 1302      GENERAL STANDARDS**

In addition to the specific standards and criteria listed for each use in Section 1303, below, all applications for conditional uses and 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, as a result of being located on the property where it is proposed.
- B.** The use shall comply with the Performance Standards of Section 1401 of this Ordinance.
- C.** The use shall comply with all applicable requirements of Article XIV providing Supplementary Regulations, Article XV governing parking and loading, Article XVI governing signs and all other applicable provisions of this Ordinance.
- D.** Ingress, egress and traffic circulation on the property shall be designed to ensure safety and access by emergency vehicles and to minimize congestion and the impact on local streets.
- E.** Outdoor lighting, if proposed, shall be designed with cutoff luminaires that direct and cut off the light at a cutoff angle of sixty degrees (60°) or less. (See illustration in Appendix B.) There shall be no spillover lighting onto adjacent properties.
- F.** For all uses that are subject to the requirements of the Americans with Disabilities Act (ADA), the applicant shall certify that all applicable ADA requirements have been met in the design.

## **SECTION 1303      STANDARDS FOR SPECIFIC USES**

In addition to the general standards and criteria for all conditional uses and uses by special exception listed in Section 1302, above, an application for any of the following uses that are listed in any Zoning District as a conditional use or use by special exception shall comply with the applicable standards and criteria specified below for that use.

### **1303.1      Active Recreation in C-D, R-1, R-2 and R-3 Districts, subject to:**

- a.** A minimum lot area of five (5) acres shall be required.
- b.** All recreational facilities and parking areas shall be located at least one hundred (100) feet from any property line adjoining property in an C-D, R-1, R-2 or R-3 District and at least fifty (50) feet from any property line adjoining any other Zoning District.

- c. Buffer Area "B", as described in §1402.1 of this Ordinance, shall be provided where parking or other intensively used facilities such as ballfields, tennis courts, shelters and the like are proposed adjacent to any property line adjoining residential use or "C-D" or "R" Residential Zoning District classification. Open space and passive recreation, as well as undeveloped portions of the property held for future development, shall not be required to be buffered from adjoining residential use or "C-D" or "R" Residential Zoning District classification.
- d. The use shall comply with the Performance Standards of Section 1401 of this Ordinance.
- e. Exterior lighting of facilities shall not be permitted if the facilities are located within five hundred (500) feet of an existing dwelling.
- f. Outdoor loud speakers shall be designed to minimize impact on any adjacent dwellings and their use shall be discontinued after 10:00 P.M.
- g. Any outdoor facility located within two hundred (200) feet of an existing dwelling shall cease operations at 10:00 P.M.

**1303.2      Adult Businesses, subject to:**

- a. Adult businesses, as defined by this Ordinance, shall not be permitted in any Zoning District other than the L-I Industrial, District.
- b. All adult businesses shall comply with the requirements of Township Ordinance No. 227, as now or hereafter amended.
- c. An adult business shall not be located within one thousand (1,000) feet of any of the following uses: a church; public or private pre-elementary, elementary or secondary school; public library; day care center or nursery school; public park or residential dwelling. The distance shall be measured in a straight line from the nearest portion of the building or structure containing the adult business to the nearest property line of the premises of any of the above listed uses.
- d. Any adult business, other than an adult motel, which exhibits on the premises in a viewing room (a separate compartment or cubicle) of less than one hundred fifty (150) square feet of floor space, a film or video cassette or other video or image production or reproduction which depicts nudity or sexual conduct shall comply with the following:
  - 1. At least one (1) employee shall be on duty and shall be situated in each manager's station at all times that any patron is present inside the premises.
  - 2. The interior of the premises shall be configured in such a manner that there is an unobstructed view from the manager's station of every area of the premises to which any patron is permitted access for any purpose, excluding restrooms. Restrooms shall not contain video reproduction or viewing equipment.

If the premises has two (2) or more manager's stations designated, then the interior of the premises shall be configured in such a manner that there is

unobstructed view of each area of the premises to which any person is permitted access for any purpose from at least one (1) of the manager's stations. The view required by this Subparagraph shall be by direct line of sight from the manager's station.

3. It shall be the duty of the owners and operators and any agents and employees present on the premises to ensure that the viewing area remains unobstructed by any doors, walls, merchandise, display racks or other materials at all times and to insure that no patron is permitted access to any area of the premises that has been designated in the application submitted to the Township as an area in which patrons will not be permitted.
  4. No viewing room shall be occupied by more than one (1) person at a time. No connections or openings to an adjoining viewing room shall be permitted.
  5. The premises shall be equipped with overhead lighting fixtures of sufficient intensity to illuminate every place in which patrons are permitted access at an illumination of not less than one (1) footcandle as measured at the floor level. It shall be the duty of the owners and operators and any agents and employees present on the premises to ensure that the illumination is maintained at all times that any patron is present on the premises.
  6. If live performances are to be given, the premises in which such live performances are to be offered shall contain a stage separated from the viewing area and the viewing area shall not be accessible to the performers.
- e. If the adult business involves live performances, the performers shall not have easy access to the viewers present.
  - f. The owner and operator of any adult nightclub shall provide security officers, licensed under the laws of the Commonwealth, if the maximum permitted occupancy exceeds fifty (50) persons.
  - g. No stock in trade which depicts nudity or sexual conduct shall be permitted to be viewed from the sidewalk, street or highway.
  - h. No signs or other displays of products, entertainment or services shall be permitted in any window or other area that is visible from the street or sidewalk.
  - i. Windows shall not be covered or made opaque in any way.
  - j. Notice shall be given at the entrance stating the hours of operation and restricting admittance to adults only. The term adult shall have the meaning provided by applicable statutory law.
  - k. Owners and operators of adult businesses shall obtain a license to operate from the Township. In addition, such owners or operators shall supply to the Township such information regarding ownership and financing of the proposed business as is required by the Township's licensing application. Applications for licensing shall be filed with the Township Manager.

- I. The adult business shall be initially licensed upon compliance with all requirements of this Section and provisions of the required licensing application. For each year thereafter that the adult business intends to continue, the owner or operator shall seek a renewal of the license. The application for renewal shall be submitted to the Township Manager by November 1<sup>st</sup> of the year preceding the year for which renewal is sought. The lack of license or failure to renew such license in a timely manner shall be a violation of this Chapter and shall be grounds for denial or revocation of the Certificate of Occupancy for the adult business.

**1303.3      Assisted Living Facility; Independent Living Facility, subject to:**

- a. The minimum site required shall be five (5) acres.
- b. The maximum dwelling unit density shall be twelve (12) units per acre.
- c. An assisted living facility shall include the following supporting uses:
  - 1. Common leisure and/or recreational areas; and
  - 2. Common dining area
- d. In addition, an assisted living facility may include one (1) or more of the following supporting uses, subject to approval by the Township:
  - 1. Postal station for use of the residents and staff only;
  - 2. Banking facility for use of the residents and staff only;
  - 3. Pharmacy and/or medical offices for use of the residents only;
  - 4. Personal services for the use of the residents only, including beauty shop, barber shop, common laundry facilities, dry cleaning valet;
  - 5. Ice cream parlor and/or florist/gift shop for the use of residents and their invited guests only;
  - 6. Elderly day care center licensed by the Commonwealth;
  - 7. Taxi, van or similar transportation services for the residents.
  - 8. Therapy facilities and services for the residents only.
- e. Buffer Area "B", as defined by §1402.1 of this Ordinance shall be provided along all property lines adjacent to property in a "C-D" or "R" District.
- f. Parking shall be provided in accordance with the requirements of Section 1502 except that additional parking for the supporting uses intended for the residents and their invited guests shall not be required.

**1303.4      Bed and Breakfast, subject to:**

- a. The operator shall be a fulltime resident of the dwelling in which the bed and breakfast is located.
- b. The lot shall have frontage on and direct vehicular access to a collector street, as defined herein.
- c. The minimum lot area required shall be 21,780 square feet.
- d. No meals, other than breakfast, shall be served on the premises. Food may be prepared on the premises for consumption off the premises by overnight guests. Food shall not be served to any customers who are not overnight guests.
- e. The maximum length of stay for any guest shall be fourteen (14) days in any calendar year.
- f. One (1) identification sign shall be permitted and such sign may either be attached to the wall of the building or may be freestanding in the front yard, provided the surface area of the sign shall not exceed six (6) square feet, the height of the freestanding sign shall not exceed four (4) feet and the freestanding sign is located at least five (5) feet from any property line.
- g. The identification sign shall contain no information other than one (1) or more of the following items:
  - 1. The street address
  - 2. The name of the establishment
  - 3. The name of the proprietor
  - 4. A small logo or other decorative symbol
- h. In addition to the parking required for the dwelling, one (1) parking space shall be provided for each sleeping room offered to overnight guests.
- i. Off-street parking shall not be located in any required front or side yard. Parking located in the rear yard shall be screened from adjoining residential properties by a compact six (6) foot high evergreen hedge.

**1303.5      Billboards, subject to:**

- a. All billboards shall be subject to the express standards and criteria contained in Section 1606 of this Ordinance.

**1303.6      Car Wash, subject to:**

- a. All automated washing facilities shall be in a completely enclosed building, as defined by this Ordinance. All other car washing facilities shall be under a roofed structure that has at least two (2) walls.

- b. Drainage water from the washing operation shall be controlled so that it does not flow or drain onto berms, streets or other property.
- c. Standing spaces shall be provided in accordance with the requirements specified in Section 1406 for drive-in businesses.
- d. The facility shall be connected to public sanitary and storm sewers.
- e. Driveway entrances shall be located at least thirty (30) feet from the rights-of-ways line of the intersection of any public streets.

**1303.7 Cemetery, subject to:**

- a. A minimum site of ten (10) acres shall be required.
- b. A drainage plan shall be submitted with the application for the use showing existing and proposed runoff characteristics.
- c. A ground water study prepared by a hydrologist or registered engineer qualified to perform such studies shall be submitted with the application.
- d. Plans for ingress/egress to the site shall be referred to the Township Police Department for comments regarding public safety.
- e. All property lines adjoining residential use or zoning classification shall be screened by Buffer Area "B" as defined by §1402.1 of this Ordinance.
- f. All maintenance equipment shall be properly stored in an enclosed building when not in use.
- g. In-ground burial sites shall comply with the setbacks required for principal structures in the Zoning District. All mausoleums, chapels and other structures shall not be located within one hundred (100) feet of any property line adjoining residential use or Zoning District classification.

**1303.8 Church, subject to:**

- a. The minimum lot area required shall be two (2) acres.
- b. If a residential facility (such as a convent or monastery) is proposed as part of a church, no more than ten (10) persons shall be housed.
- c. A dwelling (such as a manse or parsonage) may be located on the same lot with a church provided all requirements of this Ordinance for single family dwellings in the Zoning District can be met in addition to the minimum lot area, lot width and yard requirements applicable to the church.
- d. Buffer Area "B," as described in §1402.2 of this Ordinance shall be provided along all property lines adjoining property in any C-D, R-1, R-2 or R-3 District.

**1303.9            Commercial Greenhouse, subject to:**

- a.     A minimum site of ten (10) contiguous acres shall be required for a commercial greenhouse.
- b.     The primary residence of the owner of the commercial greenhouse shall be located on the same parcel where the greenhouse is located.
- c.     The retail sales area for a greenhouse shall not exceed twelve hundred (1,200) square feet. The growing area shall not be considered sales area.
- d.     All activities shall be conducted so as not to create nuisances or dangers to public health and safety.
- e.     Commercial greenhouses shall be further subject to all requirements of Section 1408, including agricultural sales.

**1303.10           Communications Tower; Communications Equipment Building or Equipment Cabinet, subject to:**

- a.     The applicant shall demonstrate that it is licensed by the Federal Communications Commission (FCC) to operate a commercial communications tower.
- b.     Any applicant proposing a new freestanding commercial communications tower shall demonstrate that a good faith effort has been made to obtain permission to mount the antenna on an existing building or other structure or an existing commercial communications tower. A good faith effort shall require that all owners within a one-quarter (1/4) mile radius of the proposed site be contacted and that one (1) or more of the following reasons for not selecting an alternative existing building or communications tower or other structure apply:
  - 1.     The proposed equipment would exceed the structural capacity of the existing building, commercial communications tower or other structure and reinforcement of the existing building, tower or other structure cannot be accomplished at a reasonable cost.
  - 2.     The proposed equipment would cause RF (Radio Frequency) interference with other existing or proposed equipment for that building, tower or other structure and the interference cannot be prevented at a reasonable cost.
  - 3.     Existing buildings, commercial communications towers or other structures do not have adequate space to accommodate the proposed equipment.
  - 4.     Addition of the proposed equipment would result in NIER (Non-ionizing Electromagnetic Radiation) levels that exceed any adopted local, Federal or State emission standards.

- c. The applicant shall demonstrate that the proposed communications tower and the electromagnetic fields associated with the antennas proposed to be mounted thereon comply with safety standards now or hereafter established by the Federal Communications Commission (FCC).
- d. The applicant for the communications tower shall demonstrate compliance with all applicable Federal Aviation Administration (FAA) and any applicable Airport Zoning regulations.
- e. In the R-1, R-2 and R-3 Districts, the maximum height of a communications tower shall be one hundred (100) feet. In the C-1, C-2, O-C and L-I Districts, the maximum height of a communications tower shall be two hundred (200) feet.
- f. The applicant shall demonstrate that the proposed height of the communications tower is the minimum height necessary to function effectively.
- g. The setback from all property lines (excluding lease lines) required for the tower shall be one hundred percent (100%) of the height of the tower.
- h. Tower height shall be measured from the ground level to the top point of the tower or top point of the highest communications antenna, whichever is higher.
- i. Communications towers shall be set back from all overhead electrical transmission or other above ground lines a distance equal to the height of the tower.
- j. A communications tower shall not be located on any property that is listed on an historic register or in an official designated State or Federal historic district.
- k. Communications towers shall not be located closer than two thousand five hundred (2,500) feet to another communications tower measured as a horizontal straight line distance between the towers.
- l. The communications tower shall be designed and constructed to all applicable standards of the American National Standards Institute, ANSI/EIA-222-Manual, as amended.
- m. A soils report complying with the standards of Appendix I, Geotechnical Investigations, ANSI/EIA-222-E-Manual, as amended, shall be submitted to the Township to document and verify design specifications of the foundation of the communications tower and anchors for the guy wires, if used. The soils report shall be signed and sealed by an engineer registered in the Commonwealth of Pennsylvania.
- n. The tower and all appurtenances, including guy wires, if any, and the equipment cabinet or equipment building shall be enclosed by a minimum ten (10) foot high chain link security fence with locking gate.
- o. The applicant shall submit evidence that the tower and its method of installation has been designed by a registered engineer and is certified by that registered engineer to be structurally sound and able to withstand wind and other loads in accordance with the Township Building Code and accepted engineering practice.

- p.** Access shall be provided to the tower and equipment cabinet or equipment building by means of a public street or right-of-way to a public street. The right-of-way shall be a minimum of twenty (20) feet in width and shall be improved with a dust-free, all-weather surface for its entire length.
- q.** Recording of a plat of subdivision shall not be required for the lease parcel on which the tower is proposed to be constructed, provided the equipment building is proposed to be unmanned and the required easement agreement for access is submitted for approval by the Township.
- r.** Approval of a land development plan, prepared in accordance with the requirements of the Township Subdivision and Land Development Ordinance, shall be required for all towers.
- s.** The owner of the communications tower shall be responsible for maintaining the parcel on which the tower is located, as well as the means of access to the tower, including clearing and cutting of vegetation, snow removal and maintenance of the access driveway surface.
- t.** The owner of any communications tower that exceeds fifty (50) feet in height shall submit to the Township proof of an annual inspection conducted by a structural engineer at the owner's expense and an updated tower maintenance program based on the results of the inspection. Any structural faults shall be corrected immediately and re-inspected and certified to the Township by a structural engineer at the owner's expense.
- u.** The owner of the communications tower shall notify the Township immediately upon cessation or abandonment of the operation. The owner of the communications tower shall enter into an agreement with the Township guaranteeing that the tower shall be dismantled and removed within six (6) months of the cessation of operations, if there is no intention to continue operations, evidenced by the lack of an application to the Township to install antennas on the existing tower. If the owner of the communications tower fails to remove the tower, then, the landowner shall be responsible for its immediate removal. Failure to remove an abandoned communications tower shall be subject to the enforcement provisions of Section 1901 of this Ordinance.
- v.** All tower structures shall be fitted with anti-climbing devices as approved by the manufacturer for the type of installation proposed.
- w.** All antennas and tower structures shall be subject to all applicable Federal Aviation Administration (FAA) and Airport Zoning regulations.
- x.** No sign or other structure shall be mounted on the tower structure, except as may be required or approved by the FCC, FAA or other governmental agency.
- y.** The exterior finish of the tower shall be compatible with the immediate surroundings. The tower, the equipment cabinet or equipment building and the immediate surroundings shall be properly maintained.
- z.** The base of the tower shall be landscaped suitable to the proposed location of the tower, if the base of the tower is visible from adjoining streets or residential properties.

- aa. No antenna or tower structure shall be illuminated, except as may be required by the Federal Aviation Administration (FAA) or the Federal Communications Commission (FCC).
- bb. Communications equipment buildings or communications equipment cabinets, accessory to a communications tower shall be subject to the following:
  1. Evidence of lease agreements and easements necessary to provide access to the building or structure for installation and maintenance of the antennas and placement of the equipment cabinet or equipment building shall be provided to the Township.
  2. The placement of the equipment cabinet or equipment building shall not obstruct the free flow of traffic on the site, shall not reduce any parking required or available for other uses on the site and shall not obstruct any rights-of-ways or easement without the permission of the owner or grantor of the rights-of-ways or easement.
  3. Unless located within a secured building, the equipment cabinet or equipment building shall be fenced by a ten (10) foot high chain link security fence with locking gate. If the equipment cabinet or equipment building is visible from any public street or adjoining residential property, the equipment cabinet or equipment building shall be screened by a minimum six (6) foot high compact evergreen hedge.
  4. Equipment cabinets and equipment buildings shall comply with the height and yard requirements of the Zoning District for accessory structures.
  5. If vehicular access to the equipment cabinet or equipment building is not provided from a public street or paved driveway or parking area, an easement or right-of-way shall be provided that has a minimum width of twenty (20) feet and that shall be improved with a dust-free all-weather surface for its entire length.
  6. At least one (1) off-street parking space shall be provided on the site within a reasonable walking distance of the equipment cabinet or equipment building to facilitate periodic visits by maintenance workers. Manned equipment buildings shall provide one (1) parking space for each employee working on the site.

**1303.11 Comparable Uses Not Specifically Listed, subject to:**

- a. Uses of the same general character as any of the uses authorized as permitted uses by right, conditional uses or uses by special exception in the Zoning District in which the property is located shall be allowed, if the Zoning Hearing Board determines that the impact of the proposed use on the environment and adjacent streets and properties is equal to or less than any use specifically listed in the Zoning District. In making such determination, the Zoning Hearing Board shall consider the following characteristics of the proposed use:
  1. The number of employees;

2. The floor area of the building or gross area of the lot devoted to the proposed use;
  3. The type of products, materials and equipment and/or processes involved in the proposed use;
  4. The magnitude of walk-in trade;
  5. Hours of operation;
  6. The traffic and environmental impacts and the ability of the proposed use to comply with the Performance Standards of Section 1401 of this Ordinance; and
  7. For those uses included in the most recent edition of the Standard Industrial Classification Manual published by the Office of Management and Budget, whether the proposed use shares the same SIC Code or Major Group number as one (1) or more uses that are specifically listed in the Zoning District.
- b. The proposed use shall comply with all applicable area and bulk regulations of the Zoning District in which it is located.
  - c. The proposed use shall comply with any applicable express standards and criteria specified in this Article for the most nearly comparable use by special exception or condition use listed in the Zoning District in which the comparable use is proposed.
  - d. The proposed use shall be consistent with the Purpose Statement for the Zoning District in which it is proposed and shall be consistent with the Community Development Objectives of this Ordinance.

**1303.12 Day Care Center in a Church or School in an "R" District, subject to:**

- a. The facility shall be licensed by the Commonwealth of Pennsylvania. The facility may also be licensed as a pre-school facility to provide private educational services to children who are under the minimum age for education in public schools.
- b. In the R-1, R-2 and R-3 Zoning Districts, the day care center shall be permitted to be located only in a church or school.
- c. Outdoor play areas shall be provided which shall have a minimum area of sixty-five (65) square feet per child and which shall be secured by a fence with self-latching gate. The location of the outdoor play area shall take into account the relationship to adjoining properties.
- d. Outdoor play areas that adjoin residential lots shall be screened by Buffer Area "C", as described in §1402.1 of this Ordinance.
- e. The general safety of the property proposed for a day care center shall meet the needs of small children. There shall be no potential hazards in the outdoor play area and a safe area for dropping off and picking up children shall be provided.

- f. Off-street parking shall be provided in accordance with the requirements of Article XV of this Ordinance.

**1303.13      Equipment Storage Yard; Supply Yard, subject to:**

- a. The minimum site required shall be five (5) acres.
- b. The site shall have frontage on and direct vehicular access to an arterial or collector street as defined by this Ordinance.
- c. All areas used for storage and movement of equipment shall be improved with a dust-free, all-weather surface. Any areas not paved with hard surface shall have a dust control plan that is submitted to the Township Engineer for review and approval.
- d. Buffer Area "B", as described in §1402.1 of this Ordinance shall be provided along all property lines adjoining an "R" Zoning District.
- e. No repair of vehicles or equipment shall be permitted outside a completely enclosed structure.
- f. All operations shall comply with the Performance Standards of Section 1401 of this Ordinance.
- g. Engines shall not be started or kept running before 6:30 A.M. or after 8:00 P.M. if the site is located within five hundred (500) feet of an existing dwelling.
- h. All lighting shall be shielded and reflected away from streets and any adjoining residential properties.
- i. A stormwater management plan to control runoff of surface water shall be submitted for review and approval by the Township Engineer.

**1303.14      Family Day Care Home, subject to:**

- a. All of the applicable criteria for a home occupation specified in §1303.17 shall be met.
- b. Evidence shall be submitted that all applicable requirements of the Pennsylvania Department of Public Welfare have been met and continuing compliance shall be maintained.
- c. An adequate and safe off-street area shall be provided for dropping off and picking up children.
- d. An adequate outdoor play area shall be provided and shall be secured by a fence with self-latching gate. Such play area shall be screened from adjoining residential properties by a minimum four (4) foot high compact, dense evergreen hedge or opaque fence.
- e. Outdoor play areas shall have a minimum area of four hundred (400) square feet.

**1303.15      Fire and Emergency Medical Services, subject to:**

- a.     The minimum lot area required shall be two (2) acres.
- b.     Buffer Area "B", as described in §1402.1 of this Ordinance shall be provided along any property line adjoining residential use or zoning district classification.
- c.     Ingress and egress to and from the site shall be located so as to maximize sight distance along adjacent public streets and enhance safety for vehicles exiting the property.
- d.     All facilities shall be located on the property so that vehicles and equipment can be maneuvered on the property without interrupting traffic flow or blocking public streets.
- e.     If a fire station includes a rental hall or banquet facilities; the following criteria shall be met:
  - 1.     Any rental of the facility to non-members shall require on-site management and/or security personnel during the event.
  - 2.     Off-street parking for the facility or rental hall shall be provided in accordance with the requirements of §1502.3 for restaurants.
  - 3.     Activities on the site and within the building shall comply with the noise standards specified in §1401.3.
  - 4.     If entertainment is presented, doors and windows shall remain closed during any entertainment involving a speaker system and/or amplification.
  - 5.     The proposed use shall have direct access to a public street with sufficient capacity to accommodate the traffic generated by the proposed use.

**1303.16      Group Care Facility, Personal Care Boarding Home or Transitional Dwelling, subject to:**

- a.     The minimum area and bulk regulations for a Personal Care Boarding Home or Transitional Dwelling shall be the same as those required for a single family dwelling in the Zoning District in which the facility is proposed. The minimum area and bulk regulations for a Group Care Facility shall be the same as for a principal use in the District in which the facility is proposed.
- b.     In the R-1 and R-2 Districts, a Personal Care Boarding Home shall have frontage on and direct vehicular access to a collector street as defined by this Ordinance.
- c.     In the R-1 and R-2 Districts the maximum number of residents housed in a Personal Care Boarding Home shall be ten (10).

- d. No Group Care Facility, Personal Care Boarding Home or Transitional Dwelling shall be located within five hundred (500) feet of another existing or proposed Group Care Facility, Personal Care Boarding Home or Transitional Dwelling.
- e. Adequate provisions shall be made for access for emergency medical and fire-fighting vehicles.
- f. Twenty-four (24) hour supervision shall be provided by staff qualified by the sponsoring agency.
- g. Adequate open space opportunities for recreation shall be provided on the lot for the residents consistent with their needs and the area shall be secured by a fence with self-latching gate.
- h. Where applicable, licensing or certification by the sponsoring agency shall be prerequisite to obtaining a certificate of occupancy and a copy of the annual report with evidence of continuing certification shall be submitted to the Zoning Officer in January of each year.

**1303.17      Home Occupation, subject to:**

- a. The home occupation shall be carried on by a member of the family residing in the dwelling unit. No more than one (1) person who is not a resident of the dwelling unit shall be employed in the dwelling unit.
- b. No more than twenty-five percent (25%) of the gross floor area of the principal dwelling shall be devoted to the conduct of the home occupation.
- c. The home occupation shall be carried on wholly within the principal dwelling. The home occupation shall not be conducted in any accessory structure.
- d. There shall be no mass production of products on the premises of the home occupation that involves processing of raw materials. Assembly of products from finished materials may be accomplished on the premises.
- e. A limited number of samples of articles produced on the premises may be displayed for the purposes of accepting orders. Articles produced on the premises shall be displayed in quantity only off the premises at a retail outlet, consignment shop or product or craft show.
- f. There shall be no display on the premises of merchandise available for sale that has been produced off the premises; however, merchandise may be stored on the premises for delivery off the premises, such as Amway, Tupperware or similar products stored for distribution to customers or salespersons at their residence or place of business. In addition, small amounts of products may be sold as an accessory use to the principal use, such as sale of beauty products accessory to a beauty shop and similar situations.
- g. There shall be no exterior displays or signs, either on or off the premises, other than a small identification sign no more than one (1) square foot in surface area containing only

the name of the resident and the nature of the home occupation which may be attached to the wall of the dwelling or to the mailbox.

- h.** The use shall not require internal or external alterations or construction features that are not customary to a dwelling or that change the fire rating of the structure.
- i.** Objectionable noise, vibration, smoke, dust, electrical disturbance, odors, heat or glare shall not be produced. The use shall comply with the Performance Standards of Section 1401 of this Ordinance.
- j.** The use shall not significantly intensify vehicular or pedestrian traffic beyond that which is normal for the residences in the neighborhood.
- k.** 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.
- l.** The use shall not cause an increase in the use of water, sewage, electricity, garbage, public safety or any other municipal services beyond that which is normal for the residences in the neighborhood.
- m.** 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 parked on the premises.
- n.** Materials or equipment used in the home occupation shall not be stored outside.
- o.** Any home occupation where customers, clients or students routinely visit the premises shall provide a paved off-street parking area in accordance with the requirements of Article XV for the specific use in addition to the spaces required for the dwelling.
- p.** 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, conditional uses or uses by special exception. Such uses include, but are not limited to:
  - 1.** Beauty shops or barber shops containing more than two (2) chairs;
  - 2.** Blacksmith or metal working;
  - 3.** Clinics, hospitals or nursing homes;
  - 4.** Funeral homes;
  - 5.** Group Care Facility, Personal Care Boarding Home or Transitional Dwelling;
  - 6.** Kennels and veterinary clinics;
  - 7.** Landscaping contractor, including sales or growing of plant materials;
  - 8.** Private clubs;
  - 9.** Private instruction to more than five (5) students at a time;
  - 10.** Restaurants or tea rooms;
  - 11.** Retail or wholesale sales; flea markets;
  - 12.** Sale of guns, firearms and ammunition;
  - 13.** Tanning salon or day spa;
  - 14.** Tourist or boarding home, other than Bed and Breakfast;
  - 15.** Vehicle or equipment rental, repair or sales;
  - 16.** Vehicle repair garages;

- q.** The following are examples of permitted home occupations, provided all of the foregoing criteria are met:
1. Artist, photographer or handicrafts studio;
  2. Catering off the premises;
  3. Contracting business other than a landscaping contractor;
  4. Computer programmer, data processor, writer;
  5. Consultant, clergy, counselor, bookkeeping, graphics or drafting services;
  6. Dressmaker, tailor;
  7. Professional offices that involve routine visitation by customers or clients;
  8. Housekeeping or custodial services;
  9. Interior designer;
  10. Jewelry and/or watch repair, not including wholesale or retail sales;
  11. Repair shop in the C-D and R-1 Districts only;
  12. Locksmith;
  13. Mail order business;
  14. Manufacturer's representative;
  15. Pet Grooming in the C-D and R-1 Districts only;
  16. Telemarketing;
  17. Travel agent;
  18. Tutoring or any other instruction to no more than five (5) students at any one time;
  19. Word processing, typing, secretarial services.
- r.** In determining the acceptability of any proposed home occupation not specifically listed above, the Planning Commission and Board of Supervisors shall consider the standards of this §1303.17 and the applicable criteria for Comparable Uses Not Specifically Listed in §1303.11.

**1303.18      Hospital or Surgery Center, subject to:**

- a.** The minimum lot area required for a surgery center shall be two (2) acres. The minimum lot area required for a hospital shall be ten (10) acres.
- b.** The property shall be served by public water and public sewers.
- c.** All surgery centers and hospitals shall be licensed by the Commonwealth and the license shall be maintained throughout the occupancy. Failure to maintain the license shall be grounds for revocation of the Certificate of Occupancy.
- d.** Water pressure and volume shall be adequate for fire protection.
- e.** Ingress, egress and internal traffic circulation shall be designed to ensure access by emergency vehicles.
- f.** The parking and circulation plan shall be referred to the Township Police Department and volunteer fire company for comments regarding traffic safety and emergency access.

