
Chapter 27

Zoning

North Sewickley Township
Amended March 2017

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CHAPTER 27 ZONING

History: Ordinance No. 62, Prohibiting the Sale of Obscene Material, March 18, 1985; Ordinance No. 92, Regulations for Cellular Communications Antennae, June 18, 1996; Ordinance No. 93, Off-Street Parking Ordinance, June 18, 1996; and Ordinance No. 99, Regulating the Erection, Maintenance and Removal of Political Signs, July 9, 1997, repealed by this Chapter 27, Zoning.

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PART 1

Title, Authority, Purpose, and Community Development Objectives

§27-101 SHORT TITLE

This Ordinance shall be known as and may be cited as the “North Sewickley Township Zoning Ordinance.”

§27-102 AUTHORITY

This Ordinance is enacted and ordained under the grant of powers by the General Assembly of the Commonwealth of Pennsylvania, Act 247, “The Pennsylvania Municipalities Planning Code” (PaMPC), July 31, 1968, as amended.

§27-103 PURPOSE

This ordinance is enacted for the following purposes:

- A. To promote, protect, and facilitate one or more of the following: the public health, safety, morals, general welfare, coordinated and practical community development, appropriate density of population, disaster evacuation, the provision of adequate light and air, delivery of emergency services, vehicle parking and loading space, transportation, the introduction of public utilities, schools, public grounds and other public requirements, as well as,

- B. To prevent one or more of the following: overcrowding of land, blight, danger and congestion in travel and transportation, loss of health, life or property from fire, flood, panic or other dangers. This Zoning Ordinance is made in accordance with an overall program, and with consideration for the character of North Sewickley Township, its various parts and the suitability of the various parts for particular uses and structures.

§27-104 COMMUNITY DEVELOPMENT OBJECTIVES

- A. This ordinance is to foster the following community development objectives identified in the Northeast Upper Beaver Valley Regional Comprehensive Plan and revised by the North Sewickley Township zoning steering committee:
- B. Promote the health, safety, and general welfare of the residents of North Sewickley Township;
- C. Encourage the most appropriate use of land throughout North Sewickley Township, while providing flexibility within land use regulations;
- D. Maintain the overall rural character of North Sewickley Township by targeting specific corridors for industrial, commercial, office, and mixed-use development;
- E. Provide more small to medium scale commercial and office land uses in appropriate locations to support employment opportunities and increase the local tax base of North Sewickley Township.
- F. Enable a variety of mixed-use development guided by environmental and performance standards, to allow many options for the location of land uses;
- G. Provide for appropriate scale and intensity of land uses;
- H. Protect historic and cultural resources of North Sewickley Township; and
- I. Ensure that the Zoning Ordinance is consistent and compatible with the subdivision and land development ordinance and other Township ordinances.

§27-105 INTERPRETATION

In construing and applying this Zoning Ordinance, its provisions shall be held to be the minimum requirements for promotion of health, safety, morals, and general welfare of the residents of North Sewickley Township. Any use permitted subject to the regulations prescribed by the provisions of this Zoning Ordinance shall conform with all regulations for the zoning district in which it is located and with all other pertinent regulations of this and other related ordinances.

§27-106 CONFLICT

This Ordinance is not intended to interfere with, abrogate, annul, supersede, or cancel any easements, covenants, restrictions, or reservations contained in deeds or other agreements, but that if the ordinance imposes more stringent restrictions upon the use of buildings and land than are elsewhere established, the provisions of this Ordinance shall prevail. In construing the language of this Zoning Ordinance to determine the extent of the restriction upon the use of the property, the language shall be construed, where doubt exists as to the intended meaning of the language adopted by the Supervisors of North Sewickley Township in favor of the property owner and against any implied extension of the restriction.

§27-107 APPLICABILITY

No building, structure, or land shall hereafter be used or occupied and no building or structure or part thereof shall hereafter be erected, constructed, reconstructed, moved, altered, or expanded horizontally or vertically, except in conformity with all regulations contained herein, for principal, accessory and conditional uses, and uses by special exception, unless relief is granted by the Zoning Hearing Board.

PART 2

Definitions

§27-201 GENERAL

The following words are defined in order to facilitate the interpretation of the Ordinance for administrative purposes and in the carrying out of duties by appropriate officers and by the Zoning Hearing Board.

- A. Unless otherwise expressly stated, the following words shall, for the purpose of this Ordinance, have the meaning herein indicated.
- B. Words used in the present tense include the future tense.
- C. The singular includes the plural.
- D. The word "person" includes any individual or group of individuals, a corporation, partnership, or any other similar entity.
- E. The word "lot" includes the words "plot" or "parcel."
- F. The term "shall" is always mandatory.
- G. The word "used" or "occupied" as applied to any land or building shall be construed to include the words "intended, arranged, or designed to be used or occupied."

§27-202 DEFINITIONS

ACCESS: A means of vehicular or pedestrian approach, entry to, or exit from property.

ACCESSORY APARTMENT: A second dwelling unit either in or added to an existing single-family detached dwelling for use as a complete, independent living facility with provision within the accessory apartment for cooking, eating, sanitation and sleeping. Such a dwelling is an accessory use to the principal building and shall be occupied only by a relative of the owner-occupant of the principal dwelling.

ACCESSORY USE: A structure or use that: is subordinate in area, extent and purpose to the principal use; contributes to the convenience or necessity of the principal use; and is located on the lot with such principal use or main building.

ACCESSORY STRUCTURE: A subordinate structure detached from but located on the same lot as a principal structure and the use of which is incidental to that of the principal structure, including but not limited to a garage, fence in excess of six feet (6') in height, or garden shed on residentially developed lots, and a storage building or sign on non-residentially developed lots, and a barn, silo or corn crib on land in agricultural production.

ADULT ORIENTED BUSINESS: Includes, without limitation, the following establishments when operated for profit, whether direct or indirect:

- A. Adult bookstore.
- B. Adult motion picture.
- C. Adult mini-motion picture theater.
- D. Any premises to which the public, patrons or members are invited or admitted and which are so physically arranged as to provide booths, cubicles, rooms, studios, compartments or stalls, separate from the common areas of the premises for the purpose of viewing adult-oriented motion pictures or where an entertainer provides adult entertainment to a member of the public, a patron or a member.
- E. An adult entertainment studio or any premises that are physically arranged and used as such, whether advertised or represented as an adult entertainment studio, rap studio, exotic dance

studio, encounter studio, sensitivity studio, modeling studio, massage parlor, health spa, or any other term of like import.

- F. A nightclub, bar, cabaret, theater, or other establishment which features or presents adult entertainment.

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 or use of agricultural, agronomic, horticultural, silvicultural and aquacultural 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 and procedures that are normally engaged by farmers or are consistent with technological development within the agricultural industry.

AGRICULTURAL USES: The use of land for the growing and/or production of field crops, livestock, and livestock, including but not limited to the following:

- A. Field crops, including barley, corn, hay, oats, potatoes, rye, sorghum, soybeans, and sunflowers.
- B. Livestock, including dairy and beef cattle, game birds, goats, hogs, horses, poultry, sheep, and other animals excluding household animals.
- C. Livestock products, including butter, cheese, eggs, fur, meat and milk.

AGRICULTURE SERVICES: Establishments engaged in supplying soil preparation services, crop services, horticultural services, veterinary and related animal reproductive services, farm labor and management services, and farm equipment sales and repair.

ALLEY: A public or private way permanently reserved as a secondary means of access to abutting property.

AMENDMENT: A change in use in any district which includes revisions to the Zoning Ordinance and/or official zoning map.

APPLICANT: any person, owner, operator, partnership, company, corporation and its subcontractors and agents who has an interest in real estate for the purpose of exploring or drilling for, producing, or transporting oil or gas.

ARTERIAL STREET: A public street, which serves large volumes of high speed and long distance traffic.

AUTOMOTIVE RECYCLING: A type of junkyard specializing in the storage and sale of automotive parts.

AUTOMOTIVE REPAIR: A building, premises, and land in which or upon which a business, service, or industry involving the maintenance, servicing, or repair of vehicles is conducted or rendered.

AUTOMOTIVE SERVICE STATION: Any commercial building or structure, premises or other place used to supply motor fuels, lubricants, tires, batteries, and other small accessories to motor vehicles.

BAKERY:

- A. Retail: An establishment primarily engaged in the retail sale of baked products for consumption off-site. The products may be prepared either on or off-site. Such use may include incidental food service. A bakery shall be considered a general retail use.
- B. Wholesale: A place for preparing, cooking, baking, and selling of products intended for off-premises distribution.

BANK: A financial institution that is open to the public and engaged in deposit banking, and that performs closely related functions such as making loans, investments, and fiduciary activities.

BANQUET/RECEPTION FACILITY: A room or building for the purpose for hosting a banquet, party, wedding, reception, or other social event.

BED AND BREAKFAST: A private, owner-operated business where overnight accommodations and a morning meal are provided to transients for compensation.

BEVERAGE DISTRIBUTOR: An establishment in the business of purchasing beverages for resale either on a wholesale or retail basis.

BUFFER: An area of land, including landscaping berms, walls, and fences, that is located between one use and another designed to set apart one use area from another.

BUILDING: Any structure having a roof supported by columns or walls and intended for the shelter, housing or enclosure of persons, animals or belongings.

BUILDING LINE: An established line within a property defining the minimum required distance between the face of any building or structure to be erected and an adjacent street right-of-way or lot line. The building line shall also apply to accessory buildings or structures except for signs, fences and walls.

BUILDING PERMIT: Written permission issued by the proper municipal authority for the construction, major repair, alteration, addition, or demolition to a structure, including stormwater management facilities.

BUSINESS: Any lawful commercial endeavor to engage in the manufacturing, purchase, sale, lease or exchange of goods and/or the provision of services.

CAMPGROUND: A parcel of land used by campers for seasonal, recreational, or other similar temporary living purposes, in buildings of a movable, temporary, or seasonal nature, such as cabins, tents, or shelters.

CARPOR: A permanent roofed structure open on at least two (2) sides, designed for or occupied by private passenger vehicles.

CARTWAY: That portion of a street intended for vehicular use. It includes the actual road surface area from curb to curb, which may include travel lanes, parking lanes, and deceleration and acceleration lanes. Where there are no curbs, the cartway is that portion between the edges of the paved or hard surface width.

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

CEMETERY: Land use for or intended to be used for the burial of the deceased, including, but not limited to, columbarium, mausoleums, and mortuaries when operated in conjunction with the cemetery and within its boundaries.

CHURCH: A building for non-profit purposes by a sect solely for the purposes of worship.

CLEAR SIGHT TRIANGLE: An area of unobstructed vision at street intersections defined by lines of sight between points which are at a given distance from the intersection of street corner lines.

COLLECTOR STREET: A public street or road which, in addition to providing access to abutting lots, intercepts local streets and provides a route for carrying considerable volumes of local traffic to community facilities and arterial streets.

COMMON OPEN SPACE: A parcel or parcels of land or an area of water, or a combination of land and water, within a development site designed and intended for the use and enjoyment of the residents of a planned residential development, not including streets, off-street parking areas, and areas set aside for public facilities. Common open space shall be substantially free of structures, but may contain such improvements in the development plan as finally approved and are appropriate to the recreation.

COMMUNITY CENTER: A facility used for corporate or professional meetings, seminars, and/or employee training, where training is conducted within a completely enclosed building, and which may include lodging, dining, and recreational facilities for attendees.

CONDITIONAL USE: A use permitted in a particular zoning district pursuant to the provisions in Article VI of the Pennsylvania Municipalities Planning Code, as amended.

CONSTRUCTION, SHEDS AND TRAILERS: Temporary structures erected at a construction site for the storage of construction materials and/or to serve as field offices for construction personnel.

CONTRACTOR'S YARD: An establishment which may or may not include administrative offices for a business that provides landscaping, construction, remodeling, home improvements, land development, and related services on a contractual basis, but which involves the storage either indoors or outdoors of materials equipment, and vehicles used in business.

CONVERSION APARTMENT: A dwelling unit converted from space within a single-family detached dwelling. Such conversion shall result in a maximum of three (3) apartments.

DAY CARE FACILITY: Any dwelling, building, or portion thereof in which child or adult day care services other than "babysitting" are provided, including any on-site outdoor play area.

DECIBELS A-WEIGHTED (dBA): A unit for describing the amplitude of sound as measured on a sound level meter using the A-weighting network.

DENSITY: A term used to express the allowable number of dwelling units per acre of land.

DEPARTMENT: The Department of Environmental Protection of the Commonwealth.

DERRICK: Any portable framework, tower mast an/or structure which is required or used in connection with drilling or re-working a well for the production of oil or gas.

DESIGNATED GROWTH AREA: a region within a county or counties described in a municipal or multimunicipal plan that preferably includes and surrounds a city, borough or village, and within which residential and mixed use development is permitted or planned for at densities of one unit to the acre or more, commercial, industrial and institutional uses are permitted or planned for and public infrastructure services are provided or planned.

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.

DOCTOR OFFICE: An office in which one or more medical doctors, usually general practitioners (GP), receive and treat patients, where ambulatory care is given. The doctor's office usually consists of nurses, receptionists and doctors.

DRILLING PAD: The area of surface operations surrounding the surface location of a well or wells. Such area shall not include an access road to the drilling pad.

DRIVE-THROUGH USE: Any use which 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 or other businesses, exterior automated teller machines (ATMs), quick oil change facilities, car washes, and similar motor vehicle services and other such facilities.

DRIVEWAY: A private road connecting a house, garage, other buildings or parking space/area with a street or alley.

DWELLING: A building or part of a building containing living, sleeping, housekeeping accommodations and sanitary facilities for occupancy as a residence. Dwelling types are as follows:

- A. **Single-Family:** A dwelling intended for occupancy by no more than one (1) family.
- B. **Two-Family (Duplex):** A dwelling intended and arranged for occupancy by two (2) families with an entrance and exit for each separate dwelling unit.
- C. **Triplex:** A group of dwellings intended and arranged either side-by-side or vertically with one dwelling on top of the other for occupancy by three (3) families, with an entrance and exit for each separate dwelling unit.
- D. **Quadruplex:** A group of dwellings intended and arranged horizontally in a single-story configuration for occupancy by four (4) families, with an entrance and exit for each separate dwelling unit.

- E. **Townhouse:** A group of dwellings intended and arranged side-by-side in a two (2) story configuration for occupancy by multiple families with an entrance and exit for each separate dwelling unit.

DWELLING UNIT: One or more living or sleeping rooms with cooking and sanitary facilities for one person or one family.

EASEMENT, AGRICULTURAL CONSERVATION: A legal agreement restricting development or farmland. Land subject to a conservation easement is generally restricted to farming and open space use.

FAMILY: A group of individuals not necessarily related by blood, marriage, adoption, or guardianship, living together in a dwelling unit as a single housekeeping unit under a common housekeeping management plan based on an intentionally structured relationship providing organization and stability.

FARM OR FARM PARCEL: A tract or parcel of land containing at least ten (10) acres in size, which is principally used for agricultural activities, together with a farm dwelling and other accessory uses.

FARM RELATED BUSINESS: An accessory use operated on a farm parcel, related to or supportive of agricultural activities, such as blacksmithing, farm implement repair, and/or roadside sale of agricultural products.

FARMER'S MARKET: The seasonal sale of fresh agricultural products directly to the consumer at designated areas where the vendors are generally individuals who have raised the vegetables or produce or have taken the same on consignment for retail trade.

FOOTPRINT: The horizontal area as seen in plan, measured from outside of all exterior walls and supporting columns.

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

FRACKING: The process of injecting water, customized fluids, sand, steam, or gas into a gas well under pressure to improve gas recovery.

FUNERAL HOME: Establishment engaged in undertaking services such as preparing the dead for burial, and arranging and managing funerals. Typical uses include funeral home or mortuaries.

GALLERY: An establishment engaged in the sale, loan, or display of art books, paintings, sculpture, or other works of art.

GARAGE, PRIVATE: An accessory building or a portion of the principal building, enclosed on no less than three (3) sides, not being 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: Any structure, other than a private garage, which is used for parking of motor vehicles for compensation.

GROUP RESIDENCE FACILITY: A facility providing shelter, counseling, and other rehabilitative services in a family-like environment for more than three (3) but fewer than nine (9) residents, plus such minimum supervisory personnel, as may be required to meet the standards of the licensing agency. By reason of mental or physical disability, chemical or alcohol dependency, or family or school adjustment problems, residents require a level of supervision but do not require medical or nursing care or general supervision. A group residence facility must be licensed and/or approved by the Pennsylvania Department of Public Welfare.

HEALTH CARE FACILITY: A facility or institution, whether public or private, principally engaged in providing services for health maintenance, diagnosis or treatment of human or animal diseases, pain, injury, or physical condition that include hospitals, treatment center, rehabilitation center, extended care

center, nursing home, intermediate care facility, outpatient laboratory, outpatient clinic or central services facility serving one (1) or more such institutions.

HEIGHT: The vertical distance to the highest point of the roof for flat roofs; to the deck line of mansard roofs; and to the average height between eaves and the ridge for gable, hip, and gambrel roofs, measured from the finished grade of the immediately abutting yards.

HISTORIC STRUCTURE: Any structure that is listed individually in the National Register of Historic Places or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register; individually listed on a state inventory or historic inventory of historic places; or individually listed on a local inventory of historic places, at either the County or Township level, that has been certified by an approved state program or directly by the Secretary of the Interior.

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

HOME OCCUPATION: An activity conducted in a dwelling unit which is clearly incidental and subordinate to its residential use, by not more than one (1) person in addition to members of the family, and occupying no more than twenty-five percent (25%) of the interior space.

HORTICULTURAL USE: The use of land for the growing or production for income of fruits, vegetables, flowers, and nursery stock, including ornamental plants.

HOTEL: A facility offering transient lodging accommodations to the general public and providing additional services such as restaurants, meeting rooms, and recreational facilities.

IMPERVIOUS SURFACE: Any hard-surfaced, man-made area that does not readily absorb or retain water, including, but not limited to, building roofs, parking and driveway areas, compacted graveled areas, sidewalks, paved recreation area, and swimming pools.

INSTITUTION/INSTITUTIONAL USE: A facility that provides a public service and is operated by a federal, state, or local government, public or private school or college, church, public agency, or tax-exempt organization.

INTENSIVE AGRICULTURAL USE: Agricultural uses, including but not limited to, land used to house more than fifty (50) animal units (one unit equals 1,000 lbs.), to store and process manure or compost materials, poultry operations in excess of one (1) animal unit per acre, swine operations in excess of 1.75 animal units per acres, and slaughterhouses.

JUNKYARD: A lot, land, or structure, or part thereof, used primarily for the collecting, recycling, storage, and sale of waste paper, rags, scrap metal, or reclaimable material, or for the collection, dismantling, storage, and salvaging or machinery or two (2) or more unregistered, inoperable motor vehicles or other types of junk.

KENNEL:

- A. **Commercial:** The boarding, breeding, raising, grooming or training of two (2) or more dogs, cats, or other household pets of any age not owned by the owner or occupant of the premises, and/or for commercial gain.
- B. **Private:** The boarding, breeding, raising, showing or training of four (4) or more dogs, cats and other household over six (6) months of age for the personal enjoyment of the owner or occupants of the property, and for which commercial gain is not the primary object.

LANDFILL, SANITARY: A lot or land or part thereof, licensed by the Pennsylvania Department of Environmental Protection, used primarily for the disposal or abandonment, dumping, burial, or burning, or any other means, and for whatever purposes, of garbage, sewage, trash, refuse, junk, discarded machinery, vehicles or parts thereof, or waste material of any kind.

LAND DEVELOPMENT: Any of the following activities:

A. The improvement of one lot or two (2) or more contiguous lots, tracts or parcels of land for any purpose involving:

- (1) A group of two (2) 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 (2) 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.

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 persons having a proprietary interest in land.

LANDSCAPING: The area within the boundaries of a given lot that consist of planting materials, including, but not limited to, trees, shrubs, groundcovers, grass flowers, decorative rock, bark, mulch, and other similar materials.

LAUNDRY/DRY CLEANING FACILITY: An establishment which launders or dry cleans articles dropped off on the premises directly by the customer, where said articles are dropped off, sorted and picked up but where laundering or cleaning is done elsewhere.

LIGHT FABRICATION OR ASSEMBLY FACILITY: A facility that creates or assembles something that is different from the materials or parts that went into it and conducted in such a manner that no adverse impacts are created or emitted outside of the building.

LIGHT INDUSTRY: Industrial uses which meet or exceed all minimum established performance standards through the utilization of current technology, which meet bulk or lot coverage ratios for output structures and which generate lower volumes of traffic in relation to production.

LOADING SPACE: An off-street area on the same lot with a building or contiguous to a group of buildings, for the temporary parking of a commercial vehicle while loading or unloading merchandise or materials, and which abuts on a street or other appropriate means of access.

LOCAL STREET: A public street or road designed to provide access to abutting lots and to discourage through traffic.

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

LOT AREA: The total area within the lot lines, excluding the area within any street right-of-way.

LOT COVERAGE: That percentage of the lot area covered by the principal building and all accessory buildings and structures, including, but not limited to, decks, swimming pools, storage sheds, garages, and similar structures.

LOT OF RECORD: A lot which has been recorded in the Office of the Recorder of Deeds of Beaver County, PA.

MANUFACTURING, LIGHT: The manufacture, predominantly from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment and packaging of such products and incidental storage, sales, and distribution of such products, but excluding basic industrial processing and custom manufacturing.

MANUFACTURED HOUSE: A factory-built, single-family structure that is manufactured under the authority of the National Manufactured Home Construction and Safety Standards Act, is transportable in one (1) or more sections, is built on a permanent chassis, and is used as a place of human habitat; but

which is not constructed with a permanent hitch or other device allowing transport of the unit other than for the purpose of delivery to a permanent site, and which does not have wheels or axles permanently attached to its body or frame.

MAUSOLEUM: A tomb, usually a stone building with places for entombment of the dead above ground.

MIXED-USE STRUCTURE: A building designed for general or specialty retail, or office use, on the first floor, residential or office use on the second floor, and residential use only above.

MOTEL: A building or group of buildings, whether detached or in connected units, used as individual sleeping or dwelling units, with separate entrances and designed for year-round occupancy, primarily for transient automobile travelers and providing for accessory off-street parking areas.

MUNICIPAL AUTHORITY: A body politic and corporate created pursuant to the act of May 2, 1945 (P.L.382, No. 174), known as the "Municipality Authorities Act of 1945."

MUNICIPAL ENGINEER: A professional engineer licensed as such in the Commonwealth of Pennsylvania, duly appointed as the engineer for a municipality, planning agency or joint planning commission.

MUNICIPAL USE: Any building, structure or use of land by a municipal governing body or a municipal authority/commission created by the governing body, including police, fire and ambulance services whether public or not-for-profit.

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 is designed and constructed primarily to remove water, water vapor, oil or naturally occurring liquids from the natural gas.

NONCONFORMING LOT: A lot the area or dimension of which was lawful prior to the adoption or amendment of a zoning ordinance, 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 STRUCTURE: A structure or part of a structure manifestly not designed to comply with the applicable use or extent of use provisions in a zoning ordinance or amendment heretofore or hereafter enacted, where such structure lawfully existed prior to the enactment of such ordinance or amendment or prior to the application of such 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 structure, which does not comply with the applicable use provisions in a zoning ordinance or amendment heretofore or hereafter enacted, where such use was lawfully in existence prior to the enactment of such ordinance or amendment, or prior to the application of such ordinance or amendment to its location by reason of annexation.

NURSING HOME: A proprietary facility, licensed by the Commonwealth, for the accommodation of convalescents, or chronically-ill persons, in which such nursing care and medical services are prescribed by or are performed under the general direction of persons licensed to provide such care or services in accordance with State laws.

OCCUPANCY PERMIT: A certificate issued and enforced by the Zoning Officer upon completion of the construction of a new building or upon a change or conversion of the structure or use of a building, which certifies that all requirements, regulations, and other applicable requirements, have been satisfied.

OFFICE: Administrative, executive, professional, research, or similar organizations, and laboratories having only limited contact with public, provided that no merchandise or merchandising services are sold on the premises, except such as are incidental or accessory to the principal permissible use.

OIL AND GAS: Crude oil, natural gas, coal bed methane gas, propane, butane, and/or other constituents or similar substance that are produced by drilling an oil or gas well.

OIL AND GAS DEVELOPMENT OR DEVELOPMENT: the well site preparation, construction, drilling, re-drilling, hydraulic fracturing, and/or site restoration associated with an oil or gas well of any depth; water

and other fluid storage, impoundment and transportation used for such activities; and the installation and use of all associated equipment, including tanks, meters, and other equipment and structures whether permanent or temporary; and the site preparation, construction, installation, maintenance and repair of oil and gas pipelines and associated equipment and other equipment and activities associated with the exploration for, production and transportation of oil and gas. The definition does not include natural gas compressor stations and natural gas processing plants or facilities performing the equivalent functions.

OIL OR GAS WELL: A pierced or bored hole drilled or being drilled in the ground for the purpose of, or to be used for, producing, extracting or injecting gas, oil, petroleum or another liquid related to oil or gas production or storage, including brine disposal.

OIL OR GAS WELL SITE: The location where facilities, structures, materials and equipment whether temporary or permanent, necessary for or incidental to the preparation, construction, drilling, production or operation of an oil or gas well. The definition also includes exploratory wells.

OPEN SPACE: Land and water areas retained for use as active or passive recreation areas or for resource protection in an essentially undeveloped state of a development, not including streets, off-street parking areas, and areas set aside for public facilities.

OPERATOR: The person designated as the well operator on the permit application or well registration.

OWNER: A person, who owns, manages, leases, controls, or possesses an oil or gas well.

PARK: Any public or private land available for recreational, educational, cultural, or aesthetic use.

PARKING, OFF-STREET: Parking or storing of a motor vehicle on private or public areas, but not on streets, roads, highways, or alleys.

PARKING AREA: Any lot, municipally or privately owned, for off-street parking facilities, providing for the transient storage of motor vehicles. Such parking services may be provided as free service or for a fee.

PARKING SPACES: An area for the purpose of parking a motor vehicle with access to a public street or alley.

PERSONAL CARE HOME: A licensed facility that provides meals, shelter and personal assistance or supervision for more than 24 consecutive hours for a minimum of eight (8) children or adults who do not require nursing home care. Personal care homes will accept immobile children or adults who can be safely evacuated in an emergency.

PERSONAL SERVICES: An establishment or place of business engaged in the provision of services of a personal nature (for example: beauty and barber shops, shoe repairs and tailor shops.)

PHARMACY: An establishment engaged in the sale of prescription drugs, nonprescription medicines, cosmetics, and related supplies. (Retail use)

PLANNED RESIDENTIAL DEVELOPMENT: An area of land controlled by the landowner to be developed as a single entity for a number of dwelling units, the development plan for which does not comply with the required size of lots, bulk or type of buildings, density, lot coverage, or open space regulations established in a zoning district, as governed by the provisions of this Ordinance and Article VII of the Pennsylvania Municipalities Planning Code.

PLANNING COMMISSION: The Planning Commission of North Sewickley Township.

POND: Any body of water artificially or naturally formed or increased that has a surface area of 1,000 square feet or more.

PRESERVATION/PROTECTION: When used in connection with natural and historic resources, shall include means to conserve and safeguard these resources from wasteful or destructive use, but shall not be interpreted to authorize the unreasonable restriction of forestry, mining or other lawful uses of natural resources.

PRIME AGRICULTURAL LAND: Land used for agricultural purposes that contains soils of the first, second, or third class as defined by the United States Department of Agriculture natural resource and conservation services county soil survey.

PROCESSING FACILITIES: The transformation or assembly of materials or substances into new products.

PROMOTIONAL EVENT: A temporary, publicly advertised sales oriented program designed to increase interest in an enterprise.