- g.** All property lines adjoining residential use or “R” zoning classification shall be screened by Buffer Area “B”, as described in §1402.1 of this Ordinance.
- h.** Disposal of medical waste shall be in accordance with all applicable permits and handling requirements of the Pennsylvania Department of Environmental Protection (PA DEP) and the U.S. Environmental Protection Agency (EPA).
- i.** A private use helipad for air ambulances may be proposed on a hospital site. If proposed, evidence of compliance with all applicable regulations of the Federal Aviation Administration and Pennsylvania Department of Transportation, Bureau of Aviation shall be submitted with the conditional use application.

**1303.19      Junk Yard, subject to:**

- a.** The minimum site required shall be twenty (20) acres.
- b.** The site shall have frontage on and direct vehicular access to an arterial or collector street, as defined by this Ordinance.
- c.** The premises shall be maintained so as to not constitute a nuisance or menace to public health and safety.
- d.** No garbage, hazardous materials or hazardous waste, as defined by Federal statute, or other organic waste shall be stored on the premises.
- e.** The handling and disposal of motor oil, battery acid and other substances regulated by Federal statute and the Pennsylvania Department of Environmental Protection (PA DEP) shall be in accordance with all permits and requirements of that agency. Any suspension, revocation or violation of the PA DEP permits shall be a violation of this Ordinance and shall be subject to the enforcement provisions of Section 1901 of this Ordinance.
- f.** The manner of storage of junk or other materials or equipment on the site shall facilitate access for fire-fighting, shall prevent hazards from fire or explosion and shall prevent the accumulation of stagnant water.
- g.** The junk yard operation shall comply with the Performance Standards of Section 1401 of this Ordinance.
- h.** No junk shall be stored or accumulated and no structure shall be located within three hundred (300) feet of any dwelling or within one hundred (100) feet of any property line or public street.
- i.** The premises shall be enclosed by a metal chain link fence not less than eight (8) feet in height supported on steel posts with a self-latching gate. The fence shall be located on the inside of the Buffer Area required by Subparagraph (k), below, and shall be maintained in good condition.

- j. The fence shall be supplemented with screening material that creates a visual barrier that is at least eighty percent (80%) opaque.
- k. Buffer Area "A", as described in §1402.1 of this Ordinance, shall be provided along all property lines adjoining residential use or zoning classification.
- l. The site shall be designed utilizing natural topography and/or constructed earthen mounds so as to obstruct visibility from adjacent public streets and properties.
- m. The operator shall submit a stormwater management plan to control runoff for review and approval by the Township Engineer.
- n. The operator shall obtain a license from the Township prior to initiating operations that shall be renewable annually upon payment of the required license fee established from time to time by Resolution of the Board of Supervisors and subject to inspection by the Zoning Officer to determine continuing compliance with these standards.

**1303.20 Kennel, subject to:**

- a. In the C-D and R-1 Districts, kennels shall be accessory to a farm or, when proposed as a principal use, shall have a minimum site area of five (5) acres.
- b. Outdoor kennels shall be located at least three hundred (300) feet from any occupied dwelling on an adjacent lot and at least two hundred (200) feet from any property line adjoining property in an R-District.
- c. Outdoor runs and similar facilities shall be constructed for easy cleaning, shall be adequately secured by a minimum six (6) foot high fence with self-latching gate and shall be screened by Buffer Area "C," as described in §1402.1 of this Ordinance.
- d. The operator shall submit an animal waste management and disposal plan to the Township.
- e. Domestic pets kept in an outdoor kennel shall be limited to a maximum of ten (10) animals on the first five (5) acres plus two (2) animals for each additional acre or portion thereof, up to eight (8) acres. There shall be no limit on the number of animals kept on properties of eight (8) acres or more.

**1303.21 Life Care Community, subject to:**

- a. The minimum site required for a Life Care Community shall be twenty (20) acres.
- b. The site proposed for a Life Care Community, as defined herein, shall have frontage on and direct vehicular access to a street classified by this Ordinance as a collector street. Access to local Township streets shall not be permitted, except that a secondary controlled "emergency only" access may be provided from a local Township street, if approved by the Township.

- c. Life Care Community shall include one (1) or more of the following dwelling types:
  - 1. Single family dwellings
  - 2. Two family dwellings
  - 3. Townhouse buildings
  - 4. Garden apartment buildings
  
- d. In addition to the foregoing dwelling types, a Life Care Community shall include the following supporting uses:
  - 1. Common leisure and/or recreational areas
  - 2. Common dining area
  - 3. One (1) or more of the following: Nursing Home and/or Personal Care Home, licensed by the Commonwealth, Assisted Living Facility and/or Independent Living Facility
  
- e. In addition, a Life Care Community may include one (1) or more of the following supporting uses, subject to approval by the Township:
  - 1. Postal station for use of the residents and staff only;
  - 2. Banking facility for use of the residents only;
  - 3. Pharmacy and/or medical offices for use of the residents only;
  - 4. Personal services for the use of the residents only, including beauty shop, barber shop, common laundry facilities, dry cleaning valet;
  - 5. Ice cream parlor and/or florist/gift shop for the use of residents and their invited guests only;
  - 6. Elderly day care center licensed by the Commonwealth;
  - 7. Taxi, van or similar transportation services for the residents.
  
- f. The maximum dwelling unit density permitted in a Life Care Community shall be twelve (12) dwelling units per acre. The calculation of dwelling unit density shall not include beds in a Nursing Home or Personal Care Boarding Home.
  
- g. All principal and accessory structures shall be located at least seventy-five (75) feet from any property line adjoining property in a "C-D" or "R" Residential District. Along all other property lines, all principal and accessory structures shall be located at least fifty (50) feet from the boundaries of the Life Care Community development site.
  
- h. Where two (2) or more principal buildings occupy the same lot, the minimum distance between the buildings shall be twenty (20) feet.
  
- i. Minimum lot area, lot width and setbacks for recorded lots proposed for dwellings within the Life Care Community development shall comply with the following requirements:

Minimum Lot Area:

Single Family, Two Family	6,000 sq. ft. per dwelling unit
Townhouse	3,000 sq. ft. per dwelling unit
Garden Apartment	1 acre

Continued on next page....

Minimum Lot Width:

Single Family, Two Family	50 feet
Townhouse	25 feet
Garden Apartment	150 feet
Front Yard:	25 feet
Side Yard:	10 feet; unless attached to another unit
Rear Yard:	20 feet

- j. Buffer Area "B," as described in §1402.1 of this Ordinance shall be provided along all property lines adjoining property in any "C-D" or "R" Residential Zoning District. The Buffer Area shall be located in the common areas and shall not be included in any individual lot containing a dwelling.
- k. There shall be a minimum of two (2) parking spaces for each single family dwelling and one (1) parking space for each other type of dwelling unit plus one (1) parking space for each employee on peak shift. In the event that a nursing home or personal care boarding home is proposed, parking shall be provided in accordance with the requirements of Section 1502 of this Ordinance for those uses. Additional parking for the supporting uses intended for the residents and their invited guests shall not be required.
- l. Sidewalks shall be provided to connect buildings, common outdoor areas and parking areas.
- m. The site design shall include outdoor common areas, gathering places and passive or active recreation facilities appropriate to the needs of the residents. Common outdoor areas shall be attractively landscaped.

**1303.22        Methadone Treatment Facility, subject to:**

- a. A methadone treatment facility shall not have direct vehicular access to any local street if residences front on the local street within 500 feet of the closest property line of the site of the methadone treatment facility.
- b. A methadone treatment facility may be located within an existing medical clinic or may be located in an office building with other medical offices or clinics. If a methadone clinic is not located within an existing medical clinic or office building, the minimum lot area required for a freestanding clinic shall be one (1) acre which is the requirement for all other principal uses in the L-I District.
- c. Adequate waiting area shall be provided for clients so that clients waiting for service remain inside the clinic.
- d. The parking required by §1502.3 for medical offices and clinics shall be provided.

- e. Buffer Area "B" as described in §1402.1 of this Ordinance shall be provided along any property line adjoining residential use or zoning district classification.

**1303.23      Mobile Home Park, subject to:**

- a. The minimum site required for a mobile home park shall be ten (10) contiguous acres.
- b. The site shall be served by public water and public sewers.
- c. The minimum mobile home lot shall be six thousand (6,000) square feet in area. The minimum lot width shall be sixty (60) feet.
- d. Minimum setbacks and distances between mobile homes shall comply with the following requirements:

Setback from interior access roads:                      25 feet

Distance between mobile home and  
any accessory structure:    15 feet

Distance between mobile home and  
parallel ends or sides of a mobile home:                      30 feet

Distance between mobile home and  
any other principal structure:    40 feet

- e. Every mobile home slab shall have access to a public or private street constructed in accordance with the requirements of the Township Subdivision and Land Development Ordinance.
- f. Each mobile home lot shall provide two (2) off-street parking spaces.

**1303.24      Natural Gas Compressor Station, subject to:**

- a. The natural gas compressor station building shall be at least seven hundred fifty (750) feet from the nearest existing occupied building or two hundred (200) feet from the nearest lot line, whichever is greater, unless waived by the owner of the building or adjoining lot.
- b. The noise level shall not exceed a noise standard of 60 dbA at the nearest property line or the applicable standard imposed by Federal law, whichever is greater. Compliance and continuing enforcement of this noise standard shall be in accordance with §1401.10 and §1401.11 of this Ordinance.
- c. Buffer Area "A," as described in §1402.1 of this Ordinance shall be provided along all property lines adjoining property in any "C-D" or "R" Residential Zoning District.
- f. Exterior lighting shall comply with the lighting standards of §1401.7 of this Ordinance.

- g.** The site shall be secured by a minimum eight (8) foot high chain link fence with a locking gate that shall be kept locked when employees are not on the premises.
- h.** Regardless of the Zoning District in which the Natural Gas Compressor Station is located, the use shall be subject to all applicable requirements of Article XI for authorized industrial uses in the Light Industrial District, unless the requirement is superseded by the PA Oil and Gas Act.
- i.** The use shall comply with the General Standards specified in Section 1415 of this Ordinance.
- j.** The operator shall demonstrate continued compliance with all applicable local, State and Federal permits and regulations.

**1303.25      Nightclub, subject to:**

- a.** Nightclubs shall cease operations between the hours of 2:00 a.m. and 5:00 a.m.
- b.** There shall be no noise or vibration discernible along any property line greater than the average noise level occurring on adjacent streets and properties.
- c.** All operations shall be conducted within a completely enclosed building and doors and windows shall remain closed during hours when entertainment is presented.
- d.** The owner/operator of the nightclub shall provide private security, licensed under the laws of the Commonwealth of Pennsylvania, if the maximum permitted occupancy allowed by the Township Building or Fire Codes for the nightclub exceeds one hundred (100) persons.
- e.** Any nightclub that proposes a maximum permitted occupancy allowed by the Building or Fire Codes of two hundred (200) or more persons shall be located at least five hundred (500) feet from any property line that adjoins a residential zoning classification.
- f.** Any nightclub that offers adult entertainment, as defined herein, shall be further subject to §1303.2 of this Article.

**1303.26      Nursing Home, subject to:**

- a.** The minimum lot area required for a nursing home shall be two (2) acres. The minimum lot area required for a hospital shall be ten (10) acres.
- b.** The property shall be served by public water and public sewers.
- c.** All nursing homes and hospitals shall be licensed by the Commonwealth and the license shall be maintained throughout the occupancy. Failure to maintain the license shall be grounds for revocation of the Certificate of Occupancy.
- d.** Water pressure and volume shall be adequate for fire protection.

- e. Ingress, egress and internal traffic circulation shall be designed to ensure access by emergency vehicles.
- f. The parking and circulation plan shall be referred to the Township police department and volunteer fire Company for comments regarding traffic safety and emergency access.
- g. Nursing homes shall have a bed capacity of at least twenty (20) beds, but no more than two hundred (200) beds.
- h. All property lines adjoining residential use or zoning classification shall be screened by Buffer Area "B", as described in §1402.1 of this Ordinance.
- i. Disposal of medical waste shall be in accordance with all applicable permits and handling requirements of the Pennsylvania Department of Environmental Protection (PA DEP) and the U.S. Environmental Protection Agency (EPA).

**1303.27 Places of Assembly, subject to:**

- a. Parking shall be provided in accordance with Article XV of this Ordinance.
- b. Portable or fixed bathroom facilities in number, type and location approved by the Township Zoning Officer must be provided.
- c. Emergency medical services and personnel in number and type approved by township public safety officials must be provided.
- d. A copy of all permits required for a proposed use or event must be provided to the Township Manager at least three (3) days prior to the use or event
- e. Means of site and/or building ingress and egress in number, type and location approved by Township public safety officials must be provided.
- f. If the use of a place of assembly results in any condition, situation or use that, in the opinion of Township public safety officials, constitutes a threat to public health, welfare or safety, Township public safety officials may take whatever action they deem necessary to remove or eliminate such threat, including the termination of the use or event.

**1303.28 Planned Industrial Park; Planned Office Park; Planned Research or Technology Park; Planned Shopping Center, subject to:**

- a. The site shall have frontage on and direct vehicular access to a collector street as defined by this Ordinance.
- b. The minimum site area required for a Planned Industrial Park or Planned Research and Technology Park shall be ten (10) acres.

- c.** The minimum site area required for a Planned Office Park shall be five (5) acres.
- d.** The minimum site required for a Planned Shopping Center shall be three (30 acres.
- e.** Once the improvements are completed in an approved Planned Industrial Park, Planned Office Park, Planned Research or Technology Park or Planned Shopping Center, lots within the approved and recorded plan may be sold and developed as independent entities for any authorized use in the Zoning District in which it is located.
- f.** Only the uses permitted by right or authorized as conditional uses or uses by special exception in the Zoning District in which the Planned Industrial Park, Planned Office Park, Planned Research or Technology Park or Planned Shopping Center is located shall be permitted in the Planned Industrial Park, Planned Office Park, Planned Research or Technology Park or Planned Shopping Center.
- g.** The site plan shall be designed to minimize points of access to the public street. Shared driveways shall be utilized where feasible and cross-easements dedicated for common access, where necessary.
- h.** The site shall be planned as a unit and uniform signage and landscaping and common parking and loading areas shall be proposed to promote efficiency and preserve a common design theme.
- i.** A perimeter setback of one hundred (100) feet shall be maintained along the side and rear property lines of the Planned Industrial Park, Planned Office Park, or Planned Research or Technology Park or Planned Shopping Center development site.
- j.** Private streets may serve lots that are subdivided within the development site, provided the development site has frontage on a public street. Out-parcels created within the development site shall meet the minimum lot area requirements of the Zoning District.
- k.** Subdivisions along building walls within a Planned Shopping Center shall not be required to meet minimum lot area, lot width or yard requirements, provided each building complies.
- l.** Sidewalks shall be provided in front of all stores in a Planned Shopping Center.
- m.** Sidewalks may be required in a Planned Industrial Park, Planned Office Park or Planned Research or Technology Park, as needed to provide pedestrian circulation between buildings and between buildings and parking areas and common facilities.
- n.** The entire perimeter of the site shall be screened by the Buffer Area "A" as described in §1402.1 of this Ordinance.
- o.** All proposed uses shall comply with the Performance Standards of Section 1401 of this Ordinance.

- p. Site lighting, if proposed, shall be designed with cut-off luminaires with a maximum cut-off angle of sixty degrees (60°). There shall be no spillover lighting at any property line adjoining property in an “R” Residential Zoning District.

**1303.29      Private Stable, subject to:**

- a. The minimum site required for a private stable shall be five (5) acres.
- b. A dwelling shall be located on the property proposed for the private stable and the resident of the dwelling shall be the owner of the horses to be located on the property.
- c. The private stable shall be for the personal use and enjoyment of the residents of the property and shall not involve any rental, boarding or other profit-making activity.
- d. The private stable shall be subject to the requirements of Section 1408.
- e. Two (2) horses or ponies shall be permitted on the first (5) acres of land and one (1) additional horse or pony shall be permitted for each additional acre of land in excess of five (5) acres, but less than ten (10) acres.
- f. On properties of ten (10) acres or more, the number of horses shall be reasonably related to the size of the property, the area available for grazing and the capacity of the land to sustain the animals without creating a nuisance.
- g. All animals shall be housed in a completely enclosed nonresidential structure and the animals shall be humanely kept.
- h. The area of the property used for grazing shall be adequately fenced to properly enclose the animals and protect adjacent properties.
- i. No grazing of animals shall be permitted closer than one hundred (100) feet to any occupied dwelling, other than the stable owner’s dwelling.
- j. The stable owner shall not permit litter and droppings from the horses to collect so as to result in the presence of fly larvae or objectionable odors.

**1303.30      Public Parking Garage or Public Parking Lot, subject to:**

- a. The site shall have direct access to a collector street, unless the public parking lot or public parking garage is proposed within the site of a Planned Office Park or Planned Shopping Center.
- b. All public parking lots and public parking garages shall be designed to minimize traffic congestion on the site and within the garage for traffic entering or leaving the site or the parking lot or parking garage.
- c. The design of any parking garage proposed to be located on any property that adjoins an “R” Residential District shall take into account the height, visual, light and air impacts on adjoining residences and shall utilize architectural materials for the exterior walls facing those residential properties that are compatible with their residential character.

- d. Any public parking garage structure, whether proposed as a principal structure or accessory structure, shall comply with the yard requirements for a principal structure.
- e. Any portion of a public parking lot that is reserved for use by customers or employees of a specific use shall be located within five hundred (500) feet of the specific use it is intended to serve.

**1303.31      Public Utility Building or Structure, subject to:**

- a. The minimum lot area required shall be 21,780 square feet.
- b. Maintenance vehicles shall be stored within a completely enclosed building.
- c. Outdoor storage of materials or equipment, other than maintenance vehicles, shall be permitted only if the storage area is completely enclosed by a minimum eight (8) foot fence with locking gate and is screened by one hundred percent (100%) opaque screening material placed in the fencing or by a six (6) foot dense, compact evergreen hedge.
- d. Any area of the building that is used for business offices shall comply with the parking requirements of Article XV of this Ordinance for that use. Any area of the building that is used for the storage of material, vehicles or other equipment shall provide one (1) parking space for each 1,500 square feet of gross floor area devoted to that use.

**1303.32      School, Public or Private, subject to:**

- a. The minimum lot area required for a Secondary or Post Secondary School shall be ten (10) acres. All other schools shall be situated on a lot with a minimum area of two (2) acres.
- b. Buffer Area "B", as described in §1402.1 of this Ordinance shall be provided along any property line adjoining residential use or zoning district classification.
- c. All schools shall be designed to provide convenient access for emergency vehicles and access to all sides of the building by fire-fighting equipment.
- k. Any outside storage of vehicles, equipment or materials shall be completely enclosed by a six (6) foot high hedge or solid fence.

**1303.33      Small Wind Energy System, subject to:**

- a. No more than one (1) system shall be located on a lot.
- b. Systems shall not be located in any minimum required side or rear yard setback.

- c. If the base portion of a system tower is visible from any public street right-of-way, it shall be suitably screened from view by evergreen vegetation that is a minimum of six (6) feet in height.
- d. Systems shall be no more than thirty-five (35) feet in height above the elevation of the ground at the base of the tower to the top of the wind turbine blade.
- e. Power generated by the system shall be used only for the principal use located on the site.
- f. System construction, operation and maintenance shall be approved by the Township and shall be in compliance with all applicable Federal, State and local codes and regulations.
- g. The property owner shall construct, operate and maintain the system in a safe and neat manner so as not to present a danger to neighbors or to present an unsightly appearance.
- h. The property owner shall annually provide a report certified by a qualified contractor or engineer as to the structural integrity of the system. Failure to provide the annual report within 60 days of the end of the calendar year shall result in the termination of the Township's authorization to maintain the system and subject the property owner to an order for immediate removal of the system.
- i. All parts of the system shall be set back from property lines and public roads at least two times the height of the system (to the top of the blade in the vertical position). Guy wire anchors shall be no closer than ten feet to the property boundary. Guy wires must be marked and clearly visible to a height of six feet above the guy wire anchors.
- j. Public access to the system shall be restricted through the use of a fence (with a minimum height of six feet) with locked gates, non-climbable towers or other suitable methods. If a fence is used, it shall be constructed in such a manner as to restrict passage through said fence except at a gate.
- k. Suitable warning signs containing an emergency telephone number for emergency calls shall face all approaches to the system. Individual signs shall be between 5 and 16 square feet.
- l. The system shall be operated in such a manner that it does not exceed 60 decibels (dBA) measured at the closest neighboring inhabited dwelling, except during short-term events such as utility outages and severe windstorms.
- m. The following measures should be followed to the maximum extent feasible to minimize visual impact:
  - 1. Removal of existing vegetation shall be minimized.
  - 2. Any accessory buildings shall be painted or otherwise visually treated to blend with the surroundings.
  - 3. Wind turbines and towers shall be painted with non-reflective paint to blend with the surroundings.
- n. All applications for approval of a use by special exception for a system shall be by written application on forms provided by Ohio Township. Each application shall be accompanied

by a complete plan, drawn to scale, showing property lines and dimensions of the subject parcel, and all adjacent parcels within three hundred (300) feet of the subject parcel; the location of the system components on the site; the location of all structures, power lines, or other utility lines within a radius equal to the proposed tower height; all existing roads; dimensions and sizes of the various structural components of the tower's construction; proposed changes to the landscape of the site, grading, vegetation clearing and planting, exterior lighting, documentation of the system's manufacturer and model, tower height, tower type (freestanding or guyed), and foundation type/dimensions; the location of any structures on adjoining properties that are within one hundred (100) feet of the common property lines; certification by a qualified professional that the system is designed to meet the most stringent wind requirements; a maintenance and operation plan; and proof of liability insurance.

- o. In granting approval of a system as a use by special exception, the Zoning Hearing Board may impose other conditions and restrictions deemed necessary for the maintenance and safe operation of the system and to insure that the presence and operation of the system does not interfere with the rights of abutting property owners to enjoy their property, or will not cause interference with television and radio reception, or otherwise derogate substantially from the public good.
- p. No grid-connected system shall be installed until the applicant produces written evidence that the utility company has been informed of the customer's intent to install a grid-connected customer-owned generator.
- q. All systems shall be operated and maintained in a safe and maintained reasonable manner. Maintenance shall include, but not be limited to, painting, structural repairs, and integrity of security measures.
- r. A system will be considered abandoned if not properly maintained for a period of one year or if designated as a safety hazard by the Ohio Township. The owner of any system that is considered to be abandoned or designated a safety hazard shall be required to dismantle the system within six months of receiving a dismantlement notice from Ohio Township.

**1303.34      Sportsmen's Club, subject to:**

- a. The minimum site required shall be ten (10) acres.
- b. Any outdoor lighting shall be shielded and reflected away from streets and adjoining properties.
- c. All outdoor activities, except the discharging of firearms, shall not be located within five hundred (500) feet of an existing residence and shall cease operations at sunset.
- d. Discharging of firearms shall not be located within one thousand (1,000) feet of any existing residence.
- e. The use shall comply with the Performance Standards of Section 1401 of this Ordinance.

- f. All properties adjoining residential use or zoning classification shall be screened by Buffer Area "B" as described in §1402.1 of this Ordinance.
- g. If the club proposes an outdoor shooting range, the following criteria shall be met:
  - 1. The shooting range shall not be illuminated; and
  - 2. Two (2) parking spaces shall be provided for each shooting position or station.

**1303.35 Supporting Commercial Uses in a Planned Office Park or a Planned Research or Technology Park, subject to:**

- a. Supporting Commercial Uses shall be limited to one (1) or more of the following uses:
  - 1. Business Services
  - 2. Retail Business
  - 3. Medical offices
  - 4. Restaurant (carry-out, fast food or sit-down)
- b. Supporting Commercial Uses may be located on the ground or first floor of any principal building or may be located in a freestanding principal or accessory building. The uses shall be located within the site of the Planned Office Park or Planned Research or Technology Park and shall be accessed from the interior street system. Outparcels fronting on arterial or collector streets shall not be permitted to be developed for Supporting Commercial Uses.
- c. The maximum gross floor area devoted to any single restaurant establishment that is open to the general public shall be ten thousand (10,000) square feet.
- d. Except for restaurants as regulated by Subparagraph "c", above, the maximum gross floor area devoted to any single supporting commercial establishment shall be five thousand (5,000) square feet.
- e. Off-street parking for the restaurant shall be provided in accordance with the requirements of Article XV of this Ordinance for the use.
- f. Off-street parking for the supporting commercial uses, other than restaurants, shall be provided at the ratio of one (1) parking space for each five hundred (500) square feet of gross floor area.
- g. The gross floor area devoted to all supporting commercial uses shall not exceed fifteen percent (15%) of the gross floor area devoted to office or research use.

**1303.36 Temporary Use or Structure, other than a Construction Trailer, Model Home or Sales Office, subject to:**

- a. Sidewalk sales, carload sales and other special promotions conducted on the site of an existing retail business with the permission of the landowner for a period of not more

than seventy-two (72) consecutive hours shall be exempt from obtaining a Temporary Use Permit. Any such activity that exceeds seventy-two (72) consecutive hours in duration shall be exempt from the requirement to obtain approval of a use by special exception, provided the Zoning Officer issues a Temporary Use Permit in accordance with Section 1905 of this Ordinance.

- b.** A transient merchant license, if required by Township Ordinance, shall be obtained.
- c.** The proposed temporary use or structure shall be limited to those uses or structures otherwise authorized in the Zoning District.
- d.** In the C-1, C-2 and O-C Districts, preparation and/or serving of food in an outdoor setting shall be permitted only if all of the following requirements are met:
  - 1.** The preparation and serving of food that is part of a special event that does not exceed seventy-two (72) consecutive hours in duration shall be exempt from the requirement to obtain approval of a use by special exception under this Section; however, a Certificate of Occupancy shall be obtained from the Township Zoning Officer subject to the applicant demonstrating compliance with the standards and criteria of this §1303.36.
  - 2.** Evidence of an approved permit from the Allegheny County Health Department] or its successor agency.
  - 3.** The preparation and serving of food shall not be permitted on any vacant lot and shall only be permitted on the site of an existing business.
  - 4.** The area used for preparing and serving the food shall not obstruct any sidewalk or public right-of-way nor shall it obstruct the free flow of pedestrian or vehicular traffic on the site or adjoining the site. On any sidewalk, there shall be maintained a minimum of five (5) feet unobstructed width for the passage of pedestrians and in the case where there is parallel parking permitted along such sidewalk, a minimum of four (4) feet adjacent to the curb to permit the discharging of passengers shall be provided. These required unobstructed areas on the sidewalk may be combined into one (1) area at least five (5) feet wide along the curb.
  - 5.** No noise or odor shall emanate from such outdoor area where food is prepared and/or served that adversely affects any adjoining property in an R-1, R-2 or R-3 District that is within three hundred (300) feet of the outdoor area.
  - 6.** The area used for preparing and serving food shall not eliminate the availability of any existing parking spaces on the site.
  - 7.** The activity shall comply with all applicable Township Codes and Ordinances.
  - 8.** The site intended to be used for the preparation and/or serving of food shall provide restroom facilities available to the public, unless the existing business on the site has restroom facilities that will be available to the public visiting the temporary use.

- 9.** The owner of the existing business or the operator of the temporary use involving the preparation and/or serving of food in an outdoor setting shall provide the Township with a Certificate of Insurance, in an amount at least equal to two million dollars (\$2,000,000) per occurrence and three million dollars (\$3,000,000) aggregate, indemnifying the Township against any liability resulting from such use.
- e.** Approval of temporary uses or structures shall be granted for a specific time period not to exceed six (6) months. If the Zoning Hearing Board determines that the need for the proposed use will occur on an annual basis, the Board may authorize the Zoning Officer to issue the Temporary Use Permit on an annual basis subject to continued compliance with these criteria and any conditions attached to approval of the use by special exception.
- f.** All temporary uses or structures shall be removed within ten (10) days of the expiration of the specific period for which the structure or use is approved. Temporary uses or structures that are authorized only for the duration of a particular event shall be removed within forty-eight (48) hours after the completion of the event.
- g.** All temporary uses or structures that are proposed to be accessible to the public shall provide off-street parking in accordance with the requirements of §1502.3 for the proposed use.
- h.** Vehicular access for all temporary uses or structures that are proposed to be accessible to the public shall be designed to minimize congestion on the lot and not impede the free flow of traffic for any other permanent use or structure on the lot.
- i.** All temporary uses or structures proposed to be used as principal uses or structures shall comply with all area and bulk regulations of the Zoning District in which they are located. All temporary uses or structures that are proposed to be used as accessory uses or structures shall comply with the requirements of the Zoning District for accessory uses.
- j.** Temporary uses or structures that are authorized as principal uses or structures and that are accessible to the public shall provide sanitary facilities, unless such facilities already exist on the lot.

## ARTICLE XIV

### SUPPLEMENTAL REGULATIONS

#### SECTION 1400      **APPLICABILITY**

The supplemental regulations in this Article supplement the requirements of Articles IV through XI governing each Zoning District and shall apply to all uses in all Zoning Districts.

#### SECTION 1401      **PERFORMANCE STANDARDS**

All permitted uses, conditional uses and uses by special exception in all Districts shall comply with the requirements of this Section. In reviewing an application for zoning approval, order to determine whether a proposed use will conform to the requirements of this Ordinance, the Zoning Officer, the Board of Supervisors or the Zoning Hearing Board, as the case may be, may require a qualified consultant to present a report and/or testimony, whose cost for services shall be borne by the applicant.

##### **1401.1      Fire Protection**

Fire prevention and fire 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.

##### **1401.2      Electrical Disturbance**

No activity shall cause electrical disturbance adversely affecting radio or other equipment in the vicinity.

##### **1401.3      Noise**

No operation or activity shall cause or create noise in excess of the sound levels prescribed below:

- a.      Conservation and Residential Districts: At no point beyond the boundary of any lot within the C-D, R-1, R-2 or R-3 Districts shall the exterior noise level resulting from any use or activity located on such lot exceed a maximum of sixty (60) dBA for more than four (4) hours during a twenty-four (24) hour period.
- b.      Commercial Districts: At no point on or beyond the boundary of any lot within the C-1, C-2 or O-C Districts shall the exterior noise level resulting from any use or activity located on such lot exceed a maximum of sixty-five (65) dBA for more than eight (8) hours during a twenty-four (24) hour period.
- c.      Light Industrial Districts: At no point on or beyond the boundary of any lot within the L-I District shall the exterior noise level resulting from any use or activity located on such lot exceed a maximum of seventy-five (75) dBA for more than eight (8) hours during a twenty-four (24) hour period.

- d. Where two (2) 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 7:00 a.m. and 9:00 p.m.;
  - 2. Noises caused by safety signals, warning devices and other emergency-related activities or uses;
  - 3. Noises emanating from public recreational uses between 7:00 a.m. and 11:00 p.m.
- 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.

**1401.4      Vibrations**

Vibrations detectable without instruments on neighboring property in any Zoning District shall be prohibited.

**1401.5      Odors**

No use shall emit odorous gas or other odorous matter in such quantities as to be offensive at any point on or beyond the lot lines. The guide for determining such quantities shall be the fifty percent (50%) response level of Table I (Odor Thresholds in Air), "Research on Chemical Odors: Part I - Odor Thresholds for 53 Commercial Chemicals," October, 1968, Manufacturing Chemists Association, Inc., Washington, D.C.

**1401.6      Smoke, Ash, Dust, Fumes, Vapors and Gases**

There shall be no emission at any point for longer than five (5) minutes in any hour of visible gray or other color smoke, ash, dust, fumes, vapors or gases with a shade darker than No. 3 on the Standard Ringlemann Chart issued by the U.S. Bureau of Mines; nor shall there be any emission at any point from any source that can cause damage to health, to animals or vegetation or other forms of property or which can cause excessive soiling at any point.

**1401.7      Glare**

All lighting devices shall be designed with shields, reflectors or refractor panels that direct and cut off light at a cut-off angle that is less than sixty degrees (60°). (See illustration in Appendix B.) In no case shall there be spillover lighting on any adjacent residential property.

**1401.8        Erosion**

No runoff of water or erosion of land by wind or water shall be permitted onto adjacent properties. Measures satisfactory to the Allegheny County Conservation District shall be installed to control runoff and/or erosion.

State law requires that an erosion and sediment pollution control (E&SPC) plan be developed for all projects involving earth disturbance, regardless of size (PA Clean Streams Law, Chapter 102).

The District reviews E&SPC plans under the terms of delegation agreements with the Pennsylvania Department of Environmental Protection (PA DEP).

**1401.9        Water Pollution**

Water quality shall be subject to the standards established by the Pennsylvania Department of Environmental Protection (PA DEP).

**1401.10       Determination of Compliance with Performance Standards**

During the review of an application for zoning approval, the applicant may be required to submit data and evidence documenting that the proposed activity, facility or use will comply with the provisions of this Section. 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 Section 1401 shall be a basis for denying approval of the application.

**1401.11       Continuing Enforcement**

The Zoning Officer shall investigate any purported violation of the performance standards and, subject to the approval of the 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 when the Township initiated the enforcement, said costs shall be borne by the Township. If a complainant requests the enforcement by the Township and the facility or use is found to be in compliance with the performance standards, said costs shall be borne by the complainant.

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 Section 1901 of this Ordinance and a reasonable length of time to correct the violation. Failure to correct the violation shall be subject to the penalty provisions of this Ordinance and shall result in the revocation of the occupancy permit for the facility or use.

## **SECTION 1402      BUFFER AREAS AND LANDSCAPING**

### **1402.1      Buffer Areas Described**

Buffer Areas, as defined by this Ordinance and required by §1402.2, shall meet all of the following criteria. (See Appendix C for illustrations of Buffer Areas)

- a.** Buffer Area "A" shall contain two (2) rows of plantings. Each row shall consist of a mixture of thirty percent (30%) deciduous and seventy percent (70%) evergreen plantings spaced within the row a minimum of fifteen (15) feet apart, measured from the vertical centerlines of adjacent trees. The two (2) rows shall be staggered in a manner which shall result in adjacent trees on two (2) different rows being no more than ten (10) feet apart, measured from the vertical centerlines of the trees. The depth of Buffer Area "A" shall be thirty-five (35) feet as measured from the property line.
- b.** Buffer Area "B" shall contain one (1) row of plantings which shall consist of a mixture of thirty percent (30%) deciduous and seventy percent (70%) evergreen spaced within the row a minimum of ten (10) feet apart, measured from the vertical centerlines of adjacent trees. The depth of Buffer Area "B" shall be twenty-five (25) feet as measured from the property line.
- c.** Buffer Area "C" shall be comprised of a continuous, compact evergreen hedge or line of evergreen trees that will grow together when mature and that are a minimum of six (6) feet in height at the time of planting. The depth of Buffer Area "C" shall be fifteen (15) feet as measured from the property line.
- d.** None of the required plantings shall encroach across any property line. All plantings shall be located so that, at maturity, all parts of the tree shall be a minimum of two and one-half (2 ½) feet from any public street rights-of-ways or any property line that constitutes the exterior boundary of the Buffer Area.
- e.** In the event that existing vegetation and/or existing topography provides screening that is adequate to meet the intent of the required Buffer Area to screen the buildings, activities and parking areas from adjoining residential properties, the Board of Supervisors, upon recommendation by the Planning Commission, may determine that the existing topography and/or vegetation constitutes all or part of the required Buffer Area. If such a determination is made, the applicant may be required to record a conservation easement of the depth specified by the Board of Supervisors to guarantee that the existing topography and/or vegetation will not be disturbed or removed from the approved Buffer Area.
- f.** In the event that a public street rights-of-ways, dedicated and accepted by the Township separates the two (2) dissimilar uses specified, the Buffer Area shall not be required.
- g.** In the case of a lot that is deeper than four hundred (400) feet, the requirement to provide the Buffer Area along the entire perimeter of the lot may be waived by the Township Supervisors, provided the required Buffer Area is installed along the side property lines and across the rear yard at a sufficient depth to screen the buildings and parking areas from adjacent properties.

- h. Openings for driveways shall be permitted to cross a required Buffer Area. Plantings in required Buffer Areas shall be located so as to not obstruct visibility for traffic entering or leaving the site and shall be subject to the clear sight triangle requirements of §1403.4 of this Ordinance.
- i. No structures or uses shall be permitted in the required Buffer Area, other than fences, active or passive recreation facilities and stormwater management facilities, provided the structures or uses do not interfere with the required plantings in the Buffer Area and provided all plantings are located outside any stormwater management structure. Structures or uses not permitted within the required Buffer Area include, but are not limited to, buildings, accessory structures, parking spaces, access drives and lighting devices.
- j. When common open space is provided on a development site, the required Buffer Area shall be located within the common open space and shall not be located on any individual residential lot.

**1402.2 Buffer Areas Required**

Buffer Areas "A", "B" and "C" listed in §1402.1 above shall be required under the following circumstances:

**a. Buffer Area "A" shall be required:**

- 1. Along all property lines where any development in the C-2, O-C or L-I District adjoins property in a C-D, R-1, R-2 or R-3 District.
- 2. Where the express standards and criteria for a conditional use or use by special exception in Section 1303 of this Ordinance specify that Buffer Area "A" is required.
- 3. Along all property lines where a Planned Residential Development adjoins property in a C-D, R-1, R-2 or R-3 District.
- 4. Along all property lines where multifamily dwellings adjoin property in a C-D, R-1, R-2 or R-3 District.

**b. Buffer Area "B" shall be required:**

- 1. Along all property lines where any development in the C-1 District adjoins property in a C-D, R-1, R-2 or R-3 District.
- 2. Along all property lines where the expansion of a legal nonconforming use in any "R" District adjoins property in a C-D, R-1, R-2 or R-3 District.
- 3. Where the express standards and criteria for a conditional use or use by special exception in Section 1303 of this Ordinance specify that Buffer Area "B" is required.

**c. Buffer Area "C"**

1. Along all property lines where a Planned Residential Development adjoins property in a C-1, C-2, O-C or L-I District.
2. Along all property lines within a Planned Residential Development site that separate single family dwellings in the planned Residential development from two family, townhouse or garden apartment dwellings, unless the units are separated by a public or private street right-of-way.
3. Where the express standards and criteria for a conditional use or use by special exception in Section 1303 of this Ordinance specify that Buffer Area "C" is required.
4. On developed nonresidential properties in the C-1 District where existing conditions such as building location and existing paving of the parking lot make it impossible to meet the requirements for Buffer Area "B" along a property line that adjoins property in the C-D, R-1, R-2 or R-3 District.

**1402.3 Conflict Between Buffer Area and Yard Requirements**

When the width of a required Buffer Area is in conflict with the minimum yard requirements of Articles IV through XI, the greater distance shall apply. The Buffer Area planting requirement shall be adhered to regardless of the yard requirement.

**1402.4 Existing Structures in Buffer Areas**

In instances where an existing structure is located within any required Buffer Area, the Buffer Area may be reduced, provided the Buffer Area is not less than the minimum distance between the existing structure and the property line. This reduced Buffer Area width shall apply only to the side of the existing structure that encroaches on the required Buffer Area. The required Buffer Area, as determined by §1402.2, shall apply on all other sides of the existing structure.

**1402.5 Existing Trees in Buffer Areas**

Where trees already exist within the required Buffer Area, these trees shall remain undisturbed, except that diseased or dead material may be removed. If it is determined that some healthy trees must be removed in conjunction with development, a written request to remove such trees must be submitted to the Township, along with an explanation detailing the rationale for the request. These trees shall not be removed until the Township has given written authorization permitting said removal. This permission will not be unreasonably denied; however, those who violate this Section shall be subject to the maximum penalties authorized by this Ordinance.

When any trees, regardless of their physical condition, are removed, they shall be replaced by trees suitable to the environment. (See Appendix D for a suggested list of plant materials.) All such replacement planting shall be in accordance with accepted conservation practices.

**1402.6            Size of Trees in Required Buffer Areas**

Any existing trees within the required Buffer Area that are a minimum of four (4) inches in diameter at a point one (1) foot above the ground shall be preserved and shall count as a required tree within the Buffer Area. At no point, however, shall any existing trees and required trees be separated at a distance greater than the distance specified in the required Buffer Area.

All trees required to be planted within the Buffer Area shall be a minimum of two (2) inches in diameter at a point one (1) foot above the ground measured along the trunk of the planted tree which tree shall be planted in accordance with accepted conservation practices. All required trees shall be a minimum of six (6) feet in height at time of planting measured from the ground adjacent to the planted tree to the top of the tree.

**1402.7            Responsibility for Maintenance**

It shall be the responsibility of the landowner or lessee to assure the continued growth of all required landscaping and/or to replace the same in the event of frost, vandalism, disease or other reasons for the discontinued growth of the required trees, shrubs and bushes. The landowner shall record a restrictive covenant on the land guaranteeing perpetual maintenance and preservation of the required Buffer Area. Upon inspection by the Township and issuance of an Enforcement Notice in accordance with §1901.2 of this Ordinance, the landowner or lessee shall replace required landscaping materials with like type and size if the required plant materials do not survive for any reason at any time after occupancy of the property.

**1402.8            Stormwater Management Facilities in Buffer Areas**

Stormwater management facilities and structures may be maintained within a Buffer Area, but the existence of such facilities or structures shall not be a basis for a failure to meet the planting requirements.

**1402.9            Landscaping of Open Areas**

All yard areas not utilized for parking facilities, driveways, gardens, the planting of trees or shrubs, flower, vegetable or herb beds or similar uses shall be seeded, sodded or landscaped within a reasonable period of time. The phrase "a reasonable period of time" shall be interpreted to be within two (2) weeks after construction activities are completed, unless those activities are completed between a November 1 through April 1 time period. In such case, the required sodding or seeding shall occur by April 15<sup>th</sup> and erosion and sedimentation controls acceptable to the Township Engineer shall be installed during the winter months and until such landscaping is completed.

**1402.10          Additional Landscaping Specifications**

Landscaping shall be provided in accordance with the following specifications:

- a.     Planting required in Buffer Areas as outlined in §1402.2 shall not be substituted for any required planting mandated in this §1402.10.
- b.     Plant materials shall be selected from the List of Suggested Plant Materials in Appendix D or equivalent materials.

- c. The landscaping plan required by the Township Subdivision and Land Development Ordinance shall contain the following information to demonstrate compliance with this Section 1402:
1. All required Buffer Areas with proposed plantings (identifying each proposed tree, bush or shrub) drawn to scale and identifying the height and width of any proposed mounds.
  2. All required planting independent of any Buffer Area requirements (identifying each tree, bush, shrub, the use of sod or seeding, etc.) drawn to scale.
  3. Any planting in excess of the requirements in §1402.1 and §1402.2 of this Ordinance.
  4. Any existing trees or vegetation that are to be preserved, accurately identifying their relative location.
  5. Any existing trees or vegetation that will be removed, accurately identifying their relative location.
  6. A statement from a PA certified horticulturist a Penn State extension agent or a professional horticulturist that the cultivar's selected in the proposed landscaping plan do not have the potential to be invasive.
- d. Parking areas shall be landscaped in accordance with the requirements of §1501.9.
- e. In any nonresidential development, deciduous trees shall be planted in accordance with the following schedule. These trees shall be in addition to the trees provided in any required Buffer Area or parking area:

<b><u>Building Footprint</u></b>	<b><u>Requirement</u></b>
1,000 s.f. - 30,000 s.f.	1 tree for each 1,000 s.f. of building footprint
30,001 s.f. - 75,000 s.f.	A minimum of 30 trees plus 1 tree for each 3,000 s.f. of building footprint in excess of 30,000 s.f.
Over 75,000 s.f.	A minimum of 45 trees plus 1 tree for each 5,000 s.f. of building footprint over 75,000 s.f.

The required trees shall be planted in clusters on the site and shall be distributed throughout the site to enhance the open space on the site. The final location of the plantings shall be subject to approval by the Township depending on the size of the site, the magnitude of the required Buffer Area and the amount of paving and building coverage proposed.

- f. In any development that contains multifamily dwellings, deciduous trees shall be planted in accordance with the following schedule. These trees shall be in addition to the trees provided in any required Buffer Area or parking area:

<u>Number of Multifamily Dwellings</u>	<u>Required Trees</u>
First 25 dwelling units	1 tree for each dwelling unit
26-100 dwelling units	25 trees plus 1 tree for each 2 dwelling units in excess of 25 dwelling units
101-200 dwelling units	62 trees plus 1 tree for each 3 dwelling units in excess of 100 dwelling units
201+ dwelling units	95 trees plus 1 tree for each 4 dwelling units in excess of 200 dwelling units

The required trees shall be planted as front yard trees or may be clustered in groups around the multifamily dwelling units and shall not be located within any public street rights-of-ways.

- g. All trees that are required to be planted as per the regulations of this §1402.10 shall be a minimum of two (2) inches in diameter at a point one (1) foot above the ground at the time of planting measured along the trunk of the planted tree, which tree shall be planted in accordance with accepted conservation practices.
- h. In conjunction with the development of property for any use, the applicant shall show that the removal of any trees or natural vegetation is necessary for the imminent and orderly development of the property. Imminent development shall be considered to be development which is reasonably expected to commence, and for which there are realistic plans to commence, on a minimum eight (8) hours per day, forty (40) hours per week basis (utilizing a five [5] day on, two [2] day off, standard work week basis) within thirty (30) days of the removal of trees or vegetation and for which a land development plan and landscaping plan have been submitted and approved by the Township.
- i. Any existing trees that are not disturbed and are not located within a required Buffer Area and are a minimum of four (4) inches in diameter at a point one (1) foot above the ground shall count towards the required number of trees to be planted outside of the Buffer Area.
- j. Landscaping required under this §1402.10 shall be installed in accordance with the time provisions and requirements for erosion and sedimentation control specified in §1402.9.

**1402.11      Posting of Bond for Landscaping**

A maintenance bond in the form of cash, certified check or letter of credit shall be posted with the Township in the amount of fifteen percent (15%) of the total cost of landscaping shown on the approved landscaping plan for a period of eighteen (18) months from the date of installation of the landscaping materials. The maintenance bond shall guarantee replacement of the required landscaping materials during the term of the bond.

## SECTION 1403 SPECIAL YARD REQUIREMENTS

In addition to the yard requirements specified in each Zoning District, the following yard requirements shall apply in all Zoning Districts to the applicable circumstances described below:

### 1403.1 Corner Lots

Corner lots shall provide front yards on each street frontage. The remaining two (2) yards shall constitute side yards.

### 1403.2 Nonconforming Lots of Record

See Section 1703 of this Ordinance.

### 1403.3 Accessory Structures

In all Zoning Districts the following regulations shall apply to accessory structures:

#### a. Private Swimming Pools and Associated Decks and Patios Accessory to a Dwelling

Swimming pools accessory to a dwelling shall be located at least twenty (20) feet from all property lines. Swimming pools accessory to a dwelling shall not be permitted in the minimum required front yard or in the minimum required side yard.

All swimming pools shall be enclosed by a continuous fence or wall not less than four (4) feet in height with a self-closing, self-latching gate designed to prevent access to the pool when it is not in use. The dwelling may be part of the enclosure.

In the case of an above-ground pool, when any point on the top circumference of the pool is less than four (4) feet above the adjacent ground level, the entire pool shall be enclosed by a continuous fence or wall not less than four (4) feet in height with a self-closing, self-latching gate. Any above-ground pool that is at least four (4) feet above the adjacent ground level around the entire top circumference of the pool shall not be required to be fenced, provided the pool has steps or a retractable ladder that are kept retracted when the pool is not in use.

#### b. Private Sports Courts Accessory to a Dwelling

Sports courts accessory to a dwelling shall be located only in a side or rear yard and shall be no closer to the side or rear property line than fifteen (15) feet. Lighting of the sports court shall not be permitted. All sports courts shall be enclosed by a fence that is a minimum of ten (10) feet in height and a maximum of twelve (12) feet in height and that shall contain openings equal to fifty percent (50%) or more of the surface area of the fence. The area of the sports court shall not exceed fifty percent (50%) of the total area of the rear yard.

**c. Fences**

No fence in any Zoning District shall be constructed in any public street right-of-way. Fences accessory to single family dwellings shall be installed so that the finished side faces the adjoining property.

Fences accessory to a farm, shall be permitted in any required yard provided the maximum height shall not exceed six (6) feet.

A permit shall not be required for any fence with a height of six (6) feet or less. Any fence in excess of six (6) feet in height shall require a permit.

In "C-D" and "R" Residential Zoning Districts, a privacy fence (a fence that has openings that comprise less than ten percent [10%] of the total surface area of the fence) may be erected behind the rear wall of the dwelling to screen a patio, deck or swimming pool provided the following requirements are met:

1. The maximum height of the fence shall not exceed six (6) feet.
2. The fence is attached to the rear wall of the dwelling.

In "C-D" Conservation and "R" Residential Zoning Districts, a security fence (a fence that has openings that comprise no less than twenty-five percent [25%] of the surface area of the fence, including, but not limited to, board fences, picket fences, chain link fences and the like) may be erected in the minimum required side or rear yard provided the maximum height of the fence shall not exceed six (6) feet.

In "C-D" Conservation and "R" Residential Zoning Districts, a decorative fence (a fence that has openings that comprise at least seventy-five percent [75%] of the surface area of the fence, including, but not limited to, split rail fences, wrought iron fences, whose purpose is to contribute to the landscaping and exterior design, rather than to enclose property) may be permitted in the minimum required front yard provided the maximum height of the fence shall not exceed four (4) feet.

In the C-1, C-2 and O-C Commercial Districts, the maximum height of a security fence shall be eight (8) feet. Solid screening fences shall be permitted as otherwise provided for by this Ordinance to screen dumpsters, loading berths and outside storage areas.

In the L-I, Light Industrial District, the maximum height of a fence or wall shall be ten (10) feet. Solid screening fences shall be permitted as otherwise provided for by this Ordinance to screen dumpsters, loading berths and outside storage areas.

**d. Fences and Buffer Areas**

All fences and Buffer Areas or landscaping material shall be located so as to not obstruct pedestrian access, visibility for traffic on adjacent streets or traffic entering or leaving the property or adjacent properties and shall comply with the clear sight triangle required by §1403.4.

**e. Satellite Dish Antennas**

Satellite Dish Antennas for personal use by private citizens, not including communications antennas, as defined by this Ordinance, shall be permitted as an accessory use subject to the following requirements:

1. Satellite dish antennas that have a diameter of one (1) meter or less shall be exempt from these regulations.
2. In the case of satellite dish antennas greater than one (1) meter in diameter, only one (1) satellite dish antenna shall be permitted on a residential lot. In all Zoning Districts, satellite dish antennas shall not be permitted in front yards. In "C-D" Conservation and "R" Residential Zoning Districts, the maximum diameter of any satellite dish antenna installed on any lot or on any roof or above any building shall be twelve (12) feet.
3. In Zoning Districts other than "C-D" Conservation and "R" Residential, any satellite dish antenna greater than one (1) meter in diameter that is installed on any lot or on any roof or above any building shall not exceed twenty (20) feet in diameter. In all Zoning Districts, the maximum height of any freestanding satellite dish antenna shall be twenty-five (25) feet and, in the case of satellite dish antennas mounted on a roof or above a building, the maximum height shall be no greater than twenty-five (25) feet above the highest point on the roof.
4. In all Zoning Districts, no part of any satellite dish antenna shall be located closer than ten (10) feet to any property line.

**f. Radio or Television Antennas**

A radio or television antenna for personal use by private citizens shall be permitted as an accessory use, subject to the following requirements, except as these provisions may be superseded by any applicable Federal Communications Commission (FCC) ruling:

1. A radio or television antenna structure may be mounted on a roof or installed in a rear yard only, provided that no such structure shall be located within twenty (20) feet of any property line.
2. The maximum height for such structure shall not exceed that otherwise allowed in the Zoning District in which it is located by more than twenty (20) feet. If placed on a roof, any antenna structure exceeding eight (8) feet in height shall be mounted with guide wires.
3. Any such structure shall comply with applicable Airport Zoning and Federal Communications Commission regulations.
4. Radio or television antenna structures located on the ground shall be screened from adjacent properties by evergreen trees or other suitable material, as approved by the Township.

**g. Canopies and Similar Structures**

Canopies and similar permanent freestanding roofed structures without walls shall be permitted to cover outdoor seasonal display and sales areas or fuel dispensing areas accessory to authorized uses in the C-1, C-2 and O-C Commercial Districts, provided that:

1. Such structure shall not be attached to the principal building;
2. Such structure shall be located at least ten (10) feet from any property line or street rights-of-ways;
3. Such structure shall not be enclosed; and
4. Such structure shall be removed immediately, once the principal use or the use of the accessory structure is discontinued.

**h. Residential Accessory Storage Structures and Detached Garages**

No detached garage or storage structure accessory to a dwelling shall be located in the minimum required front yard. Detached garages and storage structures accessory to a dwelling shall be located at least ten (10) feet from any side or rear property line if the floor area of the structure is five hundred (500) square feet or less. If the floor area of the structure is more than five hundred (500) square feet, the structure shall be located at least fifteen (15) feet from any side or rear property line.

In the "R" Districts, the maximum floor area of any detached garage or residential accessory storage structure shall be related to the size of the residential lot, in accordance with the following:

<u>Size of Lot</u>	<u>Maximum Floor Area of Accessory Structure</u>
Up to 21,780 s.f.	500 s.f.
21,780-43,560 s.f.	1,000 s.f.
Over 43,560 s.f.	1,500 s.f.

**i. Carports**

Carports may project into a required front yard by no more than the longer dimension of the carport if they are located over an existing driveway leading to an integral garage. Carports located in side or rear yards shall be located no closer than ten (10) feet to any side or rear property line.

**j. Structures Accessory to Non-Residential Structures and Buildings**

No structure accessory to a non-residential building or structure, other than a sign or off-street parking area, shall be located in the front yard. Signs and off-street parking areas shall be subject to the requirements of Articles XV and XVI.

Structures accessory to non-residential buildings or structures shall not be located within any required Buffer Area. Setbacks for accessory structures shall comply with the requirements specified in each Zoning District.

Where a Buffer Area is not required, all structures accessory to non-residential buildings or structures shall be located at least ten (10) feet from the rear property line and at least twenty (20) feet from the side property lines.

**k. Distance from Principal Building**

All accessory storage structures and garages shall be located at least ten (10) feet from any principal building, except that if a detached garage accessory to a dwelling is connected to the dwelling by contiguous side walls, breezeways or similar connections, the distance between the dwelling and the connected garage may be less than ten (10) feet.

**1403.4 Visibility at Intersections**

No object, including without limitation, fences, landscaping rocks, hedges, trees and other plantings, buildings, structures, walls, signs and motor vehicles, exceeding a height of three (3) feet as measured from the lowest elevation of the centerline of any abutting street, shall be temporarily or permanently placed, erected, installed or parked within the clear sight triangle required at the intersection of two (2) streets or the intersection of a driveway or private lane with a public street. The required clear sight triangle is illustrated in Appendix A.

**SECTION 1404 PERMITTED PROJECTIONS INTO REQUIRED YARDS**

The following shall be permitted to project into any required yard in any Zoning District:

Typical architectural features of the principal structure, including, but not limited to, bay windows, window sills, chimneys, cornices and eaves, shall be permitted to project into required yards no more than eighteen (18) inches.

Decks and their stairs, stoops and unenclosed porches without enclosed habitable foundation or space and without a roof or walls shall be permitted to project into required front, side and rear yards no more than three (3) feet. Porches that have a roof or walls or that are enclosed or have enclosed habitable foundations shall be subject to the yard requirements for the principal structure.

Steps attached to the principal building and open fire escapes shall be permitted to project into required yards no more than three (3) feet.

**SECTION 1405 HEIGHT EXCEPTIONS**

The height limitations of this Ordinance shall not apply to the following structures provided they do not exceed the height limitations of the District by more than fifteen (15) feet: Church spires, chimneys, elevator bulk heads and other mechanical equipment that is part of the principal structure, conveyors, flagpoles, silos, standpipes, elevated water tanks, derricks, public utility structures and other structures not intended for human habitation. The foregoing exceptions shall not apply to oil and gas operations, communications towers, communications antennas and their facilities which are separately regulated by this Ordinance.

## **SECTION 1406 DRIVE-THROUGH FACILITIES**

All businesses that propose drive-through facilities, as defined by this Ordinance, as accessory uses or principal uses shall meet all of the following requirements:

### **1406.1**

Drive-through facilities proposed on parcels within a planned shopping center shall have access only from the interior circulation system within the planned shopping center site. All other properties shall have frontage on and direct vehicular access to an arterial or collector street, as defined by this Ordinance.

### **1406.2**

In addition to the parking spaces required for the principal use, a minimum of five (5) standing spaces, in one (1) lane, with a total length of one hundred (100) feet, in direct line with each service position shall be provided for vehicles to wait in line. The standing space shall not interfere with the use of any required parking spaces and shall not inhibit the free flow of traffic on the property. The standing spaces shall be designed so that waiting vehicles shall not stand in any rights-of-ways or overflow onto adjacent properties, streets or berms.

### **1406.3**

Entrances, exits and standing spaces shall be adequately indicated with pavement markings and/or directional signs.

### **1406.4**

Parking areas and circulation patterns shall be adequately striped and marked to facilitate traffic circulation on the property.

## **SECTION 1407 TEMPORARY CONSTRUCTION TRAILERS, MODEL HOMES OR SALES OFFICES**

Temporary construction trailers or model homes or sales offices shall be permitted in any Zoning District subject to the following conditions:

### **1407.1**

Temporary construction trailers shall be permitted only during the period that the construction work is in progress under a valid building permit or under Township approval to install public improvements. The temporary construction trailer shall be removed upon completion of the construction authorized under a building permit or upon completion of the installation of the public improvements in a subdivision plan. In the event that construction is phased, the temporary construction trailer shall be moved from the completed phase to the next phase when ninety percent (90%) of the required improvements in the completed phase have been installed as determined by the Township Engineer, provided a valid grading permit or building permit has been issued for the next phase.

**1407.2**

Model homes or sales offices shall be permitted only until ninety percent (90%) of the lots or dwelling units in the development are sold. In the case of a phased development, the use of a model home or sales office shall be permitted to continue only if the subsequent phase is initiated within six (6) months of the completion of ninety percent (90%) of the lots or dwelling units in the prior phase.

**1407.3**

A temporary use permit for the temporary structure or use shall be obtained from the Zoning Officer in accordance with the requirements of Section 1705 prior to the commencement of construction and shall be renewed every six (6) months, if necessary, until the project is completed.

**1407.4**

Temporary construction trailers shall be located on the lot on which the construction is progressing and shall not be located within twenty-five (25) feet of any property line adjoining residential use.

**1407.5**

Temporary construction trailers 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.

**1407.6**

No signs or other advertising materials for the project shall be attached to the temporary construction trailer; however, the name of the construction company may appear on the trailer.

**1407.7**

"Class 3" materials as classified by the National Fire Protection Association (NFPA) shall not be stored in temporary construction trailers.