PUBLIC CONSERVATION AREA: Any parcel or area of undeveloped land conserved in its natural state for perpetuity through deeds or other legal means.

PUBLIC HEARING: A formal meeting held pursuant to public notice by the Board of Supervisors intended to inform and obtain public comment, prior to taking action in accordance with the Pennsylvania Municipalities Planning Code, as amended.

PUBLIC MEETING: A forum held pursuant to notice under 65 Pa. C.S. CH. 7 (relating to open meetings).

PUBLIC NOTICE: A notice published once a 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 UTILITY FACILITIES: Public utility transmission and distribution facilities including substations and the like.

RECREATION, ACTIVE: Leisure activities which require physical alteration to the area in which they are performed. Areas for active recreation include, but are not limited to, playgrounds, ballfields, tennis courts and swimming pools.

RECREATION, PASSIVE: Leisure activities that can be carried out with little alteration or disruption to the area in which they are performed. Such uses include, but are not limited to, hiking, picnicking and bird watching.

RESEARCH LABORATORY: A structure or group of structures used primarily for applied and developmental research, where product testing is an integral part of the operation and goods or products may be manufactured as necessary for testing, evaluation, and test marketing.

RESTAURANT: A structure in which the principal use is the preparation and sale of food and beverages for consumption on the premises.

RETAIL STORE: Establishments engaged in selling goods or merchandise to the general public for personal or household consumption and rendering services incidental to the sale of such goods.

RETAIL:

- A. **General:** Establishments that are retail operations that carry an assortment of merchandise from all the other categories. Such establishments may include, but are not limited to, department store, discount store, farm store, and similar establishments.
- B. **Specialty:** Retail operations that specialize in one type or line of merchandise. Such stores may include, but are not limited to, apparel stores, jewelry stores, bookstores, shoe stores, stationary stores, antique stores, and similar establishments.

RETIREMENT COMMUNITY: A residential development designed primarily or exclusively for occupancy by elderly or retired persons and which features one (1) or more of the following special services associated with the needs of elderly or retired persons, including, but not limited to, transportation, limited nursing facilities, dispensaries, common dining facilities, laundry service, minimal housekeeping, recreation programs, personal services (such as beauty and barber shops, or cleaner's valet service), florist and/or gift shop, doctor's offices, branch bank, postal station and similar services or facilities.

RIGHT-OF-WAY: A strip of land acquired by reservation, dedication, forced dedication, prescription or condemnation and intended to be occupied by a road, crosswalk, railroad, electric transmission lines, oil

or gas pipeline, water line, sanitary, or storm sewer and other similar uses, generally, the right of one to pass over the property of another.

ROADSIDE PRODUCE STAND: A temporary structure not permanently affixed to the ground and is readily removable in its entirety, which is used solely for the display or sale of farm products.

ROOF: The cover of any building, including the eaves and similar projections.

SCHOOL: Any place offering instruction in any branch of knowledge under the supervision of the Commonwealth of Pennsylvania or a lawfully constituted ecclesiastical governing body, person, partnership, or cooperation meeting the requirements of the Commonwealth of Pennsylvania.

SELF-STORAGE FACILITY: A land development which includes a structure or structures containing separate individual and private storage spaces of varying sizes, leased or rented on individual leases for varying periods of time. No flammable, hazardous or explosive materials shall be stored in this facility.

SENIOR CARE FACILITY: A facility that provides primarily non-medical resident services to individuals in need of personal assistance essential for sustaining the activities of daily living, or for the protection of the individual, excluding members of the resident family or persons employed as facility staff. Such facilities include assisted living facility.

SETBACK: The minimum distance by which any building or structure must be separated from a street right-of-way or lot line.

SHOOTING FACILITY: A public or private facility, including individual shooting ranges, safety fans or shot-fall zones, structures, parking areas, and other associated improvements, designed for the purpose of providing a place for the discharge of various types of firearms or the practice of archery. Does not include incidental target practice areas on private property.

SHOPPING CENTER: A group of retail and other commercial establishments that are planned, owned, and managed as a total entity with customer and employee parking provided on-site. The two (2) main configurations of shopping centers are malls and strip centers.

SIGN: Any structure or device for visual communication that is used for the purpose of bringing the subject to the attention of the public.

- A. Advertising Sign: A sign relating to commercial, industrial, private, recreational, public utility, or other similar business conducted on the premises in which the sign is located.
- B. Collective, Freestanding Sign: A business sign, which provides identification at the entrance to a complex such as a shopping center, office complex, or industrial park.
- C. Election Sign: A sign directing attention to a candidate, political party, or a ballot.
- D. Flat Wall Sign: Signs which are erected or displayed on or parallel to the surface of a building.
- E. Ground (Monument) Sign: Signs which are stationary but not supported by a part of a building, which are erected on an independent structure (legs or base), so that the structure is the main support of the sign.
- F. Home-Occupation Business Sign: Name signs indicating the name, profession, or activity of the occupant of the dwelling unit.
- G. Identification Sign: Signs identifying schools, churches, hospitals, or similar institutions and for lodges, clubs, residential developments, parks, recreation areas, and other public assets.
- H. Real Estate Sign: A sign advertising the sale, rental, leasing, or development of the premises.
- I. Roof Sign: A sign erected upon and above a roof structure and wholly supported by the roof structure placed upon a roof.
- J. Special Event Sign: A temporary sign or banner advertising a sale or providing information about a special event sponsored by a legally recognized institutional, public civic, charitable organization.

- K. **Wall Projecting Sign:** A sign, which is mounted upon a building so that the principal face is at right angles to the building.

SITE (LAND DEVELOPMENT) PLAN: A plan to scale showing dimensions for uses and structures proposed for a parcel of land. It includes lot lines, streets, buildings, major landscape features, contours, access and circulation and depending on requirements, the locations of proposed utility lines and related easements, in addition to information required by the Planning Commission, Board of Supervisors or Township Engineer.

SOLAR ENERGY FACILITY: An electric generating facility, with the purpose of electricity supply, consisting of one or more solar panels and other ancillary associated buildings and structures, including substations, meteorological towers, electrical infrastructure, transmission lines, and other appurtenant structures and facilities.

SPECIAL EXCEPTION: A use permitted in a particular zoning district pursuant to the provisions of Articles VI and IX of the Pennsylvania Municipalities Planning Code and Part 12 of the Township Zoning Ordinance.

SPECIFIED ANATOMICAL AREAS:

- A. Less than completely and opaquely covered:

- (1) Human genitals or pubic region;
- (2) Buttocks; or
- (3) Female breasts below a point immediately above the top of the areola.

- B. Human male genitals in a discernibly turgid state even if completely or opaquely covered.

STORAGE, OUTSIDE: The storage of any materials outside the principal or accessory buildings on a property.

STORAGE WELL: A well-used for and in connection with the underground storage of natural gas, including injection into or withdrawal from an underground storage reservoir for monitoring or observation of reservoir pressure.

STREET: includes street, avenue, boulevard, road, highway, freeway, parkway, lane, alley, viaduct and any other ways used or intended to be used by vehicular traffic or pedestrians whether public or private.

STRUCTURE: Any man-made edifice or building having an ascertainable stationary location on or in land or water whether or not affixed to the land. Exclusions include but are not limited to mailboxes, flagpoles, bird feeders and dog houses.

STUDIO: A building or portion of a building used as a place of work by an artists, photographer, or artisan, or used for radio or television broadcasting.

SUBDIVISION AND LAND DEVELOPMENT ORDINANCE: Chapter 22 of the North Sewickley Township's Code of Ordinances regulating the development and subdivision of land.

SUPPLY YARD: A commercial establishment storing or offering for sale building supplies, steel supplies, coal, heavy equipment, feed and grain, and similar goods. Supply yards shall not include the wrecking, salvaging, dismantling, recycling or storage of automobiles and similar vehicles.

SWIMMING POOL: A pool or tub constructed either above or below grade having a depth at any point in excess of eighteen inches (18") and surface area greater than one hundred (100) square feet, intended for recreational purposes including swimming and bathing.

TEMPORARY SECOND DWELLING: A temporary dwelling unit placed on a property for occupancy by either an elderly, handicapped, or disabled person related by blood, marriage, or adoption to the occupants of the principal dwelling.

TEMPORARY USES AND STRUCTURES: Uses or structures established in accordance with Section 1304 for a fixed period of time with the intent that such use shall terminate automatically upon expiration of the fixed time period unless permission to extend such use is renewed.

THEATER: A building or part of a building devoted to showing motion pictures, or for dramatic, dance, musical or other live performances.

TOWNSHIP: The municipal governing body of North Sewickley Township.

TRADITIONAL NEIGHBORHOOD DEVELOPMENT: An area of land developed for a compatible mixture of residential units for various income levels and nonresidential commercial and workplace uses, including some structures that provide for a mix of uses within the same building. Residences, shops, offices, workplaces, public buildings, and parks are interwoven within the neighborhood so that all are within relatively close proximity to each other. Traditional neighborhood development is relatively compact, limited in size and oriented toward pedestrian activity. It has an identifiable center and a discernible edge. The center of the neighborhood is in the form of a public park, commons, plaza, square or prominent intersection of two or more major streets. Generally, there is a hierarchy of streets laid out in a rectilinear or grid pattern of interconnecting streets and blocks that provides multiple routes from origins to destinations and are appropriately designed to serve the needs of pedestrians and vehicles equally.

TRAILS: A way designed for and used by equestrians, pedestrians, and cyclists using non-motorized vehicles.

TREE CALIPER: A standard trunk diameter measurement for trees taken six inches (6") above the ground for up to and including four inch (4") caliper size and twelve inches (12") above ground for larger tree sizes.

TRUCK MAINTENANCE AND REPAIR FACILITY: A facility to accommodate the service, repair, and storage of trucks and other motorized equipment and trailers, and which may incidentally provide warehousing activities and transfer facilities.

USE, CONDITIONAL: A use permitted in a particular zoning district pursuant to the provisions in Article VI of the Pennsylvania Municipalities Planning Code.

USE, PERMITTED: A use permitted in a district without the need for special administrative review and approval, upon satisfaction of the standards and requirements of this Ordinance.

VARIANCE: Relief granted pursuant to the provisions of this Ordinance and Articles VI and IX of the Pennsylvania Municipalities Planning Code.

VETERINARY FACILITY: A place where animals or pets are given medical or surgical treatment and are cared for during the time of such treatment.

VILLAGE (Traditional Neighborhood Development): A small compact settlement of predominantly residential character and pedestrian orientation, but with a core of mixed-use commercial, residential and community services, often incorporating local-scale economic and social functions within discrete physical boundaries, regulated by the provisions of Article VIIA of the Pennsylvania Municipalities Planning Code.

WIND ENERGY FACILITY: A structure or a group of structures consisting of wind turbines and the appurtenances thereto in the same location used to produce electricity.

WAREHOUSE AND DISTRIBUTION FACILITY: An establishment engaged in the receipt, storage, and distribution of goods, products, cargo, and materials.

WIRELESS: Transmissions through the airwaves, including, but not limited to, infrared line-of-sight, cellular, PCS, microwave, satellite, or radio signals.

WIRELESS COMMUNICATION FACILITY (WCF): The antennas, nodes, control boxes, towers, poles, conduits, ducts, pedestals, electronics and other equipment used for the purpose of transmitting, receiving, distributing, providing, or accommodating wireless communications services for the purpose of telecommunications.

WIRELESS COMMUNICATIONS FACILITY ACCESSORY EQUIPMENT: A structure and/or equipment intended to support wireless communication facilities (WCF). Not included are antennas and supportive structures for private, noncommercial, and amateur purposes, including, but not limited to, ham radios, citizens band radios, Wi-Fi networks, and other similar facilities installed by property owners for their private use.

WIRELESS SUPPORT STRUCTURE: A freestanding structure, such as a tower-based wireless communications facility or any other support structure that could support the placement or installation of a wireless communications facility if approved by the Township.

YARD: An open space unobstructed from the ground up, on the same lot with a structure, extending along a lot line or street right-of-way line and inward to the structure. The size of the required yard shall be measured as the shortest distance between the structure and the lot line or public street right-of-way line or, in the case of a street, which is not dedicated to the Township, from the edge of the recorded private right-of-way line.

YARD, FRONT: The yard between a structure and a street right-of-way line and extending the entire length of the street right-of-way line. In the case of a corner lot, the yards abutting a recorded public or private street right-of-way lines are "front yards."

YARD, REAR: The yard between a structure and the rear lot line and extending the entire length of the rear lot line. In the case of a corner lot, the yard opposite from and parallel to the street on which the structure fronts shall be considered the "rear yard."

YARD, SIDE: The yard between a structure and a side lot line, extending from the front yard; in the case of a corner lot, the yard which is not a front yard or rear yard.

YARD (GARAGE) SALE: The sale or offering for sale to the general public of over five (5) items of personal property on any portion of a lot in a residential zoning district or lot developed for residential use, whether within or outside any principal or accessory building.

ZONING DISTRICT: An area accurately defined as to boundaries and location on the Zoning Map and within which are only certain types of land uses are permitted and within which other types of land use may be excluded.

ZONING LOT: A parcel of land considered as a single unit for purposes of administration of the zoning ordinance. A zoning lot must be comprised of two or more nonconforming lots separately recorded or taxed adjacent lots under identical ownership, the perimeter of which represents a single, contiguous unit.

ZONING MAP: The map setting forth the boundaries of the zoning districts within the municipalities to which this zoning ordinance applies and which shall be a part of this Ordinance.

ZONING OFFICER: The duly constituted municipal official designated to administer and enforce this Ordinance in accordance with its literal terms.

PART 3

Zoning District Classifications

§27-301 TYPES OF ZONING DISTRICTS

For the purpose of this Ordinance, the Township of North Sewickley is hereby divided into *six (6)* zoning districts:

- A. AR Agricultural Residential District
- B. MDR Mixed Density Residential District
- C. B Business District
- D. BT Business Transition District
- E. CC Corridor Commercial District
- F. I Industrial District

§27-302 TYPES OF USES

Types of land uses permitted within North Sewickley Township shall be regulated uniformly throughout each zoning district based upon the following types of uses:

- A. **Permitted:** Permitted principal and accessory uses shall be specifically allowed as a matter or right upon application with the issuance of a use permit by the Zoning Officer and without prohibition, condition, or exception, except where supplementary district regulations, or the general health, safety, and welfare of North Sewickley Township supersedes the permitted use.
- B. **Conditional Uses:** Conditional uses may be allowed or denied by the Supervisors of North Sewickley Township pursuant to public notice and hearing, and the review by and recommendations of the Planning Commission and pursuant to expressed standards and criteria set forth for each. In granting a conditional use, the Supervisors of North Sewickley Township may attached such reasonable conditions and safeguards as it may deem necessary to implement the purposes of this.
- C. **Use by Special Exception:** Uses by special exception shall be granted or denied by the Township's Zoning Hearing Board pursuant to express standards and criteria set forth for each.
- D. **Specific Prohibited Uses:** The following shall be uses specifically prohibited in all districts:
 - (1) Any use contrary to the laws of the Commonwealth of Pennsylvania.
 - (2) Any use which by its operational characteristics produces hazardous by-products or creates potential health problems for employees.

Whenever in any zoning district established by this Chapter, a use is not specifically provided for, and an application is made by a property owner to the Zoning Officer for such use, the Zoning Officer shall refer the application to the North Sewickley Township Board of Supervisors to commence a procedure for review as a conditional use as per the provisions of Part 12, Section 27-1202.

§27-303 ZONING MAP

- A. The boundaries of the districts shall be as shown on the Zoning Map. Said map and all notations, references, and data shown thereon and hereby incorporated by reference into this Zoning Ordinance shall be as much a part of this Zoning Ordinance as if all were fully described herein.

- B. The Zoning Map shall be so labeled and identified by signature of the Chairman of the Board of Supervisors and attested by the Secretary of the Board of Supervisors and bear the seal of North Sewickley Township under the following words: "This is to certify that the following sheet comprises the North Sewickley Township Zoning Map, adopted this day of 10th, of February, 2009."

§27-304 INTERPRETATION OF DISTRICT BOUNDARIES

- A. Boundaries indicated as approximately following the centerlines of streets shall be construed to follow such centerlines.
- B. Boundaries indicated as approximately following plotted lot lines shall be construed as following such lot lines.
- C. Boundaries indicated as approximately following municipal limits shall be construed as following such limits.
- D. Boundaries indicated as approximately following the centerlines of streams or other bodies of water shall be construed to following such centerlines.
- E. In unsubdivided property, boundaries shall be determined by use of the scale or dimensions indicated on the Zoning Map.

§27-305 APPLICABILITY OF DISTRICT BOUNDARIES

The regulations set up by this Ordinance within each zoning district shall be minimum regulations and shall apply uniformly to each class or kind of structure or land, and particularly, except as hereafter provided, in conformity with this Ordinance.

- F. No building, structure or land shall hereafter be used or occupied, and no building or structure or part hereof shall hereafter be erected, constructed, reconstructed, moved, or structurally altered except in conformity with all the regulations herein specified for the District in which it is located.
- G. No building or other structure shall hereafter be erected or altered to exceed the height or bulk, to accommodate or house a greater number of families to occupy a greater percentage of lot area or to have smaller or more narrow rear yards, side yards, or other open spaces than herein required, or in any other manner contrary to the provisions of this Ordinance.
- H. No yard or lot existing prior to the effective date of this Ordinance shall be reduced in dimensions or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this Ordinance shall meet at least the minimum requirements established by this Ordinance.
- I. No recorded parcel shall accommodate more than one principal permitted use with the following exceptions:
- (1) Multiuse or mixed use structure as provided for;
 - (2) Multiple multifamily structures designed as a planned development, including but not limited to condominiums in various configurations;
 - (3) Multiple light industrial, warehousing and distribution facilities, designed as a planned development.
 - (4) Multiuse or mixed use structure as provided for;
 - (5) Multiple multifamily structures designed as a planned development, including but not limited to condominiums in various configurations;
 - (6) Multiple light industrial, warehousing and distribution facilities, designed as planned development.

PART 4**AR Agricultural Residential District****§27-401 PURPOSE**

The purpose of the AR Agricultural Residential District is to provide for agricultural operations and related uses, which preserve the rural character of the Township, and for low density single-family housing, while encouraging the protection of forested areas, wildlife resources and scenic views.

§27-402 PERMITTED USES**A. Principal Uses:**

- (1) Agricultural operations.
- (2) Single-family dwellings (see §27-505)
- (3) Greenhouses.
- (4) Landscaping supply yards.
- (5) Riding academies.
- (6) Farmer's markets.
- (7) Farm related business.
- (8) Planned Residential Development, PRD A. (See Part 10).
- (9) Traditional Neighborhood Developments (villages). See Article VIIA of the Pennsylvania Municipalities Planning Code.
- (10) RV Parks.
- (11) Banquet/Reception Facility.

B. Accessory Uses:

- (1) Uses customarily incidental or appurtenant to permitted principal uses.
- (2) Home-based business.
- (3) Structures accommodating permitted accessory uses.

§27-403 CONDITIONAL USES

General criteria, procedural requirements and specific standards for individual conditional uses are included in Part 12 of this Ordinance.

- A. Home occupation.
- B. Municipal uses.
- C. Commercial kennels.
- D. Bed and breakfast.
- E. Communication facilities.
- F. Public and private recreation facilities, including golf courses.
- G. Shooting range facility.
- H. Commercial solar facility

§27-404 USES BY SPECIAL EXCEPTION

General criteria, procedural requirements and specific standards for individual uses by special exception are included in Part 12 of this Ordinance.

- A. Churches and church maintained cemeteries.
- B. Schools.

§27-405 DIMENSIONAL STANDARDS

A. Lot Area:

- 1. Permitted principal uses: minimum 1.5 acres except as otherwise specified.
- 2. Conditional Uses: minimum 2 acres except as otherwise specified
- 3. Uses by special exception: minimum 2 acres except as otherwise specified

B. Lot Configuration:

- 1. All uses: minimum lot width – 150 feet at right-of-way line
- 2. Depth to width ratio: none specified

C. Minimum Yards – All uses:

- 1. Front yard: minimum 50' measured from right-of-way line
- 2. Side yard: minimum 25', combined both yards, 60'
- 3. Rear yard: minimum 40'
- 4. Accessory structures: side and rear yards, minimum 25'

D. Height:

- 1. Permitted principal structures: maximum 40'
- 2. Accessory structures: maximum 25'

E. Coverage (Bulk): All uses:

- 1. Buildings: maximum 25% of lot area
- 2. Impervious surface: maximum 10% of lot area in addition to buildings

§27-406 DEVELOPMENT STANDARDS

- 1. Residential density: maximum one dwelling unit (1DU) per 1.5 acres, except as otherwise specified
- 2. Bufferyards: where required, as per the Appendix.
- 3. Parking: as per the provisions of Part 14.
- 4. Signs: as per the provisions of Part 13.

§27-501-A PART 5

MDR Mixed Density Residential District

§27-501 PURPOSE

The purpose of the MDR Mixed Density Residential District is to provide for a variety of residential uses in a number of configurations, while maintaining a respect for the rural character of the Township. Housing opportunities and support uses are appropriate at moderate intensities of development.

§27-502 PERMITTED USES

A. Principal Uses:

- (1) Single-family dwellings.
- (2) Two-family dwellings (duplexes).
- (3) Agricultural operations.

B. Accessory Uses:

- (1) Uses customarily incidental or appurtenant to permitted principal uses.
- (2) No Impact Home-based business.
- (3) Structures accommodating permitted accessory uses.

§27-503 CONDITIONAL USES

General criteria, procedural requirements and specific standards for individual conditional uses are included in Part 12 of this Ordinance.

- A. Retirement communities.
- B. Conversion apartments.
- C. Planned Residential Development, PRD B.
- D. Home Occupation

§27-504 USES BY SPECIAL EXCEPTION

General criteria, procedural requirements and specific standards for individual uses by special exception are included in Part 12 of this Ordinance.

- A. Churches and church maintained cemeteries.
- B. Libraries.
- C. Municipal buildings and community centers.
- D. Banquet/Reception Facilities.

§27-505 DIMENSIONAL STANDARDS

A. Lot Area:

- 1. Permitted principal uses: minimum 1 acre except as otherwise specified; .5 acres with sanitary sewers
- 2. Conditional Uses: minimum 1.5 acres except as otherwise specified
- 3. Uses by special exception: minimum 1.5 acres except as otherwise specified

B. Lot Configuration:

- 1. All uses: minimum lot width – 100 feet at right-of-way line

2. Depth to width ratio: none specified

C. Minimum Yards – All uses:

- 1. Front yard: minimum 40' measured from right-of-way line
- 2. Side yard: minimum 10', combined both yards, 20'
- 3. Rear yard: minimum 30'
- 4. Accessory structures: side and rear yards, minimum 10'

D. Height:

- 1. Permitted principal structures: maximum 40'
- 2. Accessory structures: maximum 25'

E. Coverage (Bulk): All uses:

- 1. Buildings: maximum 30% of lot area
- 2. Impervious surface: maximum 15% of lot area in addition to buildings

§27-506 DEVELOPMENT STANDARDS

- 1. Residential density: maximum one dwelling unit (1DU) per acre, except as otherwise specified
- 2. Bufferyards: where required, as per the Appendix.
- 3. Parking: as per the provisions of Part 14.
- 4. Signs: as per the provisions of Part 13.

PART 6**B Business District****§27-601 PURPOSE**

The purpose of the B Business District is to provide for small scale commercial and service uses at key intersections which support existing residential neighborhoods.

§27-602 PERMITTED USES**A. Principal Uses:**

- (1) General retail sales up to 8,000 square feet of gross floor area.
- (2) Specialty retail sales up to 6,000 square feet of gross floor area.
- (3) Automotive service stations with or without convenience retail.
- (4) Restaurants, excluding drive-through windows.
- (5) Financial institutions, excluding drive-through windows.
- (6) Single family dwelling
- (7) Banquet/Reception Facilities.

B. Accessory Uses:

- (1) Uses customarily incidental or appurtenant to permitted principal uses.
- (2) Structures accommodating permitted accessory uses.

§27-603 CONDITIONAL USES

General criteria, procedural requirements and specific standards for individual conditional uses are included in Part 12 of this Ordinance

- A. Personal Services.
- B. Automotive sales including boats and agricultural machinery.
- C. Automotive repair.
- D. Restaurants, with drive-through windows
- E. Financial institution, with drive-through windows.
- F. Light fabrication or assembly facility up to 8000 sq. ft.

§27-604 USES BY SPECIAL EXCEPTION

General criteria, procedural requirements and specific standards for individual uses by special exception are included in Part 12 of this Ordinance

- A. Day care facility.
- B. Laundry and dry cleaning facility.
- C. Group Residence Facility.

§27-605 DIMENSIONAL STANDARDS**A. Lot Area:**

1. Permitted principal uses: minimum .5 acres except as otherwise specified.
2. Conditional Uses: minimum .75 acres except as otherwise specified

3. Uses by special exception: minimum .75 acres except as otherwise specified
- B. Lot Configuration:**
1. All uses: minimum lot width – 80 feet at right-of-way line
2. Depth to width ratio: none specified
- C. Minimum Yards – All uses:**
1. Front yard: minimum 40' measured from right-of-way line
2. Side yard:
- Single use: minimum 15'
- Multiple uses in single structure: zero (0) for interior store fronts, 15' abutting each end unit
- Single uses in multiple structures: minimum 15'
- Multiple uses in multiple structures: zero (0) for interior store fronts, 15' abutting each end unit
3. Rear yard: minimum 50'
4. Accessory structures: side and rear yards, minimum 15'
- D. Height:**
1. Permitted principal structures: maximum 40'
2. Accessory structures: maximum 25'
- E. Coverage (Bulk): All uses:**
1. Buildings: maximum 45% of lot area
2. Impervious surface: maximum 15% of lot area in addition to buildings

§27-606 DEVELOPMENT STANDARDS

1. Bufferyards: where required, as per the Appendix. At least 15% of required landscaping and plant materials shall be situated between the front face of the principal structure and the abutting right-of-way line.
2. Parking: as per the provisions of Part 14. All required parking shall be located in the side and rear yards.
3. Signs: as per the provisions of Part 13.
4. Single family dwellings: as per the dimensional standards of Part 5, Section 27-505

PART 7**BT Business Transition District****§27-701 PURPOSE**

The purpose of the BT Business Transition District is to provide for small scale commercial, services and processing uses in areas with adequate infrastructure to support a variety of nonresidential and support uses.

§27-702 PERMITTED USES**A. Principal Uses:**

- (1) General retail sales up to 2,400 square feet of gross floor area.
- (2) Specialty retail sales up to 2,000 square feet of gross floor area.
- (3) Personal services.
- (4) General offices.
- (5) Laundry, dry cleaning facility (See §27-1207B).
- (6) Schools, public and private.
- (7) Single family dwelling

B. Accessory Uses:

- (1) Uses customarily incidental or appurtenant to permitted principal uses.
- (2) Structures accommodating permitted accessory uses.

§27-703 CONDITIONAL USES

General criteria, procedural requirements and specific standards for individual conditional uses are included in Part 12 of this Ordinance

- A. Financial institutions, excluding drive-through windows.
- B. Restaurants excluding drive-through windows.
- C. Funeral home.
- D. Conversion apartments.
- E. Public and private recreation facilities, not including shooting facilities.
- F. Processing facilities
- G. Banquet/Reception Facilities.

§27-704 USES BY SPECIAL EXCEPTION

General criteria, procedural requirements and specific standards for individual conditional uses are included in Part 12 of this Ordinance

- A. Day care facility.
- B. Bed and breakfast.
- C. Community center.
- D. Group Residence Facility.