**1407.8**

Model homes shall be located on a separate lot and shall meet all the requirements for permanent dwellings in the Zoning District in which they are located. Sales offices may be located in a model home or may be located in a trailer located on a vacant lot in the plan or on the site of construction. If the sales office is located in a trailer, the trailer shall not be located within twenty-five (25) feet of any property line adjoining residential use. No signs or other advertising information shall be located on the outside of the trailer or sales office.

**1407.9**

Model homes or sales offices located in a trailer shall not be utilized for any dwelling use, whatsoever, during the time they are approved as a temporary use or structure in accordance with the provisions of this Section.

#### **1407.10**

Model homes or sales offices shall be used primarily for sales associated with the development in which they are located and shall not be used as the only place of business for the listing realtor.

### **SECTION 1408      AGRICULTURE AND RELATED ACTIVITIES**

In the C-D and R-1 District, agricultural operations, as defined herein, conducted on a farm and related activities conducted on a farm or on other properties, when authorized by this Ordinance, including kennels, private stables and commercial greenhouses shall be subject to the following requirements:

#### **1408.1**

Storage of manure, odor or dust producing substances shall be located at least two hundred (200) feet from any property line.

#### **1408.2**

Any stable or other building used for the sheltering, keeping, raising or feeding of horses, livestock and poultry shall be located at least two hundred (200) feet from any property line on properties of ten (10) acres or more. Such buildings shall be located at least seventy-five (75) feet from any property line on properties having at least five (5) acres, but less than ten (10) acres.

#### **1408.3**

Commercial greenhouse heating plants shall be at least one hundred (100) feet from any property line.

#### **1408.4**

All grazing and pasture areas shall be adequately fenced to properly enclose the animals and to protect adjacent property.

#### **1408.5**

Agricultural sales, as defined herein, shall be permitted accessory to a farm, as defined herein, in the C-D and R-1 Districts only, subject to the following regulations:

- a.** All sales shall be conducted on the premises of a farm, as defined and regulated by this Ordinance.
- b.** Products sold shall include only products raised, grown or produced on the farm.
- c.** All permanent structures shall comply with the yard requirements for principal structures in the District in which the property is located.

- d. Seasonal roadside stands shall be located no closer than fifteen (15) feet to any street rights-of-ways or property line, and shall be removed at the end of each growing season.
- e. Buildings used for retail sales of agricultural products shall not exceed one thousand (1,000) square feet of sales floor area for every ten (10) acres of land farmed. No building used for agricultural products shall exceed five thousand (5,000) square feet of sales area.
- f. Off-street parking for permanent structures shall be provided in accordance with the requirements of Section 1502 for retail businesses. Off-street parking for permanent structures shall be designed in accordance with the requirements of Section 1501.
- g. Off-street parking for seasonal roadside stands shall be designed in accordance with Section 1501, however, the requirements for surfacing, marking, screening and landscaping shall not apply.
- h. Off-street parking for seasonal roadside stands shall be provided in accordance with the requirements of Section 1502 for retail businesses, however, in no case shall less than five (5) spaces be provided.
- i. Adequate ingress, egress and traffic circulation shall be provided so that vehicles do not back onto the street rights-of-ways and do not park or stand on any street or berm.
- j. Signs shall comply with the requirements of §1604.4. Signs shall be located on the property and shall be removed at the end of the growing season.

#### **1408.6**

Seasonal activities such as hay rides, Spring and Fall festivals and similar activities related to the farm shall be subject to all applicable requirements of Section 1905 for temporary uses, provided adequate parking is provided in a temporary parking area based on the ratio specified in §1502.3 for "all other uses."

### **SECTION 1409 STORAGE**

#### **1409.1 Outdoor Storage in Commercial and Industrial Districts**

In the C-1, C-2 and O-C Districts, storage of materials outside a completely enclosed structure shall not be permitted, except for convenience stores, vehicle sales, nurseries, garden supply, building supply, custom crafting and similar businesses that require outside storage of products offered for sale. In the case of nurseries, garden supply, building supply, custom crafting and similar businesses, outside storage areas larger than one thousand (1,000) square feet shall be completely enclosed by a security fence and shall be screened by an opaque fence or hedge that is at least six (6) feet in height.

In the L-I District, 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 storage area from public view from the street or adjacent residential property located at similar elevations within five hundred (500) feet of the property. If existing buildings do not screen the storage area from public view from the street or adjacent

residential property located at similar elevations within five hundred (500) feet of the property, the area shall be screened by a hedge or opaque fence at least eight (8) feet in height.

**1409.2            Refuse Collection and Waste Disposal**

In all Zoning Districts, all organic rubbish and discarded materials shall be placed in tight vermin-proof containers on the property and shall be secured in side or rear yards screened from public view by means of a solid-face fence or wall at least six (6) feet in height. Containers shall be emptied once a week. On properties where food is served in paper containers, covered waste receptacles shall be conspicuously located on the premises for use by patrons. The management shall be responsible for maintaining the property free of litter. All non-residential uses shall provide trash receptacles that are completely enclosed by a screening fence secured by a self-latching gate.

**1409.3            Storage of Recreational Vehicles**

The parking or storage of recreational vehicles shall not be permitted in any front yard in any "R" Residential District. Recreational vehicles with a current license or registration and a valid inspection sticker may be parked or stored in the side or rear yard of property in any "R" Residential District. At no time shall any parked or stored recreational vehicle be occupied or used as a dwelling in any Zoning District.

**1409.4            Parking of Commercial Vehicles and Equipment**

Commercial vehicles and equipment including trucks in excess of one (1) ton capacity, tandems, tractor-trailers, tractors or other commercial or construction or cargo-moving vehicles or equipment shall not, under any conditions, be stored outside a completely enclosed building or parked outside overnight between the hours of 10:00 PM and 7:00 AM in any "R" Residential District, other than on construction sites for an approved subdivision or land development, on sites for which a valid Grading, Zoning or Building Permit is in effect; or on farms that are being used for agriculture, as defined by this Ordinance.

**SECTION 1410        FORESTRY**

Forestry, as defined herein, shall be conducted in accordance with the following provisions. Proof of compliance with all requirements shall be submitted with the application for a Zoning Certificate.

**1410.1**

All operations shall be located at least three hundred (300) feet from any existing dwelling.

**1410.2**

All operations shall be discontinued between 7:00 PM and 7:00 AM, provided further that such operations shall not take place during any hours on Sundays or legal government holidays.

**1410.3**

Routes to be used by the hauling trucks shall be approved by the Township and the operator shall demonstrate that there shall be no negative impact on Township roads from the proposed operation.

**1410.4**

The operator shall provide the Township with a copy of a video tape of the condition of all roads to be utilized in the forestry operation prior to commencing operations.

**1410.5**

A performance bond shall be posted in favor of and in the amount required by the Township to guarantee restoration of Township roads used as hauling routes.

**1410.6**

The operator shall be responsible for cleaning dirt and debris from public streets daily during the operation.

**1410.7**

The applicant shall submit a copy of the State and/or County permit for hauling on State and/or County roads.

**1410.8**

The applicant shall supply the Township with the name of an on-site contact person.

**1410.9**

The applicant shall show compliance with the following laws and regulations of the Commonwealth and all necessary permits shall be maintained during the operation.

- a. Erosion and sedimentation control regulations contained in Chapter 102, issued pursuant to the Pennsylvania Clean Streams Law;
- b. Stream-crossing and wetlands protection regulations contained in Chapter 105, issued pursuant to the Pennsylvania Dam Safety and Encroachments Act;
- c. Stormwater management plans and regulations issued pursuant to the Pennsylvania Stormwater Management Act.

Any suspension or revocation of a State permit shall constitute revocation of zoning approval and the operator shall be subject to the enforcement provisions of Section 1901 of this Ordinance.

#### **1410.10**

A logging plan prepared and sealed by a registered surveyor or engineer shall be submitted that shows, at a minimum:

- a. The design, construction, maintenance and retirement of the access system, including haul roads, skid roads, skid trails and landings;
- b. The design, construction and maintenance of water-control measures and structures such as culverts, broad-based dips, filter strips and water bars;
- c. The design, construction and maintenance of stream and wetland crossings, if any;
- d. The general boundaries of the proposed operation in relation to Township and State or County roads, including any accesses to those roads;
- e. The site location, including boundaries of the property and boundaries of the proposed harvest area;
- f. Significant topographic features;
- g. The location of all earth-disturbance activities, such as roads, landings and water control measures and structures;
- h. The location of all crossings of waters of the Commonwealth.

#### **1410.11**

Felling or skidding on or across any public street is prohibited without the express written consent of the Township, Allegheny County or the Pennsylvania Department of Transportation (PennDOT), whichever is responsible for maintenance of the street.

#### **1410.12**

No remnants of trees or debris shall be left within twenty-five (25) feet of any public street or any private road providing access to adjoining residential property during the operation.

#### **1410.13**

All remnants of trees, stumps and debris within fifty (50) feet of a public street or residential property line shall be cut to a maximum of four (4) feet above the adjacent ground level following completion of the forestry operation.

#### **1410.14**

No remnants of trees or debris shall be left on any adjoining property or across any property line without the consent of the adjoining owner during the operation.

#### **1410.15**

Upon completion of the forestry operation, haul roads shall be restored to their original condition.

### **SECTION 1411 NO IMPACT HOME BASED BUSINESS**

All no impact home based businesses, as defined herein, shall comply with the following:

#### **1411.1**

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

#### **1411.2**

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

#### **1411.3**

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

#### **1411.4**

There shall be no outside appearance of a business use, including, but not limited to, parking, signs or lights.

#### **1411.5**

No on-site parking of commercially identified vehicles shall be permitted.

#### **1411.6**

The business activity shall not use any equipment or process that creates noise, vibration, glare, fumes, odors or electrical or electronic interference, including interference with radio or television reception that is detectable in the neighborhood.

#### **1411.7**

The business activity shall not generate any solid waste or sewage discharge, in volume or type, which is not normally associated with residential use in the neighborhood.

#### **1411.8**

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

#### **1411.9**

The business shall not involve any illegal activity.

## **SECTION 1412      COMMUNICATIONS ANTENNAS**

### **1412.1**

Building mounted antennas shall not be permitted on any dwelling.

### **1412.2**

The applicant shall demonstrate that the electromagnetic fields associated with the proposed antennas comply with safety standards now or hereafter established by the Federal Communications Commission (FCC).

### **1412.3**

The applicant shall demonstrate compliance with all applicable Federal Aviation Administration (FAA) and any applicable Airport Zoning regulations.

### **1412.4**

Building mounted antennas shall be permitted to exceed the height limitations of the District by no more than twenty (20) feet. Antennas mounted on an existing public utility or transmission tower shall not project more than twenty (20) feet above the height of the tower.

### **1412.5**

Omni-directional or whip antennas shall not exceed twenty (20) feet in height or seven (7) inches in diameter.

### **1412.6**

Directional or panel antennas shall not exceed five (5) feet in height or two (2) feet in width.

### **1412.7**

Satellite and microwave dish antennas mounted on the roof of a building shall not exceed six (6) feet in diameter.

### **1412.8**

Satellite and microwave dish antennas mounted on an existing public utility storage or transmission structure shall not exceed two (2) feet in diameter.

### **1412.9**

The height and location of the proposed antennas shall be designed so that, in the event of collapse, the antennas will fall within the boundaries of the property on which they are to be located.

## **1412.10**

The applicant proposing a building mounted antenna shall submit evidence from a structural engineer certifying that the proposed installation will not exceed the structural capacity of the building considering wind and other loads associated with the antenna's location.

## **SECTION 1413      STEEP SLOPE AND LANDSLIDE PRONE-AREAS**

### **1413.1      Purpose**

The purpose of this Section is to prevent the construction of residential and non-residential structures in areas of excessive slope as defined herein and areas determined to be landslide prone, which are unsuitable for building sites; to minimize danger to public health by protecting watersheds; to discourage erosion of soils by maintaining adequate foliage cover on hillsides; and to promote the conservation of open space on hillsides. Slope areas and landslide-prone areas may be located within the confines of any zoning district.

### **1413.2      Designation of Areas**

- a. A "steep-slope area" is defined as any land having an average slope of more than forty percent (40%) and shall be considered unbuildable; provided however, where a significant Pittsburgh Red Beds geologic condition on a parcel exists (as determined by a geotechnic report), a land development may disturb or remove such areas and the resultant land may be built upon provided that the developer provides a certification by a Pennsylvania registered engineer with experience in geotechnical engineering that the area is stable.
- b. Areas to be regulated under this Section which are classified as landslide-prone based on information provided by the United States Geological Service through the Allegheny County Conservation District and information contained in the Mining and Physiography Report for Allegheny County, 1968, shall be indicated generally on a topographic map maintained by the Township Engineer and available to the general public. A "landslide-prone area" is defined as that area with potential slope stability problems which are significant to development due to the following factors: rock types, nature of rock layering, rock fracturing, attitude of rock layers, composition and thickness of soil cover, permeability of rocks and soils, steepness of slopes and groundwater outflow.

### **1413.3      Use Regulations**

The following uses are permitted in steep slope and landslide-prone areas:

- a. Parks and outdoor recreational uses shall be permitted so long as their activities do not conflict with the use of the land as a watershed and the land is basically not disturbed.
- b. Tree farming, forestry and other agricultural uses when conducted in conformance with conservation practices that ensure adequate protection against soil erosion.

- c. Buildings housing permitted uses may be constructed in accordance with the regulations of the applicable zoning district on slopes of twenty-six to forty percent (26%-40%), provided that no portion of the building is constructed on a slope where the grade exceeds forty percent (40%) and further provided that the existing grade is not disturbed. The following information shall be submitted:
1. A site plan of the property indicating landslide-prone areas, if any, on a detailed engineering investigation of the site, existing grades with contour lines at two-foot (2') intervals and proposed grades.
  2. A landscaping plan indicating proposed paved areas, storm drainage facilities and ground cover, as well as trees and ornamental shrub locations.
  3. Architectural plans, elevations and sections.
  4. A statement, prepared by a Registered Professional Architect, documenting the building methods to be used in overcoming foundation and other structural problems created by slope conditions, in preserving the related watersheds and in preventing soil erosion.

#### **1413.4 Review Procedure**

The Zoning Officer shall require the following additional information to be included as part of any application for a zoning/building permit for new use or construction within an identified steep slope or landslide-prone areas:

- a. A site plan which shows the proposed development or construction and accurately indicates the steep slope and landslide-prone conditions on the site.
- b. Such plan or plans shall include existing and proposed contours and the size, location and elevations of all structures, streets, parking areas, utilities, soil types and drainage and/or planting material proposed which will ensure stability of the slope.
- c. For steep slope areas, a report is required, certified by a Registered Professional Architect or Engineer, documenting the choice of building methods to be used in resolving foundation and related structural problems created by slope and/or soil conditions, in preserving the natural watersheds and in preventing soil erosion. Architectural plans, elevations, sections and profiles may be required to fully present the information.
- d. For landslide-prone areas, a report is required, certified by a Registered Professional Engineer, to the effect that adequate detailed investigation of the site, including subsurface investigation, has been accomplished to determine the extent and characteristics of landslide susceptibility, and that if such landslide susceptibility is evident, the proposed plan use of the site will not increase the potential landslide hazard and that the plan complies with use regulations listed in this Section.

## **SECTION 1414 FLOOD PRONE AREAS**

### **1414.1 Specific Intent**

The purpose of this Section is to ensure that all new construction within the identified flood-prone areas will meet adequate flood protection standards and to assume that all plans for proposed subdivisions and/or land developments and all supporting utilities are consistent with the need to minimize or eliminate flood damage.

### **1414.2 Designation of Flood-prone Areas**

- a. The flood-prone area(s) shall be any area(s) contiguous to Lowries Run, Bear Run, and Tom's Run which are identified as being flood-prone through a study of special flood hazard areas by the Federal Emergency Management Agency, or any area contiguous to a perennial stream having one-half square mile or greater watershed where excessive runoff could occur.
- b. The boundaries of areas considered to be flood-prone may be revised and modified in accordance with Commonwealth and Federal laws where there are changes through natural or other causes, or where further detailed engineering studies or information indicate the need, and provide the basis for, such modification or revision.
- c. Should a dispute concerning the limits of a flood-prone area arise, an initial determination shall be made by the Township Engineer and any party aggrieved by this decision may appeal to the Zoning Hearing Board. The burden of proof shall be on the appellant.

### **1414.3 Use Requirements**

- a. In the identified flood-prone areas, the development and/or use of any land shall be permitted as per the provisions of this Chapter, provided that the development and/or use adheres to the restrictions and requirements of all other applicable codes and ordinances in force in the Township.
- b. All first-floor levels (including basements) in residential structures shall be constructed at an elevation of at least one foot (1') above the established flood elevation.
- c. Nonresidential structures or parts thereof may be constructed below the established flood elevation, provided that these structures are designed to preclude and/or withstand inundation to an elevation of at least one foot (1') above the established flood elevation.
- d. All development shall provide for all-weather positive drainage to reduce exposure to flood hazards.
- e. All fill shall extend laterally fifteen feet (15') beyond the building line from all points.

- f. All fill shall consist of soil and/or small rock materials only. Sanitary landfills shall be prohibited. The fill material shall be compacted to provide the necessary permeability and resistance to erosion or scouring.
- g. Fill slopes shall be no steeper than one (1) vertical unit to two (2) horizontal units, unless substantiating data justifying steeper slopes is submitted to an approved by the Township Engineer.
- h. Fill shall be permitted only to the extent to which it does not adversely affect adjacent properties or infringe on the flood channel of the stream.
- i. All buildings or structures shall be anchored to prevent movement or collapse.
- j. All buildings and structures shall be designed, constructed and placed on the lot so as to offer the minimum obstruction to the flow of water.
- k. The following shall not be placed or caused to be placed in identified flood-prone areas: fences, except two-wire fences, other structures or other matter which may impede, retard or change the direction of the flow of water or which will catch or collect debris carried by such water or which is placed where the natural flow of the stream to the damage or detriment of either public or private property adjacent to the flood-prone areas.

#### **1414.4 Review Procedures**

The Zoning Officer and Building Inspector shall require the following additional information to be included as part of any application for a zoning or building permit for new use or construction within the identified flood-prone areas:

- a. A site plan which accurately locates the proposed subdivision, land development or construction with respect to the flood-prone area boundaries, stream channel and existing flood-prone developments.
- b. Such plan shall include existing and proposed contours and elevation of the ground, storage elevations, size of the structure, location and elevations of streets, water supply, sanitary facilities, soil types and flood-proofing measures.
- c. A document, certified by a Registered Professional Engineer or Architect, that adequate precautions against flood damage have been taken with respect to the design of any building or structure and that the plans for the development of the site adhere to the restrictions cited in Subsection C.

#### **1414.5 Review of Application by Others**

A copy of all plans and applications for new construction in the identified flood-prone areas to be considered for approval may be submitted by the Zoning Officer to any appropriate agency and/or individual including, but not limited to the Department of Environmental Protection and the Township Engineer for review and comment.

**SECTION 1415            GENERAL STANDARDS FOR OIL AND GAS OPERATIONS,  
IMPOUNDMENTS, NATURAL GAS COMPRESSOR STATIONS  
AND NATURAL GAS PROCESSING PLANTS**

**1415.1            General Regulations Applicable to All Uses**

The following standards shall be subject to oil and gas operations, impoundments, natural gas compressor stations and natural gas processing plants in all Zoning Districts.

- a. Before initiating construction, evidence of approval of all relevant State and Federal permits shall be submitted to the Township.
- b. The operator shall demonstrate continued compliance with all applicable local, State and Federal permits and regulations. Any suspension or revocation of a local, State or Federal permit shall be reported to the Township and shall constitute a violation of the Township's zoning approval and may result in the suspension or revocation of zoning approval.
- c. If vehicle access routes for overweight vehicles are posted by the Township, an excess maintenance agreement shall be executed.
- d. Regardless of the zoning district in which the use is located, the use shall be subject to all applicable requirements of Article XI for a permitted principal use in the L-1, Light Industrial, District, unless the requirement is superseded by the PA Oil and Gas Act.
- e. All waste disposal and storage of gases or by-products shall be in accordance with the rules and regulations of the Pennsylvania Department of Environmental Protection (PA DEP) and any other applicable Federal, State or local agency.
- f. The operator shall provide a site orientation for the Township's first responders at least thirty (30) days prior to initiating drilling on a well site or prior to occupancy of a natural gas compressor station or natural gas processing plant.
- g. If the Township's first responders have not received training sponsored by the Office of the State Fire Commissioner and/or if a proposed well site is the operator's first well site in the Township, the operator of a well site, impoundment, natural gas compressor station or natural gas processing plant shall provide a minimum of five (5) hours of training at least thirty (30) days prior to construction of the well site or impoundment or occupancy of a natural gas compressor station or natural gas processing plant.

**1415.2            Oil and Gas Operations**

In addition to the general standards in §1415.1, oil and gas operations shall comply with the following standards:

- a. A well site shall not be located so that the outer edge of the well pad is closer than three hundred (300) feet from an existing occupied building.

- b.** A well site shall not be located so that the well head is closer than five hundred (500) feet from an existing occupied building.
- c.** In the R-1, R-2 and R-3 Districts, well sites shall be prohibited if they cannot comply with §1415.2 (a) and (b), above.
- d.** The placement, use and repair of oil and gas pipelines, water pipelines, access roads and security facilities shall not be subject to the 300 foot setback from an existing occupied building.
- e.** Oil and gas operations shall be subject to the noise standards of §1401.3 of this Ordinance. Compliance and continuing enforcement shall be subject to §1401.10 and §1401.11 of this Ordinance. If any existing or proposed oil and gas operations are found to be in violation of the noise standards, the operator shall propose and install temporary or permanent noise attenuation features, as warranted, to bring the operation into compliance.
- f.** Upon completion of the well, the well head(s) shall be secured with a permanent fence with a secured gate. Permanent fencing of the entire well site may be substituted for this requirement.
- g.** Well sites shall not be subject to the parking requirements of Article XV; however, an adequate area improved with a dust-free all-weather surface shall be provided on the well site for employees working on peak shift and for parking and staging all vehicles and equipment that service the well site or are kept on the well site.
- h.** Driveways shall be of sufficient length so that there will be no stacking or standing of vehicles on public streets.
- i.** Public streets shall be kept free of mud, debris, trash and other waste at all times.
- j.** There shall be no facilities provided on the well site for temporary housing of well site workers; however, sleeping quarters may be provided in mobile units for on-site supervisory or security personnel.
- k.** The operator shall provide the Township with a plan showing proposed truck routes to be utilized during drilling and hydraulic fracturing. The proposed hauling routes shall be designed to minimize the impact on collector and local streets within the Township.
- l.** At least thirty (30) days prior to initiating construction on a well site, the operator shall attend a meeting with representatives of the School District and public safety officials to address safety of school students, pedestrians and vehicles on streets and at pedestrian crossings, school bus stops and transit stops in the Township during times of anticipated heavy truck traffic traveling to and from the site.
- m.** At least thirty (30) days, but no more than ninety (90) days prior to initiating construction on the well site, the operator shall invite residents of all properties within one thousand (1,000) feet of the boundaries of the leased parcel proposed for the well site to present the operator's plans for the well site and to allow for questions and answers.

### **1415.3 Impoundments Used Exclusively for Oil and Gas Operations**

In addition to the general standards in §1415.1, impoundments used exclusively for oil and gas operations shall comply with the following standards:

- a. The edge (berm) of the impoundment shall be located no closer than 300 feet from an existing occupied building.
- b. Impoundments shall be fenced to prohibit access by persons or animals and shall be equipped with bird netting.
- c. Impoundments shall not be subject to the parking requirements of Article XV; however, an adequate area improved with a dust-free all-weather surface shall be provided on the site for any employees and for parking and staging all vehicles that service the impoundment or that are kept on the site.

### **1415.4 Natural Gas Compressor Stations**

In addition to the general standards in §1415.1, natural gas compressor stations shall comply with the following standards:

- a. The natural gas compressor station building shall be at least seven hundred fifty (750) feet from the nearest existing occupied building or two hundred (200) feet from the nearest lot line, whichever is greater, unless waived by the owner of the building or adjoining lot.
- b. The noise level shall not exceed a noise standard of 60 dbA at the nearest property line or the applicable standard imposed by Federal law, whichever is greater. Compliance and continuing enforcement of this noise standard shall be in accordance with §1401.10 and §1401.11 of this Ordinance. If any existing or proposed natural gas compressor station is found to be in violation of the noise standards, the operator shall propose and install temporary or permanent noise attenuation features, as warranted, to bring the facility into compliance.
- c. Buffer Area "A," as described in §1402.1 of this Ordinance shall be provided along all property lines adjoining property in any "C-D" or "R" Residential Zoning District.
- d. Exterior lighting shall comply with the lighting standards of §1401.7 of this Ordinance.
- e. The site shall be enclosed with a maximum ten (10) foot high fence with secured gate.
- f. A minimum of five (5) parking spaces shall be provided on the site to accommodate service and maintenance workers or visitors to the site. The parking spaces shall not be required to meet the paving requirements of Section 1501, provided a dust-free all weather surface is provided. All other design requirements of Section 1501 shall apply.

#### **1415.5      Natural Gas Processing Plants**

In addition to the general standards in §1415.1, natural gas processing plants shall comply with the following standards:

- a. The natural gas processing plant building(s) shall be at least seven hundred fifty (750) feet from the nearest existing occupied building or two hundred (200) feet from the nearest lot line, whichever is greater, unless waived by the owner of the building or adjoining lot.
- b. The noise level shall not exceed a noise standard of 60 dbA at the nearest property line or the applicable standard imposed by Federal law, whichever is greater. Compliance and continuing enforcement of this noise standard shall be in accordance with §1401.10 and §1401.11 of this Ordinance. If any existing or proposed natural gas processing plant is found to be in violation of the noise standards, the operator shall propose and install temporary or permanent noise attenuation features, as warranted, to bring the operation into compliance.
- c. Buffer Area "A," as described in §1402.1 of this Ordinance shall be provided along all property lines adjoining property in any "C-D" or "R" Residential Zoning District.
- d. Exterior lighting shall comply with the lighting standards of §1401.7 of this Ordinance.
- e. The site shall be enclosed with a maximum ten (10) foot high fence with secured gate.
- f. Natural gas processing facilities shall be subject to the design requirements of Article XV for parking facilities and the parking requirements of §1502.3 for manufacturing uses.

#### **SECTION 1416      AIRPORT HAZARD DISTRICT OVERLAY**

The Airport Hazard District Overlay identified in the Ohio Township Airport Hazard District Overlay Ordinance is incorporated herein by reference and the drawing attached to that Ordinance designating the Airport Hazard District Overlay for the Pittsburgh International Airport is incorporated as an overlay to the Township of Ohio Zoning District Map.

All land within the Airport Hazard District Overlay shall be subject to the requirements of the Airport Hazard District Overlay Ordinance in addition to the applicable requirements of this Ordinance for the Zoning District in which the land is located. If there is a conflict between these regulations, the more stringent shall apply.

## ARTICLE XV

### OFF-STREET PARKING AND LOADING

#### SECTION 1500 APPLICABILITY

##### 1500.1

Off-street parking spaces shall be provided in accordance with the specifications in this Article in any District whenever any new use is established or any existing use is changed or enlarged.

##### 1500.2

All parking areas established prior to the effective date of this Ordinance that are not in conformance with all provisions of this Article shall be allowed to continue as previously laid out. Any change or alteration to these existing nonconforming parking areas shall require that the portions to be altered be upgraded in accordance with all provisions of this Article.

##### 1500.3

Any change in use or in floor area of an existing building that would require a greater number of off-street parking spaces than the previous use or floor area did, shall provide additional off-street parking for the new use in accordance with this Article. If the number of additional required parking spaces results in more than a twenty-five percent (25%) increase in the total number of parking spaces currently provided on the lot or requires the addition of at least five (5) more spaces, whichever is greater, then all existing parking is also required to meet or exceed all provisions of this Article, including surfacing.

#### SECTION 1501 OFF-STREET PARKING DESIGN

Parking areas and driveways in parking areas in all Zoning Districts shall comply with the following standards:

##### 1501.1 Size

Each off-street parking space shall have an area of not less than one hundred eighty (180) square feet, exclusive of access drives or aisles, shall have minimum dimensions of nine (9) feet in width and twenty (20) feet in length and shall be maintained free from obstruction. Except in the case of residential dwellings, parking areas shall be designed to provide sufficient turnaround area so that vehicles are not required to back onto the cartway of any public street.

##### 1501.2 Design

The minimum dimensions of aisles and driveways for all uses other than single family dwellings and two family dwellings shall be as follows:

- a. Minimum width of aisles providing two-way travel shall be twenty-two (22) feet.

- b.** One-way aisles shall not be dead-ended. Minimum width of aisles providing one-way travel shall vary with the angle of parking, as follows:

Parallel	12 feet
30 degree	14 feet
45 degree	16 feet
60 degree	20 feet
90 degree	22 feet

- c.** Two-way aisles may be dead-ended in off-street parking areas provided they are designed according to the following minimum standards:

Depth of turnaround area	13 feet
Width of turnaround area	25 feet

- d.** The minimum width of entrance and exit drives shall be:

- 1.** For one-way travel, a minimum of twelve (12) feet.
- 2.** For two-way travel, a minimum of twenty-two (22) feet.
- 3.** A maximum of thirty-five (35) feet at the street right-of-way line and fifty-four (54) feet at the curb line.
- 4.** Adequate sight distance shall be provided, subject to review and approval by the Township Engineer. Driveways shall not exceed a slope of ten percent (10%) within twelve (12) feet of the street right-of-way line.

- e.** Fire lanes shall be provided in accordance with the requirements of the Township Fire Code and the Ohio Township Volunteer Fire Department.

**1501.3**      **Access**

Access to parking areas shall be provided in accordance with the following requirements:

- a.** When an existing lot does not adjoin a public or private street, an easement of access and an access driveway 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. In any District, other than a "C-D" or "R" Residential District, the street frontage shall be curbed to restrict access to the lot, except where the access drives are proposed.
- c.** The number of access drives from a single lot or development to any public street shall not exceed two (2) for every four hundred (400) feet of street frontage.
- d.** Except on corner lots, access drives shall be located at least two hundred (200) feet from the intersection of any two (2) street rights-of-ways lines.

- e. Where a site has frontage on more than one (1) street, secondary access from the street with the lower traffic volume shall be considered and the Township may require the secondary access based on the findings of the Traffic Impact Study, if such study is required.
- f. Access drives entering State highways are subject to a Highway Occupancy Permit issued by the Pennsylvania Department of Transportation (Penn DOT).
- g. Access driveways entering Township streets shall comply with the requirements of the Pennsylvania Code, Title 67, Chapter 441, "Access to and Occupancy of Highways by Ways and Local Roads."
- h. 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.

**1501.4      Safety Requirements**

The Board of Supervisors shall consider whether safety requirements are warranted to reduce traffic hazards that endanger public safety. The 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 within and adjoining the boundaries of the development site.

**1501.5      Marking**

In parking areas that contain five (5) or more spaces, all parking spaces shall be clearly delineated by painted lines marked with durable white or yellow paint in stripes a minimum of four inches (4") wide extending the length of the parking space. 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.

**1501.6      Curbs and Wheelstops**

All outdoor hard surfaced off-street parking areas shall be curbed unless sheet drainage of surface water can be achieved subject to approval by the Township Engineer.

Wheelstops shall be provided along boundaries of adjoining properties, public rights-of-way, sidewalks or landscaped areas unless curbs are provided in that portion of the parking lot.

**1501.7      Surfacing**

All outdoor off-street parking areas and access driveways shall be paved with asphalt, concrete or similar material of adequate thickness to support the weight of fully loaded vehicles that customarily park or travel on it.

It shall be the responsibility of the property owner to ensure that driveway surface materials and stormwater runoff do not discharge onto any public street.

#### **1501.8            Location of Parking Areas**

Required parking spaces shall be located on the same lot with the principal use. In the case where adequate lot area does not exist on the same lot to meet the parking requirements, the Zoning Hearing Board may approve off-site parking as a use by special exception, provided it is located no more than four hundred (400) feet from the principal entrance to the building it is intended to serve and evidence of a lease agreement or cross-easement is submitted for any property under different ownership proposed to be used for off-site parking. If the off-site parking is not located on property contiguous to the use it serves, the off-site parking shall be used for employee parking and a means of safe pedestrian access shall be provided.

Parking spaces accessory to nonresidential uses that are adjacent to a property line in a residential district shall be set back at least twenty-five (25) feet from the property line. Parking authorized in front yards shall be located at least ten (10) feet from the street right-of-way line. All other parking areas containing five (5) or more spaces shall be set back at least ten (10) feet from a side or rear property line.

#### **1501.9            Landscaping**

Parking areas containing more than twenty (20) spaces shall provide landscaping as required below:

- a.** In parking areas containing fifty (50) or more parking spaces, at least five percent (5%) of the interior paved area shall be landscaped.
- b.** The area of the front yard between the street right-of-way and parking located in a front yard shall be seeded with grass or planted with ground cover and shall be landscaped with trees and/or shrubs that comply with the requirements for visibility of §1403.4.
- c.** In the event that a parking area containing twenty (20) or more spaces is not already screened by a Buffer Area, then Buffer Area "C", as defined by 1402.1 shall be provided along any property line where the parking adjoins property in an "R" Residential Zoning District.

#### **1501.10          Shopping Cart Return Areas**

One (1) shopping cart return area shall be provided for each ten thousand (10,000) square feet of gross floor area in retail stores that provide shopping carts. Shopping cart return areas shall measure nine feet by twenty feet (9' x 20') and shall provide containment on three (3) sides and shall be identified by an above-grade sign secured to the containment structure. The surface area of the sign shall not exceed four (4) square feet.

#### **1501.11          Lighting**

If parking areas are proposed to be used during evening hours, lighting shall be provided. Any lighting used to illuminate off-street parking areas shall be designed to reflect the light away from the adjoining premises of any Residential Zoning District or residential use and away from any streets or highways. The lighting system shall furnish a level of not less than 0.5 footcandle during hours of operation and shall be designed with cut-off luminaires that have a cut-off angle of sixty degrees (60°) or less. (See Illustration in Appendix B.) There shall be no spillover of illumination at any property line.

**1501.12      Stormwater Management**

All paved areas shall be designed so that stormwater runoff shall not adversely affect adjacent properties. Surface drainage shall be connected to the existing or proposed drainage system. The method of stormwater management and the design of the proposed facilities shall be subject to the requirements of the Township Stormwater Management Regulations in the Subdivision and Land Development Ordinance and to review and recommendation by the Township Engineer.

**1501.13      Slope**

The maximum permissible slope of any parking area accessory to any use other than single family or two family dwellings shall be seven percent (7%). If parking spaces are provided in areas that exceed three percent (3%) slope, all such spaces shall be parallel to the contour lines of the area.

**SECTION 1502      OFF-STREET PARKING REQUIREMENTS**

Any new use or change of use in any Zoning District shall comply with the following minimum requirements for the provision of off-street parking spaces:

**1502.1**

When the calculation of required parking spaces results in a requirement of a fractional parking space, any fraction shall be counted as one (1) parking space.

**1502.2**

Where more than one (1) use exists on a lot, parking requirements for each use shall be provided.

**1502.3      Table of Parking Requirements**

The following Table of Parking Requirements specifies the number of spaces required for the various categories of uses authorized in this Ordinance. The requirements apply in all Zoning Districts where the uses are authorized.

USE	PARKING SPACES REQUIRED
Single Family and Two Family Dwellings	Two (2) parking spaces per dwelling unit
Garden Apartments, Townhouses	Two (2) parking spaces per dwelling unit, one (1) of which must be in an enclosed garage plus 1 space per dwelling unit for visitors located within three hundred (300) feet of the units they are intended to serve

USE	PARKING SPACES REQUIRED
Assisted Living Facility, Independent Living Facility	One (1) parking space per dwelling unit plus one (1) parking space for each employee on peak shift plus 0.5 spaces per dwelling for visitors
Mobile Home Park	Two (2) parking spaces per dwelling unit plus 0.5 spaces per dwelling unit for visitors located within three hundred (300) feet of the units they are intended to serve
Community Centers in a Planned Residential Development or Subdivision	One (1) space for each ten (10) dwelling units in the development
Agriculture	One (1) space per employee
Agricultural Sales or Commercial Greenhouse	One (1) space per employee plus one (1) space for each four hundred (400) sq. ft. of growing and display area accessible to the public
Kennel	One (1) space per employee plus one (1) space for each four (4) individual kennel spaces
Churches	One (1) space per four (4) fixed seats or eighty (80) lineal inches of pew, or if there are no pews or seats, one (1) per seventy-five (75) sq. ft. of net floor area used for assembly
Day Care Center	One (1) space for each teacher and/or employee on largest shift plus one (1) space per each six (6) students
Public Utility Building or Structure	One (1) space per employee on peak shift plus one (1) space for each service vehicle stored on lot
Schools, Elementary and Intermediate	One (1) space for each employee or faculty member and one (1) space for each three (3) seats in the principal place of assembly with fixed seats or one (1) space for each seventy-five (75) sq. ft. of net floor area used for assembly if there are no fixed seats, whichever is greater
Schools, Secondary and Post Secondary	One (1) space for each employee or faculty member plus one (1) space for each five (5) students or one (1) space for each three (3) seats in an auditorium and one (1) space for each eighty (80) lineal inches of bleacher seating, whichever is greater

USE	PARKING SPACES REQUIRED
Theater, Auditorium or Gymnasium	One (1) space per three (3) fixed seats or, if there are no fixed seats, one (1) space for each seventy-five (75) sq. ft. of net floor area used for assembly plus one (1) space for each eighty (80) lineal inches of bleacher seating
Hospitals and Nursing Homes	One (1) space per three (3) beds and one (1) space for each employee on the peak working shift
Hotel/Motel	One (1) space per employee on peak shift plus one (1) space per sleeping unit plus one (1) space for each seventy-five (75) sq. ft. of floor area accessible to the public, including lobbies, restaurants, shops, meeting rooms and the like
Professional Office (other than Medical), Business Office, Business Services	One (1) space for every three hundred (300) square feet of net floor area
Medical Offices, Clinics	One (1) space for each one hundred (100) sq. ft. of gross floor area
Banks and Financial Institutions	One (1) space per three hundred (300) sq. ft. of gross floor area plus one (1) space per employee on peak shift plus five (5) off-street waiting spaces per drive-through service position
Group Care Facility, Personal Care Boarding Home, Transitional Dwelling	One (1) space for each employee on peak shift plus one (1) space for each resident authorized to drive plus one (1) space for each six (6) beds
Retail Business not otherwise listed in this Table	One (1) space for each two hundred fifty (250) sq. ft. of gross floor area
Personal Service Establishments	One (1) space for each two hundred fifty (250) sq. ft. of gross floor area
Furniture Store, Appliance Store	One (1) space for each fifteen hundred (1,500) sq. ft. of display and sales area
Vehicle Sales, Rental, Service	One (1) space for each five hundred (500) sq. ft. of showroom and indoor sales area
Shopping Center	One (1) space for each two hundred (200) sq. ft. of gross floor area

USE	PARKING SPACES REQUIRED
Fast Food Restaurants	One (1) space per fifty (50) sq. ft. of net floor area plus one (1) space per employee on peak shift plus the waiting spaces required by Section 1206 for drive-through service positions
Nightclubs	One (1) space for each thirty (30) sq. ft. of net floor area
Other Restaurants, Bars or Taverns, including Catering Halls	One (1) space for each seventy-five (75) sq. ft. of net floor area plus one (1) space for each employee on peak working shift
Bowling Alleys	Five (5) spaces for each alley
Tennis, Racquetball and Handball Courts	One (1) space per employee plus four (4) spaces for each court
Golf Courses	Eight (8) spaces for each hole plus one (1) space for each employee
Playing Fields, Play Courts	Two (2) parking spaces for each team member on the field or court during regulation play plus one (1) space for each three (3) seats in bleachers or viewing stands or for each eighty (80) lineal inches of bleacher seating
Swimming Pools, Public/Commercial	One (1) space for each fifty (50) sq. ft. of surface water area
Amusement or Video Arcade	One (1) space for each one hundred (100) sq. ft. of net floor area
Billiard Parlors	Three (3) spaces for each table
Dance Halls, Skating Rinks	One (1) space for each one hundred (100) sq. ft. of net floor area
Amusement Park	One (1) space for each 1,500 sq. ft. of gross lot area
Health Clubs, Private Clubs	One (1) space for each one hundred (100) sq. ft. of net floor area
Funeral Homes	One (1) space for each fifty (50) sq. ft. of floor area in the parlors plus one (1) space for each three hundred (300) sq. ft. of remaining gross floor area

USE	PARKING SPACES REQUIRED
Indoor Places of Assembly (Without Fixed Seats)	One (1) space for each seventy-five (75) sq. ft. of net floor area used for assembly
Indoor Places of Assembly (With Fixed Seats)	One (1) space for each three (3) seats
Outdoor Places of Assembly (Without Fixed Seats)	One (1) space for each 1,500 sq. ft. of gross lot area
Outdoor Places of Assembly (With Fixed Seats)	One (1) space for each three (3) seats or eighty (80) lineal inches of bleacher seating
Service Stations/Vehicle Repair Garages	Four (4) spaces for each bay plus one (1) space for each employee on peak shift plus one (1) space for each business vehicle
Repair Shops	One (1) space for each three hundred fifty (350) sq. ft. of gross floor area
Manufacturing	One (1) space for each 1,500 sq. ft. of gross floor area, or one (1) space for each employee on the peak working shift, whichever is greater
Warehousing, Truck Terminals, Wholesaling	One (1) space for each two (2) employees on peak working shift, or one (1) space for each 2,000 sq. ft. of gross floor area, whichever is greater
Mini-Warehouse Self-Storage Facility	One (1) space for each employee plus one (1) space for each three hundred (300) sq. ft. devoted to office
Flex Space	Each portion of the floor area used for office, manufacturing and/or warehousing shall meet the minimum requirements of this Section for that specific use
All Other Uses	One (1) space for each three (3) occupants at maximum permitted occupancy under the Township Fire Code, or one (1) space for each three hundred (300) sq. ft. of gross floor area, whichever is greater

## **SECTION 1503      OFF-STREET LOADING**

In all Zoning Districts, whenever a new use is established or an existing use is structurally altered, converted or enlarged, off-street loading spaces shall be provided in accordance with the requirements of this Section.

### **1503.1      Off-Street Loading Design**

#### **a.      Size**

Each loading berth shall be at least sixty (60) feet in length and fourteen (14) feet in width with an overhead clearance of fifteen (15) feet. The area used for loading berths shall not be used to satisfy parking area requirements and shall not block any driveway used for circulation through the site.

#### **b.      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 from obstruction.

#### **c.      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 the minimum required front yard setback. Loading berths shall be located at least twenty-five (25) feet from the nearest point of intersection of any two (2) streets.

#### **d.      Screening**

Loading berths shall be screened by a minimum eight (8) foot high wall or opaque fence on all sides that face residential use or an "R" Residential Zoning District classification in addition to the Buffer Area required by §1402.2.

#### **e.      Surfacing**

All loading berths shall have a paved, concrete or bituminous surface, with adequate thickness to support the weight of a fully loaded vehicle and graded with positive drainage to dispose of surface water.

#### **f.      Lighting**

Any lighting used to illuminate loading berths shall be designed to reflect away from any adjoining residential use or zoning classification and away from any street or highway. There shall be no spillover lighting at any property line.

**1503.2      Off-Street Loading Requirements**

In all Zoning Districts, every use that requires the receipt or distribution, by tractor-trailer, of material or merchandise, shall provide off-street loading berths in accordance with the following requirements:

<b><u>Gross Floor Area</u></b>	<b><u>Number of Berths Required</u></b>
Under 5,000 sq. ft.	None
5,000 to 49,999 sq. ft.	1 berth
50,000 to 99,999 sq. ft.	2 berths
100,000 to 160,000 sq. ft.	3 berths
For each additional 80,000 sq. ft.	1 additional berth

**1503.3**

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 on or block access to a public right-of-way.

## ARTICLE XVI

### SIGNS

#### SECTION 1600 APPLICABILITY

The regulations contained in this Article shall apply to all signs in all Zoning Districts.

#### SECTION 1601 TYPES AND CLASSES

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.

##### 1601.1 Classes of Signs

Signs are classified in accordance with the following general classes:

##### a. Freestanding Sign

A sign supported on a foundation or by one (1) or more uprights, poles or braces permanently affixed to the ground and not attached to any building or other structure, including:

##### 1. Pole Sign

A freestanding sign that is supported by one (1) or more poles, uprights, braces or pylons and that has a minimum clearance between the bottom edge of the sign and the adjacent ground level, as specified by this Ordinance.

##### 2. Ground Sign

A freestanding sign that is affixed to the ground by means of a permanent foundation and that provides a maximum clearance of eighteen (18) inches between the bottom edge of the sign and the adjacent ground level or, in the case of an elevated foundation, from the top of the foundation.

##### 3. Monument Sign

A sign supported on two (2) posts or uprights located at the entrance to a shopping center that identifies the name of the shopping center and that may include the names of one (1) or more of the businesses in the shopping center.

##### b. Wall Sign

A sign painted on or attached to and erected parallel to the face of an outside wall of a building projecting outward from the wall of the building no more than eighteen (18) inches.

c. **Canopy or Awning Sign**

A sign that also functions as a roof-like shelter, either permanent, retractable or removable, made of canvas or other durable material that is affixed to a building or is self-supporting and provides protection from sun, rain, snow and other elements.

d. **Arcade Sign**

A sign suspended beneath a ceiling of an exterior covered walkway, 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 other multi-tenant building.

e. **Bulletin Sign**

A type of manual changeable copy sign constructed to allow letters or symbols to be changed periodically such as those used by churches and schools to announce events.

f. **Roof Sign**

A sign erected and maintained upon or above the roof of any building which projects no more than six (6) feet above the highest point of the roof.

g. **Overhanging Sign**

A sign, other than a wall sign or arcade sign, affixed perpendicular to a building or wall whose leading edge extends beyond such building wall, but not including awnings, canopies or marquees otherwise authorized by this Ordinance.

h. **Billboard**

An off-premises sign that advertises an establishment, activity, person, product or service that is unrelated to or unavailable on the premises where the billboard is located.

i. **Changeable Copy Sign**

A sign that is designed so that characters, letters or illustrations can be manually or electronically changed or rearranged without altering the face or surface of the sign.

j. **Portable Sign**

A sign that is not permanently affixed to a building, a structure or the ground and which is designed to be moved from place to place, including but not limited to, signs attached to wood or metal frames designed to be self-supporting and movable; sandwich board signs; and trailer mounted signs.

**k. Decorative Flags**

A series of flags with a common design theme erected on poles within or adjacent to a public or private street right-of-way containing only the names and/or logos of businesses located along the right-of-way or businesses that sponsor the flags to support a chamber of commerce or public or non-profit community organization.

**l. Attention-Getting Device**

A pennant, flag (other than decorative), valance, banner, propeller, spinner, streamer, search light, balloon or other inflatable device, or similar object or representation of a product, vehicle, equipment or other advertising image or any ornamentation that is designed or used for the purpose of promoting, advertising or attracting attention.

**l.m. Indirectly Illuminated**

A sign that 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.

**m.n. Internally Illuminated**

A sign that 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.

**1601.2 Types of Signs**

Signs are categorized by use, function or purpose into the following types:

**a. Agricultural Sales Sign**

A temporary sign announcing the seasonal sale of agricultural products raised and sold on a farm, as defined herein.

**b. Residential Identification Sign**

A sign containing only the name and address of the occupant of the premises.

**c. Home Occupation Identification Sign**

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.

**d. Residential Plan Identification Sign**

A permanent wall or freestanding ground sign containing only the name and address of a plan of subdivision or a multifamily building or development.

e. **Real Estate Sign**

A temporary sign advertising the sale or rental of premises. The sign may also bear the words "sold", "sale pending" or "rented".

f. **Development Sign**

A temporary sign erected during the period of construction and/or development of a property by the contractor and developer or their agent.

g. **Contractor Sign**

A temporary sign announcing the name of contractors, mechanics or artisans engaged in performing work on the premises.

h. **Public Sign**

A sign of a non-commercial nature and in the public interest, erected by, or on the order of, a public officer in the performance of any public duty, such as official signs and notices of any public or governmental agency, or erected by or on the order of a court or public officer, including official traffic signs, public notices, government flags and other signs warning of hazardous or dangerous conditions.

i. **Notification Sign**

Signs bearing legal and/or property notices such as: no trespassing, private property, no turnaround, safety zone, no hunting and similar messages and signs posted by a landowner or governmental agency for traffic control or the safety of the general public.

j. **Business Identification Sign**

A sign that contains the name, address and goods, services, facilities or events available on the premises.

k. **Temporary Special Event Sign**

A banner, flag, pennant, portable sign or similar display constructed of durable material and affixed to the wall of a building or the supporting structure of an approved freestanding pole business identification sign or, if a portable sign, adequately affixed to the ground or some permanent structure, erected for a period not exceeding thirty (30) days whose sole purpose is to advertise a special event or promotion.

l. **Temporary Off-Premises Directional Sign**

A temporary sign located on property other than where a business or event is located to direct traffic to the site of the business or event, including, but not limited to, real estate open houses, garage sales, estate sales, weddings, showers, picnics, concerts, special promotions and similar events.

**m. Window Sign**

A sign or group of signs affixed to the inside of a display window in a commercial establishment that advertises a product or service available on the premises or that announces or promotes a special sale or special event.

**SECTION 1602 GENERAL REGULATIONS**

The following regulations shall apply to signs in all Zoning Districts:

**1602.1 Restricted Signs**

The following signs shall not be permitted in any Zoning District:

- a. Attention-Getting Devices;
- b. Signs on trees, utility poles or official traffic control devices or signs within the public street right-of-way;
- c. Signs that imitate traffic control devices;
- d. Signs painted on walls or chimneys of a building or on fences or freestanding walls;
- e. Roof Signs, as defined herein;
- f. Signs on or affixed to vehicles and/or trailers that are parked on a public right-of-way, or on any public property or private property other than the site of the business it advertises, except for maintenance, repair, loading, unloading or rendering a service at any location, where the apparent purpose is to advertise a product or direct people to a business or activity located on nearby property, but not including Temporary Construction Trailers authorized by this Ordinance.

**1602.2 Exempt Signs**

The following signs are exempt from these regulations and the requirement to obtain a permit:

- a. Holiday decorations displayed for recognized Federal or State holidays, provided they do not interfere with traffic safety or do not, in any other way, become a public safety hazard;
- b. Memorial/ Historical Plaques, as defined herein;
- c. Public Signs, as defined herein.

### **1602.3 Surface Area of Sign**

The surface area of a sign shall be measured as described below. For two-sided signs, only one (1) sign face is counted in computing the surface area; however, the fee will be based on the sum of both sides of the sign surface area.

- a. In the case of an advertising panel, the surface area of the signs shall be the total area enclosed by one (1) continuous line connecting the extreme points or edges of the advertising panel containing letters;
- b. In the case of freestanding letters mounted on a wall or other surface, the surface area of the sign shall be the area of the smallest triangle, rectangle or circle that wholly encloses all of the letters including the space between the letters.
- c. In the case of freestanding ground or pole signs, the area shall not include the main supporting structure, any logos, ornamental attachments or the framework around or connections between advertising panels;
- d. In the case of letters that are painted on or affixed to an awning, canopy or marquee, the surface area of the sign shall be the area of the geometric shape formed by outlining the height and width of all the letters, including free space between the letters.

### **1602.4 Lots With Multiple Street Frontage**

In all Zoning Districts, lots fronting on more than one (1) street shall be permitted to have one (1) of each type of sign that is authorized for the lot only on the street address frontage.

In Commercial and Industrial Districts, lots fronting on more than one (1) street shall be permitted to have one (1) of each type of sign authorized for the lot at the entrance to the lot on each street frontage provided the entrances are not visible from one another.

### **1602.5 Temporary Signs**

In all Zoning Districts where authorized by Section 1603, real estate, temporary off-premises, contractor and development signs shall be considered temporary signs that shall be removed within thirty (30) days of the completion of sales or construction.

### **1602.6 Notification Signs**

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 outside the public street right-of-way on private property by property owners such as "no trespassing", "no hunting" and the like shall be limited to a surface area not exceeding two (2) square feet.

**1602.7      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 and authorized off-premises directional signs, shall hang over or be erected within the right-of-way of any street. No sign shall be located within the clear sight triangle defined by §1403.4 of this Ordinance.

**1602.8      Illumination**

Illumination, when authorized by this Ordinance, shall be directed upon the sign face and not towards adjoining properties or streets. Flashing or oscillating signs shall not be permitted. Lighting shall be stationary and constant in intensity and color at all times, except that electronic changeable copy signs, where authorized, may have a changing message, provided each message is stationary for at least three (3) seconds. The intensity of any source of illumination of any sign, whether indirect or internal, shall be controlled so as to not exceed a maximum of 0.2 footcandle at the property line.

**1602.9      Design, Construction, Maintenance and Inspection**

All signs shall be designed to be compatible with the architecture of the principal use to which they are accessory. All signs shall be constructed of a durable material and shall be maintained in good condition. All freestanding signs shall be designed to withstand a sustained one hundred (100) MPH wind load. Any sign found to be in an unsafe condition upon inspection shall be declared to be a public nuisance, and the Zoning Officer shall give notice to the owner in writing, in accordance with §1901.2 of this Ordinance, to repair or remove the sign within ten (10) days. Upon failure of the owner to comply, the Township shall remove the sign at the owner's expense.

The Township may lien the property for the cost of removing the sign and all legal fees and costs incurred with filing and enforcing the lien.

**1602.10      Removal of Signs**

Whenever any business is discontinued or vacated with no intention to re-open under the same name, all sign advertising panels containing the name of the discontinued or vacated business shall be removed within thirty (30) days of the vacation or discontinuance of the business. Upon failure of the owner to comply, the Township may remove the sign at the owner's expense. The Township may lien the property for the cost of removing the sign and all legal fees and costs incurred with filing and enforcing the lien.

**1602.11      Permits Required**

No permit shall be required for the following types of signs as described in §1601.2 above: Residential Identification, Notification, Real Estate, Contractor and Window Signs. All other signs authorized by this Article shall require a permit in accordance with Section 1906 of this Ordinance.

In reviewing sign permits for a Planned Shopping Center, Planned Office Center or Planned Industrial Park, the Zoning Officer may approve minor modifications to the location and design requirements of this Article based on a master sign plan and individual tenant needs, provided

the cumulative requirements for the Planned Shopping Center, Planned Office Center or Planned Industrial Park meet the intent of these regulations.

**1602.12      Sign Location**

Except for Billboards, Decorative Flags and Temporary Off-Premises Directional Signs, as defined and authorized by this Ordinance, all signs shall be located on the premises which they are intended to serve.

**1602.13      Substitution Clause**

Notwithstanding anything in this Article to the contrary, noncommercial copy may be substituted for commercial copy on any lawful sign structure.

**SECTION 1603      SIGNS AUTHORIZED IN ALL ZONING DISTRICTS**

In addition to the signs authorized by Sections 1604 through 1606 in specific Zoning Districts, the following signs are authorized in all Zoning Districts:

**1603.1      Bulletin Sign**

One (1) Bulletin Sign that is non-illuminated or indirectly or internally illuminated shall be permitted in connection with any church, school, library or similar public or semi-public building. If the Bulletin Sign is a Wall Sign, the surface area shall not exceed twelve (12) square feet. If the Bulletin Sign is a freestanding Ground Sign, the surface area shall not exceed twenty-four (24) square feet.

**1603.2      Real Estate Sign**

One (1) non-illuminated temporary Real Estate Sign shall be permitted on each lot provided the sign shall not exceed six (6) feet in height. The Real Estate Sign shall not exceed twelve (12) square feet in surface area when located in any Residential Zoning District and shall not exceed thirty-two (32) square feet in any other Zoning District. Such sign shall be removed within thirty (30) days of the sale or rental of the property on which it is located.

**1603.3      Development Sign**

One (1) non-illuminated temporary Development Sign shall be permitted on each development site provided the surface area of the sign shall not exceed thirty-two (32) square feet in surface area. If the development is phased, the Development Sign shall be located in the phase that is currently under construction. A second non-illuminated Temporary Development Sign shall be permitted at the entrance to the development, provided the surface area of the sign shall not exceed sixteen (16) square feet. The Development Sign shall not exceed eight (8) feet in height. Such sign shall be removed within thirty (30) days of the sale or rental of the last lot or completion of the proposed construction in the development.

**1603.4      Contractor Sign**

One (1) non-illuminated temporary Contractor Sign announcing the names of contractors, mechanics or artisans engaged in performing work on the premises shall be permitted on a lot,

provided the sign shall not exceed twelve (12) square feet in area or six (6) feet in height and shall be removed within thirty (30) days of the completion of the work.

**1603.5      Temporary Special Event Signs for Public and Non-Profit Organizations**

One (1) non-illuminated Temporary Special Event Sign, as defined by this Ordinance, shall be permitted to be erected on the face of a public building, church or building housing a non-profit organization, provided that the area of the sign shall not exceed forty (40) square feet and provided the sign is displayed for a period no longer than thirty (30) days and is removed within five (5) days following the event that it is erected to promote. Each organization may display a Temporary Special Event Sign a maximum of three (3) times in any twelve (12) month period for a maximum of thirty (30) days each time.

**1603.6      Home Occupation Identification Sign**

One (1) non-illuminated Home Occupation Identification Sign shall be permitted for an approved home occupation, provided that the surface area of the sign does not exceed one (1) square foot and the sign shall contain only the name, address and occupation of the resident and shall not contain any logo or other advertising. The sign shall be wall mounted or affixed to the structure supporting the mailbox.

**1603.7      Temporary Off-Premises Directional Sign**

Temporary off-premises directional signs may be located in the street right-of-way with the permission of the owner of the right-of-way, or located on private property with the permission of the landowner. The maximum surface area of such sign shall be four (4) square feet. Such sign shall not be illuminated and shall be removed within twenty-four (24) hours of the event for which they were erected.

**1603.8      Residential Identification Sign**

One (1) non-illuminated Residential Identification Sign shall be permitted on each lot provided the sign shall not exceed one (1) square foot in surface area and the maximum height of any freestanding sign shall be two (2) feet. The Residential Identification Sign may be affixed to the mailbox or to the wall of the dwelling or may be freestanding in the front yard.

**SECTION 1604      SIGNS AUTHORIZED IN CONSERVATION AND  
RESIDENTIAL ZONING DISTRICTS**

In addition to the signs authorized in all Zoning Districts in Section 1603, the following signs shall be permitted in all Conservation and Residential Districts:

**1604.1      Residential Plan Identification Sign**

One (1) non-illuminated or indirectly illuminated permanent wall or freestanding ground Residential Plan Identification Sign containing only the street address and/or name of a residential subdivision plan or multifamily building or development shall be permitted provided the sign shall not exceed twenty-four (24) square feet in area. A sign identifying the name of a residential subdivision or land development may be affixed to a freestanding decorative wall, rather than to a building wall, provided that the decorative wall meets all applicable ordinance

requirements and does not obstruct visibility for traffic entering or leaving the plan in compliance with the clear sight triangle required by §1403.4. Such signs shall not be located in any public street right-of-way without the permission of the owner of the right-of-way and an agreement for maintenance of the sign by a homeowners' association or similar private organization.