§27-705 DIMENSIONAL STANDARDS**A. Lot Area:**

- 1. Permitted principal uses: minimum 1 acre except as otherwise specified.
- 2. Conditional Uses: minimum 1.25 acres except as otherwise specified
- 3. Uses by special exception: minimum 1.25 acres except as otherwise specified

B. Lot Configuration:

- 1. All uses: minimum lot width – 80 feet at right-of-way line
- 2. Depth to width ratio: none specified

C. Minimum Yards – All uses:

- 1. Front yard: minimum 40' measured from right-of-way line
- 2. Side yard:
 - Single use: minimum 15'
 - Multiple uses in single structure: zero (0) for interior store fronts, 15' abutting each end unit
 - Single uses in multiple structures: minimum 15'
 - Multiple uses in multiple structures: zero (0) for interior store fronts, 15' abutting each end unit
- 3. Rear yard: minimum 50'
- 4. Accessory structures: side and rear yards, minimum 15'

D. Height:

- 1. Permitted principal structures: maximum 40'
- 2. Accessory structures: maximum 25'

E. Coverage (Bulk): All uses:

- 1. Buildings: maximum 45% of lot area
- 2. Impervious surface: maximum 15% of lot area in addition to buildings

§27-706 DEVELOPMENT STANDARDS

- 1. Bufferyards: where required, as per the Appendix. At least 15% of required landscaping and plant materials shall be situated between the front face of the principal structure and the abutting right-of-way line.
- 2. Parking: as per the provisions of Part 14. All required parking shall be located in the side and rear yards.
- 3. Signs: as per the provisions of Part 13.
- 4. Single family dwelling: as per the dimensional standards of Part 5, Section 27-505.

PART 8**CC Corridor Commercial District****§27-801 PURPOSE**

The purpose of the CC Corridor Commercial District is to provide for a variety of moderate scale, transit oriented, commercial and service uses, and certain multi- and mixed- residential uses while managing access for safety.

§27-802 PERMITTED USES**A. Principal Uses:**

- (1) Single use general retail to a maximum of 50,000 square feet of gross floor area.
- (2) Single use specialty retail to a maximum of 36,000 square feet of gross floor area.
- (3) Multi-use retail center to a maximum of 120,000 square feet of gross floor area.
- (4) Multi-use commerce park to a maximum of 120,000 square feet of gross floor area.
- (5) Hotels and motels.
- (6) Theaters.
- (7) Single use general or professional offices to a maximum of 24,000 square feet of gross floor area.
- (8) Restaurants, high-turnover without drive-through windows.
- (9) Mixed use structures.
- (10) Financial institutions without drive-through windows.
- (11) Automotive services stations with or without convenience retail.
- (12) Single family dwelling
- (13) Self-Storage facility
- (14) Banquet/Reception Facilities.

B. Accessory Uses:

- (1) Uses customarily incidental or appurtenant to permitted principal uses.
- (2) Commercial storage facilities.
- (3) Structures accommodating permitted accessory uses.

§27-803 CONDITIONAL USES

General criteria, procedural requirements and specific standards for individual conditional uses are included in Part 12 of this Ordinance.

- A. Warehousing and distribution facilities.
- B. Truck maintenance and repair facilities.
- C. Stand-alone retail facility in excess of 50,000 square feet.
- D. Restaurants with drive-through windows.
- E. Financial institutions with drive-through windows.
- F. Doctor offices, health care facilities, and group housing.
- G. Light fabrication or assembly facility up to 15,000 sq. ft.

§27-804 USES BY SPECIAL EXCEPTION

General criteria, procedural requirements and specific standards for individual uses by special exception are included in Part 12 of this Ordinance.

§27-805 DIMENSIONAL STANDARDS

A. Lot Area:

- 1. Permitted principal uses: no minimum area
- 2. Conditional Uses: minimum 1.25 acres
- 3. Uses by special exception: no minimum area

B. Lot Configuration:

- 1. All uses: minimum lot width – 80 feet at right-of-way line
- 2. Depth to width ratio: none specified

C. Minimum Yards – All uses:

- 1. Front yard: minimum 40' measured from right-of-way line
- 2. Side yard:
 - Single use: minimum 20'
 - Multiple uses in single structure: zero (0) for interior store fronts, 20' abutting each end unit
 - Single uses in multiple structures: minimum 20'
 - Multiple uses in multiple structures: zero (0) for interior store fronts, 20' abutting each end unit
- 3. Rear yard: minimum 60'
- 4. Accessory structures: side and rear yards, minimum 20'

D. Height:

- 1. Permitted principal structures: maximum 40'
- 2. Accessory structures: maximum 40'

E. Coverage (Bulk): All uses:

- 1. Buildings: maximum 50% of lot area

2. Impervious surface: maximum 20% of lot area in addition to buildings

§27-806 DEVELOPMENT STANDARDS

1. Bufferyards: where required, as per the Appendix.
2. Parking: as per the provisions of *Article 14*.
3. Signs: as per the provisions of *Article 13*.
4. Design guidelines:
 - (a) Building Orientation: The structure should be designed with a primary orientation to the street. The front facade of the structure should face the street. The front facade should include a distinctive entrance, although secondary entrances are permitted on the side of a building. A sidewalk shall be constructed parallel to the front facade.
 - (b) Building Materials: Exterior materials should be compatible with buildings within the zoning district and with the design of the structure. No structure addition shall consist of architectural materials inferior in quality, appearance, or detail to any other exterior of a use in the same building. The use of wood shingles, wood clapboards, copper, brick and stone are encouraged. The use of concrete block, sheet metal, vinyl, or aluminum siding is discouraged.
 - (c) Access Standards:
 - [1] All plans for vehicular access to a new development from a major arterial shall be submitted to the Township. If PennDOT approval is required, plans must be submitted to the Township and PennDOT concurrently for review and approval.
 - [2] Any right-of-way providing vehicular access to a development within this zoning district shall be of a functional classification providing sufficient carrying capacity for the proposed development. It shall be the responsibility of the applicant to demonstrate this compliance.
 - [3] Any new right-of-way providing vehicular access from an arterial road shall be located a minimum distance of three hundred feet (300') from the point at which the exit/entrance ramp or access point intersects the arterial road.
5. Single family dwellings: as per the dimensional standards of Part 5, Section 27-505.

PART 9**I Industrial District****§27-901 PURPOSE**

The purpose of the I Industrial District is to provide for light industrial, assembly, processing, manufacturing, and related supplemental uses in areas with adequate infrastructure to support such uses.

§27-902 PERMITTED USES**A. Principal Uses:**

- (1) Light industry.
- (2) Light manufacturing facilities.
- (3) Warehousing and distribution facilities.
- (4) Contractor and supply yards.
- (5) Research and testing laboratories.
- (6) Automotive service station with or without convenience retail.
- (7) Single family dwelling
- (8) Banquet/Reception Facilities.

B. Accessory Uses:

- (1) Uses customarily incidental or appurtenant to permitted principal uses.
- (2) Material storage facilities.
- (3) Construction sheds or trailers.
- (4) Structures accommodating permitted accessory uses.

§27-903 CONDITIONAL USES

General criteria, procedural requirements and specific standards for individual conditional uses are included in Part 12 of this Ordinance

- A. Adult oriented business.
- B. Automotive recycling.
- C. Sanitary landfills.
- D. Packaging and bottling facilities.
- E. Junkyards.
- F. Communications facilities.

§27-904 USES BY SPECIAL EXCEPTION

General criteria, procedural requirements and specific standards for individual uses by special exception are included in Part 12 of this Ordinance. There are no uses by special exception in the I Industrial District.

§27-905 DIMENSIONAL STANDARDS**A. Lot Area:**

1. Permitted principal uses: minimum 1 acre except as otherwise specified.

- 2. Conditional Uses: minimum 1.5 acres except as otherwise specified
- 3. Uses by special exception: minimum 1 acre except as otherwise specified (reserved)

B. Lot Configuration:

- 1. All uses: minimum lot width – 100 feet at right-of-way line
- 2. Depth to width ratio: none specified

C. Minimum Yards – All uses:

- 1. Front yard: minimum 40' measured from right-of-way line
- 2. Side yard:
 - Interior lots: minimum 30'
 - Perimeter lots: minimum 100' abutting residentially zoned lot
- 3. Rear yard: minimum 30'
- 4. Accessory structures:
 - Interior lots: minimum 30'
 - Perimeter lots: minimum 100' abutting residentially zoned lot

D. Height:

- 1. Permitted principal structures: maximum 60'
- 2. Accessory structures: maximum 60'

E. Coverage (Bulk): All uses:

- 1. Buildings: maximum 50% of lot area
- 2. Impervious surface: maximum 20% of lot area in addition to buildings

§27-906 DEVELOPMENT STANDARDS

- 1. Bufferyards: where required, as per the Appendix.
- 2. Parking: as per the provisions of Part 14.
- 3. Signs: as per the provisions of Part 13.
- 4. Performance Standards:

- (a) Noise: Noise: the maximum permitted sound pressure levels in decibels is listed below:

from 7:00 a.m. to 10:00 p.m. is 70 dBA

from 10:00 p.m. to 7:00 a.m. is 60 dBA

Noise shall be measured with a sound level meter that meets the standards of the American National Standards Institute (ANSI Section 51.4-1979, Type 1 or Type 2). Noise levels should be measured using an A-weighted sound pressure level scale

- (b) Air Quality: Any land use or activity that is a source of the emission of smoke, particulate matter or other air pollutants shall comply with all applicable state and federal standards and regulations governing air quality and emissions.

Any such land use or other activity shall obtain and maintain all necessary licenses and permits from the appropriate county, state and federal agencies.

- (c) **Hazardous Materials:** Any land use or activity that involves the use of toxic, hazardous, or radioactive materials shall comply with all applicable state and federal regulations governing the use, storage, transportation, emissions, and disposal of such materials. Any such land or other activity shall also obtain and maintain all necessary licenses from the appropriate state and federal agencies, such as the United States Environmental Protection Agency.

6. Access Standards:

- (a) All plans for vehicular access to new development from a major arterial shall be submitted to the Township. If PennDOT approval is required, plans must be submitted to the Township and PennDOT concurrently for review and approval.
- (b) Any right-of-way providing vehicular access to a development within this zone shall be of a type that is equal to or of a lower order than the highest order road serving the adjacent area.
- (c) Any new right-of-way providing vehicular access from an arterial road shall be located a minimum distance of three hundred feet (300') from the point at which the exit/entrance ramp or the arterial road intersects the access road.

7. Fire Protection: All industry/manufacturing establishments must provide the Township Fire Department with a complete list of materials stored on site or in enclosed buildings.

8. Single family dwellings: as per the dimensional standards of Part 5, Section 27-505.

PART 10

Planned Residential Development

§27-1001 PURPOSES

The purposes of this Part and the Township of North Sewickley Planned Residential Development Regulations are:

- A. To allow innovations in residential development and redevelopment so that the changing demand for housing may be met by greater variety in type, design, and layout of dwelling together with the conservation and more efficient use of open space ancillary to said dwellings;
- B. To provide greater opportunities for better housing and recreation for all who are or will be residents of the Township;
- C. To encourage a more efficient use of land and public services and to reflect changes in the technology of land development so that the economies so secured may ensure to the benefit of those who need homes;
- D. To safeguard personal well-being and property by preserving the natural environment and protecting sensitive, critical, and/or irreplaceable natural resources, such as streams, ponds, floodplains, wetlands, groundwater, wooded areas, steeply-sloped areas, landslide-prone areas and areas of unusual beauty or importance to the natural ecosystem;
- E. To encourage innovations in residential developments that are designed to minimize energy consumption and maximize recycling of materials in their layout, transportation, climate control, energy sources, and solid and liquid waste treatment systems;
- F. To protect the stability of existing residential neighborhoods and surrounding areas from being adversely affected by the proximity of incompatible land uses;
- G. To ensure consistency with the objectives of the zoning and subdivision and land development regulations that would otherwise be applicable and in aid of these purposes, provide a sound, expeditious and fair administrative procedure which allows the developer and the Township to relate the type, design, and layout of residential development to the particular site and the particular demand for housing existing at the time of development, while preserving the character, quality and property values of the Township's existing residential areas.

§27-1002 CONDITIONS FOR PLANNED RESIDENTIAL DEVELOPMENT

- A. This Part hereby establishes two (2) types of planned residential developments (PRD): PRD-A and PRD-B. Subject to the restrictions, qualifications, and provisions of this Part, PRD-A shall be permitted in the AR District; and PRD-B shall be conditional in the MDR District.
- B. The minimum site requirement shall be twenty (20) contiguous acres for PRD-A and ten (10) contiguous acres for PRD-B.
- C. The proposed development shall be consistent with the current Comprehensive Plan, as adopted by the Township of North Sewickley.
- D. The planned residential development shall be entirely within one (1) zoning district of the Township designated for such use.
- E. The tract of land to be developed shall be in one (1) ownership or, if in multiple ownership, shall be developed according to a single plan with common authority and development responsibility.
- F. Principal (primary) access to a PRD-A or -B site shall be from either an arterial or collector street, as designated by the Pennsylvania Department of Transportation, subject to the

- G. provisions of this Part. Planned residential developments of sixty (60) dwellings or more shall provide at least one (1) secondary access in addition to the primary access as determined necessary during the development plan review.
- H. The proposed planned residential development shall be served by a public sanitary sewage treatment system which shall meet all the standards set by this Part and shall have received all necessary approvals and permits from local, county, and Commonwealth agencies.
- I. Public central water service shall be supplied to each structure to be erected in the development subject to the requirements of the Township and/or municipal authority with jurisdiction, Commonwealth or federal agency.

§27-1003 TYPES OF PERMITTED USES AND PERMITTED MIXES OF USES

- A. The following subsections list the uses permitted in each type of PRD (PRD-A and PRD-B), subject to the other provisions and requirements of this Part.
- B. In addition, certain uses are subject to standards governing the mix of use types within the PRD; these standards are stated in terms of minimum or maximum percentages of total dwelling units or land area in the PRD.

C. PRD-A:

(1) Permitted Uses:

- (a) Single-family, detached, except mobile or modular homes.
- (b) Two-family, detached, except mobile or modular homes.
- (c) Triplex or quadruplex.
- (d) Open space and recreation facilities/areas, such as tot lots, playfields, swimming pools, tennis courts, hiking trails, picnic areas, community buildings and similar uses deemed appropriate by the Township Supervisors for incorporation into the design of the development.
- (e) Customary residential accessory uses, such as garages, carports, private swimming pools, garden sheds, components of energy systems and similar uses.
- (f) Signs, as permitted by Part 13.
- (g) Essential services, as defined in Part 2 of this Zoning Ordinance.

(2) Mix of Uses:

- (a) A PRD-A shall contain a minimum of two (2) different types of dwelling units (e.g., single-family detached, duplex or quadruplex), but no single type shall exceed sixty percent (60%) of the total number of dwelling units.
- (b) This minimum mix does not apply to single-family dwelling which are permitted to a maximum of one hundred percent (100%) of all dwelling units.

D. PRD-B

(1) Permitted Uses:

- (a) Single-family detached, including modular homes.
- (b) Two-Family, detached dwellings.
- (c) Triplex and quadruplex.
- (d) Townhouse dwellings.
- (e) Open space and recreation facilities/areas, such as tot lots, playfields, swimming pools, tennis courts, hiking trails, picnic areas, community buildings and similar

- (f) uses deemed appropriate by the Township Board of Supervisors for incorporation into the design of the development.
- (2) Mix of Uses:
 - (a) A PRD-B shall contain a minimum of two (2) different types of dwelling units including but not limited to duplexes, quadruplexes and townhouse dwellings, but no single type shall exceed sixty percent (60%) of the total number of dwelling units.
 - (b) This minimum mix does not apply to single-family detached dwellings which are permitted to a maximum of one hundred percent (100%) of all dwelling units.

§27-1004 DENSITY STANDARDS

A. Maximum Densities

- (1) The allowable average net density of a planned residential development shall be calculated on the basis of dwelling units per acre of buildable land. Buildable land shall be determined according to the provisions of this Section. Lot area and dimensional standards for specific housing types, however, shall be in accordance with this Part. The average net density by type of PRD shall be:
 - (a) PRD-A - 2.0 dwelling units/buildable acre
 - (b) PRD-B - 3.0 dwelling units/buildable acre
- (2) Average net density, as permitted by this Section, may only be obtainable with optimum site conditions. The maximum average net density of the proposed development shall be determined by the standards of this Section, the reports and plans submitted by the applicant, and the recommendations of the Township Planning Commission, the Beaver County Planning Commission, and other appropriate resource persons from whom The Board of Supervisors may seek formal recommendations. Density shall depend upon the topography and physiology of the site, the type of proposed uses, the amount and location of common open space, the adequacy of proposals for the provision of public utilities, traffic circulation and other public facilities which serve, or are proposed to serve, the planned residential development.
- (3) The provision of common open space, which provides amenity and recreational space as well as protects and preserves part of the natural environment, is a major reason for encouraging this type of development. The minimum open space requirements by type of PRD are included in this Part.

B. Calculation of Buildable Area

- (1) Proposed buildable area is determined by subtracting all or portions of the subject land in the following existing categories:

Type of Land	% Reduction for Calculating Buildable Area
Land in existing ROW easements or otherwise restricted by deed or covenant	100%
Floodplains (100 year)	100%
Lakes, Ponds or Wetlands	100%
Roads, Streets, and Parking Lots	100%
Slope - 40% or more	100%
Slope - 25% and less than 40%	50%
Slope - 15% and less than 25%	25%

- (2) Density by type of PRD, times total buildable acres as calculated using the method outlined in this Section, equals the allowable average net density. This formula is used for calculation of density only

§27-1005 PLANNED RESIDENTIAL DEVELOPMENT STANDARDS**A. General Site Design:**

- (1) All structures shall be designed with regard to the topography and natural features of the site. The effects of prevailing winds, seasonal temperatures, and hours of sunlight and shadow on the physical layout and form of the proposed buildings shall be taken into account.
- (2) All housing shall be sited so as to enhance privacy and ensure natural light.
- (3) Variation in setbacks shall be provided to avoid repetitive the development of all units along the minimum setback.
- (4) Each building shall be so oriented as to preserve visual and audible privacy between buildings and adjacent lots. A building containing a dwelling unit shall be arranged so as to provide easy access to emergency vehicles.
- (5) Housing and other facilities near the perimeter of the planned residential development site shall be designed so as to be harmonious with neighboring developed areas. The proposed location and arrangement of structures shall not be detrimental to existing or prospective adjacent structures.

B. Conservation of Trees and Natural Features

- (1) The development shall be designed and constructed so as to minimize earthmoving, sedimentation and erosion, tree clearance, and the destruction of natural features and environmentally sensitive areas.
- (2) Trees:
 - (a) No portions of tree masses or trees with caliper of *eight* inches (8") or greater and/or evergreen trees six feet (6') in height or more [as measured with American Association of Nurserymen (AAN) Standards] shall be removed unless clearly necessary for effectuation of the proposed development.
 - (b) When site preparation of a proposed planned residential development necessitates the clearing of trees or portions of tree masses, the developer shall be guided by the following criteria in selecting trees and ornamental material for retention:
 - [1] Aesthetic values (autumn coloration, type of flowers and fruit, bark and crown characteristics).
 - [2] Susceptibility of tree to insect and diseases and to air pollution.
 - [3] Species longevity.
 - [4] Wind firmness and the characteristic of soil to hold trees to withstand wind.
 - [5] Wildlife values (e.g., oak, hickory, pine, walnut, and dogwood have high food value).
 - [6] Comfort to surroundings (e.g., hardwoods reduce summer temperatures to surroundings more effectively than pines or cedars).
 - [7] Existence of disease, rot, or other damage to the tree.
 - [8] Protection of buildings (i.e., dead and large limbs hanging over buildings should be removed).
 - [9] The size of the tree at maturity.

- (3) Developers shall exercise care to protect remaining trees from damage during construction. The following procedures shall be followed in order to protect remaining trees:
- (a) Where existing ground levels are raised, drainage tile shall be placed at the old soil level and open into a well built around the base of the tree. Such well may be left open or can be filled with coarse stones or gravel. Tiles may be installed in a radiating pattern or laid in parallel lines. No fill shall be placed against any part of the tree trunk.
- [1] Trees within twenty-five feet (25') of a building site or bordering entrances or exits to building sites shall be protected by wiring, wooden slats, or snow fencing around such trees.
- [2] No boards or other material shall be nailed to trees during construction.
- [3] Heavy equipment operators shall be warned to avoid damaging existing tree trunks and roots. Feeder roots shall not be cut closer than the tree's drip line.
- [4] Tree trunks and exposed roots damaged during construction shall be protected from further damage by being treated.
- [5] Tree limbs damaged during construction shall be sawed flush to tree trunks.
- [6] The operation of heavy equipment over root systems of such trees shall be minimized in order to prevent soil compaction.
- [7] Nondormant trees shall be given a heavy application of fertilizer to aid in their recovery from possible damage caused by construction operations.
- [8] Construction debris shall not be disposed of near or around the bases of such trees, except for mulched vegetative matter used to prevent soil compaction.
- (4) Floodplains:
- (a) All floodplains, as defined in this Ordinance, shall remain as permanent open space in a PRD. Only the following uses shall be permitted in the floodplain:
- [1] Recreational uses not requiring permanent or temporary structures, such as picnic areas, fishing sites, trails, and similar uses.
- [2] Most essential road and utility facilities, such as bridges, transmission lines, sewage treatment plant outlets and similar facilities, which cannot be placed elsewhere on the site outside the floodplain, provided all necessary approvals and permits have been obtained from the Pennsylvania Department of Environmental Protection.
- (b) Any use or facility in a floodplain shall comply with all applicable Pennsylvania Department of Environmental Protection provisions or standards adopted by North Sewickley Township.
- (5) Ponds, Wetlands, Watercourses:
- (a) These areas shall remain as permanent open space.
- (b) No realignment, development, filling, piping, and concentrating, or diverting shall be permitted except for most essential road and utility facilities which cannot be placed elsewhere on the site or as otherwise directed by the Township and the Pennsylvania Department of Environmental Protection.
- (6) Steep Slopes:

- (a) In areas with slopes fifteen to twenty-five percent (15-25%) no more than seventy-five percent (75%) of such areas shall be regraded, stripped of vegetation and/or developed (i.e., construction of dwellings, roads, etc.).
- (b) In areas with slopes between twenty-five percent to forty percent (25-40%), no more than thirty percent (30%) of such areas shall be regraded, stripped of vegetation, or developed.
- (c) No dwelling or other structure shall be permitted in areas with slopes forty percent (40%) or greater. However, the Supervisors may approve limited regrading for the constructing or installation of roads, utilities or similar facilities which cannot be located elsewhere. Such approval shall be upon the recommendation of the Township Engineer.
- (d) The average percent slope shall be the average slope of the area of environmental disturbance, determined by dividing the difference in elevation at the limits of the environmental disturbance by the horizontal distance between the extremes of the environmental disturbance as determined by an actual field topographical survey of the elevations within the area of environmental disturbance.

C. Common Open Space and Recreation Areas

- (1) A minimum percentage of the total site area of the PRD shall be designated as and devoted to common open space, in accordance with the following schedule:
 - (a) In PRD-A: Thirty percent (30%)
 - (b) In PRD-B: Thirty percent (30%)
- (2) Common open space in any PRD shall consist of undeveloped open spaces, which may include areas for fishing, trails, picnic areas, woodlands, lakes and ponds (excluding detention basins) and agriculture or horticulture.
- (3) At least ten percent (10%) of the total common open space shall be in active recreation facilities, such as playfields, playgrounds, courts, community or multi-purpose buildings and similar uses. The specific type and amount of such facilities shall be determined by the needs of the residents of the proposed development. Documentation of the projected characteristics (i.e., age, sex, income) of the PRD residents, which the developer used for selecting the types and quantities of active recreation facilities for the PRD, shall be submitted with the tentative application.
- (4) The open space shall be laid out in accordance with the highest standards and principles of site design, shall be consistent with the Township's comprehensive plan, and shall be located and designed so as to be easily accessible to residents. At least fifty percent (50%) of any open space areas shall be located in an area not subject to flooding or on slopes in excess of twenty-five percent (25%).
- (5) The tentative and final plans shall designate the use of open space, the type of maintenance to be provided, and a planting plan or schedule. In designating use and maintenance, the following classes shall be used:
 - (a) **Lawn:** A grass area with or without trees which may be used by the residents for a variety of purposes and which shall be mowed regularly.
 - (b) **Natural Area:** An area of natural vegetation undisturbed during construction, or replanted; such areas may contain pathways. Meadows shall be maintained as such and not left to become weed-infested. Maintenance may be minimal but shall prevent the proliferation of weeds

and undesirable plants. Litter, dead trees, and brush shall be removed and streams kept in free-flowing condition.

- (c) **Recreation Area:** An area designated for specific recreational use including, but not limited to, tennis, swimming, playfields, and tot lots. Such areas shall be located and maintained in such manner as not to create a hazard or nuisance and shall perpetuate the proposed use.

D. Area and Dimensional Requirement for Dwelling Units

- (1) Building height shall be measured from the lowest point of the finished grade to the highest point of the building, excluding chimneys. No building shall contain more than three (3) stories or exceed forty feet (40') in height.
- (2) All structures or recreational facilities shall be situated at least one hundred feet (100') from the development's perimeter property line in PRD-A and fifty feet (50') of the perimeter in PRD-B.

E. Stormwater Management: Standards: Any landowner and any person engaged in the alteration or development of land which may affect stormwater runoff characteristics shall implement such measures as The Board of Supervisors determines are necessary to prevent injury to health, safety, or other property. Such measures shall include *the following*:

- (1) Compliance with the general stormwater management standards in the Township's current Subdivision and Land Development Ordinance, Chapter 22, and the specific provisions of Chapter 9, Grading, Excavating and Stormwater Management.
- (2) To assure that the maximum rate of stormwater runoff (from any storm described in this Section, is not greater after development than prior to development activities; or
- (3) To manage the quantity, velocity, and direction of resulting stormwater runoff in a manner which otherwise adequately protects health and property from possible injury; and
- (4) If the development site is located within a watershed for which a stormwater management plan has been adopted by the Township, then any proposed stormwater control measures shall be consistent with the watershed plan. All calculations shall be the watershed and also the anticipated increase in runoff that will occur when all the property at a higher elevation in the same watershed is fully developed. Where the applicant finds actual site conditions that vary from those documented in the available data or proposes alternative stormwater management controls, the applicant must document the difference or deviation to the satisfaction of the Township Engineer and the Township Board of Supervisors.

F. Soil Erosion and Sedimentation

- (1) Measures to control erosion/sedimentation (E/S), both during and after construction, shall be in accordance with the Beaver County Conservation District for review and comments. Where a DEP permit is required, the permit must be obtained prior to final plan approval.
- (2) No development, grading, excavating, removal or destruction of trees, topsoil or vegetative cover shall take place, and no grading permit issued, until the E/S plan for the development has been approved by the Supervisors with the recommendations from the Pennsylvania Department of Environmental Protection and Beaver County Conservation District.

G. Landslide Hazard Areas

- (1) The planned residential development applicant shall identify any areas on the site with potential landslide hazards.
- (2) If the site contains any areas identified by the applicant, the Township or the Commonwealth as moderate to high landslide risk, the developer shall submit a detailed geotechnical investigation prepared and sealed by a registered professional engineer, identifying any potential limitations to construction or requirements for special protective measures. The Township may impose special construction requirements and/or restrictions based on the findings of the investigation. The engineer responsible for the investigation shall possess geotechnical training and experience, applicable in this subject area of engineering and be satisfactory to the Township Engineer, and the applicant shall pay the full cost of the investigation.