**1604.2      Business Identification Sign for Authorized Conditional Uses, Uses by Special Exception or Legal Nonconforming Uses**

If a business identification sign is not otherwise authorized and regulated by this Ordinance for a legal nonconforming use or a conditional use or use by special exception in an "R" Residential District, such business may have one (1) non-illuminated or indirectly illuminated wall or freestanding ground identification sign, provided the sign shall not exceed twelve (12) square feet in area and the maximum height of a freestanding sign shall not exceed six (6) feet.

**1604.3      Electronic Changeable Copy Signs**

One (1) freestanding electronic changeable copy shall be permitted on a lot in the C-D, R-1, R-2 or R-3 District that contains an active recreation facility, church, fire and emergency medical service, public building or school provided the surface area of the sign shall not exceed thirty-two (32) square feet in the "R" Districts, nor shall the sign exceed sixty-five (65) square feet in the C-D District, and the height of any such sign shall not exceed eight (8) feet. The sign shall be located at least ten (10) feet from any property line or street right-of-way line.

The sign shall be equipped with an automatic "day/night" switch to regulate the intensity of the lighting relative to the ambient light. The electronic changeable copy shall cease operation between 11:00 P.M. and 6:00 A.M.

**1604.4      Agricultural Sales Sign**

In those Districts where agricultural sales are authorized or may exist as a legal nonconforming use, one (1) non-illuminated freestanding agricultural sales sign shall be permitted to announce the agricultural sales, provided the maximum surface area of the sign shall not exceed twenty-four (24) square feet, the height of the sign shall not exceed eight (8) feet, and the sign shall be located no closer than ten (10) feet to any property line or public street right-of-way.

**SECTION 1605      SIGNS AUTHORIZED IN COMMERCIAL AND INDUSTRIAL DISTRICTS**

In addition to the signs authorized in Section 1603 in all Districts, only the following signs shall be permitted in all C-1, C-2, O-C and L-I Districts:

**1605.1      Temporary Special Event Signs for Businesses**

Temporary Special Event Signs, as defined by this Ordinance, shall be permitted provided that:

- a. No more than two (2) signs or banners shall be permitted on any establishment at any one time;
- b. The Temporary Special Event Signs shall be securely attached to the building or to the supporting structure of a freestanding pole business identification sign;

- c. Temporary Special Event Signs may be displayed a maximum of three (3) times in any twelve (12) month period provided each display shall not exceed thirty (30) days;
- d. The aggregate surface area of all Temporary Special Event Signs shall not exceed thirty-five (35) square feet per establishment. In the event that there is more than one (1) establishment on a site, the maximum aggregate surface area of all Temporary Special Event Signs on the site at any one time shall not exceed one hundred (100) square feet;
- e. Portable Signs may be used as Temporary Special Event Signs, provided they are securely anchored, are located outside any public street right-of-way and do not constitute a hazard for pedestrian or vehicular traffic.
- f. Temporary Special Event Signs may be illuminated, but the message shall remain stationary at all times.

#### **1605.2 Changeable Copy Sign**

One (1) non-illuminated or internally illuminated manual or electronic changeable copy sign shall be permitted per lot, regardless of the number of businesses on the lot. The changeable copy sign shall be permanently affixed to the wall of the building or to the supporting structure of an authorized freestanding sign on the lot, or in the case of an automobile service station, on the canopy over the gas pumps. The surface area of the changeable copy sign shall not exceed thirty-two (32) square feet.

#### **1605.3 Business Identification Sign**

##### **a. Wall Signs**

- 1. In the C-1, C-2, O-C and L-I Districts, each business establishment shall be permitted to have a maximum of three (3) wall signs that may be illuminated or non-illuminated. The wall sign shall not be located on the roof nor extend above the height of the building.
- 2. In the C-1 District, the aggregate surface area of all wall signs shall not exceed one (1) square foot for each two (2) lineal feet of width of the front wall of the building or portion of the building occupied by the business, or a maximum of sixty-four (64) square feet, whichever is less.
- 3. In the C-2, O-C and L-I Districts, the aggregate surface area of all wall signs for each business shall not exceed one (1) square foot for each lineal foot of width of the front wall of the building, or portion of the building, occupied by the business, or a maximum of two hundred (200) square feet, whichever is less.
- 4. In the case of a shopping center where buildings are set back from the public street a distance in excess of five hundred (500) feet, the aggregate surface area of all wall signs for a business shall not exceed three hundred (300) square feet.

**b. Ground Signs**

In addition to the wall signs, one (1) freestanding ground sign shall be permitted per lot, regardless of the number of businesses on the lot, provided that:

1. No freestanding pole sign exists or is proposed to be erected on the lot and the lot is not located in a Planned Shopping Center that has a Monument Sign.
2. The maximum surface area of the ground sign shall not exceed thirty-two (32) square feet in the C-1 District and shall not exceed sixty-four (64) square feet in the C-2, O-C and L-I Districts.
3. The height and location of the sign shall be designed so as to not interfere with visibility for vehicular traffic entering or leaving the lot or traveling on any street, and in no case shall the total height exceed eight (8) feet above the adjacent ground level on which it is located. The sign shall comply with the visibility requirements of §1403.4.
4. Ground signs may be non-illuminated, indirectly illuminated or internally illuminated.
5. All freestanding ground signs shall be located at least fifteen (15) feet from any property line, except where property abuts on a public street right-of-way, the ground sign shall be set back at least fifteen (15) feet from the right-of-way or at least twenty (20) feet from the edge of the cartway if the right-of-way is not contiguous with the front lot line.

**c. Pole Signs**

In addition to the authorized wall signs, one (1) freestanding pole sign shall be permitted per lot, regardless of the number of businesses on the lot, provided that:

1. No freestanding ground sign exists or is proposed to be erected on the lot and the lot is not located in a Planned Shopping Center that has a Monument Sign.
2. The pole sign shall be non-illuminated, indirectly illuminated or internally illuminated.
3. The maximum height of the top of the pole sign shall be twenty-five (25) feet above the adjacent street level from which the sign is to be viewed.
4. The minimum height of the bottom edge of the sign shall be fourteen (14) feet if traffic circulates under the sign. The minimum height of the bottom edge of the sign shall be eight (8) feet if traffic does not circulate under the sign.
5. The maximum surface area of the freestanding pole sign shall not exceed forty (40) square feet if there are fewer than three (3) businesses on the lot and shall not exceed sixty-four (64) square feet if there are three (3) or more businesses on the lot. Neither dimension of such sign shall be less than five (5) feet.

6. No portion of any sign shall project over any public street right-of-way nor shall it be located within the clear sight triangle of any street intersection as defined by §1403.4 of this Ordinance.
7. All freestanding pole signs shall be set back a distance equivalent to the height of the sign from every property line, except where property abuts on a public street right-of-way, the sign shall be set back at least fifteen (15) feet from the right-of-way.

**d. Monument Signs**

A maximum of three (3) illuminated or non-illuminated Monument Signs shall be permitted at the main entrance(s) to a Planned Shopping Center or Planned Industrial Park. Out-parcels in a Planned Shopping Center and lots fronting on a public street in a Planned Industrial Park owned in fee simple may have a ground sign or pole sign authorized by subparagraphs "b" and "c" of §1605.3. No other businesses within a Planned Shopping Center or Planned Industrial Park shall be permitted to have a ground sign or pole sign; however each business shall be permitted to have the wall signs authorized by Subparagraph "a" of §1605.3.

The maximum surface area of a Monument Sign shall be four hundred (400) square feet. The maximum height of the Monument Sign shall be thirty-five (35) feet. The Monument Sign shall be located at least ten (10) feet from any property line or street right-of-way line. The Monument Sign shall comply with the visibility requirements of §1403.4.

The base of the sign shall be landscaped with shrubs, perennials and annuals for a minimum distance of three (3) feet from the base of the sign.

**e. Signs on a Retaining Wall**

In the O-C District, one (1) Wall Sign may be erected on a retaining wall within the development site, provided the maximum surface area of the sign shall not exceed five hundred (500) square feet and the maximum letter height shall not exceed eight (8) feet.

**f. Arcade Signs**

In shopping centers or office complexes that have pedestrian access ways covered by a roof, marquee or exterior arcade, one (1) Arcade Sign, as defined herein, shall be permitted for each business in the building, provided that the maximum surface area of each sign shall not exceed eight (8) square feet.

**g. Canopy Signs**

Canopy Signs may be erected at the street level entrance to a building. In the case of multi-tenant buildings, each business with a street level entrance may have a Canopy Sign. Canopy Signs shall not be illuminated. No more than one (1) Canopy Sign shall be permitted for each building. The maximum height of the letters on a Canopy Sign shall be six (6) inches.

**h. Window Signs**

The total area of all Window Signs on display at any one time, including temporary window promotional signs, shall not exceed twenty-five percent (25%) of the total area of the display window in which they are located. A series of windows that are separated by frames less than six (6) inches in width shall be considered as a single window for the purpose of this computation.

**1605.4 Decorative Flags**

In the C-1, C-2, O-C and L-I Districts, decorative flags may be erected on poles within or adjacent to a public or private street right-of-way with the permission of the owner of the right-of-way if the right-of-way is located within the boundaries of a Planned Shopping Center, Planned Office Park, Planned Research and Technology Park or Planned Industrial Park. Decorative flags may also be erected along a public street right-of-way in a commercial or industrial zoning district if the majority of the lots fronting on the right-of-way where the flags are to be displayed contain businesses and the display is sponsored by a public or non-profit community organization.

The maximum area of each flag shall be thirty-two (32) square feet. The bottom edge of the flag shall be at least nine (9) feet above the adjacent ground level under the flag. The flags shall be of uniform design and shall contain no information other than the name and/or logo of a business located within the planned development and the name and/or logo of the public or non-profit community organization sponsoring the display.

**SECTION 1606 BILLBOARDS**

Billboards shall be permitted only as a use by special exception in the C-2, O-C and L-I Districts subject to the requirements of Sections 1301 and 1302, and provided all of the following requirements are met:

**1606.1 Location**

Billboards shall be authorized only within four hundred (400) feet of the centerline of a limited access Federal highway as a use by special exception on property in any Zoning District, provided all of the following requirements are met:

- a.** Billboards shall not be erected within five hundred (500) feet of the boundary line of any "R" Residential District or within five hundred (500) feet of any public or private school, church or cemetery, said five hundred (500) feet being measured along the radius of a circle from the centermost point of the Billboard structure extending in all directions.
- b.** Billboards shall not be erected within five hundred (500) feet of an interchange or safety rest area measured along the interstate or limited access highway from the beginning or ending of the pavement widening at the exit from or entrance to the main-traveled way.
- c.** Billboards shall maintain a lateral minimum spacing between any existing or proposed Billboard structure of one thousand (1,000) feet. Required spacing shall be measured along both sides of the same roadway frontage from the centermost point of the Billboard structure along a line extending from the centermost point of the Billboard that is parallel to the centerline of the roadway to which the Billboard is oriented.

- d. No part of the Billboard shall be located closer than fifteen (15) feet to the limited access Federal highway right-of-way.
- e. Except along the limited access Federal highway right-of-way, 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 all parts of each Billboard structure.
- f. 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 non-residential structure, or limit or reduce the light and ventilation requirements.
- g. No Billboard shall be constructed within the clear sight triangle of the public street or road on which it is situated, as defined by §1403.4, of this Ordinance, and shall not in any case obstruct or impede traffic safety.
- h. No Billboard shall be erected over any sidewalk or public right-of-way.
- i. 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.

#### **1606.2      Size and Height**

A Billboard shall have a maximum allowable Gross Surface Area of seven hundred fifty (750) 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 (2) sign faces per Billboard structure which may be placed back to back or in a V-shaped configuration having an interior angle of ninety degrees (90°) or less.
- b. Neither dimension of the Billboard's sign face shall exceed twenty-four (24) feet in total height or forty-eight (48) 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 above the curb of the roadway from which it is intended to be viewed of forty (40) feet.

#### **1606.3      Construction Methods**

Billboards shall be constructed in accordance with applicable provisions of the Uniform Construction Code, as now or hereafter amended, and shall meet all of the following additional requirements:

- a. A Billboard structure shall have a maximum of one (1) vertical support being a maximum of three (3) feet in diameter or width and without additional bracing or vertical supports.

- b. A Billboard sign face shall be independently supported and have vertical supports of metal which are galvanized or constructed of approved corrosive-resistant, non-combustible materials. Structures constructed with galvanized metal shall be painted.
- c. The one (1) vertical support shall be capable of enabling the entire sign face to be able to withstand a minimum one hundred (100) mile per hour wind load. Structural design computations shall be made and certified by a Registered Engineer and shall be submitted to the Township with the application for conditional use.
- d. The base shall be installed using a foundation and footings approved by the Township Engineer for the type of construction proposed.
- e. The entire base of the Billboard structure parallel to the sign face shall be permanently landscaped with suitable shrubbery and/or bushes of minimum height of three (3) feet placed in such manner as to screen the foundation of the structure.
- f. Landscaping shall be maintained by the sign owner in an attractive and healthy manner in accordance with accepted conservation practices.
- g. No bare cuts shall be permitted on a hillside.
- h. All cuts or fills shall be permanently seeded or planted.
- i. A Billboard with display lighting shall be constructed so that it does not glare upon adjoining property and shall not exceed a maximum of 1.0 footcandle upon the adjoining property.
- j. Display lighting shall not operate between 12:00 Midnight and 5:00 A.M. prevailing local time.
- k. All or part of a Billboard may be an electronic changeable copy display utilizing LED technology, rotating panels or similar technology.

**1606.4      Maintenance**

- a. A Billboard structure shall be entirely painted every three (3) years, unless constructed of an approved corrosive-resistant material.
- b. Every ten (10) years, the owner of the Billboard shall have a structural inspection made of the Billboard by a qualified Pennsylvania Registered Engineer and shall provide to the Township, a written report and certification from that Engineer certifying that the Billboard is structurally sound.
- c. Annual visual inspections of the Billboard may be conducted by the Township to determine continuing compliance with this Ordinance. Upon such inspection the owner shall pay an annual inspection fee, as established from time to time, by Resolution of the Board of Supervisors.
- d. Billboards found to be in violation of this Ordinance shall be brought into compliance or removed within thirty (30) days upon proper notification by the Township issued in accordance with §1901.2 of this Ordinance.

- 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 paper and other waste materials shall be removed from the site and disposed of properly whenever any sign face is changed.

**1606.5      Liability Insurance**

The applicant for a Sign Permit to erect a Billboard shall provide a Certificate of Insurance for public liability and property damage that holds the Township harmless in an amount no less than \$500,000 or as may be 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 canceled or reduced without first giving ten (10) days notice to the Township.

**1606.6      Permits**

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 United States Federal Aviation Administration (FAA), when applicable.

Approval of the use by special exception shall be valid for six (6) months from the date of action by the Zoning Hearing Board granting the use by special exception. If the applicant fails to obtain a Sign Permit for the approved Billboard within the six (6) month period, approval of the use by special exception shall expire automatically, without written notice to the applicant.

The issuance of a Sign Permit for a Billboard that has been granted approval of a use by special exception shall be conditioned upon the approval of the Pennsylvania Department of Transportation (Penn DOT) for Billboards along State Highways. If the applicant fails to submit evidence of the required approval by Penn DOT within thirty (30) days of the issuance of the conditional Sign Permit, the Sign Permit shall be revoked by the Township Zoning Officer who shall provide written notice to the applicant.

The applicant may reapply for the required Sign Permit, upon submission of evidence of Penn DOT approval, without payment of any additional Sign Permit Fee, provided the application is filed within the six (6) month period during which the use by special exception approval is valid.

**1606.7      Application Fees**

Said 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.

**1606.8      Nonconforming Billboards**

Any Billboard that does not conform to the requirements of this Section shall not be enlarged or moved unless the Billboard complies with all provisions of this Section. Any Billboard that is damaged or destroyed by more than fifty-one percent (51%) of its replacement value at the time of damage or destruction shall be reconstructed only in compliance with all provisions of this Section 1606.

## ARTICLE XVII

### NONCONFORMING USES, STRUCTURES AND LOTS

#### SECTION 1700      **APPLICABILITY**

This Article shall apply to all nonconforming uses, structures and lots, as defined by this Ordinance. 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 Ordinance or any amendment thereto.

#### SECTION 1701      **NONCONFORMING USES**

These regulations shall apply to any use of a structure or lot in any Zoning District that is a nonconforming use as defined by this Ordinance. Whenever the boundaries of a Zoning District shall be changed so as to transfer an area from one Zoning District to another Zoning District of a different classification, these regulations shall apply to any uses which thereby become nonconforming.

##### **1701.1      Continuation and Sale**

The nonconforming use of a structure or lot may be continued and may be sold or otherwise transferred to other owners for the continuation of the same use as long as it remains otherwise lawful in accordance with the provisions of this Article.

##### **1701.2      Enlargement or Expansion**

Single family dwellings that are nonconforming uses in any nonresidential zoning district classification may be enlarged or expanded to occupy a greater area of the lot or to increase the height of the dwelling, provided all applicable area and bulk regulations of the Zoning District in which the property is located are met.

No other nonconforming use of a lot or nonconforming use of a structure shall be enlarged or increased or extended to occupy a greater area of the lot or structure than was occupied at the effective date of adoption or amendment of this Ordinance, unless the Zoning Hearing Board, after public hearing, shall interpret that the enlargement or extension is necessitated by the natural expansion and growth 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.

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 Ordinance.

Any nonconforming use may be extended throughout any part of a structure that was designed for such use at the time the use became nonconforming; however, a nonconforming use shall not be extended to occupy any structure, lot or portion of a lot that was not owned by the owner of the nonconforming use at the time the use became nonconforming.

### **1701.3 Change of Use**

- a. A nonconforming use shall not be changed to any use other than a conforming use, except as permitted as a use by special exception by the Zoning Hearing Board in accordance with the following standards:
  1. The new use will more closely correspond to the uses authorized in the District as permitted uses, conditional uses or uses by special exception.
  2. The new use will be in keeping with the character of the neighborhood in which it is located and will have an equal or lesser impact on the neighborhood than the existing nonconforming use.
  3. Any change from one nonconforming use to another shall comply with the parking requirements of Article XV for the new use and shall be subject to the area, bulk and buffer area regulations for such use in the Zoning District where such use is authorized as a permitted use, conditional use or use by special exception.
- b. When a nonconforming use is changed to a conforming use, the use thereafter shall not be changed to a nonconforming use.
- c. Where a nonconforming use exists on a lot, a conforming use shall not be established on the same lot unless the nonconforming use is discontinued.

### **1701.4 Abandonment**

When a nonconforming use of a structure and/or lot is discontinued or abandoned for twelve (12) consecutive months, 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.

### **1701.5 Damage or Destruction**

Residential dwellings that are nonconforming uses in the C-1, C-2, O-C or L-I District may be rebuilt on the existing foundation in the event of damage or destruction, provided the reconstruction is started within eighteen (18) months of the date of destruction.

In the case of nonconforming uses, other than dwellings, when damage or destruction of a structure in which the nonconforming use is conducted involves fifty percent (50%) or less of the gross floor area of the structure, repairs or reconstruction may be undertaken, provided that such restoration is started within eighteen (18) months of the date of destruction. No enlargement or expansion of the nonconforming structure shall be undertaken unless the provisions of §1701.2 are met.

In the case of nonconforming uses other than dwellings, when the structure in which the nonconforming use is conducted is damaged or destroyed by fire or other means to an extent of more than fifty percent (50%) of its gross floor area, the structure shall be reconstructed only to house a conforming use.

## **SECTION 1702        NONCONFORMING STRUCTURES**

These regulations shall apply to all nonconforming structures, as defined by this Ordinance, in all Zoning Districts.

### **1702.1        Enlargement or Structural Alteration**

A nonconforming structure may be enlarged or structurally altered, provided the enlargement or alteration does not encroach any further into a required yard setback than the existing nonconforming structure does and, further provided that no new nonconformities are created. All other alterations or enlargements shall require review by the Zoning Hearing Board and, after public hearing, the Zoning Hearing Board may determine undue hardship and may authorize a variance for the reasonable modification of such structure.

### **1702.2        Damage or Destruction**

Any nonconforming structure that 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 eighteen (18) months of the date that the original structure was damaged or destroyed. No enlargement or expansion of the nonconforming structure shall be undertaken unless the provisions of §1702.1 are met.

### **1702.3        Moving**

Should a nonconforming 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.

### **1702.4        Signs**

Nonconforming signs may be repaired or reconstructed, provided that no structural alterations are made that increase the gross surface area of the sign; however, nonconforming signs that are damaged or destroyed to an extent of more than fifty-one percent (51%) of their replacement cost at the time of destruction shall not be reconstructed except in conformity with the provisions of this Ordinance. Replacement cost shall be determined by the Township Engineer upon request by the Township. The Engineer shall inspect the sign and submit a report to the Zoning Officer within five (5) working days of the Township's request. The cost of the services of the Township Engineer shall be borne by the applicant. Said cost shall not exceed the amount established from time to time by Resolution of the Board of Supervisors.

Nonconforming signs shall not be enlarged, added to or replaced by another nonconforming sign, use or structure, except that the interchange of advertising panels shall be permitted, subject to obtaining the sign permit required by Section 1906.

### **1702.5        Nonconforming Billboards**

Nonconforming billboards are regulated by §1606.9 of this Ordinance.

**1702.6      Repair or Maintenance**

Nothing in this Ordinance 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, provided all other requirements of this Section are met.

**SECTION 1703      NONCONFORMING LOTS**

The following regulations shall apply to nonconforming lots, as defined by this Ordinance.

**1703.1      Lot Area or Lot Width**

Any lot of record existing at the effective date of this Ordinance 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 Ordinance; 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.

**1703.2      Front Yard Setback**

Where structures exist on adjacent nonconforming lots of record that have front yards less than the minimum depth required, the minimum front yard for an adjacent nonconforming lot of record shall be the average depth of the nonconforming front yards on the adjacent nonconforming lots in the same block on the same side of the street.

**SECTION 1704      REGISTRATION OF NONCONFORMITY**

The owner of a nonconforming use shall make an application for registration of the nonconforming use and upon presentation of documentation acceptable to the Zoning Officer that the use was lawfully in existence prior to the effective date of this Ordinance or any amendment that created the nonconformity, the Zoning Officer shall register the same on a map and by the Allegheny County Office of Property Assessments Tax Parcel Number as a legal nonconforming use.

In the course of administering this Ordinance and reviewing applications for zoning certificates, Certificates of Occupancy or variances, the Zoning Officer shall register all nonconforming structures and nonconforming lots as they become known through the application process.

## ARTICLE XVIII

### ZONING HEARING BOARD

#### SECTION 1800 MEMBERSHIP

The membership of the Zoning Hearing Board shall consist of five (5) residents of the Township appointed by Resolution of the Board of Supervisors. Their terms of office shall be five (5) years and shall be so fixed that the term of office of one (1) member shall expire each year. The Zoning Hearing Board shall promptly notify the Board of Supervisors when vacancies occur. Appointments to fill vacancies shall be only for the unexpired portion of the term. Members of the Zoning Hearing Board shall hold no other elected or appointed office in the Township, nor shall any member be an employee of the Township.

#### SECTION 1801 ALTERNATE MEMBERS

##### 1801.1 Appointment of Alternate Members

The Board of Supervisors may appoint by Resolution at least one (1), but no more than three (3), residents of the Township to serve as alternate members of the Zoning Hearing Board. The term of office of an alternate member shall be three (3) years. When seated pursuant to the provisions of §1801.2, an alternate shall be entitled to participate in all proceedings and discussions of the Zoning Hearing Board to the same and full extent as provided by law for Zoning Hearing 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 Ordinance and as otherwise provided by law. Alternates shall hold no other elected or appointed office in the Township, including service as a member of the Planning Commission or as Zoning Officer, nor shall any alternate be an employee of the Township. Any alternate may participate in any proceeding or discussion of the Zoning Hearing Board but shall not be entitled to vote as a member of the Zoning Hearing Board unless designated as a voting alternate member pursuant to §1801.2 of this Ordinance.

##### 1801.2 Participation by Alternate Members

The Chairman of the Zoning Hearing Board may designate alternate members of the Board to replace any absent or disqualified members and if, by reason of absence or disqualification of a member, a quorum is not reached, the Chairman of the Zoning Hearing Board shall designate as many alternate members of the Zoning Hearing Board to sit on the Zoning Hearing Board as may be needed to reach a quorum. Any alternate member of the Zoning Hearing Board shall continue to serve on the Zoning Hearing Board in all proceedings involving the matter or case for which the alternate was initially appointed until the Zoning Hearing Board has made a final determination of the matter or case. Designation of an alternate pursuant to this Subsection shall be made on a case by case basis in rotation according to declining seniority among all alternates.

## **SECTION 1802          REMOVAL OF MEMBERS**

Any Zoning Hearing Board member may be removed for malfeasance, misfeasance or nonfeasance in the office or for other just cause by a majority vote of the Board of Supervisors taken after the member has received fifteen (15) days advance notice of the intent to take such vote. A hearing shall be held in connection with the vote if the member shall request it in writing.

## **SECTION 1803          ORGANIZATION OF THE ZONING HEARING BOARD**

### **1803.1          Officers**

The Zoning Hearing Board shall elect from its own membership its officers, who shall serve annual terms as such and may succeed themselves.

### **1803.2          Quorum**

For the conduct of any hearing and the taking of any action, a quorum shall be not less than a majority of all members of the Zoning Hearing Board except when member(s) of the Zoning Hearing Board are disqualified to act in a particular matter, alternate members shall be appointed to provide a quorum.

### **1803.3          Hearing Officer**

The Zoning Hearing Board may appoint any member or an independent attorney as a Hearing Officer to conduct any hearing on its behalf, and the parties may waive further action by the Zoning Hearing Board and accept the findings or decision of the Hearing Officer as final.

### **1803.4          Procedures**

The Zoning Hearing Board may make, alter and rescind rules and forms for its procedure, consistent with Ordinances of the Township and laws of the Commonwealth of Pennsylvania.

### **1803.5          Files and Annual Report**

The Zoning Hearing Board shall keep full public records of its business, and shall submit a report of its activities to the Board of Supervisors once a year.

## **SECTION 1804          JURISDICTION OF THE ZONING HEARING BOARD**

The Zoning Hearing Board shall have exclusive jurisdiction to hear and render final adjudication in the following matters:

### **1804.1**

Substantive challenges to the validity of any land use ordinance, except curative amendments brought before the Board of Supervisors.

#### **1804.2**

Appeals from the determination of the Zoning Officer, including, but not limited to, the granting or denial of any permit, or failure to act on the application therefore, the issuance of any cease and desist order or the registration or refusal to register any nonconforming use, structure or lot.

#### **1804.3**

Appeals from a determination by the Township Engineer or the Zoning Officer with reference to the administration of any flood plain or flood hazard ordinance or such provisions within a land use ordinance.

#### **1804.4**

Applications for variances from the terms of this Ordinance and flood hazard ordinance or such provisions within a land use ordinance pursuant to Section 1805.

#### **1804.5**

Applications for uses by special exception under this Ordinance or flood plain or flood hazard ordinance or such provisions within a land use ordinance, pursuant to Article XIII and Section 1806 of this Ordinance.

#### **1804.6**

Appeals from the determination of any officer or agency charged with the administration of any transfers of development rights or performance density provisions of this Ordinance.

#### **1804.7**

Appeals from the Zoning Officer's determination under Section 916.2 of the Pennsylvania Municipalities Planning Code (act 247, as amended).

#### **1804.8**

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 or planned residential development.

### **SECTION 1805      VARIANCES**

The Zoning Hearing Board, upon appeal, shall have the power to authorize variances from the requirements of this Ordinance, and to attach such conditions to the variance as it deems necessary to assure compliance with the purposes of this Ordinance. A variance may be granted if all of the following findings are made where relevant in a given case:

### **1805.1**

That there are unique physical circumstances or conditions, including irregularity, narrowness or shallowness of lot size or shape, or exceptional topographical or other physical conditions peculiar to the particular property and that the unnecessary hardship is due to such conditions and not the circumstances or conditions generally created by the provisions of this Ordinance in the neighborhood or district in which the property is located.

### **1805.2**

That because of such physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of this Ordinance and that the authorization of a variance is therefore necessary to enable the reasonable use of the property.

### **1805.3**

That such unnecessary hardship has not been created by the appellant.

### **1805.4**

That the variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located, nor substantially or permanently impair the appropriate use or development of adjacent property, nor be detrimental to the public welfare.

### **1805.5**

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.

## **SECTION 1806 USES BY SPECIAL EXCEPTION**

The Zoning Hearing Board shall have the power to hear and decide on applications for uses by special exception as authorized by this Ordinance, in harmony with its general purpose and intent, and in accordance with the standards set forth in Article XIII. The Zoning Hearing Board shall approve a use by special exception only if it meets all applicable requirements of this Ordinance and the express standards and criteria set forth in Article XIII. In granting a use by special exception, the Zoning Hearing Board may attach such reasonable safeguards in addition to those expressed in this Ordinance, as it may deem necessary to properly implement this Ordinance and protect the public health, safety and welfare.

## **SECTION 1807 NOTICE AND CONDUCT OF HEARINGS**

### **1807.1 Notice**

Written notice of the hearing shall be given to the public, the applicant, the Zoning Officer, the Board of Supervisors, the Planning Commission and to any person who has made timely request for the same. A notice of the hearing shall be given to other persons at such a time and in such manner as the Board of Supervisors or the Zoning Hearing Board shall designate.

Public notice, as defined herein, shall be given for the hearing. In addition, written notice of said hearing shall be conspicuously posted on the affected tract of land at least one (1) week prior to the public hearing.

In addition, at least fourteen (14) days prior to the hearing, written notices shall be sent by first class mail to the addresses to which real estate tax bills are sent for all real property located within three hundred (300) feet of the property line boundaries of the property for which the appeal is filed including properties across any street right-of-way. The names and addresses shall be provided by the appellant.

## **1807.2      Conduct of Hearing**

The Zoning Hearing Board shall conduct hearings in accordance with the following requirements:

- a.** The first hearing shall be commenced within sixty (60) days from the date of receipt of the applicant's application, unless the applicant has agreed in writing to an extension of time.
- b.** Each subsequent hearing before the Board or hearing officer shall be held within forty-five (45) days of the prior hearing, unless otherwise agreed to by the applicant in writing or on the record. An applicant shall complete the presentation of his case-in-chief within one hundred (100) days of the first hearing. Upon the request of the applicant, the Board or hearing officer shall assure that the applicant receives at least seven (7) hours of hearings within the one hundred (100) days, including the first hearing. Persons opposed to the application shall complete the presentation of their opposition to the application within one hundred (100) days of the first hearing held after the completion of the applicant's case-in-chief. And the applicant may, upon request, be granted additional hearings to complete his case-in-chief provided the persons opposed to the application are granted an equal number of additional hearings. Persons opposed to the application may, upon the written consent or consent on the record by the applicant and the Township, be granted additional hearings to complete their opposition to the application provided the applicant is granted an equal number of additional hearings for rebuttal.
- c.** The hearings shall be conducted by the Zoning Hearing Board or the Zoning Hearing Board may appoint any member as a hearing officer. The decision, or, where no decision is called for, the findings, shall be made by the Zoning Hearing Board; however, the appellant or the applicant, as the case may be, in addition to the Township, may, prior to the decision of the hearing, waive decision or findings by the Zoning Hearing Board and accept the decision or findings of the hearing officer as final.
- d.** The parties to the hearing shall be the Township, any person affected by the application who has made timely appearance of record before the Zoning Hearing Board, and any other person including civic or community organizations permitted to appear by the Zoning Hearing Board. The Zoning Hearing Board shall have power to require that all persons who wish to be considered parties enter appearances in writing on forms provided by the Zoning Hearing Board for that purpose.

- e. The chairman or acting chairman of the Zoning Hearing Board or the hearing officer presiding shall have power to administer oaths and issue subpoenas to compel the attendance of witnesses and the production of relevant documents and papers, including witnesses and documents requested by the parties.
- f. The parties shall have the right to be represented by counsel and shall be afforded the opportunity to respond and present evidence and argument and cross-examine adverse witnesses on all relevant issues.
- g. Formal rules of evidence shall not apply, but irrelevant, immaterial or unduly repetitious evidence may be excluded.
- h. The Zoning Hearing Board or the hearing officer, as the case may be, shall keep a stenographic record of the proceedings. Fees for the stenographer and transcript are governed by §1810.2 of this Ordinance.
- i. The Zoning Hearing Board or the hearing officer shall not communicate, directly or indirectly, with any party or his representatives in connection with any issue involved except upon notice and opportunity for all parties to participate, shall not take notice of any communication, reports, staff memoranda or other materials, except advice from their solicitor, unless the parties are afforded an opportunity to contest the material so noticed and shall not inspect the site or its surroundings after the commencement of hearings with any party or his representative unless all parties are given an opportunity to be present.
- j. The Zoning Hearing Board or the hearing officer, as the case may be, shall render a written decision or, when no decision is called for, make written findings on the application within forty-five (45) days after the last hearing before the Zoning Hearing Board or hearing officer. Where the application is contested or denied, each decision shall be accompanied by findings of fact and conclusions based thereon together with the reasons therefore. Conclusions based on any provisions of any ordinance, rule or regulation shall contain a reference to the provision relied on and the reasons why the conclusion is deemed appropriate in the light of the facts found. If the hearing is conducted by a hearing officer, and there has been no stipulation that his decision or findings are final, the Zoning Hearing Board shall make his report and recommendations available to the parties within forty-five (45) days and the parties shall be entitled to make written representations thereon to the Zoning Hearing Board prior to final decision or entry of findings, and the Zoning Hearing Board's decision shall be entered no later than thirty (30) days after the report of the hearing officer.

## **SECTION 1808            FAILURE TO RENDER A DECISION**

Except for challenges filed under MPC §916.1, where the Zoning Hearing Board fails to render a decision within the required forty-five (45) day period or fails to commence, conduct or complete the required hearing as provided in §1807.2(a) and (b), 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 Zoning Hearing Board to meet or render a decision, the Zoning Hearing Board shall give public notice

of the decision within ten (10) days from the last day it could have met to render a decision in the same manner as provided in §1807.1. If the 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.

A copy of the final decision or, where no decision is called for, of the findings shall be delivered to the applicant personally or mailed to him not later than the day following its date. To all other persons who have filed their name and address with the Zoning Hearing Board not later than the last day of the hearing, the Board shall provide by mail or otherwise, brief notice of the decision or findings and a statement of the place at which the full decision or findings may be examined.

## **SECTION 1809      MEDIATION**

Parties to proceedings authorized in this Article may utilize mediation as an aid in completing such proceedings. In proceedings before the Zoning Hearing Board, in no case shall the Zoning Hearing Board initiate mediation or participate as a mediating party. Mediation shall supplement, not replace, those procedures in this Ordinance once they have been formally initiated. Nothing in this Subsection shall be interpreted as expanding or limiting municipal police powers or as modifying any principles of substantive law.

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. The municipality, in 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 Ordinance or in the Pennsylvania Municipalities Planning Code (Act 247, as amended), 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 Ordinance.

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.

## **SECTION 1810        FEES AND EXPENDITURES**

### **1810.1        Fees**

The Board of Supervisors may prescribe reasonable fees with respect to hearings before the Zoning Hearing Board. Fees for said hearings may include compensation for the secretary and members and alternate members of the Zoning Hearing Board, notice and advertising costs and necessary administrative overhead connected with the hearing. The costs, however, shall not include legal expenses of the Zoning Hearing Board, expenses for engineering, architectural or other technical consultants or expert witness costs.

### **1810.2        Stenographer's Appearance Fee and Transcripts**

The appearance fee for a stenographer shall be shared equally by the applicant and the Zoning Hearing Board. The cost of the original transcript shall be paid by the Zoning Hearing Board if the transcript is ordered by the Zoning Hearing Board or hearing officer or shall be paid by the person appealing from the decision of the 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.

### **1810.3        Expenditures**

Members of the Zoning Hearing Board may receive compensation for the performance of their duties as may be fixed by the Board of Supervisors, but in no case shall it exceed the rate of compensation authorized to be paid to the members of the Board of Supervisors. Within the limits of funds appropriated by the Board of Supervisors, the Zoning Hearing Board may employ or contract for secretaries, clerks, legal counsel, consultants and other technical services.

## **SECTION 1811        TIME LIMITATIONS**

No person shall file any proceeding before the Zoning Hearing Board later than thirty (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.

The failure of anyone, other than the landowner, to appeal from an adverse decision on an application for tentative approval of a Planned Residential Development or from an adverse decision by the Zoning Officer on a challenge to the validity of an ordinance or map filed pursuant to Section 916.2 of the Pennsylvania Municipalities Planning Code shall preclude an appeal from a final approval except in the case where the final submission substantially deviates from the approved tentative approval.

All appeals from determinations adverse to the landowner shall be filed by the landowner within thirty (30) days after notice of the determination is issued.

## **SECTION 1812            STAY OF PROCEEDINGS**

Upon filing of any proceeding and during its pendency before the Zoning Hearing Board, all land development pursuant to any challenged ordinance, order or approval of the Zoning Officer or of any agency or body, and all official action thereunder shall be stayed unless the Zoning Officer or any other appropriate agency or body certifies to the Zoning Hearing Board facts indicating that such stay would cause imminent peril 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 Zoning Hearing Board or by the Court having jurisdiction of zoning appeals on petition, after notice to the Zoning Officer or other appropriate agency or body. When an application for development, preliminary or final, has been duly approved and proceedings designed to reverse or limit the approval are filed with the Zoning Hearing Board by persons other than the applicant, the applicant may petition the Court having jurisdiction of the zoning appeals to order such persons to post bond as a condition to continuing the proceedings before the Zoning Hearing Board.

After a petition is presented, the court shall hold a hearing to determine if the filing of the appeal is frivolous. At the hearing, evidence may be presented on the merits of the case. It shall be the burden of the applicant for a bond to prove the appeal is frivolous. After consideration of all evidence presented, if the Court determines that the appeal is frivolous, it shall grant the petition for a bond. The right to petition the Court to order the appellants to post bond may be waived by the appellee, but such waiver may be revoked by him if an appeal is taken from a final decision of the Court.

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. An order denying a petition for bond shall be interlocutory. An order directing the responding party to post a bond shall be interlocutory.

If an appeal is taken by a respondent to the petition for a bond from an order of the Court dismissing a zoning appeal for refusal to post a bond and the Appellate Court sustains the order of the Court below to post a bond, the respondent to the petition for a bond, upon motion of the petitioner and after hearing the Court having jurisdiction of zoning appeals, shall be liable for all reasonable costs, expenses and attorney fees incurred by the petitioner.

## ARTICLE XIX

### ADMINISTRATION AND ENFORCEMENT

#### SECTION 1900 ZONING OFFICER POWERS AND DUTIES

The provisions of this Ordinance shall be administered and enforced by a Zoning Officer who shall be appointed by the Board of Supervisors. The Zoning Officer shall hold no elective office in the Township. The Zoning Officer shall meet the qualifications established by the Township and shall be able to demonstrate, to the satisfaction of the Township, a working knowledge of municipal zoning.

The Zoning Officer shall have all the powers and duties conferred upon him by this Ordinance and the Pennsylvania Municipalities Planning Code. The Zoning Officer's duties shall include the following:

- a. Receive and examine all applications for Zoning Certificates and Certificates of Occupancy;
- b. Notify applicants of any deficiencies in applications and request additional information.
- c. Process applications for Zoning Certificates and Certificates of Occupancy for all permitted uses.
- d. Receive applications for uses by special exception and variances and forward these applications to the Zoning Hearing Board for action prior to considering issuance of Zoning Certificates or Certificates of Occupancy for the proposed use.
- e. Receive applications for conditional uses and forward these applications to the Planning Commission and Board of Supervisors for recommendation and action prior to considering issuance of Zoning Certificates or Certificate of Occupancy for the proposed use.
- f. Issue permits only where there is compliance with the provisions of this Ordinance, with other Township ordinances and the laws of the Commonwealth.
- g. Issue denials of Zoning Certificates or Certificates of Occupancy and refer any appeal of the denial to the Zoning Hearing Board for action thereon.
- h. Conduct inspections and surveys to determine compliance or noncompliance with this Ordinance.
- i. Issue notices of violation in accordance with the requirements of Section 1901.2, below.
- j. With the approval of the Board of Supervisors, or when directed by the Board of Supervisors, institute, in the name of the Township, any appropriate action or proceeding to prevent unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance or use; to restrain, correct or abate such violation so as to prevent the occupancy or use of any building, structure or land; or to prevent any illegal act, conduct, business or use in or about such premises.

- k. Revoke any order or permit issued under a mistake of fact or contrary to the law or the provisions of this Ordinance.
- l. Record and file all applications for zoning certificates and certificates of occupancy with accompanying plans and documents, and maintain those files as a public record.
- m. Maintain the official Zoning District Map for the Township.
- n. Register nonconforming uses, structures and lots in accordance with Section 1504 of this Ordinance.
- o. Submit a monthly written report to the Board of Supervisors of all Zoning Certificates, Certificates of Occupancy, Sign Permits, Temporary Use Permits and all notices of violation and orders issued.
- p. Meet with the Planning Commission no less frequently than quarterly to advise the Commission regarding potential developments and to discuss any problems in administering this Ordinance and/or recommend amendments to this Ordinance.

## **SECTION 1901      ENFORCEMENT**

### **1901.1      Violations**

Failure to comply with any provisions of this Ordinance; failure to secure a Zoning Certificate prior to the erection, construction, extension, structural alteration, addition or occupancy of a building or structure; or failure to secure a Certificate of Occupancy for the use or change of use or occupancy of structures or land, shall be a violation of this Ordinance.

### **1901.2      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 Township intends to take action.
- b. The location of the property in violation.
- c. The specific violation with a description of the requirements that have not been met, citing in each instance the applicable provisions of this Ordinance.
- d. The date before which 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 Zoning Hearing Board within a prescribed period of time in accordance with the procedures set forth in this Ordinance.

- f. That failure to comply with the notice within the time specified, unless extended by appeal to the Zoning Hearing Board, constitutes a violation, with possible sanctions clearly described.

**1901.3      Enforcement Remedies**

Any person, partnership or corporation who or which has violated or permitted the violation of the provisions of this Ordinance shall, upon being found liable therefore in a civil enforcement proceeding commenced by the Township, pay a judgment of not more than five hundred dollars (\$500.00) 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 District Magistrate. 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 District Magistrate, determining that there has been a violation, further determines that there was a good faith basis for the person, partnership or corporation violating this Ordinance 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 fifth (5<sup>th</sup>) day following the date of the determination of a violation by the District Magistrate 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 Ordinance 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.

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.

**1901.4      Causes of Action**

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 any ordinance enacted under the PA MPC or prior enabling laws, the Board of Supervisors or, with the approval of the 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 Township at least thirty (30) days prior to the time the action is begun by serving a copy of the complaint on the Board of Supervisors of the Township. No such action may be maintained until such notice has been given.

**SECTION 1902            COORDINATION WITH OTHER TOWNSHIP REQUIREMENTS AND PERMITS, STATE AND FEDERAL REQUIREMENTS AND PERMITS**

In all cases, any application for a permit of any of the types described in this Ordinance shall be decided not only on the basis of compliance with this Zoning Ordinance, but also on the basis of compliance with all other applicable Township Ordinances and all other applicable rules and regulations of the various Township authorities and agencies that might be concerned, as well as State and Federal requirements and permits.

**SECTION 1903            ZONING CERTIFICATE REQUIRED**

**1903.1            When Required**

- a. No land use may be established or changed; no structure or building may be erected, constructed, reconstructed, structurally altered, razed or removed; and no building or structure may be used or occupied or the use changed until a Zoning Certificate has been obtained from the Zoning Officer.
- b. In the instances where a Building Permit is required and applied for, a Zoning Certificate shall be prerequisite to issuance of the Building Permit. In those instances where no Building Permit is required, an application for a Certificate of Occupancy for a new or changed use of land or structure shall be accompanied by a Zoning Certificate.
- c. In the case of a conditional use or use by special exception, the Zoning Officer shall refer the application to the Planning Commission and Board of Supervisors or to the Zoning Hearing Board, whichever is applicable, for a decision granting approval of the conditional use or use by special exception prerequisite to issuing a Zoning Certificate. Whenever the approval of a conditional use or use by special exception includes conditions attached to the approval, said conditions shall be incorporated into the Zoning Certificate.
- d. In the case of a permitted use, the Zoning Officer shall not issue the Zoning Certificate unless and until all applicable regulations of this Ordinance have been met and, in the case of a use for which land development plan approval is required by the Township Subdivision and Land Development Ordinance, unless and until Final Approval of the Land Development Plan has been granted by the Board of Supervisors. Whenever final approval of a land development plan is subject to conditions, those conditions shall be incorporated into the Zoning Certificate.

**1903.2            Application for Zoning Certificate**

All applications for Zoning Certificates shall be made in writing by the owner or his authorized agent on a form furnished by the Township and shall include a statement of the intended use of the building and a property survey, both prepared in duplicate and drawn to scale; and copies of all required County, State and/or Federal permits as approved by the appropriate agency, and shall include the following information at a minimum:

- a. All applications for a proposed use that does not involve construction, alteration or enlargement of a principal or accessory structure shall include a property survey showing compliance with any applicable requirements for the proposed use such as

signage, parking, buffer areas and the like, as well as a narrative describing the proposed use and demonstrating compliance with all applicable criteria for approval, including, but not limited to, any express standards and criteria for a conditional use or use by special exception.

- b. All applications for a Zoning Certificate for a principal structure where construction is proposed shall be accompanied by two (2) copies of a property survey, drawn to scale, showing: key location map; graphic scale; North arrow; closest intersecting public road; exact dimensions and total acreage of the lot(s) or parcel; zoning of lots and zoning of all abutting properties; exact location and exterior dimensions of the existing and proposed building(s) or other structure(s); exact location and area of all existing and proposed water courses; drainage ways, rights-of-way and easements; exact location of existing and proposed driveways, streets and roads within, adjacent and opposite to the lot(s) or parcel; exact location of existing and proposed off-street parking, loading and pedestrian movement facilities; exact dimensions of front, side and rear yards for all principal and accessory uses; and any other additional data as may be deemed necessary and be requested by the Zoning Officer to determine compliance with this Ordinance.
- c. All applications for construction, alteration or enlargement of an accessory structure shall be accompanied by two (2) copies of a plot plan showing the principal structure, the proposed location of the accessory structure, setbacks for the accessory structure, its relationship to the principal structure and all easements and rights-of-way on the property.
- d. The Zoning Officer may require an applicant to furnish a survey of the property by a Pennsylvania Registered Land Surveyor when complete and accurate information is not readily available from existing records.
- e. The Zoning Officer may require additional data to determine compliance with this Ordinance.

It shall be the duty of the Zoning Officer to review the application to determine if all necessary information has been submitted or request more information of the applicant and officially receive the application for review by the appropriate Township agencies.

All applications for a Zoning Certificate shall be accompanied by a fee, to be based upon the fee schedule of the Township, as provided for in Section 1908 of this Ordinance.

### **1903.3            Zoning Certificate**

Upon approval of the application for a Zoning Certificate, one (1) copy of the approved Zoning Certificate with the approved application attached shall be returned to the applicant. One (1) copy of such Zoning Certificate shall be kept on file in the Township Office.

### **1903.4            Denial of Zoning Certificate**

In the event of a denial, the Zoning Officer shall state in writing the reason(s) for such denial including the citation of the specific section(s) of this or other pertinent ordinances that have not been met.

**1903.5      Inspection**

The Zoning Officer, or his duly appointed representative, may make inspections on the property for which an application for a Zoning Certificate has been submitted, issued or completed.

**1903.6      Failure to Obtain Zoning Certificate**

Failure to obtain a Zoning Certificate shall be a violation of this Ordinance and shall be subject to the enforcement remedies of Section 1901 of this Ordinance.

**SECTION 1904      CERTIFICATE OF OCCUPANCY**

A Certificate of Occupancy indicating compliance with the provisions of this Ordinance shall be required prior to:

- a.      Occupancy of any structure following completion of construction, reconstruction or enlargement of the structure governed by an approved Building Permit.
- b.      Occupancy of any land or structure for which a Building Permit is not required.
- c.      A change in the use of an existing building, structure, water body or land area.
- d.      A change of a nonconforming use, building or structure authorized by the Zoning Hearing Board.

**1904.1      Application for Certificate of Occupancy**

A Certificate of Occupancy shall be required prior to the use and occupancy of any structure, building, water body or land area.

All requests for a Certificate of Occupancy shall be made in writing, on a form furnished by the Township, completed by the owner, or other authorized agent and shall include a statement that the use and/or construction authorized by the approved Zoning Certificate has been completed in compliance with all applicable requirements.

- a.      It shall be the duty of the Zoning Officer to review the application to determine if all necessary information has been submitted, to request more information of the applicant and officially receive the application.
- b.      All applications for a Certificate of Occupancy shall be accompanied by a fee to be based upon the fee schedule of the Township, as provided for in Section 1908 of this Ordinance.

**1904.2      Issuance of Certificate of Occupancy**

Applications for a Certificate of Occupancy shall be reviewed by the Zoning Officer. The Zoning Officer shall either issue findings as a basis for denial or shall approve the application.

Upon approval of the request for a Certificate of Occupancy, one (1) copy of the Certificate of Occupancy shall be given to the applicant, and one (1) copy of the Certificate of Occupancy shall be kept on file in the Township Office.

**1904.3      Denial of Certificate of Occupancy**

In the event of denial, the Zoning Officer shall forward to the applicant, a written statement containing the reason(s) for such denial and shall cite the specific requirements of this Ordinance that have not been met.

**1904.4      Time Limitations**

A Certificate of Occupancy shall remain valid for as long as the structure, building, water body or land area is used in the manner for which the Certificate of Occupancy has been issued.

**1904.5      Temporary Certificate of Occupancy**

A temporary Certificate of Occupancy may be issued by the Zoning Officer for a period not exceeding six (6) months to permit partial occupancy of a building, structure, water body or land area while work is being completed, provided such temporary Certificate of Occupancy may require such conditions and safeguards as may be warranted, including posting of surety, to protect the health and safety of the occupants and the public and guarantee compliance with the provisions of this Ordinance or any conditions attached to the Zoning Certificate.

**1904.6      Failure to Obtain a Certificate of Occupancy**

Failure to obtain a Certificate of Occupancy shall be a violation of this Ordinance and shall be subject to enforcement remedies as provided in Section 1901 of this Ordinance.

**SECTION 1905      TEMPORARY USE PERMITS**

A Temporary Use Permit shall be required prior to the initiation of a permitted temporary use of a structure, land or water body and shall meet the following requirements.

**1905.1      Approvals Required**

- a. Sidewalk sales, carload sales and other special promotions conducted on the site of an existing retail business with the permission of the landowner for a period of not more than seventy-two (72) consecutive hours shall be exempt from obtaining a Temporary Use Permit. Any such activity that exceeds seventy-two (72) consecutive hours in duration shall be subject to approval by the Zoning Officer of a Temporary Use Permit and this Section provided the Zoning Officer determines compliance with all applicable standards of §1303.36 as a condition precedent to issuing the Temporary Use Permit.

- b. Temporary uses such as festivals, fairs or other similar activities sponsored by a governmental, local nonprofit, community or charitable organization and seasonal agricultural activities shall be subject to approval of a Temporary Use Permit provided the Zoning Officer determines compliance with the standards of §1303.36, as a condition precedent to obtaining the Temporary Use Permit under this Section.
- c. Temporary construction trailers, model homes or sales offices shall be subject to approval of a Temporary Use Permit by the Zoning Officer under this Section, provided the Zoning Officer also determines compliance with Section 1407.
- d. All other temporary uses shall be subject to approval of a use by special exception by the Zoning Hearing Board in accordance with the express standards and criteria of §1303.36.

**1905.2      Application for Temporary Use Permit**

All requests for Temporary Use Permits shall be made in writing on a form furnished by the Township and shall include a full description of the type of use for which such permit is being sought and the dates during which this use is proposed to be in existence.

- a. It shall be the duty of the Zoning Officer to review the application for compliance, request more information of the applicant and officially receive the application.
- b. All applications for a Temporary Use Permit shall be accompanied by a fee to be based upon the fee schedule adopted by the Township, as provided for in Section 1908 of this Ordinance.
- c. All applications for a Temporary Use Permit shall include a written statement describing the proposed use and demonstrating compliance with the applicable criteria of §1905.1d.

**1905.3      Issuance of Permit**

Applications for a Temporary Use Permit shall be reviewed by the Zoning Officer. The Zoning Officer shall either issue findings as a basis for denial or shall approve the Temporary Use Permit.

Upon approval of the application for a Temporary Use Permit, one (1) copy of the Permit shall be given to the applicant. The copy of the Permit must be publicly displayed at the site of the temporary use during the existence of the use. One (1) copy of the Permit shall be kept on file in the Township Office.

**1905.4      Denial of Permit**

In the event of denial, the Zoning Officer shall forward to the applicant a written statement containing the reason(s) for such denial and shall cite the specific requirements of this Ordinance that have not been met.

**1905.5      Time Limitations**

Temporary Use Permits are valid for the time period(s) specified in the approval. Annual renewal may be granted subject to the Zoning Officer's determination that there is continuing compliance with §1905.1 and or the conditions attached to the approval by the Zoning Hearing Board.

**1905.6      Inspections**

The Zoning Officer, or his fully appointed representative, may make an inspection of the property on which such temporary use is to be located to determine the suitability of the site for the use. This inspection shall be made prior to issuing a permit, prior to initiation of the use or in the event a renewal of the permit is requested, during the time the use is in existence.

In the event of such inspection, a record shall be made indicating the time and date of inspection; the findings of the Zoning Officer in regard to conformance with this Ordinance and other Township Ordinances; and the opinion of the Zoning Officer in regard to the suitability of the site for this use.

**1905.7      Failure to Obtain a Temporary Use Permit**

Failure to obtain a Temporary Use Permit shall be a violation of this Ordinance and shall be subject to enforcement remedies as provided in Section 1901 of this Ordinance.

**SECTION 1906      SIGN PERMITS**

A Sign Permit shall be required prior to the erection or structural alteration of any sign, either permanent or temporary, except that no sign permit shall be required for real estate signs, residential identification signs, contractor signs, window signs, public signs or notification signs, as defined in §1601.2 of this Ordinance. It shall be unlawful for any person to commence work for the erection or alteration of any sign until a permit has been issued.

**1906.1      Application for Permit**

All requests for Sign Permits shall be made in writing on a form furnished by the Township and shall include a full description of the proposed sign, a description of the lot upon which such proposed sign is to be located and a description of any other existing signs on the same lot.

- a. All applications for a Sign Permit shall be accompanied by two (2) copies of a drawing showing: width of sign; height of sign; gross surface area of sign; total height of sign above adjacent ground level; clearance between bottommost part of sign and ground level; and, for freestanding signs, the distance between the front edge of the sign and adjacent street rights-of-way and the distance between the side or rear edge of the sign and the side or rear property line; the proposed message; construction specifications; the type of foundation, structural integrity and ability to withstand wind loads; the form of illumination proposed, if any; and compliance with the visibility requirements of §1403.4 of this Ordinance.

- b. It shall be the duty of the Zoning Officer to review the application for completeness and compliance, request more information of the applicant and officially receive the application for the sign.
- c. All applications for a Sign Permit shall be accompanied by a fee, to be based upon the fee schedule of the Township as provided for in Section 1908 of this Ordinance.
- d. In the case of new construction of a multi-tenant development site, it shall be the responsibility of the developer to submit an application for a sign package that includes any monument signs, pole signs or ground signs proposed for the site, as well as any on-premises directional signs. Individual businesses shall apply for permits for any wall signs proposed for their buildings and, in the case of outparcels, any freestanding signs proposed.

**1906.2      Issuance of Permit**

Applications for a Sign Permit shall be reviewed by the Zoning Officer. The Zoning Officer shall either issue findings as a basis for denial or shall approve the application.

Upon approval of the Sign Permit, one (1) copy of the permit shall be given to the applicant, and one (1) copy of the permit shall be kept on file in the Township Office.

**1906.3      Denial of Permit**

In the event of denial, the Zoning Officer shall forward to the applicant a written statement containing the reason(s) for such denial and shall cite the specific requirements of this Ordinance that have not been met.

**1906.4      Inspections**

For a Sign Permit, the Zoning Officer, or his fully appointed representative, may make the following inspections on property on which the permanent sign is to be located: prior to installation of the sign; following installation of the sign; occasionally to determine continued maintenance and compliance with this Ordinance; in response to any written complaint; whenever the sign is proposed to be replaced or modified; and upon cessation of the use for which the sign was erected.

**1906.5      Failure to Obtain a Sign Permit**

Failure to obtain a Sign Permit shall be a violation of this Ordinance and shall be subject to enforcement remedies as provided for in Section 1901 of this Ordinance.

**SECTION 1907      PROCEDURE FOR AMENDMENTS**

The Board of Supervisors may introduce and/or consider amendments to this Ordinance and to the Zoning District Map. In addition, the Board of Supervisors may consider amendments to this Ordinance and to the Zoning District Map that are proposed by the Planning Commission or by a petition of landowners of property within the Township.

**1907.1      Petitions**

Petitions for amendments by landowners shall be filed with the Planning Commission at least twenty (20) calendar days prior to the meeting at which the petition is to be heard. In the case of a petition for reclassification of property, the petitioners, upon such filing, shall submit a legal description of the property proposed to be rezoned. All petitions shall include a statement justifying the request and documenting consistency with the Township's Comprehensive Plan and a filing fee, in accordance with the fee schedule fixed by Resolution of the Board of Supervisors. The Planning Commission shall review the proposed amendment and report its findings and recommendations in writing to the Board of Supervisors.

**1907.2      Referral**

Any proposed amendment presented to the Board of Supervisors without written findings and recommendations from the Township Planning Commission and the Allegheny County Department of Economic Development shall be referred to these agencies for review at least thirty (30) days prior to the public hearing of the Board of Supervisors. The Board of Supervisors shall not hold a public hearing upon such amendments until the required reviews are received or the expiration of thirty (30) days from the date of referral, whichever comes first.

**1907.3      Posting of Property**

If the proposed amendment involves a change to the Zoning District Map, notice of the public hearing shall be conspicuously posted by the Township at points deemed sufficient by the Township along the tract to notify potentially interested citizens at least seven (7) days prior to the date of the public hearing.

**1907.4      Mailing of Notices**

In addition to posting the property, if the proposed amendment involves a change to the Zoning District Map, notice of the public hearing shall be mailed by the Township at least thirty (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. This Subsection shall not apply when the rezoning constitutes a comprehensive rezoning.

**1907.5      Public Notice and Public Hearing**

Before acting on a proposed amendment, the Board of Supervisors shall hold a public hearing thereon. Public notice, as defined by this Ordinance, shall be given containing a brief summary of the proposed amendment and reference to the place where copies of the same may be examined.

**1907.6      Readvertisement**

If after any public hearing is held upon a proposed amendment, the amendment is substantially changed or revised to include land not previously affected by the amendment, the Board of Supervisors shall hold another public hearing, pursuant to public notice, before proceeding to vote on the amendment.

**1907.7      Publication, Advertisement and Availability**

Proposed amendments shall not be enacted unless the Board of Supervisors gives notice of the proposed enactment, including the time and place of the meeting at which passage will be considered and a reference to the place in the Township where copies of the proposed amendment may be examined without charge or obtained for a charge not greater than the cost thereof.