H. Traffic Access and Circulation and Parking

- (1) Traffic Access:
 - (a) The adequacy of the existing street *and road* capacity and/or safety to carry the additional traffic generated by the proposed development shall be demonstrated by the traffic impact study for the development as required by this Section.
 - (b) Where the traffic study projects street or road deficiencies attributable to the additional traffic generated by the PRD, the developer shall submit proposed solutions to mitigate those deficiencies.
 - (c) The cost of all on-site traffic improvements shall be borne by the developer. A proportional share of the cost of any off-site improvements the percentage of trips generated by the additional development as a portion of the total trips need created by, and the benefits received by, the proposed development. Such costs shall be determined during the review of the application and included in the Development Agreement, in accordance with this Part.
 - (d) All entrances/exits to the PRD, and streets and driveways within the PRD, shall comply with Pennsylvania Department of Transportation (PennDOT) requirements ("Access to and Occupancy of Highways by Driveways and Local Roads," 67 PA Code, Chapter 1) and applicable Township specifications. If access is proposed from a state or county-owned road, a copy of the required highway or road occupancy permit must be submitted to the Township prior to final approval of the PRD.
 - (e) Entrances/exits for the PRD shall not be located within one hundred and fifty feet (150') of any other street intersection. No application shall be approved for any PRD, unless all entrances/exits meet the minimum acceptable sight distance requirements contained in the most current PennDOT regulations.
- (2) Traffic and Pedestrian Circulation:
 - (a) The PRD's internal street and walkway systems shall be designed so as to relate harmoniously with land uses and adjacent streets and to minimize through-traffic in residential areas. All residential parking and recreational areas shall be connected by pedestrian walkways. Walkways that connect residential areas and parking areas shall be hard-surfaced.
 - (b) Separation of vehicular from pedestrian and bicycle traffic is encouraged. Where pedestrian walkways are not within a street right-of-way, a pedestrian access easement at least five feet (5') in width shall be designated. Where a walkway crosses over open space land, however, the

easement shall not be subtracted from the open space land for purposes of calculating the area thereof.

(3) **Construction Standards:** The construction of streets, parking areas, and sidewalks, whether or not they are to be dedicated to the Township, shall conform to Township specifications and regulations. However, the Board of Supervisors may waive or modify certain standards where the Township finds that such specifications are not consistent with the planned residential development site or overall design.

(4) **Parking:**

(a) There shall be a minimum of two (2) off-street parking spaces for each single family dwelling unit, and one and a half (1-1/2) off-street parking spaces for all other dwellings.

(b) A conventional parking space shall measure a minimum of nine feet (9') by nineteen feet (19'), exclusive of curbs and maneuvering space, and a handicapped parking space shall be of sufficient area to comply with the provisions of the Americans with Disabilities Act.

(c) Each off-street parking space shall open directly upon an aisle or driveway of such width and design to provide safe and efficient vehicular access to the parking space. The following standards for minimum aisle width shall apply:

<u>Parking Angle</u>	<u>Aisle Width</u>
90°	24 ft.
60°	20 ft. (one-way)

(d) No off-street parking space other than single-family driveway, shall open directly onto a public or private street. Parking areas shall be arranged so as to prevent through traffic to other parking areas.

(e) Common parking areas shall be adequately screened from adjacent structures, roads, and properties by such means as hedges, dense plantings, earth berms, changes in grade, or walls of not less than four feet (4') in height. All parking areas shall be at least twenty feet (20') from all structures, roads, and other parking areas. Clear sight triangles shall be maintained, as defined in this Ordinance.

(f) Landscaping, in accordance with this Section, shall be provided for every ten (10) parking spaces. Exterior lighting shall also be provided in accordance with this Section.

(g) All parking and off-street loading areas shall be designed and constructed in accordance with Township specifications.

(h) Whenever possible, parking areas and lots shall be level except for necessary drainage purposes. The maximum permissible slope of any parking area shall be seven percent (7%).

I. Sanitary Sewage Disposal

(1) All planned residential developments shall be provided with public sanitary sewage treatment by the municipal authority with jurisdiction. Proposed connections to the existing municipal sanitary sewer system shall be approved by the Township, the municipal authority, and other applicable governmental agencies.

(2) All costs of the extension of municipal sewer lines and on-site collector systems to serve the development shall be borne by the developer.

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- (3) In the event that the developer can demonstrate that at the time of development it will be technically or financially infeasible to provide sewage treatment by connection to the municipal authority's system, then the developer may submit a plan for interim sewage treatment and disposal until such time as the connection to the authority's system can be made.
- (a) The proposed interim on-site sewage treatment facilities shall be designed in strict accordance with the requirements and specifications of the PA DEP or any other applicable governmental entity and the proposed facilities must be approved by the Board of Supervisors, the municipal authority with jurisdiction and PA DEP. Copies of the approvals and permits must be submitted prior to approval of the final plan. Plans and designs for the proposed system shall be submitted in accordance with the provisions of this Section.
 - (b) The developer shall provide an efficient sanitary sewage disposal facility consistent with existing physical, geographical and geological conditions and in conformance with all applicable Township Ordinances and state, county, and federal regulations.
 - (c) On-site treatment facilities must be operated at the level of efficiency prescribed by the permitting agencies. Operation of the facilities shall be under the supervision of an operator who is duly licensed by the Commonwealth.
 - (d) All installation costs for the interim treatment system shall be borne by the developer. In addition, the developer shall submit a plan identifying ownership and continuing operation and maintenance responsibilities, whether the system is proposed for private ownership (e.g., homeowner's association) or to be offered for dedication to the municipal authority with jurisdiction. The maintenance plan shall identify sources for funding to cover annual operation and maintenance costs, such as homeowner's fees or assessments. The developer shall be required to establish an escrow account equivalent to the cost of the system's operation and maintenance for a period preceding connection to the municipal authority's system or the developer must maintain said facility for that ten (10) year period. The specific provisions for the escrow account shall be set forth in the Development Agreement.
- J. **Water Supply:** The development shall be served by a central public water supply. A distribution system shall be designed to furnish an adequate supply of water to each dwelling unit, with adequate main sizes and fire hydrant locations. The system shall be designed to meet applicable standards and specifications of the PA DEP (Public Water Supply Manual, current edition), and the local municipal water supplier (if applicable). Fire hydrants shall be provided as required by the Township Volunteer Fire Company.
- K. **Street Lighting:**
- (1) Lighting facilities shall be designed, shielded and located so as not to shine directly into residential buildings, private yards or streets, and lighting standards shall not exceed twelve feet (12') in height.
 - (2) All common parking areas, steps, ramps, walkways of high pedestrian use, and interior directional signs shall be adequately lighted. In off-street parking areas, the lighting system shall furnish minimally an average of one-foot candle during hours of operation, and lighting standards shall be located not more than eighty feet (80') apart.
 - (3) The Board of Supervisors may require lighting in other areas for reasons of public safety.

L. Landscaping and Buffers:

- (1) All parking areas shall be landscaped with trees and shrubs of varying species. At least one (1) shade tree of minimum two inch (2") caliper and minimum six feet (6') in height shall be provided within the interior of each parking lot for every five (5) parking spaces.
- (2) Shade trees of varying species shall be planted along all streets within the street right-of-way. At least one (1) tree of minimum two inch (2") caliper and minimum six foot (6') height on each side of the street shall be provided for each twenty-five feet (25') of street length, or fraction thereof.
- (3) The entire perimeter of the tract undergoing development shall be provided with a planted bufferyard type as based upon the specifications in the Appendix.
 - (a) All existing trees more than six inches (6") in diameter and/or evergreen trees six feet (6') in height or more shall be preserved, except when cutting thereof is specifically approved by the Township or is necessary for ensuring adequate sight distance.
 - (b) The amount, density of planting, and types of plantings shall be based upon physiographic features, proximity to existing dwellings, compatibility of adjacent uses, and natural views. In areas where the physiographic features and existing vegetation provide an attractive setting, the planting strip may be left in its natural state or enhanced with additional plant material of lesser density than a full screen.
 - (c) Plantings shall be permanently maintained and replaced, if necessary, to maintain an effective screen.
- (4) In addition to perimeter planted buffer, the following landscaping requirements shall be met:
 - (a) Disturbed topsoil shall be stockpiled, protected from erosion, and redistributed after construction.
 - (b) Planting and protection of landscape material shall be in accordance with a plan and schedule prepared by a registered landscape architect and shall be completed within six (6) months of initial occupancy of each stage of development. Maintenance specifications for all plant material shall be submitted with the Final Plan.
- (5) Provision for continuing maintenance of all landscaping, planting, and buffer areas shall be provided in the plans for ownership of common open space.

M. Utilities: All utilities shall be placed underground within the PRD and all transformers shall be located on public ground.

N. Signs:

- (1) An identification sign for the PRD may be placed at the principal access to the development. This sign shall not exceed twelve (12) square feet on each side or be more than five feet (5') in height, as measured from the ground level at the base of the sign. If free standing, the sign must be set back a minimum of ten feet (10') from the street right-of-way line. The sign shall be screened from adjacent properties by land forms and/or shrubbery, but must be clear of sight line of intersection.
- (2) All other real estate signs advertising the sale or lease of dwelling units or commercial facilities or temporary construction signs shall be in accordance with Part 13.

- (3) No flashing or animated signs shall be permitted. Illuminated signs shall be designed and placed so as not to interfere with, distract, confuse or blind motorists. Only shielded lighting shall be permitted for the PRD identification sign, and this must be directed so as not to cause glare on any adjacent property.
- (4) Provisions for maintenance of all private signs within the PRD shall be included in the agreements for common open space or deed or lease agreement of an individual property.
- (5) Unless otherwise specified here, all signs in the PRD shall comply with the requirements otherwise applicable to the zoning district in which the PRD is located.

§27-1006 STANDARDS FOR LOCATION AND MANAGEMENT OF COMMON OPEN SPACE AND FACILITIES

- A. **Applicability:** Provisions for the continuing operation, administration and maintenance of all common open spaces and facilities shall be set forth in the "Common Open Space and Facilities Management Plan" for the PRD, which shall be approved by the Township Supervisors. The Management Plan shall cover all common areas or facilities, such as undeveloped open space, recreation areas, streets, utilities or stormwater control facilities. The plan may provide for either public or private ownership and maintenance, or a combination of both.
- B. **Ownership:** Any of the following methods may be used, either individually or together, to preserve, own, and maintained common open space and facilities: condominium, homeowner's association, dedication in fee simple, conveyance of development rights or easements, and transfer of fee simple title or development rights and easements to a private conservation organization. Such land or facility shall not be eligible for transfer to another party except for transfer to another method of ownership permitted under this Section, and then only where there is not change in the open space ratio or with each of the various methods:
 - (1) **Condominium:** The common areas may be controlled through the use of condominium agreements. Such agreement shall be in conformance with the Uniform Condominium Act of 1980 (68 PA CSA, 3101-3414). All open space land and/or common facilities shall be held as "common element."
 - (2) **Homeowner's Association:** Common areas may be held in common ownership by a homeowner's association. This method shall be subject to all of the provisions for homeowner's associations set forth in Article VII, Section 705-d(2) of the Pennsylvania Municipalities Planning Code, as amended.
 - (3) **Fee Simple Dedication:** The Township may, but shall not be required to, accept any portion or portions of the common open space or facilities, provided:
 - (a) Such land is accessible to the residents of the Township;
 - (b) There is no cost of acquisition (other than any costs incidental to the transfer of ownership such as title insurance); and
 - (c) The Township agrees to and has access to maintain such lands.
 - (4) **Dedication of Development Rights or Easements:** The Township may, but shall not be required to, accept easements for public use of, and/or development rights to, any portion or portions of common areas, title of which is to remain in ownership by *the* condominium or homeowner's associations, provided:
 - (a) Such land is accessible to the residents of the Township;

- (b) There is no cost of acquisition (other than costs incidental to the transfer of ownership, such as title insurance); and
 - (c) A satisfactory maintenance agreement is reached between the developer and the Township.
 - (5) Transfer to a Private Conservation Organization: With permission of the Township, an owner may transfer either the fee simple title, with appropriate deed restrictions running in favor of the Township, or the development rights or easements, to a private, nonprofit organization, among whose purposes is to conserve open space land and/or natural resources, provided that:
 - (a) The organization is acceptable to the Township, and is a bona fide conservation organization with perpetual existence;
 - (b) The Conveyance contains appropriate provision for the transfer or reversion of the land in the event that the organization becomes unwilling or unable to continue carrying out its functions; and
 - (c) A maintenance agreement acceptable to the Township is entered into by the developer and the organization which provides that the Township shall be a third party beneficiary to said agreement.
- C. Specific Requirements for Homeowner's Associations: If a homeowner's association is formed, it shall be governed according to the following regulations:
 - (1) The developers shall provide to the Township a description of the organization, including its by-laws and methods for maintaining the open space.
 - (2) The organization shall be established by the developers and shall be operating (with financial subsidization by the developers, if necessary) before the sale or lease of any lots or units within the development.
 - (3) Membership in the organization is mandatory for all purchasers of property therein and their successors.
 - (4) The organization shall be responsible for maintenance of and insurance and taxes on common open space and facilities.
 - (5) The members of the organization shall share equitably the costs of maintaining and developing common open space and facilities in accordance with the procedures established by them.
 - (6) In the event of any proposed transfer of common open space land by the homeowner's association within the methods herein permitted, or of the assumption of maintenance of common open space or facilities by the Township as hereinafter provided; notice of such action shall be given to all property owners within the planned residential development.
 - (7) The organization shall have or hire adequate staff to administer and maintain common facilities and open space.
 - (8) The property owners' organization may lease back open space lands to the developer, his heirs or assigns, or to any other qualified person or corporation for operation and maintenance of such areas, but such a lease agreement shall provide:
 - (a) That the residents of the planned residential development shall at all times have access to the common open space lands or facilities contained therein;
 - (b) That the common area(s) to be leased shall be maintained for the purposes set forth in this Ordinance;

- (c) That the operation of open area or active recreation facilities may be either for the benefit of the residents of the PRD only or open to the residents of the Township.
- (9) The lease shall be subject to the approval of the Township and any transfer or assignment of the lease shall be further subject to the approval of the Board of Supervisors. Lease agreements so entered upon shall be recorded with the Recorder of Deeds of Beaver County within thirty (30) days of their execution and a copy of the recorded lease shall be filed with the Township Secretary.

D. Maintenance

- (1) In the event that the organization established to own and maintain a common open space and/or facilities (i.e., common area) or any successor organization, shall at any time after establishment of the planned residential development fail to maintain such areas in accordance with the development plan, the Township may serve written notice upon such organization or upon the residents and owners of the planned residential development, setting forth the manner in which the organization has failed to maintain the common areas. This notice shall include a demand that such deficiencies of maintenance be cured within thirty (30) days thereof, and shall state the date and place of a hearing thereon which shall be held within fourteen (14) days of the notice. At such hearing the Township may modify the terms of the original notice as to the deficiencies and/or may give an extension of time within which they must be corrected.
 - (a) If the deficiencies set forth in the original notice or in the modifications thereof are not corrected within thirty (30) days or any extension thereof, the Township, in order to preserve the taxable values of the properties within the planned residential development and to prevent the common areas from becoming a public nuisance, may enter upon said common area and maintain the same for a period of one (1) year.
 - (b) Such entry and maintenance shall not constitute a taking of said common area and shall not vest in the public any rights to use the common area except when the same is voluntarily dedicated to the public by the residents and owners and such dedication is acceptable to the Township. Before the expiration of said year, the Township shall, upon its initiative or upon the request of the organization previously responsible for the maintenance of the common area call a public hearing upon notice to such organization, or to the residents and owners of the planned residential development, to be held by the Township. At this hearing such organization or the residents and owners of the planned residential development shall show cause why such maintenance by the Township shall not, at the election of the Township, continue for a succeeding year.
 - (c) If the Township shall determine that such organization is ready and able to maintain said common area in reasonable condition, the Township shall cease to maintain said common area at the end of the said year. If the Township shall determine such organization is not ready and able to maintain said common open space in a reasonable condition, the Township may, in its discretion, continue to maintain said common area during the next succeeding year and subject to a similar hearing and determination in each year thereafter. The decision of the Township in any case shall constitute a final administrative decision subject to judicial review.
- (2) The cost of such maintenance and enforcement proceedings by the Township shall be assessed ratably against the properties within the planned residential development that have a right of enjoyment of the common area, and if said

costs are not recovered then they shall become a lien on said properties. The Township, at the time of entering upon such said common area for the purpose of maintenance, shall file such a notice of such lien, in the office of the Prothonotary of Beaver County, upon the properties affected by such lien within the planned residential development.

§27-1007 DEVELOPMENT IN STAGES:

A developer may construct a PRD in stages provided the following criteria are met:

- A. The application for tentative approval must cover the entire planned residential development and show the location and approximate time of final application for each stage, in addition to other information required by this Ordinance. This development schedule must be updated annually and submitted to the Township Secretary on the anniversary of the approval of the tentative application, until such time as the PRD is completed and accepted.
- B. At least fifteen percent (15%) of the total dwelling units in the PRD plan given tentative approval must be included in the first stage and any subsequent stage.
- C. Each phase must be capable of being served adequately and economically by all necessary community facilities and services, such as streets and sanitary sewers, water supply, storm drainage, and recreation, in accordance with the approved tentative application.
- D. Average net density may be varied from stage to stage. However, final approval shall not be given to any stage if the average net density of the area, which includes previously approved or completed stages to date and the stage for which final approval is being sought, exceeds by more than ten percent (10%) the maximum average net density established for the entire PRD in the tentatively approved plan. Where it is necessary to allocate open space to early stages from stages to be developed later to avoid exceeding average residential densities, the developer may be required to grant an open space easement or covenant to the Township specifying the amount and location of open space

§27-1008 APPLICATION PROCEDURE

A. General

- (1) The procedures for application and approval of a PRD shall be in accordance with Article VII of the Pennsylvania Municipalities Planning Code, as amended, and this Part.
- (2) Applications for approval of a PRD are encouraged to participate in an initial sketch plan review, but must include a tentative and final application phase.
- (3) All applications shall be submitted to the Township secretary in the form and within the time limits specified by this Part. No tentative or final application shall be deemed accepted or duly filed until the Zoning Officer determines that all plans and documents are complete and in accordance with the requirements of this Part. Within twenty (20) days of submission, the Township shall notify the applicant in writing of any deficiencies in the application documents.
- (4) All plans and documents submitted as part of either a tentative or final application shall be prepared by a registered professional architect, engineer, or landscape architect as determined by the Township. All property surveys shall be prepared by a registered professional surveyor. All documents submitted as part of the tentative or final application shall become the property of the Township.
- (5) The Township reserves the right to require additional or further engineering or professional studies when it determines that the information or documentation submitted is insufficient for the purposes intended.

B. Sketch Plan Review (Optional)

- (1) Developers are encouraged to submit a sketch plan of the proposed PRD to the Planning Commission for an informal review. The Planning Commission's comments and suggestions will be advisory only and will not constitute any legally binding action by the Planning Commission or Township. Time deadlines applicable to tentative or final approval do not apply to sketch plans.
- (2) It is recommended that the sketch plan be submitted early in the planning stages of the PRD but at least sixty (60) days in advance of the tentative application.
- (3) There is no prescribed form for the submission of the sketch plan; however, it must include sufficient information to describe the location and size of the proposed PRD, dwelling unit types and approximate densities, natural site characteristics (slope, soils, etc.), plans for providing transportation access and internal circulation, sewer and water service, recreation and other common facilities, and provisions for common open space. The sketch plan should identify natural, unique or environmentally sensitive features of the site, along with the potential effect of the proposed development on these areas.
- (4) Upon submission of the sketch plan, the Township will schedule a meeting with the Planning Commission and other appropriate Township officials. The Board of Supervisors shall receive a notice of all meetings. A developer may submit revised sketch plans, to clarify any issues or problems raised during the meeting with the Planning Commission. All documents submitted as part of the sketch plan shall become the property of the Township.

C. Tentative Application (Required):

- (1) **Content and form of the Application:** The landowner, or agents acting in his/her behalf, shall submit the tentative application with documentation illustrating compliance with the requirements of this Part and other applicable local, county, commonwealth and federal laws or regulations. All plans of the proposed development, with the exception of the vicinity map, shall be prepared at a scale of not less than one inch equals one hundred feet (1" = 100') on twenty-four by thirty-six inch (24" x 36") plan sheets. All sheets shall contain the name by which the PRD is to be identified, a scale, north arrow and date of preparation.
- (2) **The tentative application shall include the following items:**
 - (a) Legal description of the proposed PRD site and names and addresses of all owners of the property or properties.
 - (b) A vicinity map at a scale of one inch equals eight hundred feet (1" = 800') showing the location and size of the proposed site, existing land use and zoning of land surrounding the site within one-half (1/2) mile radius, and the relationship of the site to adjacent properties, the transportation network, and public facilities (including but not limited to school and parks).
 - (c) A PRD site plan of the development shall include the following information:
 - [1] Location, boundaries of site and location of any municipal boundaries at or near the site.
 - [2] Total acreage of the site, buildable acreage and delineation of areas used in the calculation of buildable acreage.
 - [3] Topographic contour lines at not less than five foot (5') intervals and the nearest benchmark from which they were derived.
 - [4] All watercourses, waterbodies, wetlands and floodplains as defined by this Ordinance located on the PRD site or within two hundred feet (200') of the site boundaries.

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- [5] Any natural areas, landslide hazard areas, historic landmarks, and scenic resources, as located on the PRD site or within two hundred feet (200') of the site boundaries.
 - [6] All existing and proposed structures, including buildings (identified by use type), parking areas, fences, walls and similar structures.
 - [7] Number, type, and density per types of dwelling units; total proposed units; and average gross residential density for the PRD.
 - [8] Percentage and square footage of building coverage.
 - [9] Maximum height of all structures.
 - [10] Existing and proposed rights-of-way and easements (show location, boundaries and purpose).
 - [11] Common open space and recreation areas/facilities (show location, type of use or facility, area in acres and square feet).
- (d) A utility plan at the same scale as the PRD site plan showing proposed sewage collection and disposal, water supply and distribution, gas, electric, cable TV, and telephone service, fire hydrants, and solid waste disposal. The plan shall show location, type, and size of all lines and facilities. If the PRD is to be served by existing systems, the plan shall show the proposed connections and include documentation of the adequacy of the system to handle the additional capacity from the municipal authority with jurisdiction.
- [1] Interim facilities must be located for access to ultimate municipal authority connection.
 - [2] Where new or interim-use sewage treatment systems are proposed, the plan shall describe these systems (location, type, size, capacity, etc.), provide documentation (i.e., engineering feasibility reports) as to their feasibility and ability to comply with local, state and federal laws, the proposed ownership and the methods for providing continuing operation and maintenance of the systems in accordance with the provisions of this Part.
- (e) A circulation plan showing vehicular and pedestrian circulation including streets, driveways, paths, sidewalks, bikeways, parking and loading areas, where applicable, (show size and number of spaces). Notations of proposed ownership, rights-of-way and cartway widths, and construction types should be included as appropriate.
- [1] The plan shall identify primary and secondary access points to the PRD from the existing public street system. The relationship of the vehicular and pedestrian (including bikes) circulation shall be shown indicating the proposed treatment of any points of conflict.
 - [2] The plan shall include proposed methods for providing continuing maintenance of any street or pedestrian way not proposed for public dedication.
 - [3] Street cross-section schematics shall be submitted for each general category of street, including the proposed width, treatment of curbs and gutters, sidewalks and bikeways. Where deviations are proposed from the construction standards of the Township, these should be noted.
 - [4] The developer shall submit a traffic impact study to demonstrate the proposed development's short and long term impact on the street system surrounding the PRD. The traffic study shall collect data on

- existing roadway characteristics (e.g., structural conditions) and traffic flow and volume. It shall make two (2) and ten (10) year forecasts of the average daily vehicle trips generated by the proposed development and distribute and assign these trips to the most reasonable travel paths over the adjacent street system surrounding the PRD.
- [5] The adjacent street system shall be evaluated in terms of projected levels of service, operating speeds, land use conflicts and safety. Where the study projects adjacent street deficiencies, either in terms of traffic capacity or safety, the developer may be required to submit proposed transportation improvements, including estimated costs and financing methods.
 - [6] All pertinent data (such as trip generation rates, traffic counts, etc.), computations and other information that will aid in the assessment of the report's findings, shall be submitted with it. The Township Engineer or The Board of Supervisors may request additional or supplementary information to clarify or further explain any of the study's findings or recommendations.
 - [7] The traffic study shall address specifically the impact of the proposed development on any problems which are identified in the Township's Comprehensive Development Plan on the streets and roads adjacent to and serving the development.
 - [8] If the developer proposes any improvements to off-site traffic problems, preliminary plans shall be submitted, along with preliminary costs, proposed method of financing and time schedule for completing the improvement.
- (f) A preliminary drainage plan for providing stormwater management for the PRD, in accordance with the standards of Chapter 9, Grading, Excavating and Stormwater Management of the North Sewickley Township Code of Ordinances. The plan shall include pre- and post-development hydrologic/hydraulic calculations used to prepare it and shall show:
- [1] All permanent and temporary watercourses, waterbodies and floodplains on the PRD site and within two hundred feet (200') of the site boundaries.
 - [2] All existing and proposed on-site drainage structures (culverts, etc.), storm sewers, storage facilities (detention ponds, etc.), including the approximate design size and volume and preliminary design drawings.
 - [3] All natural drainageways, dry gullies, diversion ditches, etc. which may be incorporated in the stormwater management system for the PRD.
 - [4] All proposed outlet points for storm drainage from the site, including the name of the drainageway (if available).
 - [5] Downstream conditions of any problems or restrictions which have been identified by local stormwater studies/plans or by the developer.
 - [6] If the developer proposes to construct or improve any off-site drainage structure or facility, the plan shall identify the nature of the improvement, the current owner, and the time schedule for completing the improvement.

- (g) A preliminary grading and erosion/sedimentation plan in accordance with the Township's Subdivision and Land Development Ordinance (Chapter 22), this Part, and Beaver County Conservation District criteria.
 - (h) Preliminary architectural elevations of all building sufficient to convey the basic architectural intent of the proposed construction.
 - (i) A preliminary landscaping, lighting, and signage plan indicating the treatment of materials used for private and common open spaces and parking areas, including existing trees and vegetation to be preserved and the methods to protect them during construction; size and species of intended plantings; treatment of the required perimeter buffer area; and screens, walls and fences and other landscaped buffer areas. The landscaping plan shall also show the exterior lighting for streets and common areas and proposed signage within the PRD (identification, directional, street signs, etc.).
 - (j) A plan for energy conservation and/or the use of renewable energy sources, such as solar energy, if any such techniques or methods are proposed for all or portions of the PRD.
 - (k) Any documents or reports, such as geotechnical investigations, recreation needs assessments or similar studies, prepared in compliance with the requirements of this Part or which provide pertinent background information to the PRD application.
 - (l) A development schedule indicating the approximate date when the final application for each stage will be filed with the Township; the time each stage can be expected to begin and to be completed; and the phasing of the construction of public improvements, recreational and common open space areas. A site plan illustrating the phasing shall be submitted.
 - (m) The substance of covenants, grants of easements, or other restrictions to be imposed upon the use of land, buildings, and structures within the PRD, including proposed grants and/or easements for public utilities.
 - (n) A common open space and facilities management plan for the ownership and maintenance of all common open spaces, facilities and/or buildings, in accordance with this Part.
 - (o) A listing of township, county, state or federal approvals and/or permits required by the proposed development, based on the tentative development plans.
 - (p) A statement of planning objectives indicating the reasons that the developers believe the proposed PRD is in the public interest and is consistent with the community development objectives contained in the Township's Comprehensive Plan.
- (3) Review of Tentative Applications:
- (a) Upon acceptance of a complete application, the Zoning Officer shall refer the application to the Planning Commission and the Beaver County Planning Commission for review and comment. The County Planning Commission shall submit its report to the Township within thirty (30) days or forfeit the right to review.
 - (b) The Planning Commission shall assemble the reviews and comments of the Township Engineer, Volunteer Fire Company and other Township staff and any outside experts from whom the Commission has sought advice, and it shall submit its report to the Board of Supervisors at least

ten (10) days prior to the public hearing. Copies of this report shall be available to the applicant and public.