The Board of Supervisors shall publish the proposed amendment once in a newspaper of general circulation in the Township not more than sixty (60) nor less than seven (7) days prior to passage. Publication of the proposed amendment shall include either the full text thereof or the title and a brief summary prepared by the Township Solicitor setting forth all the provisions in reasonable detail. If the full text is not included:

- a.      A copy thereof shall be provided to the newspaper at the time public notice is published; and
- b.      An attested copy of the proposed ordinance shall be filed in the County Law Library.

**1907.8      Action**

In the case of proposed adoption of a completely revised Zoning Ordinance, within ninety (90) days of the date when the public hearing on the proposed ordinance is officially closed, the Board of Supervisors shall vote on the proposed ordinance. In the event substantial amendments are made in the proposed ordinance or amendment, the Board of Supervisors shall readvertise in one (1) newspaper of general circulation in the Township a brief summary of the ordinance or amendments at least ten (10) days prior to enactment.

In accordance with PA MPC §303 and §304, action of the Board of Supervisors on a zoning ordinance amendment shall not take place until the recommendations of the Township Planning Commission and Allegheny County Department of Economic Development have been received or the expiration of forty-five (45) days from the date the amendment was forwarded to the agencies for review, whichever comes first.

**1907.9      Filing Amendment with County Planning Agency**

Within thirty (30) days after enactment, a copy of the amendment to this Ordinance shall be forwarded to the Allegheny County Department of Economic Development.

**1907.10     Mediation Option**

The Board of Supervisors may offer the mediation option as an aid in completing proceedings authorized by this Section 1907. The Township and the mediating parties shall meet the stipulations and follow the procedures set forth in Section 1809 of this Ordinance.

## **SECTION 1908        FEES**

The 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 Ordinance. The schedule of fees shall be available to the public from the Zoning Officer or Township Manager.

## **SECTION 1909        LANDOWNER CURATIVE AMENDMENTS**

A curative amendment may be filed by a landowner who desires to challenge, on substantive grounds, the validity of this Ordinance or the Zoning District Map or any provision thereof, that prohibits or restricts the use or development of land in which he has an interest.

### **1909.1        Procedure**

The landowner may submit a curative amendment to the Board of Supervisors with a written request that his challenge and proposed amendment be heard and decided as provided in Section 609.1 of the Pennsylvania Municipalities Planning Code, Act 247, as amended. As with other proposed amendments, the curative amendment shall be referred to the Township Planning Commission and the Allegheny County Department of Economic Development at least thirty (30) days before the hearing is conducted by the Board of Supervisors. Public notice shall be given in accordance with Section 610 and other applicable provisions of the Pennsylvania Municipalities Planning Code. The hearings shall be conducted in accordance with the provisions of Section 908 of the Pennsylvania Municipalities Planning Code and all references in that Section to the Zoning Hearing Board shall be references to the Board of Supervisors; provided, however, that the provisions of Section 908 (1.2) and (9) shall not apply and the provisions of Section 916.1 shall control.

### **1909.2        Evaluation of Merits of Curative Amendment**

If the Board of Supervisors determines that a validity challenge has merit, the Board of Supervisors may accept a landowner's curative amendment, with or without revision, or may adopt an alternative amendment that will cure the alleged defects. The Board of Supervisors shall consider the curative amendments, plans and explanatory material submitted by the landowner and shall also consider:

- a.**     The impact of the proposal upon roads, sewer facilities, water supplies, schools and other public service facilities;
- b.**     If the proposal is for a residential use, the impact of the proposal upon regional housing needs and the effectiveness of the proposal in providing housing units of a type actually available to and affordable by classes of persons otherwise unlawfully excluded by the challenged provisions of this Ordinance or Zoning District Map;
- c.**     The suitability of the site for the intensity of the use proposed by the site's soils, slopes, woodlands, wetlands, flood plains, aquifers, natural resources and other natural features;
- d.**     The impact of the proposed use on the site's soils, slopes, woodlands, wetlands, flood plains, natural resources and natural features, the degree to which these are protected

or destroyed, the tolerance of the resources to development and any adverse environmental impacts; and

- e. The impact of the proposal on the preservation of agriculture and other land uses that are essential to public health and welfare.

### **1909.3      Declaration of Invalidity by Court**

If the Township does not accept a landowner's curative amendment brought in accordance with this Section and a Court subsequently rules the challenge has merit, the Court's decision shall not result in a declaration of invalidity for this entire Ordinance, but only for those provisions that specifically relate to the landowner's curative amendment challenge.

## **SECTION 1910      APPEALS TO COURT**

### **1910.1      Land Use Appeals**

The procedures set forth in this Section shall constitute the exclusive mode for securing review of any decision rendered by the Zoning Hearing Board or Board of Supervisors pursuant to this Ordinance or deemed to have been made under this Ordinance.

### **1910.2      Jurisdiction and Venue on Appeal; Time for Appeal**

All appeals from all land use decisions rendered pursuant to this Ordinance shall be taken to the Allegheny County Court of Common Pleas and shall be filed within 30 days after entry of the decision as provided in 42 Pa. C.S. §5572 (relating to time of entry of order) or, in the case of a deemed decision, within 30 days after the date upon which notice of said deemed decision is given as set forth in Section 908(9) of the Pennsylvania Municipalities Planning Code. Except in cases in which an unconstitutional deprivation of due process would result from its application, the 30-day limitation in this section should be applied in all appeals from decisions.

Challenges to the validity of a land use ordinance raising procedural questions or alleged defects in the process of enactment or adoption shall be raised by appeal taken directly to the Allegheny County Court of Common Pleas in accordance with 42 Pa. C.S. §5571.1 (relating to appeals from ordinances, resolutions, maps, etc.).

### **1910.3      Time for Appeal; Procedural Defects of Decisions**

This section shall apply to all appeals challenging the validity of a land use decision on the basis of a defect in procedures prescribed by statute or ordinance.

- a. Except as otherwise provided in Section 108 of the Pennsylvania Municipalities Planning Code, all appeals challenging the validity of a decision solely on the basis of a defect in procedure shall be filed within the time period provided in Section 1910.2 unless a party establishes each of the following:
  - 1. That the person filing the appeal had insufficient actual or constructive notice of the decision to permit filing an appeal within the time period provided in Section 1910.2. Notice of a hearing prior to the entry of a decision in accordance with Section 1807, notice of a decision in accordance with Section 1808, or notice of a

deemed decision provided in accordance with this Ordinance shall establish constructive notice as a matter of law in any appeal under this section.

2. That because of the insufficient actual or constructive notice of the decision, the application of the time limitation in Section 1910.2 would result in an impermissible deprivation of constitutional rights.
- b. Appeals under this section shall only be permitted by an aggrieved person who can establish that reliance on the validity of the challenged decision resulted or could result in a use of property that directly affects such person's substantive property rights.
  - c. No decision challenged in an appeal pursuant to this section shall be deemed void from inception except as follows:
    1. In the case of an appeal brought within the time period provided in §1910.2, the party alleging the defect must meet the burden of proving that there was a failure to strictly comply with procedure.
    2. In the case of an appeal exempt from the time period provided in §1910.2 or brought pursuant to Section 108 of the Pennsylvania Municipalities Planning Code, the party alleging the defect must meet the burden of proving that because of the alleged defect in procedure alone:
      - [a] The public was denied notice sufficient to permit participation in the proceedings prior to the entry of the decision to the extent such participation was authorized by statute or ordinance; or
      - [b] Those whose substantive property rights were or could be directly affected by the entry of the decision were denied an opportunity to participate in proceedings prior to the entry of the decision.
  - d. Substantial compliance with this notice of a hearing required prior to the entry of a decision in accordance with Section 1807 shall establish notice adequate to permit public participation as a matter of law in any appeal under this section.
  - e. An adjudication that a decision is void from inception shall not affect any previously acquired rights of property owners who have exercised good faith reliance on the validity of the decision prior to the determination.

**ORDAINED AND ENACTED THIS 6<sup>th</sup> DAY OF AUGUST, 2012.**

**TOWNSHIP OF OHIO**

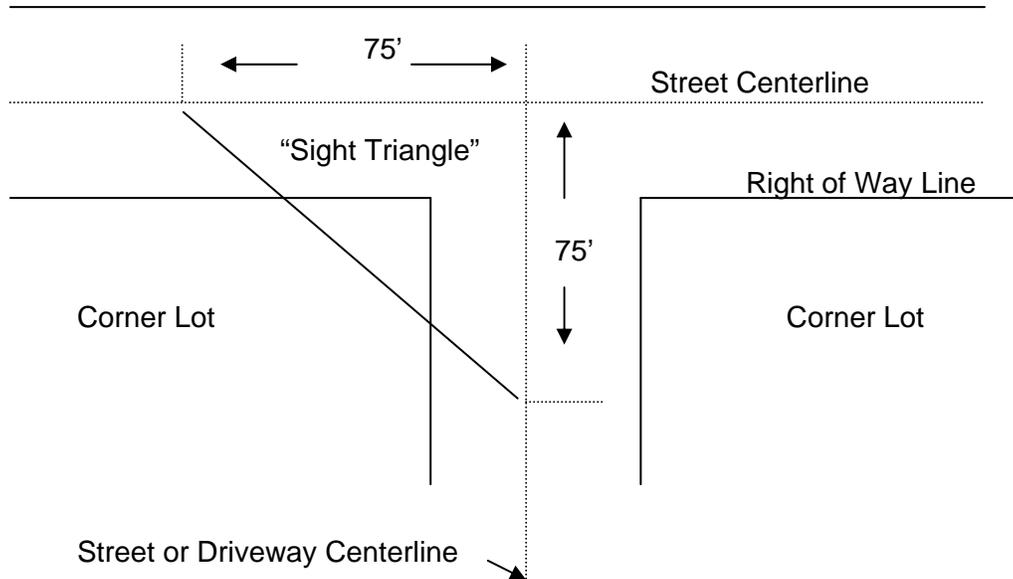
/s/ Thomas R. Beatty,  
**Chairman, Board of Supervisors**

**ATTEST:**

/s/ John L. Sullivan, Jr.,  
**Township Secretary**

**APPENDIX A**

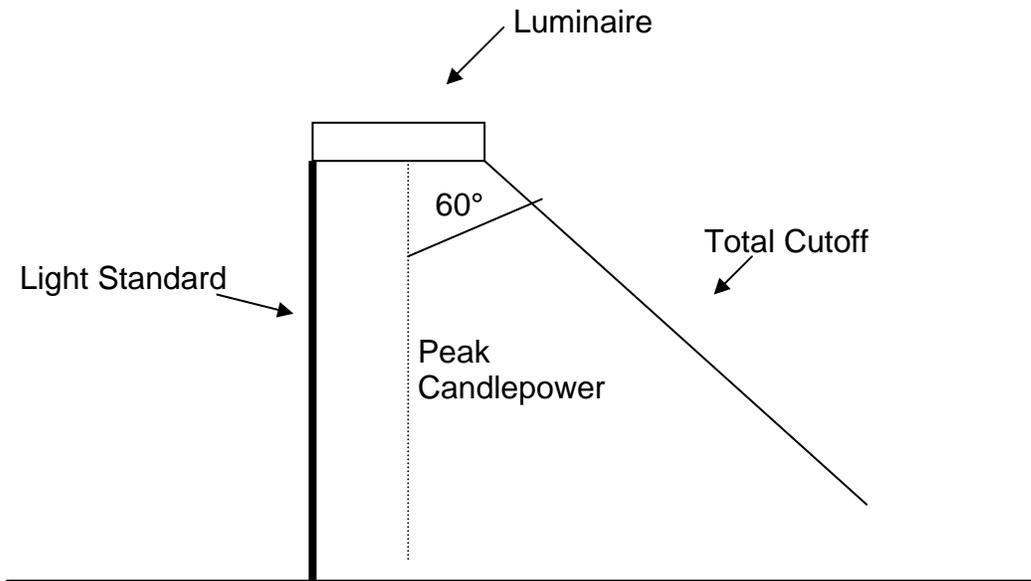
**ILLUSTRATION OF CLEAR SIGHT TRIANGLE**



**VISIBILITY AT INTERSECTIONS**

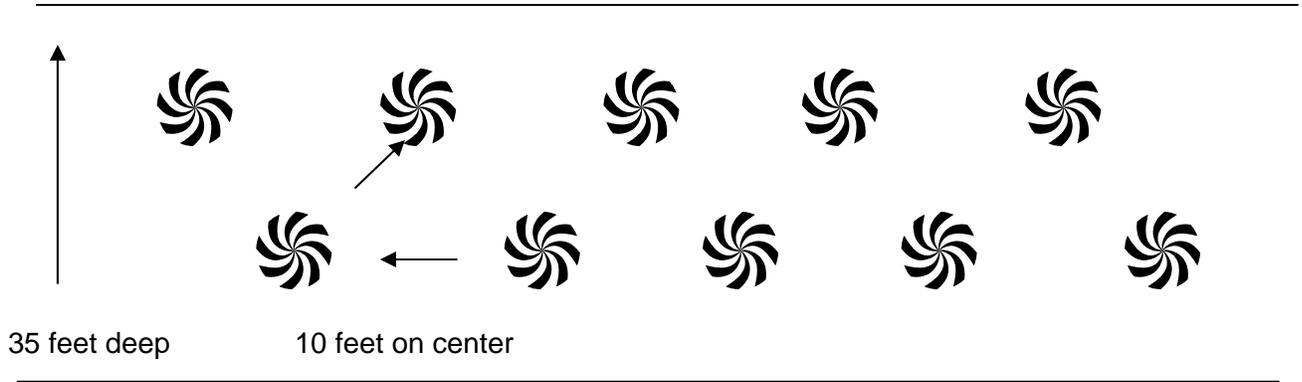
**APPENDIX B**

**ILLUSTRATION OF CUT-OFF ANGLE**

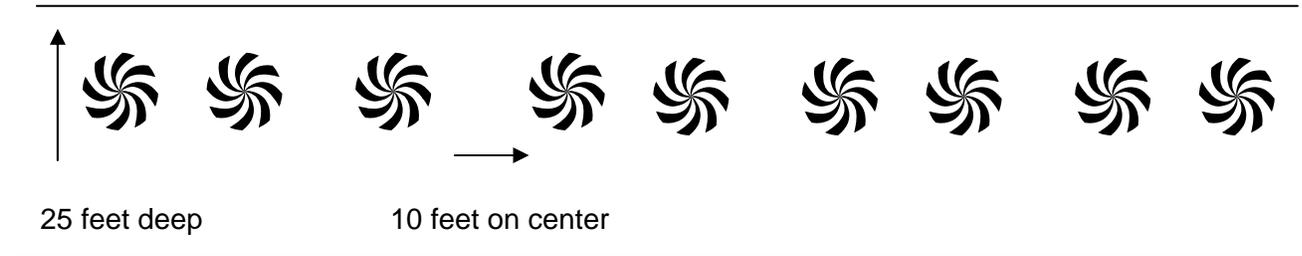


**CUTOFF LUMINAIRE**

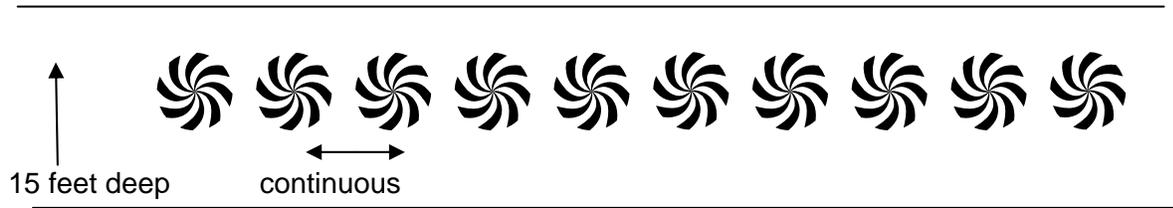
APPENDIX C  
BUFFER AREAS



BUFFER AREA "A"



BUFFER AREA "B"



BUFFER AREA "C"

## APPENDIX D

### LIST OF SUGGESTED PLANT MATERIALS

#### **Small shrubs for evergreen screening:**

- (1) Glossy abelia
- (2) Warty barberry
- (3) Wintergreen barberry
- (4) Dwarf horned holly
- (5) Little holly
- (6) Convexa Japanese holly
- (7) India hawthorn
- (8) Azaleas/rhododendrons
- (9) Japanese yew

#### **Large shrubs for evergreen screening:**

- (1) Thorny elaeangus
- (2) Burford holly
- (3) Yaupon holly
- (4) Laurel or sweet bay
- (5) Japanese privet
- (6) Fortune tea olive
- (7) Red photinia
- (8) Leatherleaf viburnum

#### **Assorted shrubs for broken screens:**

- (1) Japanese barberry
- (2) Fringe-tree
- (3) Border forsythia
- (4) Vernal witch-hazel
- (5) Common witch-hazel
- (6) Pfizer juniper
- (7) Drooping leucothoe
- (8) Winter honeysuckle
- (9) Star magnolia
- (10) Northern bayberry
- (11) Judd viburnum
- (12) Doublefile viburnum

#### **Small trees for partial screening:**

- (1) River birch
- (2) American hornbeam
- (3) Eastern redbud
- (4) Flowering dogwood
- (5) Washington hawthorn
- (6) Russian-olive
- (7) Mountain silverbell
- (8) American holly
- (9) Goldenrain tree
- (10) Grape myrtle
- (11) Sourwood
- (12) Caroline cherry laurel
- (13) Callery pear
- (14) Flowering cherry
- (15) Crabapple
- (16) Bradford pear
- (17) Japanese black pine

#### **Large trees for evergreen screening:**

- (1) Deodar cedar
- (2) Southern magnolia
- (3) Carolina hemlock
- (4) Austrian pine
- (5) Nellie Steers holly

#### **Large trees for shading:**

- (1) Norway maple
- (2) Red maple
- (3) Ginkgo
- (4) Honey locust (thornless)
- (5) Sweetgum
- (6) London plane-tree
- (7) Sycamore
- (8) Eastern red oak
- (9) Willow oak
- (10) Scarlet oak
- (11) Laurel oak
- (12) Little leaf linden
- (13) Zelkova

**APPENDIX E  
TABLE OF AUTHORIZED USES**

**NOTE:** This Table is not complete in every detail and must be used in conjunction with Articles IV through XII.  
Where there is a conflict, Articles IV through XII supersede this Table.

**P = Permitted Use    CU = Conditional Use    SE = Use by Special Exception    N = Not Permitted  
PRD = Use Authorized in a Planned Residential Development**

	CONSER- VATION	RESIDENTIAL			LTD CMMCL	GEN'L CMMCL	LIGHT INDUS.	OFFICE CMMCL
	C-D	R-1	R-2	R-3	C-1	C-2	L-I	O-C
<b>PRINCIPAL USES</b>								
Active Recreation (§1303.1)	CU	CU	CU	CU	CU	CU	N	N
Adult Business (§1303.2)	N	N	N	N	N	N	CU	N
Agricultural Operations (§1408)	P	P	N	N	N	N	N	N
Antiques, Interior Decorating	N	N	N	N	P	P	N	P
Apparel and Accessories Store	N	N	N	N	P	P	N	P
Appliance or Home Furnishing Store	N	N	N	N	N	P	N	N
Art, Book, Stationery Store	N	N	N	N	P	P	N	P
Art, Music or Photography Studios	N	N	N	N	P	P	N	P
Assisted Living Facility (§1303.3)	N	CU	CU	CU	N	N	N	N
Automobile Service Station	N	N	N	N	P	P	P	N
Bakery Shop, including processing primarily for on-site sale	N	N	N	N	P	P	N	P
Bar or Tavern	N	N	N	N	P	P	N	P
Beer Distributor	N	N	N	N	P	P	N	N
Billboard (§1606)	N	N	N	N	N	SE	SE	SE
Business or Professional Offices	N	N	N	N	P	P	P	P
Business Services	N	N	N	N	P	P	P	P
Candy or Ice Cream Store, incl. processing primarily for on-site sale	N	N	N	N	P	P	N	P
Card and Gift Shop	N	N	N	N	P	P	N	P

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	CONSER- VATION	RESIDENTIAL			LTD CMMCL	GEN'L CMMCL	LIGHT INDUS.	OFFICE CMMCL
	C-D	R-1	R-2	R-3	C-1	C-2	L-I	O-C
Car Wash (§1303.6)	N	N	N	N	N	CU	N	N
Catering Service, excluding rental hall	N	N	N	N	P	P	N	P
Catering Service, including rental hall	N	N	N	N	N	P	N	N
Cemetery (§1303.7)	N	CU	N	N	N	N	N	N
Church (§1303.8)	N	CU	CU	CU	P	P	P	P
Cleaning and Dyeing Plant	N	N	N	N	N	N	P	N
Commercial Greenhouse (§1303.9)	N	CU	N	N	N	P	P	N
Commercial School	N	N	N	N	N	P	P	P
Communications Antenna Mounted on an Approved Communications Tower or on an Existing Building or Existing Public Utility Storage or Transmission Structure (§1414)	P	P	P	P	P	P	P	P
Communications Tower (§ 1303.10)	N	SE	SE	SE	SE	SE	SE	SE
Comparable Uses Not Specifically Listed (§1303.11)	N	N	N	N	SE	SE	SE	SE
Contracting Business	N	N	N	N	N	P	P	N
Contractor's Yard	N	N	N	N	N	N	P	N
Convenience Store	N	N	N	N	P	P	N	P
Day Care Center in a Church or School	N	CU	CU	CU	P	P	P	P
Day Care Center (Other than in a Church or School)	N	N	N	N	P	P	P	P
Day Spa	N	N	N	N	P	P	N	P
Drugstore	N	N	N	N	P	P	N	P
Dry Cleaning Pick-up Store	N	N	N	N	P	P	N	P
Equipment Storage Yard (§1303.13)	N	N	N	N	N	N	CU	N

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	CONSER- VATION	RESIDENTIAL			LTD CMMCL	GEN'L CMMCL	LIGHT INDUS.	OFFICE CMMCL
	C-D	R-1	R-2	R-3	C-1	C-2	L-I	O-C
Essential Services	P	P	P	P	P	P	P	P
Financial Institution	N	N	N	N	P	P	N	P
Fire and Emergency Medical Services (§1303.15)	N	CU	CU	CU	P	P	P	P
Flex Space	N	N	N	N	N	N	P	N
Florist Shop	N	N	N	N	P	P	N	P
Food Store	N	N	N	N	P	P	N	P
Food & Related Products, Packaging, Storage, Distribution	N	N	N	N	N	N	P	N
Forestry (§1410)	P	P	P	P	P	P	P	P
Funeral Home, excluding crematory	N	N	N	N	P	P	N	N
Funeral Home, including crematory	N	N	N	N	N	N	P	N
General Merchandise Store	N	N	N	N	N	P	N	P
Group Care Facility (§1303.16)	N	N	N	N	CU	CU	CU	N
Health Club	N	N	N	N	N	P	N	P
Hobby Shop	N	N	N	N	P	P	N	P
Hospital or Surgery Center (§1303.18)	N	N	N	N	N	CU	N	CU
Hotel or Motel	N	N	N	N	N	P	P	P
Impoundment associated with Oil & Gas Operations	P	P	P	P	P	P	P	P
Independent Living Facility (§1303.3)	N	CU	CU	CU	N	N	N	N
Indoor Entertainment	N	N	N	N	P	P	P	P
Junk Yard (§1303.19)	N	N	N	N	N	N	CU	N
Kennel (§1303.20)	CU	CU	N	N	N	N	N	N
Landscaping Contractor	N	N	N	N	N	N	P	N

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	C-D	R-1	R-2	R-3	C-1	C-2	L-I	O-C
Laundromat	N	N	N	N	P	P	N	P
Life Care Community (§1303.21)	N	CU	CU	CU	N	N	N	N
Light Manufacturing, provided all storage and operations are within a completely enclosed building	N	N	N	N	N	N	P	N
Medical Offices	N	N	N	N	P	P	N	P
Methadone Treatment Facility (§1303.22)	N	N	N	N	N	N	CU	N
Mini-Warehouse or Self-Storage Facilities	N	N	N	N	N	N	P	N
Mobile Home Park (§1303.23)	N	N	CU	N	N	N	N	N
Mobile Home Sales, Service and Storage	N	N	N	N	N	N	P	N
Multifamily Dwellings	N	N	PRD	P	N	N	N	N
Natural Gas Compressor Station (§1303.24)	CU	CU	CU	CU	CU	CU	P	CU
Natural Gas Processing Plant	N	N	N	N	N	N	P	N
Newsstand	N	N	N	N	P	P	N	P
Nightclub (§1303.25)	N	N	N	N	N	CU	N	CU
Nursing Home (§1303.26)	N	CU	CU	CU	CU	N	N	N
Oil and Gas Operations	P	P	P	P	P	P	P	P
Packaging and Delivery Services	N	N	N	N	P	P	P	P
Passive Recreation	P	P	P	P	P	P	P	P
Personal Care Boarding Home (§1303.16)	N	CU	CU	CU	CU	N	N	N
Personal Services	N	N	N	N	P	P	N	P
Pet Grooming	N	N	N	N	P	P	N	P
Pet Services	N	N	N	N	N	P	N	P

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	C-D	R-1	R-2	R-3	C-1	C-2	L-I	O-C
Places of Assembly (§1303.28)	N	N	N	N	CU	CU	CU	CU
Planned Industrial Park (§1303.29)	N	N	N	N	N	N	CU	N
Planned Office Park (§1303.29)	N	N	N	N	N	CU	CU	CU
Planned Research and Technology Park (§1303.29)	N	N	N	N	N	N	CU	N
Planned Residential Development (Art. XII)	N	N	CU	CU	N	N	N	N
Planned Shopping Center (§1303.29)	N	N	N	N	N	CU	N	CU
Printing Establishment	N	N	N	N	P	P	P	N
Private Club	N	N	N	N	P	P	N	P
Public Building	P	P	P	P	P	P	P	P
Public Parking Garage or Public Parking Lot (§1303.31)	N	N	N	N	N	CU	N	CU
Public Utility Building or Structure (§1303.32)	SE	SE	SE	SE	P	P	P	P
Repair Shop	N	N	N	N	P	P	P	N
Research and Development	N	N	N	N	N	N	P	N
Restaurant, Carry-out	N	N	N	N	P	P	P	P
Restaurant, Fast Food	N	N	N	N	N	P	P	P
Restaurant, Sit-down	N	N	N	N	P	P	P	P
Retail Businesses not otherwise listed herein	N	N	N	N	N	P	N	P
Schools, Public or Private (§1303.33)	N	N	N	CU	N	N	N	N
Single Family Dwelling	P	P	P	P	N	N	N	N
Sportsmen's Club (§1303.35)	CU	CU	CU	N	N	N	N	N
Supply Yard	N	N	N	N	N	N	CU	N

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	C-D	R-1	R-2	R-3	C-1	C-2	L-I	O-C
Temporary Use or Structure, other than a Construction Trailer, Model Home or Sales Office (§1303.37)	SE	SE	SE	SE	SE	SE	SE	SE
Transitional Dwelling (§1303.16)	N	N	N	N	CU	CU	CU	N
Truck and Heavy Equipment Rental, Sales and Services	N	N	N	N	N	N	P	N
Two Family Dwelling	N	N	PRD	P	N	N	N	N
Vehicle Accessories Sales and Installation	N	N	N	N	P	P	P	P
Vehicle Rental, Sales and Service	N	N	N	N	N	P	P	P
Vehicle Repair Garage	N	N	N	N	P	N	P	N
Veterinary Clinic	N	N	N	N	P	P	N	P
Video Store, excluding Adult Video Store	N	N	N	N	P	P	N	P
Warehousing and Distribution	N	N	N	N	N	N	P	N
Wholesale Business	N	N	N	N	N	P	P	P
<b>ACCESSORY USES</b>								
Agricultural Sales	P	P	N	N	N	N	N	N
Bed and Breakfast (§1303.4)	N	CU	CU	CU	N	N	N	N
Carport	P	P	P	P	N	N	N	N
Communications Equipment Building or Communications Equipment Cabinet (§1303.10)	SE	SE	SE	SE	SE	SE	SE	SE
Domiciliary Care	P	P	P	P	P*	P*	P*	P*
Drive-through Facilities (§1406)	N	N	N	N	N	P	P	P
Family Day Care Home (§1303.14)	CU	CU	CU	CU	P*	P*	P*	P*
Fences (§1403)	P	P	P	P	P	P	P	P

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	C-D	R-1	R-2	R-3	C-1	C-2	L-I	O-C
Home Occupation (§1303.17)	CU	CU	CU	CU	P*	P*	P*	P*
Keeping of Domestic Pets	P	P	P	P	P*	P*	P*	P*
No Impact Home Based Business (§1411)	P	P	P	P	P*	P*	P*	P*
Off-Street Parking and Loading (Art. XV)	P	P	P	P	P	P	P	P
Other Accessory Uses Customarily Incidental to any Permitted Use, Conditional Use or Use by Special Exception in the District	P	P	P	P	P	P	P	P
Private Garages and Storage Buildings (§1403)	P	P	P	P	P	P	P	P
Private Residential Swimming Pools or Sports Courts (§1403)	P	P	P	P	P*	P*	P*	P*
Private Stable (§1408)	CU	CU	CU	CU	N	N	N	N
Satellite Dish Antennas (§1303)	P	P	P	P	P	P	P	P
Signs (Art. XVI)	P	P	P	P	P	P	P	P
Small Wind Energy System (§1303.34)	SE	SE	SE	SE	SE	SE	SE	SE
Supporting Commercial Uses in a Planned Office Park (§1303.36)	N	N	N	N	N	CU	CU	CU
Supporting Commercial Uses in a Planned Research or Technology Park (§1303.36)	N	N	N	N	N	N	CU	N
Temporary Construction Trailer, Model Home or Sales Office (§1407)	P	P	P	P	P	P	P	P

\* Permitted in a dwelling that is a nonconforming use in the District