- (c) Within sixty (60) days after receipt of the tentative application, the Board of Supervisors shall hold a public hearing pursuant to public notice in a manner prescribed by the Pennsylvania Municipalities Planning Code. The Supervisors may continue the hearing from time to time and may refer the plan back to the Planning Commission for additional study. However, the public hearing shall be concluded within sixty (60) days after the date of the first public hearing. The conduct of the public hearing shall be in accordance with the Pennsylvania Municipalities Planning Code.
- (d) Within sixty (60) days following the conclusion of the public hearing, or within 180 days after the date of filing of the application, whichever occurs first, the Board of Supervisors shall prepare a written report and forward a copy to the applicant. This report shall either grant tentative approval of the development plan as submitted or grant tentative approval subject to specified conditions not included in the development plan, or deny tentative approval to the plan. Failure to act within the sixty (60) day period shall be deemed to be a grant of tentative approval of the development plan as submitted.
- (e) If tentative approval is granted subject to conditions, the landowner may, within thirty (30) days after receiving a copy of the official written report, notify the Supervisors of his/her refusal to accept all said conditions. In this case, the Board of Supervisors shall be deemed to have denied tentative approval of the development plan. If the landowner does not, within said period, notify the Supervisors of his/her refusal to accept all said conditions, tentative approval of the development plan, with said conditions, shall stand as granted.
- (f) The granting or denial of tentative approval by official written communications shall include conclusions and findings of fact related to the proposal and the reasons for the grant, with or without conditions, or the denial. Also contained in the communication shall be a statement of the respects in which the development plan is or is not in the public interest, including, but not limited to, findings of fact and conclusions on the following:
 - [1] In those respects in which the development plan is or is not consistent with the Township's stated community development objectives and/or other pertinent plans for the development of the Township.
 - [2] The extent to which the development plan departs from zoning regulations otherwise applicable to the subject property, including, but not limited to, density, bulk, and use and the reasons why such departures are or are not deemed to be in the public interest.
 - [3] The purpose, location and amount of the common open space in the PRD; the reliability of the proposals for maintenance and conservation of the common open space; and the adequacy or inadequacy of the amount and purpose of the common open space as related to the proposed density and type of residential development.
 - [4] The physical design of the development plan and the manner in which said design does or does not make adequate provisions for public services; provide adequate control over vehicular traffic; and further amenities of light and air, recreation and visual enjoyment.

- [5] The relationship, beneficial or adverse, or the proposed PRD to the neighborhood in which it is proposed to be established.
- [6] In the case of a development plan which proposes development over a period of years, the sufficiency of the terms and conditions intended to protect the interest of the public and of the residents of the PRD in the integrity of the development plan.

(4) Status of the Plan After Tentative Approval

- (a) The official written communication shall be filed by the Township Secretary. Where tentative approval has been granted, the same shall be noted on the Township Zoning Map. Tentative approval shall not qualify a plat of the PRD for recording, development or the issuance of any zoning permits. A plan which has received tentative approval shall not be modified, revoked or otherwise impaired by action of the Township without consent of the applicant, provided the application(s) for final approval(s) are being submitted within the specified time period in the written communication granting approval and the developer has not defaulted or violated any conditions of the tentative approval.
- (b) In the event tentative approval was granted, but prior to final approval, the applicant elects to abandon said plan and notifies the Board of Supervisors in writing or fails to file for final approval within the specified times, the tentative approval shall be deemed to be revoked. All the area in the development plan which has not received final approval shall be subject to the ordinance otherwise applicable thereto and the same shall be noted on the Township Zoning Map and in the records of the Township.

D. Application Procedure for Final Approval of PRD Plan (Required)

- (1) Scope of the Application: The application for final approval of the PRD plan may be:
 - (a) For all the land included in the plan, or
 - (b) To the extent set forth in the tentative approval, for a section thereof. The final application shall be made to the Board of Supervisors within the times specified by the communication granting tentative approval.
- (2) Content and form of the Final Application:
 - (a) The final site plan, at a scale of not less than one inch equals one hundred feet (1" = 100'), shall show the following:
 - [1] Existing natural profiles along the centerline of each proposed street and, if the slope within the proposed right-of-way area exceeds five percent (5%), then along both edges of the proposed right-of-way;
 - [2] Proposed finish grade of the centerline and, in any case where the road shall not conform to typical cross section, proposed finish grade at the top of both curbs or pavement edges;
 - [3] The length and function of all vertical curves;
 - [4] Location and profile of all existing and proposed sanitary sewer mains and manholes, storm sewers mains, inlet, manholes and culverts, and water mains and fire hydrants;
 - [5] Typical cross sections of all roads, culverts, manholes, and other improvements;

[6] Final design drawings for the improvement of the existing streets, such as intersection modifications, street realignment or traffic signalization.

(b) Architectural drawings illustrating exterior elevations and floor plans of typical residential buildings of each type and of each nonresidential structure to be constructed, if applicable, including materials to be used in construction.

(c) Final drafts of all offers of dedication, covenants, easements, deed restrictions and maintenance agreements to be imposed upon the use of land, buildings and structures, and pertaining to the ownership, use and maintenance of all common open space areas and any other common facilities hereof and including proposed grades and/or easements for such utilities.

(d) Landscaping plan and schedule, including but not limited to the following:

[1] A landscape plan indicating the treatment of exterior spaces. The design objective of the plan must be clear and supported by a detailed written statement. The plan must provide an ample quantity and variety of ornamental plant species which are regarded as suitable for this climate. Landscape treatment must be balanced with both evergreen and deciduous plant material with sufficient use of upright species for vertical control. Plant material selection will be reviewed for adaptability to physical conditions indicated by site plan locations. The landscaping plan shall include the following:

[a] Extent and location of all plant materials and other landscape features. Plant material must be identified by direct labeling on the plan or by a clearly understandable legend.

[b] Proposed plant material should be indicated at mature sizes and in appropriate relation to scale.

[c] Species and size of existing plant materials.

[d] Proposed treatment of all ground surfaces must be clearly indicated (paving, turf, gravel, grading, etc.)

[e] Plant material schedule with common and botanical names, sizes, quantities, and method of transplant. Plants must be sized according to the following table:

Type:	Size:
Standard deciduous trees	1 ¾" to 2" caliper
Small ornamental and flowering trees	1 ½" to 1 ¾" caliper
Evergreen trees	5' to 6' in height
Shrubs	Adequate size to be consistent with design intent

[2] All plant material must meet specifications of the American Association of Nurserymen (AAN) for No. 1 grade. All trees must be balled and burlaped, or equivalent.

(e) Location, type, size, height and design of lighting fixtures for streets and common open areas and signage within the PRD.

- (f) Copies of all local, county, state and/or federal approvals and/or permits issued by the governmental agency. In the event that any of these permits have not been received at the time the final plan is submitted, copies of the permit applications, or a letter from the permit agency that the application is being reviewed, shall be submitted. Final plan approval may be granted subject to the receipt of all required permits, however, no zoning permit shall be issued until all permits have been obtained.
- (3) Review Procedure:
- (a) A public hearing on an application for final approval of the development plan or part thereof shall not be required, provided the development plan or part thereof submitted for final approval is in full or strict compliance with the development plan given tentative approval and with any specific conditions attached thereto.
- (b) When the final application has been filed, together with all drawings, specifications and other documents in support thereof, and as required by the official written communication of tentative approval, the Board of Supervisors shall, within forty-five (45) days of such filing, grant final approval to said plan.
- (c) When the final application contains variations from the plan given tentative approval, the Board of Supervisors may refuse to grant final approval and shall, within forty-five (45) days of the filing, so advise the applicant of said refusal, setting forth the reasons why one or more of the variations is not in the public interest.
- (d) When a final application is refused, the applicant may either;
- [1] Refile his application without objected variations, or
- [2] Request a public hearing on his application for final approval. Either action shall be taken within the time which the applicant was entitled to apply for final approval or within thirty (30) additional days if the same time already passed when the applicant was advised of the denial.
- (e) If no action is taken by the applicant, the plan is deemed to have been abandoned. If a public hearing is requested, it shall be conducted in the same manner prescribed for tentative approval. Within thirty (30) after the hearing, the Board of Supervisors shall, by written communication, either grant or deny final approval in the form and content required for an application for tentative approval.
- (4) Status of the Plan After Final Approval
- (a) A PRD plan or any part thereof which has received final approval shall be certified by the Board of Supervisors and filed by the landowner within ninety (90) days, with the Beaver County Recorder of Deeds. Should the plan not be recorded within such period, the action of the Board of Supervisors shall become null and void. No development plan shall take place until the plan has been recorded, and from that point of time, no modification of the provisions of said plan or part thereof as finally approved shall be made without the consent of the landowner.
- (b) In the event a plan or section thereof has been given final approval and the landowner decides to abandon said plan or section and so notifies the Township or fails to develop the plan according to the annually updated schedule, no development shall take place on the property included in the plan until the said property is resubdivided and reclassified by enactment of an amendment to the Township zoning ordinance.

- (5) To further mutual interest of the residents of the planned residential development and of the public in the preservation of the integrity of the development plan, as finally approved, and to ensure that modifications, if any, in the development plan do not impair the reasonable reliance of the PRD residents upon the provisions of the development plan, nor result in changes that would adversely affect the public interest, the enforcement and modification of the provisions of the development plan as finally approved, whether those are recorded by plat, covenant, easement, or otherwise, shall be subject to the provisions of Section 706 of the Pennsylvania Municipalities Planning Code, as amended.

§27-1009 ADMINISTRATION

A. Relationship of the PRD Part to the MPC and Other Township Ordinances

- (1) It is the intention of the Township Supervisors that all provisions in this PRD Part shall be consistent at all times with the authorities and requirements of the Pennsylvania Municipalities Planning Code, as amended. Wherever there is an inconsistency between the Municipalities Planning Code and this Part, the Municipalities Planning Code shall take precedence.
- (2) Where any provision of this Part is in conflict with any other requirements or regulations of other portions of the Township Zoning Ordinance the more restrictive requirement or regulations shall apply. Where any provision or requirement of this Part is in conflict with any requirement or specification of the subdivision and land development ordinance or other applicable ordinance of the Township, the provision of this Part shall apply.
- (3) Upon enactment of this Part by the Township Board of Supervisors, said Part shall become part of the Zoning Ordinance and all other provisions of the Zoning Ordinance shall be applicable to development under this Part except where noted in this Part or where said provisions or requirements conflict with this Part.

B. Modification of Provisions of this Part: For any particular development, the Board of Supervisors shall not have the authority to act to modify the maximum average residential densities, common open space ratios and permitted use requirements of this Part.

C. Development Agreement: Following the approval of the final PRD application, but prior to the issuance of any building, grading or other Township permit, the developer and the Township Board of Supervisors shall sign a Development Agreement, prepared by the Township Solicitor, which guarantees the completion of all required improvements and incorporates any specific actions which the developer shall take in accordance with the tentative and final PRD plan approvals. The Development Agreement shall be in the form and content acceptable to the Supervisors and Township Solicitor.

D. Performance Guarantee:

- (1) Prior to the release of the approved final plan for recording, the developer shall guarantee the installation of all required improvements by posting a performance guarantee, in accordance with Pennsylvania Law. The amount shall be one hundred and ten percent (110%) of the cost of all improvements for that portion of the development for which final plan approval has been granted. The costs shall be based on bona fide bid(s) by the contractor(s) chosen by the developer to complete the improvement.
- (2) The performance guarantee may be either a performance bond with a corporate surety, an escrow deposit, or other security acceptable to the Township. The performance guarantee shall be submitted in a form and with a surety approved by the Township Solicitor guaranteeing the construction and installation of all improvements within one (1) year of the date fixed in the final approval.

- (3) The amount of performance guarantee may be reduced as and when portions of the required improvements have been installed, and shall be released upon satisfactory completion of all improvements.

E. Dedication and Maintenance Guarantee:

- (1) All streets, recreational facilities, surface drainage, water and sewer facilities, and other improvements shown on the final plan shall be privately owned until such time as they have been offered for dedication to the Township and accepted by Resolution of the Board of Supervisors. Nothing in this Resolution shall be construed to require the Township to accept any improvements.
- (2) Before accepting any such offer of dedication, the Township shall require the developer to file a maintenance guarantee in an amount not less than fifteen percent (15%) of the actual cost of the installation of the improvements. Such maintenance guarantee shall be in a form and with a surety approved by the Township Solicitor, guaranteeing that the developer shall maintain all such improvements in good condition for a period of eighteen (18) months after the date of acceptance of dedication.
- (3) At the end of the said period, if the improvements shall be in good condition, the Township shall release the maintenance bond. Prior to such release, the Township may require any needed items of maintenance to be completely and satisfactorily performed.
- (4) Before the Township accepts dedication of any improvements, the developer shall submit two (2) copies of an "as built" plan. The "as built" plan shall show the location, dimension, elevation of all improvements proposed for dedication, and it shall note all deviations from the previously approved final plan and drawings.

F. Permits

- (1) Issuance of permits, and all matter pertaining to administration of the plan as finally approved, shall be the responsibility of the Township Zoning Officer or Township Engineer, as appropriate.
- (2) Upon application of the landowner showing compliance with the requirements of final approval, the Zoning Officer shall issue permits for construction pursuant to the plan, or any section thereof.
- (3) The provisions of Part 15 of the North Sewickley Township Zoning Ordinance, as amended, governing "Administration," shall be fully applicable to the plan as finally approved insofar as the provisions thereof are consistent with the provisions of this Part and the conditions of final approval. The Zoning Officer shall review the progress and status of construction of the plan and render quarterly reports thereon to the Board of Supervisors in order to assure compliance with the provisions of this Part and the conditions of final approval.

- G. Fees:** The North Sewickley Board of Supervisors shall establish by resolution a schedule of fees to be paid by the developer at the time of filing the tentative and final applications, which schedule shall be available upon request.

PART 11**Supplemental District Regulations**

The following regulations shall qualify or supplement the district regulations appearing elsewhere in this ordinance. Where standards under other sections of this ordinance conflict with these performance standards, the more stringent standard shall control.

§27-1101 PERFORMANCE STANDARDS

- A. **Fire Protection:** Fire prevention and fighting equipment which conforms to the requirements of the NFPA and BOCA Fire Prevention Code shall be readily available on site when any activity involving the handling or storage of flammable or explosive materials.
- B. **Electrical Disturbance:** No activity shall cause electrical disturbance adversely affecting radio or other equipment in the vicinity.
- C. **Noise:** Noise, which is determined to be objectionable due to volume, frequency, or beat, shall be muffled or otherwise controlled, with the exception of fire sirens and related apparatus used solely for public purposes. Noise in excess of ninety (90) decibels, as measured on a decibel or sound level meter of standard quality and design operated on the A-weighted scale at a distance of twenty-five feet (25') from any property line of the property from which the noise source is located, shall not be permitted.
- D. **Vibrations:** Vibrations detectable without instruments on neighboring property in any district shall be prohibited.
- E. **Odors:** No malodorous gas or matter shall be permitted which is discernable on any adjoining lot or property. There shall be no emission of any malodorous gas or matter, which violates the regulations of the Pennsylvania Department of Environmental Protection.
- F. **Glare:** No direct or sky-reflected glare, whether from floodlights or from high temperature processes shall be visible from adjoining public streets or adjacent lots when viewed by a person standing on ground level.
 - (1) For purposes of interpreting this Subsection, glare shall be defined as direct or indirect light from any source which exceeds one (1) footcandle on any adjoining property.
 - (2) In all zoning districts, all lighting devices located within one hundred feet (100') of a property line adjoining residential use or zoning classification shall be designed with shields, reflectors, or refractor panels which direct and cut off light at a cutoff angle which is less than ninety degrees (90°). Cutoff angle is defined as the angle formed by a line drawn from the direction of the light rays at the light source and a line perpendicular to the ground from the light source above which no light is emitted.
- G. **Determination of Compliance with Supplemental District Regulations:** During the review of an application for a zoning permit, 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, North Sewickley Township may seek the assistance of any public agency having jurisdiction or interest in the particular issues and may seek advice from a qualified technical expert. All costs of the expert's review and report shall be paid by the applicant.
- H. **Continuing Enforcement:** The Zoning Officer shall investigate any purported violation of the performance standards, and subject to the approval of the Supervisors of North Sewickley Township, may employ qualified technical experts to assist in the determination of 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 standards of this P, said costs will be borne by North Sewickley Township.

§27-1102 OUTDOOR STORAGE AND DISPLAY

- A. Outside storage or product display shall not occupy any part of the street right-of-way and any other area intended or designed for pedestrian use or required parking areas.
- B. Outside storage areas excluding product display areas, shall be shielded from view from public streets.
- C. Roadside produce standards and plant nurseries shall be exempted from outdoor storage limitations.

§27-1103 SWIMMING POOLS

- A. A permit shall be required where the pool is over eighteen inches (18") in depth, is intended, and is to be used, solely for the enjoyment of the occupants of the principal use on the property on which it is located, including guests.
- B. Hot tubs, whirlpool baths and tubs, and Jacuzzi-type tubs or baths shall not be considered swimming pools if located outdoors or designed to be located outdoors, and are provided with permanent outdoor water plumbing.
- C. Pools, including any walks, paved areas or accessory structures associated with such pools, shall not be located closer than five feet (5') to any property line, nor shall they be nearer to any street line upon which the residence abuts than the existing setback line of the residence.
- D. All permanent swimming pools hereafter constructed, installed, established or maintained, shall be enclosed by a permanent fence of durable material at least four feet (4') but no more than six feet (6') in height, and shall be constructed so as not to have openings, mesh or gaps larger than four (4) square inches in any direction. All gates used in conjunction with the fence shall meet the same specifications as to the fence itself and shall be equipped with approved self-latching devices.

§27-1104 ACCESSORY STORAGE SHEDS

- A. No shed shall be erected in the front yard.
- B. The combined floor area of all sheds shall not exceed two hundred (200) square feet of floor area.
- C. No shed building shall be located closer than five feet (5') to the rear or side property lines or any easement unless more stringent requirements are contained in a specific district of this Chapter.

§27-1105 SUBMITTAL INFORMATION FOR LAND DEVELOPMENT ZONING/BUILDING PERMITS

- A. Application for land development zoning/building permits shall include the following information:
 - (1) Site plan of the property at a scale of one inch equals fifty feet (1" = 50') indicating existing grades with contour lines at two feet (2') intervals and proposed grades within the area of the proposed construction:
 - (a) Landscaping plan, where required, indicating proposed paved areas, storm drainage facilities, retaining walls, and ground cover, as well;
 - (b) Architectural plans, elevations, and sections of the structures and related improvements;
 - (c) A statement prepared by a qualified registered architect or engineer stating an explanation of the methods to be used in overcoming foundation and

other structural problems created by slope conditions, in preserving the natural watersheds, and in preventing soil erosion.

- (d) A plan submitted under the seal of a registered professional engineer showing and certifying the following:
- [1] All existing and proposed natural and artificial drainage courses and other features for the control of drainage, erosion, and water generally;
 - [2] The calculated volume of water run-off from the slopes and from the lot in question, as unimproved;
 - [3] The calculated volume of water run-off from the slopes and from the lot in question, as improved;
 - [4] The existence, location and capacity of all natural and artificial drainage courses and facilities within five hundred feet (500') of the lot, which are or will be used to carry or contain the water run-off from the slope and the lot; and
 - [5] The effect of any increased water run-off on all adjacent properties and any other property, which will be materially affected by increased water run-off.
 - [6] Exception: Areas of steep slope that are less than five thousand (5,000) square feet in area shall be exempted from these standards.

§27-1106 OBSTRUCTION TO VISION

Walls, fences, signs, or other structures shall not be erected or altered, and hedges, trees, or other growth shall not be planted or maintained, in such a way that may cause danger to traffic on a street or road by obstructing the clear sight triangle.

§27-1107 PROJECTIONS INTO REQUIRED YARDS

The projection of any overhanging eaves, gutters or cornices which utilize the building for support, but not being enclosed or part of the living area of the building, may extend into the required yard not more than eighteen inches (18") in any case. Facilities installed to provide access to the physically challenged may extend into any front yard. The following encroachments are permitted in the required yard areas:

- A. Light fixtures.
- B. Sidewalks or walkways on grade.
- C. Signs in accordance with Part 13.
- D. Fences, not to exceed eight feet (8') in height as long as the top two feet (2') are decorative in nature.
- E. Retaining walls.
- F. Flagpoles for display of official government flags of the United States or any of its subdivisions.
- G. Vegetation, including trees and landscaping materials.
- H. Decorative lawn ornaments not exceeding thirty-two inches (32") in height.
- I. Bird feeders.
- J. Handrails along sidewalk or walkway steps.
- K. Parking spaces for single-family detached dwellings, according to regulations outlined in Part 14.

- L. Awnings in the front yard area only, to a maximum of five feet (5') from the face of the building wall. Awnings, which overhang sidewalks, shall be a minimum of seven feet (7') above the sidewalk.
- M. Bus shelters, telephone booths, chimneys, steps, canopies, and similar extensions.
- N. Open fire escapes.
- O. Minor public utility structures.

§27-1108 PUBLIC UTILITY FACILITIES

Public utility facilities shall be permitted in any district without regard to the use and area regulations under State and Federal regulations; provided, however, that buildings or structures erected for these utilities shall be subject to the following regulations:

- A. Setbacks shall be provided in accordance with the regulations of the district in which the facility is located.
- B. Height restrictions shall be as required by the district regulations.
- C. Equipment shall be totally enclosed within a building.
- D. If adjacent to a residential district, twenty foot (20') bufferyards and vegetative screened plantings consisting of at least a combination of hedgerows, shade trees (1 shade tree planted for every thirty feet (30') of the property line adjacent to the residential use), and grass areas.
- E. The external design of the building shall be in character with existing buildings in the respective district.
- F. No structure shall be used as an everyday work area.

§27-1109 VEHICULAR DRIVE-THROUGH FACILITIES (where permitted, conditional or as a use by special exception):

- A. Drive-through shall not be located within the front yard area;
- B. Stacking lanes shall be of sufficient length to stack the number of cars projected to be served during peak hours, based upon a traffic study submitted by the applicant. In no instance shall the stacking lane be designed to hold less than five (5) vehicles.
- C. All drive-through window lanes shall be separated by a curb from the parking area's interior drive.
- D. A site plan shall be provided and shall show building dimensions and placement, internal circulation, landscaping location, and size of signage.

§27-1110 STEEP SLOPES

In areas of steep slopes, i.e., those above fifteen percent (15%), the following standards shall apply:

- A. 15-25%: No more than twenty-five percent (25%) of such area shall be developed and/or regraded or stripped of vegetation.
- B. 25% or more: No more than fifteen percent (15%) of such areas shall be developed and/or regraded or stripped of vegetation.

§27-1111 LIGHTING

- A. Where and when necessary for safety and security, the parking, loading, ingress, and egress areas of any commercial, office, industrial, or multi-family use shall be provided with a minimum of one (1) footcandle at any point on the ground with lighting standards in parking areas being located not farther than one hundred feet (100') apart. All outside lighting, including sign lighting, shall be directed in such a way as not to create a nuisance in any agricultural or residential districts, and in every district all such lighting shall be arranged so

as to protect the street or highway and adjoining property from direct glare or hazardous interference of any kind. Any luminaire shall be equipped with a glare shielding device approved by the municipal engineer. The height of any luminaire must also be approved by the municipal engineer.

- B. In all commercial and nonresidential districts, all parking areas and related passageways and driveways serving any permitted use shall be illuminated adequately during the hours between sunset and sunrise. After 10:00 p.m., a portion of the lights in any parking area shall remain lighted until sunrise. Adequate shielding of such light shall be provided so that the source of light is not visible from any residential area.

§27-1112 FLOODPLAINS

Any development in a floodplain shall comply with the North Sewickley Floodplain Ordinance, Chapter 8 of the North Sewickley Code of Ordinances.

§27-1113 AGRICULTURE USE, INTENSIVE

All agricultural production uses meeting the definition of intensive agriculture uses shall conform to the following standards where such uses are permitted:

- A. No manure, debris, or other by-products or supplies associated with the animal keeping shall be permitted to accumulate or to be stored in a manner that results in runoff, odor, or other nuisances that cause legitimate offense to adjacent residential properties.
- B. All buildings for the housing of animals are two hundred feet (200') from the property line.
- C. Waste management structures are six hundred feet (600') from the nearest property line.
- D. No part of the operation shall be in the one hundred (100) year floodplain.
- E. The operation is managed according to a waste and nutrient management plan approved by the Pennsylvania Department of Environmental Protection (PaDEP).
- F. Sediment and stormwater management plans are approved by the County Conservation District and the PaDEP, and are implemented.
- G. The applicant shall prepare a management plan that demonstrates that the facility will be operated in accordance with applicable local, state, and federal laws and policies and will not create a hazard to the surrounding area and waterways.

§27-1114 TEMPORARY USES AND STRUCTURES

- A. Temporary uses including, but not limited to, festivals, fairs, or carnivals sponsored by a governmental, local, nonprofit, community, or charitable organization shall be exempt from fees related to the issuance of a temporary use permit provided the Zoning Officer determines compliance with the standards of this section.
- B. Sidewalk sales, carload sales, and other special promotions conducted on the site of an existing retail establishment with the permission of the landowner for a period of not more than thirty (30) days shall not be subject to the provision of this Section. Any such activity which exceeds thirty (30) days in duration shall be subject to approval under this Section.
- C. Approval for temporary use permits shall be granted for a specific time period of time not to exceed sixty (60) days.
- D. All seasonal 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.
- E. Temporary uses or structure which are authorized for a particular short-term event shall be removed within forty-eight (48) hours after the completion of the event.
- F. Vehicular access for all temporary uses or structures which 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.

- G. No temporary use or structure shall be located in any public right-of-way.
- H. Temporary uses or structures which are proposed as principal uses or structures and which are accessible to the public shall provide sanitary facilities, unless such facilities exist on the lot and are available to the customers or patrons of the temporary use or structure.

§27-1115 BUFFERYARDS

Bufferyards which are designed to screen improvements on proposed development sites, shall be provided on the developing lot, tract or parcel, where indicated, based on the proposed use and the abutting use. Screening requirements and bufferyard types A through C are included in the Appendix to this Ordinance.

§27-1116 TRAFFIC ACCESS/IMPACT STUDIES

- A. A traffic access/impact analysis study shall be required when a proposed development will generate more than one hundred (100) average daily vehicle trips.
- B. A Traffic Access/Impact Study shall be submitted as part of a land development application or as part of an application for conditional use approval. The specific roadways and intersections to be studied shall be identified along with the planned data collection and analysis procedures. The Study shall be performed by a qualified professional traffic engineer. The study shall contain the following information, provided that the Township may waive some, or add to the requirements on a case-by-case basis:
 - (1) Description of the proposed project in terms of land use type and magnitude.
 - (2) An inventory of existing conditions in the site environs (1/2 mile for a minor development, and 1.5 miles for a major development) including:
 - (a) Roadway network and traffic control;
 - (b) Existing traffic volumes in terms of peak hours and average daily traffic (ADT);
 - (c) Planned roadway improvements by others;
 - (d) Intersection levels of service;
 - (e) Roadway levels of service (where appropriate); and
 - (f) Other measures of roadway adequacy; i.e., lane widths, traffic signal warrants, vehicle delay studies, et cetera.
 - (3) An analysis of existing traffic conditions including:
 - (a) Intersection levels of service;
 - (b) Roadway segment levels of service (where appropriate); and
 - (c) Other measures of roadway adequacy; i.e., lane widths; traffic signal warrants; vehicle delay studies, etc.
 - (4) Projected site-generated traffic volumes in terms of:
 - (a) Peak hours and ADT;
 - (b) Approach/departure distribution including method of determination;
 - (c) Site traffic volumes on roadways; and
 - (d) Comparison of existing land uses to proposed site generation.
 - (5) An analysis of future traffic conditions including:
 - (a) Future design year (development fully completed) combined volumes (site traffic plus future roadway traffic)

- (b) Intersection levels of service;
 - (c) Roadway levels of service (where appropriate); and
 - (d) Other measures of roadway adequacy; i.e., lane widths, traffic signals warrants, vehicle delay studies, et cetera.
- (6) A description of the recommended access plan and off-site improvements, including.
- (a) Schematic plan of access and on-site circulation;
 - (b) General description of off-site improvements required.

§27-1117 WIRELESS COMMUNICATIONS FACILITIES (WCF)

See also §27-1204B. Colocation on an existing building or structure of an antennae for the purpose of enhancing the performance and operation of wireless communications is permitted in all zoning districts.

§27-1118 RESIDENTIAL ACCESSORY STRUCTURES

- A. In all nonresidential zoning districts (B-Business, BT-Business Transitional, CC-Corridor Commercial and I-Industrial) where lots with residential dwelling units were occupied at the time of passage of the North Sewickley Township Zoning Ordinance and such uses were made legally nonconforming, detached accessory structures and uses customarily incidental or appurtenant to those residential uses shall be considered permitted accessory structures and uses by right, provided that all dimensional and related standards applicable to accessory structures shall be met.
- B. Fences to a maximum height of six feet (6'), measured against the fencing material, shall not require a zoning or building permit, but shall comply with the following criteria:
- (1) Fencing shall be erected only on property owned by the person(s) erecting the fence.
 - (2) Opaque or privacy fencing shall not extend past the front face of the principal structure.
 - (3) Decorative or non-opaque fencing may be erected in the required front yard to within three feet (3') of the recorded right-of-way line.

§27-1119 GRAZING ANIMALS

In all zoning districts where agricultural operations are provided for, the keeping or boarding of domesticated grazing animals including, but not limited to horses, cattle, sheep or llamas, shall be permitted for two (2) animals on a lot with a minimum recorded area of five (5) acres. Each animal over two (2) shall require one (1) additional acre of land.

§27-1120 COVERED ATTACHMENTS

- A. In all residential districts where an attached patio, porch or deck has been constructed, whether such patio, porch or deck encroaches into a required front, side or rear yard, a roof, awning or cover may be constructed to the same dimensions as the attached patio, porch, or deck, following issuance of a building permit.
- B. Said building permit shall authorize only the erection of a roof, awning or cover with vertical supports designed and constructed in compliance with the Pennsylvania Uniform Construction Code standards.
- C. Enclosing the area of the existing attached patio, porch or deck and converting to occupant living space, shall require the granting of a dimensional variance by the North Sewickley Township Zoning Hearing Board for that portion of the attached patio, porch or deck which encroaches into any required yard

- D. Where the proposed enclosure of an existing attached patio, porch or deck follows an existing nonconforming building line into the front, side or rear yard, and no further encroachment in the required yards will occur, a dimensional variance shall not be required.
- E. Enclosing the area of the existing attached patio, porch or deck shall not obstruct the view or clear sight triangle at the intersection of the access driveway with the abutting street or road right-of-way.

§27-1121 ZONING LOT DETERMINATION

Two or more nonconforming lots separately recorded or taxed adjacent lots under identical ownership may be considered as a single zoning lot as defined herein for purposes of administration of the zoning ordinance. A zoning lot determination may be made by the Zoning Officer that recognizes the perimeter boundaries of combined contiguous lots as a single tract of land for application of the area dimensional, setback, and yard requirements of the zoning ordinance. The following requirements shall apply to zoning lot determinations:

- A. The property owner shall notify the Zoning Officer of any proposed transfer of a lot or modification of lot lines involving property included in a zoning lot determination.
- B. The transfer of any lot or portion thereof or any modification of the interior lot lines pursuant to a boundary line adjustment, amended plat, or other instrument, other than the elimination of the interior lot lines, shall void lot determination.
- C. In the event that ownership of any portion of the property is severed or transferred in any manner, prior to the sale or other transfer, the grantor shall bring the structure and lot into compliance with the then current version of the zoning ordinance. (Refer to Zoning Lot Determination-Form)

PART 12

Conditional Uses and Uses by Special Exception

§27-1201 GENERAL INTENT

The following regulations establish certain general requirements and procedures for uses, which may be granted with conditions by the Supervisors of North Sewickley Township following recommendation by the Planning Commission.

§27-1202 PROCEDURE FOR REVIEW

- A. A developer requesting a conditional use shall submit three (3) copies of the following materials, together with a completed application and appropriate fee, to the Township Secretary for referral to the Township Zoning Officer. All information submitted shall be reviewed by the Zoning Officer for completeness.
- (1) A written statement supporting the general criteria outlined in §27-1203 and describing in detail the proposed use;
 - (2) An accurately scaled illustrative site plan showing the arrangement of the proposed use on the site, including property lines, uses on adjacent properties, abutting streets, buildings existing and proposed on the site by use and height, points of access into the site, internal driveways, parking area layout with number of spaces noted, signs to remain or proposed, areas of earthmoving with proposed grade of finished slopes noted, method of collecting and disposing of stormwater, proposed landscaping and other pertinent information to illustrate the proposal.
- B. The Planning Commission shall review such requests and forward its recommendation on the application to the Board of Supervisors. Within the prescribed time frame, including any agreed-upon extension, the Commission may also hold a public hearing pursuant to public notice to inform the public and obtain comment prior to taking action on a proposed conditional use.
- C. Within the time period set forth in this Section, the Commission shall take one of the following actions. Failure to take action within the prescribed period, including any extension, shall be deemed a recommendation for approval of the application as presented:
- (1) Recommend to the Board of Supervisors approval of the application as submitted;
 - (2) Recommend to the Board of Supervisors approval of the application with certain conditions subject to the applicant's consent;
 - (3) Recommend to the Board of Supervisors denial of the application on the basis of specific findings communicated to the applicant in writing.
- D. The Board of Supervisors shall hold a public hearing, pursuant to public notice, and take final action on a completed request (as determined by the Zoning Officer) for conditional use within sixty (60) days from the date of receipt of the completed request, unless the applicant agrees in writing to a time extension. The Board of Supervisors may ask for additional information or continue the hearing, but shall conclude the hearing and render a written decision on the application request within forty-five days of conclusion.
- E. Within the time period set forth herein, the Board of Supervisors shall take one of the following actions. Failure to take action within the prescribed period, including any extension, shall be deemed approval of the application as presented:
- (1) Approve the application

- (2) Approve the application with conditions subject to the applicant's consent; or
 - (3) Deny the application on the basis of specific findings communicated to the applicant in writing.
 - (4) The Board of Supervisors may attach such reasonable conditions and safeguards, in addition to those expressed in this Ordinance, as it may deem necessary to implement the purposes of this Ordinance. The applicant shall have thirty (30) days in which to notify the Board of Supervisors that he accepts any attached conditions or stipulations. Failure to accept will render the approval null and void.
- F. An applicant whose conditional use application is approved must obtain a zoning permit. As set forth in this Section, an applicant proposing development containing a use that is permitted only as a conditional use may submit an application for a zoning permit at the same time he or she submits the application for conditional use approval. Duplicate submittal materials are not required, and the review and approval process for both the conditional use and zoning permit may proceed independently.
- G. All development, construction, and use shall be in accordance with the approved conditional use plan, unless a revised plan is submitted and approved. The approved plan shall consist of the application for conditional use, together with all its attachments and exhibits, as finally approved by the Board of Supervisors, and all conditions and stipulations attached by the Board. Any development contrary to the approved plan shall constitute a violation of this Ordinance.
- H. Failure of the applicant to apply for a building permit within one (1) year of receiving approval of the conditional use shall render the decision by the Board of Supervisors null and void.
- I. Where a use is proposed on a recorded parcel which is not listed as a Principal Permitted Use, a Conditional Use or a Use by Special Exception in any Zoning District, an application for approval as a Conditional Use may be filed and processed as provided for in this Section. Compliance with the provisions of Section 27-1203, General Criteria and Standards shall be demonstrated by the applicant prior to a vote to approve such application by the Board of Supervisors. (See also Section 27-302, Subsection E)

§27-1203 GENERAL CRITERIA AND STANDARDS

In addition to any express standards and criteria listed in the following sections, an application for a conditional use shall demonstrate that:

- A. The applicant will reduce significant adverse impacts on existing uses to the maximum extent feasible, including, but not limited to, adopting measures addressing illumination/glare, noise, hours of operation, loitering, litter control, and other similar characteristics.
- B. The use can be accommodated on the site consistent with all dimensional, site development, design, grading/drainage, performance, and other standards for the District in which it will be located, with no variances required.
- C. Where the use will generate more than one hundred (100) average daily vehicle trips, the use will not cause a deterioration of existing levels of service (LOS) at intersections and roads within one-half (½) mile of the proposed use, as documented by a traffic impact study prepared in accordance with §27-1116 of this Ordinance.
- D. The use provides adequate off-street parking on the same property as the use, in compliance with standards set forth in Part 14 of this Ordinance.
- E. At a minimum, areas of the property not covered by buildings or pavement or stormwater management facilities are landscaped and maintained.

- F. Unless addressed in the specific criteria and standards set forth herein, bufferyards are provided pursuant to the standards and requirements for bufferyards as set forth in *the Appendix*.
- G. Primary access points to the property shall be located as far as possible from road or street intersections and adequate sight distances for the posted speed limits shall be met.

§27-1204 CRITERIA FOR CONDITIONAL USES

In addition to the general standards and criteria for conditional uses listed herein, an application for the following conditional uses shall comply with the specific standards and criteria set forth as follows, as well as all site development, environmental, design, and performance standards applicable in the District in which the use is to be located.

A. Adult Oriented Business: Conditional use in the I District:

- (1) A person is guilty of a violation of this Zoning Ordinance if he or she operates or causes to operate an adult oriented business outside of the district in which an adult oriented business is a conditional use.
- (2) A person is guilty of a violation of this Zoning Ordinance if he or she operates or causes to operate an adult oriented business within one thousand feet (1,000') of:
 - (a) A church;
 - (b) A public or private pre-elementary, elementary, or secondary school;
 - (c) A public library;
 - (d) A day-care facility or nursery school;
 - (e) A public park adjacent to any residential district; or
 - (f) A child-oriented business.
- (3) A person is guilty of violation of this Zoning Ordinance if he or she causes or permits the operation, establishment, substantial enlargement, or transfer of ownership or control of an adult oriented business within one thousand linear feet (1,000') of another adult oriented business, or within one thousand (1,000) linear feet of an occupied residence.
- (4) A person is guilty of a violation of this Zoning Ordinance if he causes or permits the operation, establishment, or maintenance of more than one adult oriented business in the same building, structure or portion thereof, or the increase of floor areas of any adult oriented business in any building, structure, or portion thereof containing another adult oriented business.
- (5) For the purpose of this Ordinance, measurement shall be made in a straight line, without regard to intervening structures or objects, from the nearest portion of the building or structure used as a part of the premises where an adult oriented business is conducted, to the nearest property line of the premises of a church, public or private pre-elementary, elementary, or secondary school, public library, child care facility, child-oriented business, or nursery school, or to the nearest boundary of unaffected public park.
- (6) Any adult oriented business lawfully operating on date of enactment of this Ordinance that is in violation of subsection 1 through 5 of this section shall be deemed a nonconforming use. Such nonconforming uses shall not be increased, enlarged, extended or altered except that the use may be changed to a conforming use. In the event that two (2) or more adult oriented businesses are within one thousand feet (1,000') of one another and otherwise in a permissible locations, the adult oriented business which was first established as

a continually operating business at a particular location is the conforming use and the later-established business is nonconforming.

- (7) An adult oriented business lawfully operating as a conforming use is not rendered a nonconforming use by the location, subsequent to the grant or renewal of the sexually oriented business permit, of a church, public or private pre-elementary, elementary, or secondary school, public library, child care facility, child-oriented business, nursery school or public park within one thousand feet (1,000') of the adult oriented business. This provision applies only to the renewal of a valid permit, and does not apply when an application for a permit is submitted after a permit has expired or has been revoked.
- (8) The adult oriented business may be open for business Monday through Saturday from 10:00 a.m. to 12:00 midnight. No adult oriented business shall be open on Sunday.
- (9) No adult oriented business shall be located within one thousand feet (1,000') from any residential zoned land or lot used principally as residential use.

B. Wireless Communication Facilities (WCF)

- (1) The intent of this section is to:
 - (a) Promote the health, safety, and welfare of Township residents and businesses with respect to WCFs.
 - (b) Provide for the managed development of WCFs in a manner that enhances the benefits of wireless communication and accommodates the needs of both Township residents and wireless carriers in accordance with federal and state laws and regulations.
 - (c) Establish procedures for the design, siting, construction, installation, maintenance and removal of both tower-based and non-tower-based WCFs in the Township, including facilities both inside and outside the public rights-of-way.
 - (d) Address new wireless technologies, including, but not limited to, distributed antenna systems (DAS), data collection units, cable Wi-Fi and other WCFs.
 - (e) Encourage the co-location of WCFs on existing structures rather than the construction of new tower-based structures.
 - (f) Protect Township residents from potential adverse impacts of wireless communications facilities and preserve, to the extent permitted under law, the visual character of established communities and the natural beauty of the landscape.
 - (g) Comply with all provisions and requirements of the Pennsylvania Wireless Broadband Co-location Act (WBCA), as amended, and any other applicable state and/or federal regulations.

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- (2) **Applicability.** All wireless communications facilities (WCFs), as defined in Part 2 of this chapter, shall comply with all applicable terms and provisions of this section.
- (3) **Inspection.** The Township reserves the right to inspect any WCF to ensure compliance with the provisions of this Section and any other provisions found within the Township Code or state or federal law. The Township and/or its agents shall have the authority to enter the property upon which a WCF is located at any time, upon reasonable notice to the operator, to ensure such compliance.
- (4) **General Requirements for Wireless Communications Facilities (WCFs).**
- (a) **Standard of Care.** Any WCF shall be designed, constructed, operated, maintained, repaired, modified and removed in strict compliance with all current applicable technical, safety and safety-related codes, including but not limited to the American National Standards Institute (ANSI) Code, as amended, the National Electrical Safety Code, as amended, and the National Electrical Code, as amended. Any WCF shall at all times be kept and maintained in good condition, order and repair by qualified maintenance and construction personnel, so that the same shall not endanger the life of any person or any property in the Township. With regard to co-location, nothing within these general requirements shall be construed to impose requirements greater than those permitted to be imposed by the Township under the WBCA.
- (b) **Design.**
- [1] WCFs, including all associated antennas, towers, equipment, sheds, buildings, and the like, shall be context-sensitive, employ stealth technology, and be treated to match any supporting structure, when applicable, in order to minimize aesthetic impact. The application of such treatments shall be subject to the approval of the Township.
- [2] **Wind.** All WCF structures shall be designed to withstand the effects of wind according to the standard designed by the American National Standards Institute as prepared by the engineering departments of the Electronics Industry Association and Telecommunications Industry Association (ANSI/EIA-222-E, as amended).
- [3] In accordance with the WBCA, the aforementioned design requirements shall not apply to the co-location, replacement, or alteration of antennas, accessory equipment, or WCFs upon any existing wireless support structure or within an existing equipment compound.
- (c) **Location.**
- [1] All WCFs shall be located on an existing WCF structure whenever practical and feasible to do so.
- [2] Should co-location on an existing WCF structure not be possible, the proposed WCF shall be located on a non-WCF existing structure, such as, but not necessarily limited to, a utility pole or building.
- [3] Should co-location on a non-WCF existing structure not be possible, the proposed WCF shall be located on a separate tower and abide by the general regulations set forth herein.
- [4] WCFs shall not be located in the front facade area of the following uses: single-family detached, single-family semidetached, quad

dwelling, two-family dwelling, townhouse, or row dwelling. This restriction shall not apply in instances involving co-location on an existing nonconforming building or structure that already holds WCF equipment.

- [5] Historic Buildings. No non-tower WCF may be located on a building or structure that is listed on either the National or Pennsylvania Register of Historic Places, or is eligible to be so listed, or is listed on the official historic structures and/or historic districts list maintained by the Township, or has been designated by the Township to be of historical significance. This restriction shall not apply in instances in which the historic building or structure in question holds WCF equipment on the date of adoption of this section.

(d) Access and Parking.

- [1] An access road, turnaround space and parking shall be provided to ensure adequate emergency and service access to WCFs.

[a] WCFs located within the right-of-way may utilize existing roads, whether public or private, to the extent practicable.

[b] Road construction shall at all times minimize ground disturbance and the cutting of vegetation.

[c] Road grades shall closely follow natural contours to assure minimal visual disturbance and minimize soil erosion.

- [2] Off-street parking shall comply with the requirements of § 27-1402, Off-Street Parking Requirements.

- [3] Vehicular access shall not interfere with parking or vehicular circulation on the site for the principal use.

- [4] Where applicable, the WCF owner shall present documentation to the Township that the property owner has granted an easement for the proposed facility.

(e) Public Safety.

- [1] WCFs and accessory equipment shall be located so as not to cause any physical or visual obstruction to pedestrian or vehicular traffic, or to otherwise create safety hazards to pedestrians and/or motorists, or to otherwise inconvenience public use of the ROW as determined by the Township.

- [2] No WCF shall interfere with public safety communications or the reception of broadband, television, radio or other communication services enjoyed by occupants of nearby properties.

- [3] No WCF-associated building shall be permitted within a road right-of-way.

- [4] Aviation Safety. WCFs shall comply with all federal and state laws and regulations concerning aviation safety.

(f) Operations.

- [1] Radio Frequency Emissions. No WCF may, by itself or in conjunction with other WCFs, generate radio frequency emissions in excess of the standards and regulations of the FCC, including, but not limited to, the FCC Office of Engineering Technology Bulletin 65, entitled "Evaluating Compliance with FCC Guidelines for Human Exposure to Radio Frequency Electromagnetic Fields," as amended.

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- [2] Lighting. No WCF shall be artificially lighted, except as required by law. If lighting is required, the applicant shall provide a detailed plan for sufficient lighting, demonstrating as unobtrusive and inoffensive an effect as is permissible under state and federal regulations. All other associated lighting related to the WCF and/or its accessory equipment shall comply with the Township Code, §27-1111.
- [3] Noise. WCFs shall be operated and maintained so as not to produce noise in excess of applicable noise standards under state law and the Township Code, §27-1101.C, except in emergency situations requiring the use of a backup generator, where such noise standards may be exceeded on a temporary basis only.
- (g) Signs. Signage of any type, except for: signage required by law, safety signage, and signage identifying the WCF's operator and subsequent contact information, is prohibited from being attached to or displayed upon any WCF.
- (h) Insurance.
- [1] Non-Tower WCFs. Where permitted by law, each person that owns or operates a non-tower WCF shall provide the Township with a certificate of insurance evidencing general liability coverage in the minimum amount of \$1,000,000 per occurrence and property damage coverage in the minimum amount of \$1,000,000 per occurrence covering the non-tower WCF.
- [2] Tower-Based WCFs Less Than 50 Feet in Height. Where permitted by law, each person that owns or operates a tower-based WCF 50 feet or less in height shall provide the Township with a certificate of insurance evidencing general liability coverage in the minimum amount of \$1,000,000 per occurrence and property damage coverage in the minimum amount of \$1,000,000 per occurrence covering each tower-based WCF.
- [3] Tower-Based WCFs Greater Than 50 Feet in Height. Where permitted by law, each person that owns or operates a tower-based WCF greater than 50 feet in height shall provide the Township with a certificate of insurance evidencing general liability coverage in the minimum amount of \$5,000,000 per occurrence and property damage coverage in the minimum amount of \$5,000,000 per occurrence covering the tower-based WCF.
- (i) Indemnification. Each person that owns or operates a WCF shall, at its sole cost and expense, indemnify, defend and hold harmless the Township, its elected and appointed officials, employees and agents, at all times against any and all claims for personal injury, including death, and property damage arising in whole or in part from, caused by or connected with any act or omission of the person, its officers, agents, employees or contractors arising out of, but not limited to, the construction, installation, operation, maintenance or removal of the WCF. Each person that owns or operates a WCF shall defend any actions or proceedings against the Township in which it is claimed that personal injury, including death, or property damage was caused by the construction, installation, operation, maintenance or removal of a WCF. The obligation to indemnify, hold harmless and defend shall include, but not be limited to, the obligation to pay judgments, injuries, liabilities, damages, reasonable attorneys' fees, reasonable expert fees, court costs and all other costs of indemnification.
- (j) Maintenance.

- [1] WCFs shall be fully automated and unattended on a daily basis and shall be visited only for maintenance or emergency repair.
 - [2] Such maintenance shall be performed to ensure the upkeep of the facility in order to promote the safety and security of the Township's residents.
 - [3] Any graffiti on the tower or on any accessory equipment shall be removed at the sole expense of the owner within 10 business days of notification by the Township.
- (5) Non-Tower Wireless Communications Facilities (Non-Tower WCFs).
- (a) All non-tower WCFs shall comply with the general requirements for wireless communications facilities as set forth in this chapter and all subsequent standards set forth below, as applicable. WCFs that do not substantially change the wireless support structure, as that term is defined and used in the WBCA, shall be exempt from these requirements.
 - (b) Antennas and all support and accessory equipment shall be context-sensitive to the supporting structure. WCFs and accompanying equipment shall be painted, or otherwise coated, to be visually compatible with the support structure upon which they are mounted, as may be permitted or restricted in the WBCA or any other applicable state and federal laws and regulations.
 - (c) Replacement and Alteration. Any material replacement of or alteration to a wireless telecommunication facility shall comply with this section and will require that a separate permit be obtained.
 - (d) Removal. In the event that use of a non-tower WCF is discontinued, the owner shall provide written notice to the Township of its intent to discontinue use and the date when the use shall be discontinued. Unused or abandoned WCFs or portions of WCFs shall be removed as follows:
 - [1] All abandoned or unused WCFs and accessory facilities shall be removed within two months of the cessation of operations at the site, unless a time extension is approved by the Township.
 - [2] If the WCF or accessory facility is not removed within two months of the cessation of operations at a site, or within any longer period approved by the Township, the WCF and/or associated facilities and equipment may be removed by the Township and the cost of removal assessed against the owner of the WCF.
 - [3] WCFs located within the right-of-way shall comply with the following:
 - [a] Within 60 days following written notice from the Township, or such longer period as the Township determines is reasonably necessary or such shorter period in the case of an emergency, an owner of a WCF in the ROW shall, at its own expense, temporarily or permanently remove, relocate, change or alter the position of any WCF when the Township, consistent with its police powers and applicable Public Utility Commission regulations, shall have determined that such removal, relocation, change or alteration is reasonably necessary under the following circumstances:
 - [b] The construction, repair, maintenance or installation of any Township or other public improvement in the right-of-way;

- [c] The operations of the Township or other governmental entity in the right-of-way;
 - [d] Vacation of a street or road or the release of a utility easement; or
 - [e] An emergency as determined by the Township.
- (e) Specific Standards for Non-Tower WCFs.
- [1] All Non-Tower WCFs Located Outside of the Right-of-Way.
 - [a] Maximum Height. The maximum permitted height shall be 35 feet.
 - [b] Accessory equipment and buildings:
 - 1) Shall comply with all required setbacks for principal structures established for the zoning district in which they are located.
 - 2) Ground-mounted accessory equipment, buildings, and accessory structures shall not exceed 15 feet in height.
 - [c] A security fence of not less than six feet and not more than eight feet shall surround any separate communications equipment building.
 - [2] Non-Tower WCFs Located Within the Right-of-Way.
 - [a] WCF installations located above the surface grade in the public ROW, including, but not limited to, those on streetlights and joint utility poles, shall be compatible in height, scale, and proportion to the structures upon which they are mounted. All equipment shall be the smallest and least visibly intrusive equipment feasible.
 - [b] Any proposed underground vault related to non-tower WCFs shall be reviewed and approved by the Township.
 - [c] Setbacks and Landscaping.
 - 1) In no case shall ground-mounted equipment, walls, or landscaping be located within 18 inches of the face of the curb or within an easement extending onto a privately owned lot.
 - 2) Ground-mounted equipment that cannot be located underground, as well as electrical meter cabinets, shall be screened, to the fullest extent possible, through the use of landscaping or other context-sensitive features to the satisfaction of the Township.
- (6) Tower-Based Wireless Communications Facilities (Tower-Based WCFs).
- (a) All tower-based WCFs shall comply with the general requirements for wireless communications facilities as set forth in this chapter and all subsequent standards set forth below, as applicable. WCFs that do not substantially change the wireless support structure, as that term is defined and used in the WBCA, shall be exempt from these requirements.
 - (b) Location.
 - [1] Tower-Based WCFs 50 Feet or Less in Height.
 - [2] Such tower-based WCFs shall be permitted along collector roads and arterial roads, except when the aforementioned roads are located within a planned residential development.
 - [3] Tower-Based WCFs, Greater Than 50 feet in Height.
 - [4] Tower-based WCFs in excess of 50 feet in height are prohibited from being located within any road right-of-way.

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- [5] In addition to the regulations set forth herein, tower-based WCFs greater than 50' in height and outside the right-of-way must comply with Chapter 27, Part 12, §27-1204, Criteria for Conditional Uses.
- [6] An application for a new tower-based WCF shall not be approved unless the Township finds that the wireless communications equipment planned for the proposed tower-based WCF cannot be accommodated on an existing or approved structure or building, or on Township property.
- (c) Height.
- [1] Any tower-based WCF shall be designed at the minimum functional height. All tower-based WCF applicants must submit documentation to the Township justifying the total height of the structure. The maximum total height of any tower-based WCF which is not located in the public ROW shall not exceed 180 feet, as measured vertically from the ground level to the highest point on the structure, including antennas and subsequent alterations.
- [2] Accessory equipment buildings, cabinets and accessory structures shall not exceed 15 feet in height.
- [3] Any height extensions to an existing tower-based WCF shall require prior approval of the Township and shall comply with the Township's Code of Ordinances.
- (d) Gap in Coverage. An applicant for a tower-based WCF must demonstrate that a significant gap in wireless coverage or capacity exists with respect to all wireless operators in the applicable area and that the type of WCF being proposed is the least-intrusive means by which to fill that gap in wireless coverage or capacity. The existence or nonexistence of a gap in wireless coverage or capacity may be a factor in the Township's consideration of and decision on an application for approval of tower-based WCFs.
- (e) Identification Signs. All tower-based WCFs shall post a sign in a readily visible location identifying the name and phone number of a party to contact in the event of an emergency.
- (f) Licenses. Each person that owns or operates a tower-based WCF shall submit a copy of its current FCC license (if a licensee), including the name, address, and emergency telephone number for the operator of the facility.
- (g) A Removal. In the event that use of a tower-based WCF is planned to be discontinued, the owner shall provide written notice to the Township of its intent to discontinue use and the date when the use shall be discontinued. Unused or abandoned WCFs or portions of WCFs shall be removed as follows:
- [1] All unused or abandoned tower-based WCFs and accessory facilities shall be removed within six months of the cessation of operations at the site, unless a time extension is approved by the Township.
- [2] If the WCF and/or accessory facility is not removed within six months of the cessation of operations at a site, or within any longer period approved by the Township, the WCF and accessory facilities and equipment may be removed by the Township and the cost of removal assessed against the owner of the WCF.

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- [3] Any unused portions of tower-based WCFs, including antennas, shall be removed within six months of the time of cessation of operations. The Township must approve all replacements of portions of a tower-based WCF previously removed.
- [4] The Township shall determine the time, place and manner of construction, maintenance, repair and/or removal of all tower-based WCFs in the ROW based on public safety, traffic management, physical burden on the ROW, and related considerations. For public utilities, the time, place and manner requirements shall be consistent with the police powers of the Township and the requirements of the Public Utility Code.
- [5] WCFs located within the right-of-way shall comply with the following:
- [a] Within 60 days following written notice from the Township, or such longer period as the Township determines is reasonably necessary or such shorter period in the case of an emergency, an owner of a tower-based WCF in the ROW shall, at its own expense, temporarily or permanently remove, relocate, change or alter the position of any WCF when the Township, consistent with its police powers and applicable Public Utility Commission regulations, shall determine that such removal, relocation, change or alteration is reasonably necessary under the following circumstances:
 - 1) The construction, repair, maintenance or installation of any Township or other public improvement in the right-of-way;
 - 2) The operations of the Township or other governmental entity in the right-of-way;
 - 3) Vacation of a street or road or the release of a utility easement; or
 - 4) An emergency as determined by the Township.
- (h) Specific Standards for Tower-Based WCFs.
- [1] Tower-Based WCFs Located Outside the Right-of-Way.
- [a] Lot.
 - 1) The foundation and base of any tower-based WCF shall be set back from property lines by the largest of the following:
 - a) The minimum setback in the underlying zoning district.
 - b) One hundred feet from residential property lines and any residential district boundary.
 - c) Fifty feet from other property lines.
 - [b] A tower-based WCF may be permitted on a property with an existing use, or on a vacant parcel in combination with another permitted proposed use, in accordance with §27-1117.
 - 1) The existing use on the property is a permitted use in the applicable district.
 - 2) Design.
 - a) The WCF applicant shall submit a Geotechnical soil report to the Township to document and verify the design specifications of the foundation of the tower-based WCF, and anchors for guy wires, if used.
 - b) Accessory Equipment and Buildings.
 - i. All *utility* buildings and accessory structures shall meet the minimum setback requirements for

accessory structures of the underlying zoning district

- a. Landscaping and Screening.
- ii. An existing vegetation, trees and shrubs located within proximity to the WCF structure shall be preserved to the maximum extent possible.
- iii. Landscaping shall be installed to screen and buffer the tower and any ground-level features, such as an equipment building, from adjacent properties.
- iv. The landscape screen shall consist of a mix of evergreen trees planted in a staggered double row. The plantings shall be a minimum height of six feet at planting and shall grow to a minimum of 15 feet at maturity.

[2] Tower-Based WCFs Located Within the Right-of-Way

- [a] Tower-based WCFs in the public ROW shall not exceed 50 feet in height.
- [b] In no case shall ground-mounted equipment, walls, or landscaping be located within 18 inches of the face of the curb.
- [c] Ground-mounted equipment that cannot be underground shall be screened, to the fullest extent possible, through the use of landscaping or other decorative features to the satisfaction of the Township.
- [d] Any underground vaults related to tower-based WCFs shall be reviewed and approved by the Township.
- [e] Any proposed tower-based WCF shall be designed structurally, electrically, and in all respects to accommodate both the WCF applicant's antennas and comparable antennas for future users.

C. Automotive Repair: Conditional use in B District.

- (1) All repair work and installation of parts and accessories shall be performed within an enclosed building.
- (2) All discharges into public sanitary sewers shall comply with all applicable regulations of the U.S. Environmental Protection Agency (EPA) and the Pennsylvania Department of Environmental Protection (PaDEP).
- (3) All vehicle parts, dismantled vehicles and similar materials shall be stored within an enclosed building or totally screened from view by a minimum of four foot (4') fence.
- (4) Vehicles stored due to an accident shall remain no longer than ninety (90) days from the date of arrival unless respective parts are documented to be unavailable within such time period. A maximum of four (4) vehicles may be temporarily stored. Said documentation shall be provided to the Zoning Officer for approval. In no case shall said vehicles be stored on or obstruct access to a public right-of-way.
- (5) No equipment above ground for the service of motor vehicles shall be closer than twenty-five feet (25') to any side or rear property line.
- (6) Fuel pumps, where provided, shall be located at least twenty-five feet (25') from any public right-of-way or fifty feet (50') from the street centerline, whichever is greater.
- (7) Parking and vehicle access shall be so arranged that there will be no need for the motorists to back over sidewalks or into streets.
- (8) Buffers and screening is required when abutting residential districts.

- D. **Bed and Breakfast:** Conditional use in the AR District and use by special exception in the BT District.
- (1) No modifications to the external appearance of the building which would alter its residential character shall be permitted.
 - (2) A maximum of ten (10) rooms shall be available to guests.
 - (1) All floors above grade shall have direct means of escape to ground level.
 - (2) One (1) off-street parking space shall be provided for each room available for rent, in addition to those required for the dwelling unit.
 - (3) No parking areas shall be located in the front yard.
- E. **Conversion Apartments:** Conditional use in the MDR and BT Districts. Where permitted, any single-family dwelling existing at the effective date of this Ordinance may be converted to a dwelling for no more than three (3) families, provided that:
- (1) The proposed conversion shall conform to the regulations for the district in which it is located. The minimum habitable floor area of such converted dwelling units shall be four hundred (400) square feet. The completed conversion of the total existing building shall meet all applicable sections of this Ordinance and other applicable Township regulations.
 - (2) There is no exterior evidence of change in the building except as required by the Pennsylvania Uniform Construction Code or other applicable Township regulations.
 - (3) Fire escapes, where required, shall be in the rear of the building and shall not be located on any wall facing a street.
 - (4) Off-street parking provisions shall be provided in accordance with the provisions of Part 14.
- F. **Day Care Facility:** Conditional use in the CC District and use by special exception in BT Districts.
- (1) The facility shall be registered with or licensed by the Commonwealth, if required.
 - (2) 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. All structures and play area shall meet the setback requirements for the district in which the facility is located.
 - (3) The general safety of the property proposed for a day care facility shall meet the needs of small children. A safety management plan shall be prepared by the applicant and submitted to the Township.
 - (4) Off-street parking shall be provided in accordance with the requirements of Part 14.
- G. **Funeral Home:** Conditional use in the BT District.
- (1) The site shall have frontage on and direct vehicular access to an arterial or collector street.
 - (2) Traffic circulation on the lot shall be designed to minimize congestion and provide for the lining up of vehicles on the property without obstructing the free flow of traffic on adjoining streets or alleys.
 - (3) All off-street parking areas abutting residentially zoned property shall be appropriately screened and buffered.
- H. **Home Occupation:** Conditional use in the AR District.

- (1) The home occupation shall be carried on completely within the dwelling unit or an accessory structure.
 - (2) Not more than one (1) person other than the occupants of the dwelling unit shall be employed.
 - (3) Not more than thirty-five percent (35%) of the floor area of the dwelling unit, excluding attached accessory structure, shall be utilized for all home-based businesses. Attached structures, including but not limited to garages, outbuildings, sheds, carports and enclosed or unenclosed walkways, or detached accessory structures, may be used for the home occupation.
 - (4) Articles sold or offered for sale shall be limited to those produced on the premises or displayed under a licensed distributorship conducted by the residents.
 - (5) No storage of articles offered for sale shall be permitted on-site except for display items.
 - (6) No traffic shall be generated by such home-based business in greater volumes than would normally be expected in a residential neighborhood.
 - (7) There shall be no exterior indications of the home-based business or variation of the residential character of the main building.
 - (8) The home-based business shall not cause any external impact such as increased noise, excessive lighting, or offensive odor.
- I. Automotive Recycling: Conditional use in the I District.
- (1) Auto parts shall be stored in piles not exceeding eight feet (8') in height and shall be arranged so as to permit easy access for firefighting purposes.
 - (2) All operations shall be screened from all rights-of-way and adjoining properties by a bufferyard and screen planting of no less than fifteen feet (15') in depth established along the perimeter lot line.
 - (3) No open burning shall be permitted.
 - (4) All batteries must be removed from vehicles and stored to prevent leaching into water features in close proximity.
 - (5) Operations shall be conducted in compliance with performance standards of Part 11 and other applicable standards.
 - (6) All automotive recycling facilities shall meet the licensing and screening requirements of Pennsylvania Act 4 of Special Session Number 3 of 1966, prohibiting recycled parts from being located within one thousand feet (1,000') from the right-of-way of any interstates or primary roads.
- J. Commercial Kennels: Conditional use in the AR District.
- (1) All kennels shall be licensed by the Commonwealth of Pennsylvania and shall be constructed and maintained in accordance with the Pennsylvania Code, Title 7, Part II, Chapter 21 entitled, General Provisions: Kennels; Licensure; Dog-Caused Damages, as amended.
 - (2) All buildings in which animals are housed and all runs shall be located at least two hundred feet (200') from all lot lines. Buildings shall be adequately soundproofed so that sounds generated within the buildings cannot be perceived at the lot line.
 - (3) Outdoor runs may be provided if appropriate screening is provided. No animal shall be permitted to use the outdoor runs from 8:00 p.m. to 8:00 a.m.

K. Health Care Facility, Conditional use in District CC.

- (1) The minimum site size for each facility will be determined at time of request based on size of the facility as shown on the engineering drawing as presented.
- (2) The site shall be served by public water and sewer services.
- (3) All facilities shall be licensed by the Commonwealth of Pennsylvania, as required.
- (4) Water pressure and volume shall be adequate for fire protection.
- (5) A traffic study, including a parking and circulation study, shall be prepared in accordance with this Ordinance.
- (6) Ingress, egress, and internal traffic circulation shall be designed to ensure access by emergency vehicles.
- (7) All property lines adjoining a residential use shall be screened by bufferyard B, as defined in the Appendix attached to this Ordinance.
- (8) Helipads shall be for hospital use only.
- (9) The fire chief will be given the plan for review so that he can provide necessary protection and make whatever changes he deems necessary to provide that protection.
- (10) The facility must comply with all applicable Fire, Housing, Building, Property Maintenance, Health codes and all regulations pertaining to transient occupancy with respect to emergency lighting, smoke detectors, exit lights and other safety devices in effect at the date of application.
- (11) Any food preparation, service or distribution shall be licensed and inspected by the state health department.
- (12) Disposal of medical waste shall be in accordance with all applicable permits and handling of the Pennsylvania Department of Environmental Protection and the United States Environmental Protection Agency.
- (13) The applicant shall prove to the North Sewickley Township Planning Commission and the North Sewickley Township Board of Supervisors that the use will involve adequate on-site supervision and security measures to protect both the public and employees. If large quantities of drugs are kept on the premises and or dispensed daily, a security person shall be on duty during all hours the facility is open to insure safety to employees and visitors. During all hours the facility is closed, a monitored security system must be in operation. If any applicable County, State, Federal or professional association standards provide guidance on the type of supervision that is needed, the proposed supervision shall be compared to such standards.
- (14) The applicant for these facilities shall submit with its application a plan outlining in detail the management of the facility. This shall include information on personnel, supervision, hours of operation, services provided, rules and regulations and any other information pertinent to the operation of the facility.

L. Nursing Home, Senior Care Facility and Health Care Facility: Conditional use in the CC District.

- (1) The minimum lot area for such facilities shall be two (2) acres.
- (2) The property shall be served by public water and sewer.
- (3) All facilities shall be licensed by the Commonwealth Department of Public Welfare.

- (4) Water pressure and volume shall be adequate for fire protection.
 - (5) Ingress, egress, and internal traffic circulation shall be designed to ensure access by emergency vehicles.
 - (6) Nursing homes shall have a bed capacity of no more than twenty (20) beds.
 - (7) Disposal of medical waste shall be in accordance with all applicable permits and handling of the Pennsylvania Department of Environmental Protection and the United States Environmental Protection Agency.
- M. Retirement Community: Conditional use in the MDR District.
- (1) The minimum lot size shall be ten (10) acres.
 - (2) No principal use or structure shall be located within seventy-five feet (75') from any property line or right-of-way line.
 - (3) Permitted uses include but are not limited to congregate dining and recreational areas, therapeutic services, personal services, worship facilities, and medical and administrative offices.
 - (4) Individual buildings with one (1) or more dwelling units shall be setback in compliance with district requirements.
 - (5) Public water and sanitary sewerage shall be provided.
 - (6) Visitor parking and interior sidewalks for pedestrian circulation shall be provided.
- N. Stand-Alone Retail Store Exceeding Fifty Thousand (50,000) Square Feet: Conditional use in the CC District.
- (1) Minimum lot area: three (3) acres.
 - (2) Minimum lot width at street line: one hundred fifty (150) feet.
 - (3) Minimum lot width at building setback line: two hundred (200) feet.
 - (4) Minimum landscape area: twenty percent (20%) of the total lot area.
 - (5) A traffic impact study shall be presented to demonstrate whether the existing and/or proposed road systems can accommodate the traffic to be generated by the proposed use and the improvements which the applicant proposes to make to the existing and/or proposed road system to alleviate adverse impacts of the proposed use.
 - (6) Applicant shall present evidence to demonstrate compliance with all applicable provisions of Parts 13 and 14 of this Zoning Chapter.
- O. Shooting Range Facility: Conditional use in the AR District:
- (1) This Section is intended to regulate the establishment and operation of outdoor shooting range facilities. Such recreational and training complexes, due to their potential noise impacts and safety concerns, merit careful review to minimize adverse effects on adjoining properties. This Section does not otherwise apply to the general discharge of firearms or the use of bows and arrows in accordance with all other applicable laws or regulations.
 - (2) New shooting range facilities shall only be established and operated in accordance with a valid occupancy permit issued by North Sewickley Township.
 - (3) Each shooting range facility shall be designed to contain the bullets, shot or arrows or any other debris on the range facility.
 - (4) Each shooting range facility shall be designed to minimize off-site noise impacts generated by the activities conducted on the range facility.

- (5) Noise levels measured at the property line where the facility is maintained or, in the case of leased land, at the property line of any leased parcel shall not exceed sixty-five (65) dBA when located adjacent to residential or commercial property or seventy-five (75) dBA when adjacent to industrial property.
 - (6) Notwithstanding the supplemental regulations and performance standards of this Part, all shooting stations on a range facility shall be located a minimum of two hundred (200) feet from any property line.
 - (7) Warning signs meeting National Rifle Association (NRA) guidelines for shooting ranges shall be posted at one hundred (100) foot intervals along the entire perimeter of the shooting range facility. All shooting stations shall be located at least one fourth (1/4) mile (one thousand three hundred twenty (1,320) feet) from any existing, occupied dwelling.
 - (8) Shooting ranges shall be allowed to operate between 8:00 a.m. And 8:00 p.m. Monday through Saturday. On Sundays, shooting shall not commence before 12:30 p.m.
 - (9) The permittee shall be required to carry a minimum of one million dollars (\$1,000,000.00) of liability insurance. Such insurance shall name North Sewickley Township as an additional insured party and shall save and hold North Sewickley Township, its elected and appointed officials, and employees acting within the scope of their duties harmless from and against all claims, demands and causes of action of any kind or character, including the cost of defense thereof, arising in favor of a person or group's members or employees or third parties on account of any property damage arising out of the acts or omissions of the permittee, his/her group, club or its agents or representatives. The Township shall be notified of any policy changes or lapses in coverage.
 - (10) Shooting ranges shall only be permitted if the adjacent area is predominantly undeveloped.
 - (11) The conditional use approval is granted for a period of three (3) years, subject to renewal.
 - (12) The sale or consumption of alcoholic beverages is prohibited on the property.
- P. Truck Maintenance and Repair Facilities: Conditional use in the CC District.
- (1) No terminal or part thereof shall be located within two hundred feet (200') of a floodplain or wetland, or within three hundred feet (300') of a residential use or district.
 - (2) Access to a public street shall be provided by a public industrial service road or a collector roadway. No direct point of access shall be provided from an arterial road.
 - (3) The layout of improvements must provide for convenient forward movement of vehicles leaving and entering the sites.
 - (4) A minimum of 1,320 square feet of surface, not including maneuvering area, shall be provided per loading berth.
 - (5) At least a twenty foot (20') bufferyard/screen planting, including evergreens and shrubs shall be required, as specified in the Appendix.
 - (6) All parking, loading, maneuvering and storage areas shall be paved and/or graveled, and proper site drainage shall be provided.
- Q. Junkyard: Conditional use in the I District.
- (1) No garbage, hazardous materials or hazardous waste as defined by Federal statute, or other organic waste shall be stored on the premises.

- (2) No use shall emit fumes or gases that constitute a health hazard as defined by the U.S. Environmental Protection Agency or the Pennsylvania Department of Environmental Protection.
 - (3) The premises shall be maintained so as to not constitute a nuisance or menace to public health and safety.
 - (4) 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.
 - (5) No junk shall be stored or accumulated and no structure shall be located within one hundred feet (100') of any dwelling, or within forty feet (40') of any property line or public street.
 - (6) Fencing and gates shall be erected around all sites no closer than twenty-five feet (25') to any adjacent property and shall have a minimum height of eight feet (8').
 - (7) Any Occupancy Permit for such a facility shall initially be temporarily issued and shall be conditioned upon the applicant operating in compliance with the foregoing standards. The site shall be inspected by the Township Engineer or another agent of the Township after such time as is set forth by the Board of Township Supervisors to permit the use, or not later than one (1) year after issuance of the certificate if no time is so fixed. If the site is in compliance, a permanent use and occupancy permit shall be issued. If the site is not in compliance, the temporary use and occupancy permit shall be revoked and all operations shall cease until compliance is attained.
 - (8) Once a permanent occupancy permit has been issued, such permit shall be renewed on an annual basis upon application and payment of the required fee as established by the Board of Township Supervisors.
- R. **Automotive Sales (including boats and agricultural machinery):** Conditional use in the B District.
- (1) The minimum lot area shall be two (2) acres.
 - (2) Such use shall be a factory-authorized dealership or Commonwealth licensed facility.
 - (3) Vehicles being displayed outside shall be a minimum of ten feet (10') from the right-of-way line.
 - (4) Exterior lighting shall be the sharp cut-off luminaire type, with shielded illumination sources, and illumination levels of a maximum one (1) footcandle at property boundary lines.
 - (5) No exterior loudspeakers shall be permitted.
 - (6) Lots abutting residentially zoned property shall provide Bufferyard Type B along the abutting property boundary.
- S. **Doctor Offices:** Conditional use in the CC District.
- (1) Maximum square footage of principal structure shall be 2,400 square feet.
 - (2) Access shall be from a collector or arterial roadway.
 - (3) Exterior lighting shall be the sharp cut-off luminaire type with shielded illumination sources.
 - (4) Bufferyard B shall be provided along property boundaries abutting occupied residential uses.

- T. Sanitary Landfill: Conditional use in the I District: Compliance with all standards and criteria applicable to such uses as enforceable by the Pennsylvania Department of Environmental Protection shall be demonstrated.
- U. Non-Commercial Solar-Energy Systems: Conditional Use in all zoning districts.
- (1) Township zoning approval is required for the construction of any solar-energy facility that is an accessory use on any site or lot. This will include the Zoning Officer, Twp Engineer, NST Fire Chief, NST Planning Commission, and final approval of the NST Supervisors before a building permit will be issued.
 - (2) Roof Mounted System
 - (a) The permit application for a roof mounted system must include a drawing of the total roof area and location of the panels including a three-foot wide clear emergency access pathway from the eave to the ridge on each roof slope where solar energy systems are located and a three-foot smoke ventilation buffer along the ridge. Maximum coverage will be 50% of the total roof area. On a sloped roof that faces the front yard, the system must be installed at the same angle as the roof on which it is installed with a maximum distance, measured perpendicular to the roof, of 18 inches between the roof and highest edge or surface of the system. The highest point of the system shall not exceed the highest point of the roof to which it is attached. For side and rear facing roofs, the panels must be erected only to such height as is reasonably necessary to accomplish the purpose for which they are intended to serve but not exceeding the height restriction of the zoning district in which they are located
 - [1] On a flat roof, the maximum coverage will increase to 80%.
 - [2] When installed on a flat roof, the highest point of the system shall be permitted to extend up to 6 feet above the roof to which it is attached.
 - [3] For flat roof applications a drawing shall be submitted showing the distance to the roof edge and any parapets on the building and shall identify the height of the building on the street frontage side, the shortest distance of the system from the street frontage edge of the building and the highest finished height of the solar collector above the finished surface of the roof.
 - (3) Small-Scale Ground Mounted System (1 ½ acre minimum lot requirement)
 - (a) The permit application for a ground mounted system must have a site plan including a detailed drawing of the lot or parcel showing all buildings, the distance between the proposed solar collector, existing buildings and all property lines. The drawing will also include square footage of the building or buildings and the square footage of system which must have a maximum 30% coverage of the free space with a finished height of 12 feet at maximum tilt.
 - [1] Solar collectors must be located behind the front building line, in rear or side yards only, 10 feet from all buildings and must conform to setbacks in that zoning district.
 - [2] Proposed changes to the landscape of the site, grading and vegetation clearing.
 - [3] Ground mounted system must be screened from public and neighboring property view and/or provide safety and limit trespassing by natural or man-made fencing; such screening should adhere to established standards for both installation and maintenance.

- [4] The applicant shall demonstrate through project planning and proposed mitigation that a proposed facility's impact will be minimized for surrounding properties and the community.
- [5] Where the installation of the facility constitutes a land development, all provisions of applicable ordinances shall be met.
- [6] Noise from any solar-energy facility shall not exceed 15 decibels at the lot line, unless all affected adjacent property owners shall have executed a non-disturbance easement, covenant, or consent which has been recorded in the office of the Recorder of Deeds of Beaver County.
- [7] Construction of any solar-energy facility shall comply with all applicable rules and regulations of the United States Federal Aviation Administration. Documentation of compliance shall be provided to the Township.
- [8] To the extent applicable, all solar-energy facilities shall comply with the Pennsylvania Uniform Construction Code and the regulations adopted by the Pennsylvania Department of Labor and Industry.
- [9] All electrical components of solar-energy facilities shall conform to relevant and applicable local, state and national codes, and relevant and applicable international standards.
- [10] Solar-energy facilities shall not be artificially lighted, except to the extent required by the Federal Aviation Administration or other applicable authority that regulates air safety.
- [11] Solar-energy facilities shall not display advertising, except for reasonable identification of the facility manufacturer.
- [12] Transmission and power lines shall be placed underground or out of sight.
- [13] No facility shall be attached to a tree or any other natural object.
- [14] No facility shall be installed immediately adjacent to a swimming pool or other open body of water.

V. Commercial Solar Facilities: Conditional Use in AR zoning district.

- (1) All Federal, State and Local regulations in effect at the time of application will apply. Size of such facilities to be based on the NREL publication, Land-Use Requirements for Solar Power Plants in the United States as amended.

W. Wind-Energy Facility: Conditional Use in all zoning districts.

- (1) Township zoning approval is required prior to the construction of any wind-energy facility on any site or lot.
 - (a) The zoning permit application shall indicate the location of the proposed facility.
- (2) The applicant shall demonstrate through project planning and proposed mitigation that a proposed facility's impacts will be minimized for surrounding properties and the community. This may include, but not be limited to, information regarding site selection, facility design or appearance, buffering, and screening of ground-mounted electrical and control equipment.
- (3) Where the installation of the facility constitutes a land development, all provisions of applicable ordinances shall be met.
- (4) Noise from any wind-energy facility shall not exceed 15 decibels at the lot line, unless all affected adjacent property owners shall have executed a non-disturbance easement, covenant, or consent which has been recorded in the office of the Recorder of Deeds of Beaver County. Methods for measuring and reporting acoustic emissions from the facility shall be equal to or exceed the

minimum standards for precision described in AWEA Standard 2.1 – 1989, titled "Procedures for the Measurement and Reporting of Acoustic Emissions from Wind Turbine Generation Systems Volume I: First Tier."

- (5) Construction of any wind-energy facility shall comply with all rules, laws and regulations of the United States Federal Aviation Administration. Documentation of compliance shall be provided to the Township.
- (6) To the extent applicable, all wind-energy facilities shall comply with the Pennsylvania Uniform Construction Code and the regulations adopted by the Pennsylvania Department of Labor and Industry.
- (7) All electrical components of wind-energy facilities shall conform to relevant and applicable local, state and national codes, and relevant and applicable international standards.
- (8) Wind-energy facilities shall not be artificially lighted, except to the extent required by the Federal Aviation Administration or other applicable authority that regulates air safety.
- (9) Wind-energy facilities shall not display advertising, except for reasonable identification of the facility manufacturer.
- (10) Transmission and power lines shall be placed underground or out of sight.
- (11) Setbacks.
 - (a) From buildings: 1.1 times the height of the wind energy facility at its tallest point, measured from the bottom of the facility base to the highest reach of any movable or immobile part; except where the facility is mounted to a building, the setback shall not be required between the facility and the building to which it is attached.
 - (b) From property lines: 1.1 times the height of the wind energy facility at its tallest point, measured from the bottom of the facility base to the highest reach of any movable or immobile part.
 - (c) From public roads: 1.1 times the height of the wind energy facility at its tallest point, measured from the bottom of the facility base to the highest reach of any movable or immobile part.
 - (d) Each vertically oriented wind-energy facility mounted on a building shall be separated from any other wind-energy facility by 1.1 times the height of the facility, measured from the point at which the facility is mounted to the building, to the highest reach of any movable or immobile part of the facility.
 - (e) Any wind-energy facility that is an accessory structure shall meet the applicable accessory structure setbacks that may apply in the zoning district within which the facility is constructed; and where no such setback is specified, the facility shall be no closer than 10 feet to any property line or the distance set forth above, whichever is greater.
- (12) Maximum height: where the facility is an independent structure and not mounted to a building, 50 feet maximum height in residential zoning districts and 120 feet maximum height in commercial districts, measured from ground level to the tip of the wind-energy facility's blade fully extended perpendicular to the ground plane. Where the facility is mounted to a building, the maximum height shall be 10 feet higher than the tallest point on the building.
- (13) Minimum vertical clearance between ground level and the lowest movable component of the wind-energy facility when at its lowest point: 15 feet.

- (14) The color shall be a neutral and non-reflective tone, such as white, off-white, or gray. The facility coloring shall be solid, and any alphabetical or numerical characters shall be representative of the facility manufacturer only and shall comprise no more than five square feet.
- X. Oil and Gas Exploration, Drilling, Extraction and Facilities: Conditional Use in all zoning districts.
- (1) The purpose of this section is to provide for the health, safety and welfare of the resident through zoning and flood plain management provisions, for the reasonable development of land for oil and gas drilling while providing adequate health, safety and general welfare protections of the township's residents. Oil and gas exploration, drilling and extraction facilities involve activities that are economically important and will impact the township. Accordingly, it is necessary and appropriate to adopt reasonable requirements for oil and gas resource development so that these resources can be obtained in a manner that is economically remunerative, and that minimizes the potential impact on the residents of the township.
- (2) Applicability
- (a) This section applies to all oil and gas well sites, natural gas compressor stations, and natural gas processing plants that will be permitted or constructed after the effective date of the ordinance. No oil or gas well or exploration of same of any type or nature shall be dug or drilled, nor shall any work in preparation therefore be commenced within the boundaries of North Sewickley Township unless and until the owner or operator of such operation makes conditional use application in conformity with this article.
- (b) Oil or gas well sites, natural gas compressor stations, and natural gas processing plants that were permitted or constructed prior to the adoption of this article shall not be required to meet the requirements of this article, provided that any modification to an existing or permitted oil or gas well site that occurs after the effective date of this article and materially alters the size, type, location, number of wells and other accessory equipment or structures, or any physical modifications to an existing natural gas compressor station or natural gas processing plant shall require compliance with and a permit under this article.
- (c) Certain federal and/or state laws or regulations preempt oil and gas ordinance requirements that conflict with same. North Sewickley Township acknowledges that it is preempted from regulating operational methods of the oil and gas industry and may only regulate land uses.
- (d) All activities conducted in association with and as a part of oil and gas well sites shall be in accordance with the Commonwealth of Pennsylvania Oil and Gas Act (Act 1984-223), as amended, and any other applicable federal, state, county and Township laws.
- (3) Conditional use permit requirement.
- (a) No oil or gas well site, natural gas compressor station, or natural gas processing plant or an addition to an existing oil or gas well site, natural gas compressor station or natural gas processing plant shall be constructed or located within North Sewickley Township unless a conditional use permit has been issued by the Township to the owner or operator approving the construction or preparation of the site for oil or gas development or construction or natural gas compressor stations or natural gas processing plants.

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- (b) The permit application, or amended permit application, shall be accompanied by a fee in the amount as set forth by the Township fee schedule. The balance of this fee shall be used to offset costs incurred by the Township in reviewing the application, including costs associated with legal and engineering reviews, advertisement for public hearing, transcription costs and other costs permissible under the MPC. The applicant shall promptly pay any additional fees or costs incurred by the Township that exceed this fee.
 - (c) Any modification to an existing and permitted oil or gas well site that materially alters the size, location, number of wells or accessory equipment or structures, or any modification to an existing natural gas compressor station or natural gas processing plant shall require a modification of the permit under this article. Like-kind replacements shall not require a permit modification.
 - (d) Any permit obtained under this section shall require drilling preparation and/or drilling within one year after the approval or the permit is automatically rescinded. An extension of the permit may be granted by the Township Supervisors upon written request by the applicant prior to the expiration of the one-year period.
- (4) Pre-application conferences.
- (a) Before submitting an application the applicant is strongly encouraged to meet with the Township staff to determine the requirements of and the procedural steps and timing of the application. The intent of this process is for the applicant to obtain necessary information and guidance from the Township staff before entering into any commitments or incurring substantial expenses with regard to the site and plan preparation. A pre-application conference is voluntary on the part of the applicant and shall not be deemed the beginning of the time period for review as prescribed by law. The pre-application conferences are intended for the benefit of the applicant in order to address the required permit submittals and are advisory only, and shall not bind the Township to approve any application for a permit or to act within any time limit relative to the date of such conference.
- (5) Conditional use permit application.
- (a) The applicant shall provide to the Township at the time of permit application:
 - [1] A narrative describing an overview of the project, including the number of acres to be involved, the number of wells to be drilled, location, number and description of equipment and structures to be involved to the extent known.
 - [2] A land development plan/application which can be obtained from the Township Secretary.
 - [3] A narrative describing an overview of the project as it relates to natural gas compressor stations or natural gas processing plants.
 - [4] The address of the oil or gas well site, natural gas compressor station or natural gas processing plant as determined by the Township or county for information of emergency responders.
 - [5] The contact information of the individual or individuals responsible for the operation and activities at the oil or gas well site shall be provided to the Township and all emergency responders. Such information shall include a phone number where such individual or individuals can be contacted 24 hours per day, 365 days a year. Upon any change of relevant circumstances, the applicant shall

- update such information and provide it to the Township and all emergency responders.
- [6] A location map of the oil or gas well site showing the approximate location of derricks, drilling rigs, equipment and structures and all permanent improvements to the site and any post construction surface disturbance in relation to natural and other surroundings. Included in this map shall be an area within the development site for the location and parking of vehicles and equipment used in the transportation of personnel and/or development and use of the site. Such location shall be configured to allow the normal flow of traffic on local streets shall be undisturbed.
- [7] A location map of the natural gas compressor station or natural gas processing plant, including any equipment and structures and all permanent improvements to the site.
- [8] A narrative and map describing the manner and routes for the transportation and delivery of equipment, machinery, water, chemicals and other materials used in the siting, drilling, construction, development, maintenance and operation of the oil or gas well site.
- [9] A certification or evidence to the Township that, prior to the commencement of any activity at the oil or gas well site, the applicant shall be accepted and complied any applicable bonding and permitting requirements, and shall have entered into a Township roadway maintenance and repair agreement with the Township, in a form acceptable to the Township Solicitor, regarding the maintenance and repair of the Township streets that are to be used by vehicles for site construction, drilling activities, and site operations. A road bond shall be posted by the applicant prior to commencement of any oil or gas well activities.
- [10] A description of, and commitment to maintain, safeguards that shall be taken by the applicant to ensure that Township streets utilized by the applicant shall remain free of dirt, mud and debris resulting from site development activities and the applicant's assurance that such streets will be promptly swept or cleaned if dirt, mud and debris occur as a result of applicant's usage. If the Township Engineer determines that preventative measures should be taken to prevent damage to Township roads, bridges, or utilities, then the applicant shall install such protective measure as directed by the Township Engineer prior to the beginning of any oil or gas well activities.
- [11] Verification that a copy of the operation's preparedness, prevention and contingency plan has been provided to the Township and all emergency responders.
- [12] The preparedness, prevention and contingency plan must provide for local fire protection as follows. During the well's drilling activities, the Fire Department will be directed by the well company's designated person on the scene on how to handle the emergency situation. If drilling activities are not active and when no designated person is on site, evacuate and isolate the area 350 feet around the affected site and contact the Department of Environmental Protection emergency response number, 1-800-541-2050. If there is a life or death situation while drilling activities are inactive and someone is in the immediate danger zone, the officers of the Fire

Department shall use their best judgment to make sure there are no dangers such as fire, electrocution, high-pressure release, etc. Best judgment is to be used while maintaining a perimeter and waiting for well company personnel to arrive or advise. Emergency responders are to be held harmless and indemnified by the applicant when acting in accordance with the emergency response plan. The applicant is responsible to reimburse all costs associated with emergency responders.

- [13] A statement that the applicant, upon changes occurring to the operations' preparedness, prevention and contingency plan, will provide to the Township and all emergency responders the dated revised copy of the preparedness, prevention and contingency plan while drilling activities are taking place at the oil or gas well site.
- [14] Assurance that, at least 30 days prior to drilling and annually thereafter, the applicant shall provide an appropriate site orientation and training course of the preparedness, prevention and contingency plan for all emergency responders. The cost and expense of the orientation and training shall be the sole responsibility of the applicant. The applicant shall not be required to hold more than one site orientation and training course annually under this section.
- [15] A copy of the documents submitted to the Department, or if no document has been submitted to the Department, a narrative describing the environmental impacts of the proposed project on the site and surrounding land and measures proposed to protect or mitigate such impacts.
- [16] A copy of all permits and plans from appropriate regulatory agencies or authorities issued in accordance with environmental requirements.
- [17] A copy of all permits and plans from the appropriate regulatory agencies or authorities issued in accordance with applicable laws and regulations for the proposed use.
- [18] A soil erosion and sedimentation control plan, in conformance with the requirements of the Beaver County Conservation District, must be submitted along with obtaining a grading and excavating permit from the Township as well as the execution of a stormwater best management practices agreement between the applicant and the Township.
- [19] Recorded easements must be supplied for any gathering, transmission and distribution pipelines.
- [20] Within 30 business days after receipt of a permit application and the required fee, the Township will determine whether the application is complete and advise the applicant accordingly.
- [21] If the application is complete, the Township shall schedule a conditional use hearing and shall, following hearing, render a decision on the application in accordance with this chapter.
- [22] If the application is incomplete, the municipality will notify the applicant of the missing or inadequate material and, upon receiving said material, schedule a conditional use hearing.

- [23] All state and federal requirements associated with oil and gas well development must be followed and, upon request, permits associated with those requirements supplied to the Township. If at any time during the operation of the site the Township determines that said state or federal requirements are not being met, the permit issued hereunder may be revoked.

(6) Design and installation

(a) Access.

- [1] Whenever possible, access to the oil or gas well site should be from a local or collector street.
- [2] Accepted professional standards pertaining to minimum traffic sight distances for all access points shall be followed.
- [3] The access road to the well site shall be required to be improved with 200 feet of limestone before entering Township or state roads in such a manner that no water, sediment or debris will be carried onto any public streets or roadways. Appropriate dust control measures shall be taken by the operator/owner.
- [4] Any newly established private easement/roadway constructed on the parcel containing the well shall be located at least 25 feet from any property line unless consent is obtained from the adjoining property owner. Existing easements/roadways shall be exempt from the requirement to obtain consent from adjoining property owner; provided, however, that the Township may permit a permanent easement/roadway to be located closer than 25 feet from any property line upon showing by the applicant that the location of such easement/roadway cannot be constructed as required due to topographical or environmental constraints.
- [5] The roadway maintenance and repair agreement shall require the owner or operator to conduct an inventory, analysis, and evaluation of existing conditions on Township roads along the proposed transportation route, including photography, video, and core boring, as determined to be necessary by the Township Engineer. The agreement will identify the responsibilities of the operator/owner to prepare, maintain, and repair Township roads before, during, and immediately after drilling operations associated with oil and gas development.

(b) Structure height.

- [1] Permanent structures associated with an oil and gas site, both principal and accessory, shall comply with the height regulations for the particular zoning districts in which the oil or gas well site is located.
- [2] Permanent structures associated with natural gas compressor stations or natural gas processing plants shall comply with the height regulations for the particular zoning districts in which the natural gas compressor station or natural gas processing plant is located.
- [3] There shall be an exemption to the height restrictions contained in this section for the temporary placement of drilling rigs, drying tanks, and other accessory uses necessary for the actual drilling or redrilling of an oil or gas well.

- [a] The duration of such exemption shall not exceed the actual time period of active drilling or redrilling of an oil or gas well.
- [b] The time period of such drilling and exemption shall not exceed six months unless extended, in writing, as necessary and reasonable upon request of the applicant.
- [c] The operator shall give the Township prior written notice of the beginning date for its exercise of the exemption.

(c) Setbacks.

- [1] Drilling rigs shall be located a minimum setback distance of 200 feet from any building not related to the drilling operations on the same lot and 500 feet from any building on an adjacent lot.
- [2] The drilling pad for the oil or gas well site shall comply with all setback and buffer requirements of the particular zoning districts in which the oil or gas well site is located.
- [3] Natural gas compressor stations and natural gas processing plants shall comply with all setback and buffer requirements of the particular zoning districts in which the natural gas compressor station or natural gas processing plant is located.
- [4] Exemption from the standards established in this subsection may be granted by the Township upon a showing by the operator that it is not feasible to meet the setback requirements from surface tract property lines and that adequate safeguards have or will be provided to justify the exemption.
- [5] Drilling pads, natural gas compressor stations and natural gas processing plants shall be set back 500 feet from building or sites registered or eligible for registration on the National Register of Historic Places or the Pennsylvania Register of Historic Places.
- [6] Drilling pads, natural gas compressor stations and natural gas processing plants shall be set back 500 feet from any existing water wells.
- [7] Drilling pads, natural gas compressor stations and natural gas processing plants shall be set back 300 feet from all property boundaries, property lines, properties designated as landfills, properties containing hazardous substances, public streets or private streets not servicing the site.
- [8] Sufficient setbacks shall be met to ensure the preservation of water resources. Further, no well site may be prepared or well drilled within 500 feet measured horizontally from any stream, spring or body of water as identified on the most current 7 1/2 minute topographic quadrangle map of the United States Geological Survey or within 100 feet of any wetlands greater than one acre in size. The Department of Environmental Protection may waive such distance restrictions upon submission of a plan which shall identify the additional measures, facilities or practices to be employed during well site construction, drilling and operations. Such waive, if granted by the Department of Environmental Protection, shall impose such permit conditions as are necessary to protect the waters of the commonwealth and shall be accepted by North Sewickley Township.

- [9] If there is a reasonable likelihood of disturbance to endangered species or crucial habitations, sufficient setbacks shall be met to ensure the preservation of threatened or endangered species or crucial habitations such that there shall be no habitat disturbance as determined by the Department of Conservation and Natural Resources.

(d) Screening and fencing.

- [1] Security fencing shall not be required at oil or gas well sites during the initial drilling or redrilling operations, as long as manned twenty-four-hour on-site supervision and security are being provided.
- [2] Upon completion of drilling or redrilling, security fencing consisting of a permanent chain link fence shall be promptly installed at the oil or gas well site to secure well heads, storage tanks, separation facilities, water or liquid impoundment areas, and other mechanical and production equipment and structures on the oil or gas well site. Fencing is not required as long as twenty-four-hour on-site supervision and security are being provided.
- [3] Security fencing shall be at least eight feet in height equipped with lockable gates at every access point with openings no less than 12 feet wide.
- [4] Emergency responders shall be given means to access oil or gas well sites in case of an emergency.
- [5] Warning signs shall be placed on the fencing surrounding the oil or gas well site providing notice of the potential dangers and the contact information in case of an emergency.
- [6] In construction of oil or gas well sites the natural surroundings should be considered and measures taken to preserve existing trees and other native vegetation.
- [7] Fracking ponds, where permitted, shall be fenced and covered with protective bird netting to ensure the safety of animal and bird species.

(e) Lighting.

- [1] Lighting at the oil or gas well site, or other facilities associated with oil and gas drilling development, either temporary or permanent, shall be directed downward and inward toward the activity, to the extent practicable, so as to minimize the glare on public roads and nearby buildings within 200 feet of the oil or gas well development.
- [2] Lighting at a natural gas compressor station or a natural gas processing plant shall, when practicable, be limited to security lighting.

(f) Noise.

- [1] The applicant shall take the following steps to minimize noise resulting from the oil or gas well development:
- [a] Prior to drilling an oil or gas well or the operation of a natural gas compressor station or a natural gas processing plant, the applicant shall establish by generally accepted testing procedures the continuous seventy-two-hour ambient noise level at the nearest property line or effected property line from the

- drilling site. In lieu of the establishment of the ambient noise level established by the continuous seventy-two-hour test, the applicant may assume and use, for the purpose of compliance with this article, a default ambient noise level of 55 dBA. The sound level meter used in conducting any evaluation shall meet the American National Standard Institute's standard for sound meters or an instrument and the associated recording and analyzing equipment, which will provide equivalent data.
- [b] The applicant shall provide the Township documentation of the established ambient noise level prior to starting oil or gas drilling and/or production operations.
 - [c] The noise generated during the oil and gas operations or the natural gas compressor station or the natural gas processing plant shall not exceed the average ambient noise level established under the § 172-21A of this chapter by more than:
 - a. Five decibels during drilling activities;
 - b. Ten decibels during hydraulic fracturing operations;
 - c. Five decibels for a gas compressor station or a natural gas processing plant;
 - d. Allowable increase in this subsection shall not exceed the average hour period.
- [2] Effective sound mitigation devices shall be installed to permanent facilities to regulate sound levels that would otherwise exceed the noise level standards when located near a residence, public building, school, medical, emergency or other public facilities.
- [a] Exemption from the standards established in this subsection may be granted by the Township during the drilling stage or at the oil or gas well site, or the gas compressor station, or at the natural gas processing plant for good cause shown and upon written agreement between the applicant and the Township.
 - [b] Complaints received by the Township shall be addressed by the applicant, within 24 hours following receipt of notification, by continuously monitoring for a period of 48 hours at the nearest property line to the complainant. The applicant shall report the findings to the Township within seven days after testing and shall mitigate the problem to the allowable level if the noise level exceed the allowable rate.
 - [c] Natural gas compressor stations and natural gas processing plants or facilities performing the equivalent functions shall be constructed so as to mitigate sound levels, or have installed mitigation devices to mitigate sound levels that would otherwise exceed the ambient noise level standards at residential or public buildings, medical, emergency or other public facilities.
 - [d] Except for emergency operations or drilling and hydraulic fracturing operations, hours of operation at an oil and gas well site or other facilities associated with oil and gas drilling development are limited to 7:00 a.m. to 10:00 p.m., Monday through Saturday.
- (g) Prohibition and precautions.

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- [1] No drilling shall be allowed in the floodway designated as such in the Flood Insurance Study (FIS) and shown on the Federal Emergency Management Agency (FEMA) maps.
 - [2] Oil and gas drilling in the one-hundred-year floodplain is discouraged but may be permitted by the Township, in its sole discretion, if the following provisions are met.
 - [a] The applicant must provide conclusive documentation that no other location allows access to the oil or gas deposit other than the location within the floodplain.
 - [b] An adequate emergency evacuation plan shall have been produced by the applicant and filed with the Township.
 - [c] No storage of chemicals shall be permitted by the Township if the applicant can show that such storage will not potentially cause any harm to property, persons or the environment in the case a one-hundred-year flood; and further provides security to the Township assuring the applicant's ability to remedy any damage or injury that may occur.
 - [d] Only necessary and needed structures will be permitted within the floodplain.
 - [e] All structures within the flood zone shall be designed to withstand a one-hundred-year storm event.
 - [f] An engineer registered in Pennsylvania and qualified to present such documentation that structures will not cause additional flooding on adjacent upstream and/or downstream properties shall provide such documentation to the Township.
 - [3] Oil and gas operations shall not create dust or pollute the air in violation of the Clean Air Act or any other local, state or federal regulation regarding air cleanliness or nuisances. Owners/operators shall take the necessary safeguards to ensure appropriate dust control measures are in place. Exhaust from any internal combustion engine or compressor used in connection with the drilling of any well or for use on any production equipment or used in development shall not be discharged into the open air unless equipped with an exhaust muffler or an exhaust box. The exhaust muffler or exhaust box shall be constructed of noncombustible materials designed and installed to suppress noise and disruptive vibrations. Moreover, all such equipment with an exhaust muffler or exhaust box shall be maintained in good operating condition according to manufacturer's specification.
 - [4] Portable equipment not necessary for the continuing drilling or other use at the site shall not be stored on the property except in completely enclosed buildings.
 - [5] A worker, agent, contractor or employee connected with an oil or gas operation shall be prohibited from residing and living on the site for more than two consecutive weeks at a time.
 - [6] Brine or hydraulic fracturing wastewater disposal wells are permitted on sites located in the all zoning districts. All wastewater generated must be properly disposed of per current state and federal regulations.

- [7] Owners and operators shall take all necessary precautions to minimize odors during the drilling or hydraulic fracturing process. If odors resulting from the drilling or hydraulic fracturing process or odors emanating from the well sites result in nuisance complaints being lodged by Township residents, the owner or operator shall meet with the Township and any affected residents to implement, where warranted and required by the Township, effective odor control measures.
- [8] Owners or operators shall take all necessary precautions to properly operate and maintain a vapor recovery unit, vapor destruction equipment or the best available technology at condensate tanks in and around each well site.
- [9] Owners or operators shall take all necessary precautions to ensure the safety of persons in areas established for road crossing and/or adjacent to roadways, i.e., persons waiting for public or school transportation, crosswalks, etc. Where necessary and permitted, during periods of anticipated heavy or frequent truck traffic associated with the development, owners or operators will provide flagmen to ensure the safety of children at or near schools or school bus stops and include adequate signs and/or other warning measures for truck traffic and vehicle traffic. In the alternative, owners or operators, with the Township's consent and agreement, will reimburse the Township to provide such required safety measures.
- [10] Owner or operators shall not clear brush or trees by way of burning and shall chip, grind or remove all tree stumps and limbs from properties it clears for development purposes unless done so in conformity with Township ordinances.

(h) Bond, insurance, and indemnity.

- [1] The applicant shall submit to the Township a performance bond in the amount to be determined by the Township Engineer and Supervisors from a surety authorized to do business in the state. The performance bond shall be valid for a period of two years from the date the permit is issued. The bond shall provide, but not be limited to, the following condition: there shall be recoverable by the Township, jointly and severally from the principal and surety any and all damages, loss or costs suffered by the Township in connection with the applicant's geophysical operations within the Township. The bond shall contain the following endorsement. "It is hereby understood and agreed that this bond may not be canceled by the surety company until 60 days after receipt by the Township, by registered mail or written notice, of such intent to cancel or not renew." The rights reserved to the Township with respect to the bond are in addition to all other rights of the Township and no action, proceeding or exercise of a right with respect to such bond shall affect any other rights of the Township.
- [2] Prior to conducting any operations, the applicant and/or its contractors shall furnish a certificate of insurance to the Township showing the Township as an additional insured with respect to operations conducted within the Township and showing liability insurance covering commercial, personal injury, and general liability in amounts not less than \$1,000,000 per person, \$3,000,000 per occurrence, and \$1,000,000 property damage.

[3] The applicant shall protect, indemnify, defend and hold the Township, its officers, employees, agents, and representatives harmless from and against all claims, demands, or causes of action of every kind and character for injury to, or death of, any person or persons, damages, liabilities, losses, and/or expenses, occurring or in any way incident to, arising out of, or in connection with its or its contractors, agents, or representatives under this permit, including attorneys' fees and any other costs and expenses incurred by the Township in defending against any such claim, demands, or causes of action.

(i) Violations and penalties.

[1] Any owner, operator, or other person who violates or permits a violation of this article, upon being found liable therefor in a civil enforcement proceeding before a Magisterial District Judge, shall pay to the Township a fine of not more than \$750, plus all court costs, including reasonable attorneys' fees incurred by the Township on account of such violation. No penalty or cost shall be imposed until the date the determination of the violation by the Magisterial District Judge becomes final. If the defendant neither pays nor timely appeals the judgment, the Township may enforce the judgment as provided by law. Each day a violation exists after final judgment shall constitute a separate offense. The amount of the fine imposed shall be multiplied by the number of such days and may be charged and collected as a judgment by the Township without further judicial proceedings. Further, the appropriate officers or agents of the Township are hereby authorized to issue a cease and desist notice and/or to seek equitable relief, including injunction, to enforce compliance herewith. No bond shall be required of the Township if the Township seeks injunctive relief.

(7) Processing facility: Conditional Use in the BT Business Transition District.

- (a) Where a processing facility abuts an occupied dwelling unit, a Type A Bufferyard (Opaque Screen), as described in the Appendix, shall be provided along the perimeter of the abutting lot boundary line. Existing vegetation may be considered in part or in whole.
- (b) No exterior lighting shall exceed the standards identified in Part 11, § 27-1111.
- (c) No activity on-site shall produce noise in excess of the standards identified in Part 11, § 27-1101.C.
- (d) Parking areas on site shall be oriented so that vehicles lights are not directed into occupied dwelling units.

Y. Banquet/Reception Facilities: Conditional use in the BT District.

- (1) Facility shall not be operated between the hours of 12:00 A.M. and 9:00 A.M.
- (2) Exterior lighting shall be the sharp cut-off luminaire type, with shielded illumination sources, and illumination levels of a maximum one (1) footcandle at property boundary lines.
- (3) No exterior loudspeakers shall be permitted.
- (4) Lots abutting residentially zoned property shall provide Bufferyard Type B along the abutting property boundary.

- Z. Restaurants with Drive-Through Windows: Use by special exception in the CC District
- (1) The provisions of §27-1109 shall apply.
- AA. Light fabrication or assembly facility. Conditional use in BT & CC districts.
- (1) All work shall be performed within an enclosed building.
 - (2) Buffers and screening is required when abutting residential districts.
 - (3) All material or parts to be stored inside of the building when possible. Any outside storage must be set back a minimum of fifty (50) feet from any property line and screened on all sides by a six (6) feet high solid fence.
 - (4) Facility shall not cause any external impact such as increased noise, excessive lighting, or offensive odor.
 - (5) North Sewickley Township Volunteer Fire Department as well as the North Sewickley Township Board of Supervisors will be given a list of all hazardous chemicals, gasses or materials used inside the facility and comply with any requests of the fire department.
 - (6) The facility will comply with all local, state and federal regulations in regards to the safe operation of such a facility.

§27-1205 USES BY SPECIAL EXCEPTION GENERAL CRITERIA

Special exception uses are listed for each zoning district in this Ordinance. Only those uses expressly listed as special exceptions in a particular zoning district may be considered in that zoning district.

- A. Any application for a special exception use shall demonstrate that:
- (1) The use will not endanger the public health, safety or welfare if located where proposed, and will not deteriorate the environment or generate nuisance conditions;
 - (2) The use can be accommodated on the site with no variances required;
 - (3) The use is compatible with, or will support the uses in the neighborhood of the site;
 - (4) The use does not require extensive earth moving or revision of drainage patterns, or create substantial increase in stormwater flow;
 - (5) The use will not create excessive traffic congestion, and adequate off-street parking is provided on the same property as the use;
 - (6) Areas of the property not to be covered by buildings or paved are to be landscaped and maintained;
 - (7) Primary access points to the property are located as far as possible from road or street intersections, and adequate sight distances for the posted speed limits have been met.
 - (8) The Board may attach such reasonable conditions and safeguards in addition to those expressed herein to implement the purposes of this Ordinance.

§27-1206 PROCEDURE FOR REVIEW

- A. A developer proposing a special exception use shall submit three (3) copies of the following materials to the Township Secretary for referral to the Zoning Hearing Board:
- (1) A written statement supporting the general criteria outlined in this Section and describing in detail the proposed use;
 - (2) An accurate scaled illustrative site plan showing the arrangement of the proposed use on the site, including property lines, uses and structures on adjacent properties, abutting

streets, buildings existing and proposed on the site by use and height, points of access into the site, internal driveways, parking area layout with number of spaces noted, freestanding signs to remain or are proposed, areas of earth moving with proposed grade of finished slopes identified, method of collecting and disposing of stormwater, proposed landscaping and other pertinent information to illustrate the proposal.

- (a) The Zoning Hearing Board shall call and hold a public hearing pursuant to public notice on the proposal within sixty (60) days of receipt of the required materials and a complete application, in the same manner as for any action requested of it.
- (b) The Board shall, within forty-five (45) days of the conclusion of the public hearing, render a decision on the proposal to either:
 - [1] Approve the use as submitted;
 - [2] Approve the use with conditions determined by the Board;
 - [3] Deny the proposal.
- (c) The applicant shall have thirty (30) days in which to notify the Board that he accepts any attached conditions. Failure to accept will render the approval null and void.
- (d) The Board shall authorize the Zoning Officer to issue a zoning permit for any approved special exception use.
- (e) Failure of the applicant to apply for a zoning permit within one (1) year of receiving approval shall render the decision by the Board null and void.

§27-1207 SPECIFIC CRITERIA FOR USES BY SPECIAL EXCEPTION

- A. Churches and Church-Maintained Cemeteries: Use by special exception in the AR and MDR Districts.
 - (1) Minimum site: five (5) acres.
 - (2) Plan for ingress/egress and circulation shall be provided.
 - (3) All maintenance equipment shall be stored in an enclosed building when not in use.
 - (4) A stormwater management plan shall be submitted with the application to show existing and proposed contours and runoff characteristics.
 - (5) No mausoleum shall be located within one hundred feet (100') of any property line.
 - (6) Parking for principal structures shall be provided in accordance with Article 14.
 - (7) A dwelling may be located on the same lot with a church provided that all requirements 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 both the church and the dwelling.
 - (a) Laundry and Dry Cleaning Facility: Use by special exception in the B District.
 - [1] This use is for the drop-off and pick-up of clothing only, with no dry cleaning processing on site.
 - [2] Related activities including material repair, tailoring and seamstress services shall be permitted.
 - [3] Parking for delivery vehicles shall be provided in addition to minimum parking for customers and employees as per Part 14.
 - (b) Municipal Buildings, Libraries, Community Centers: Use by special exception in the MDR District.

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- [1] Ingress and egress to and from municipal buildings (including police and fire houses, libraries) shall be located so as to maximize sight distances along adjacent public roadways for vehicles exiting the property.
 - [2] Fire houses, police stations, and municipal maintenance 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 roadways.
 - [3] All outside storage facilities shall be screened from public view from street and adjoining properties by a six foot (6') hedge or comparable landscaping.
 - [4] The proposed use shall have direct access to a collector roadway with sufficient capacity to accommodate the traffic generated by the proposed use.
- (c) Schools, Public, Private and Parochial: Use by special exception in the AR District.
- [1] The applicant shall submit a site plan that illustrates the proposed development, including the location and size of all buildings, proposed and existing, the vehicular circulation pattern, the location and number of parking spaces along with a calculation of the minimum number of required parking spaces, the location and use of all outdoor athletic fields, courts, and play areas.
 - [2] The applicant shall specify how sewer and water facilities will be provided and shall prove that the sewage system is in compliance with the municipality's Sewage Facility Plan (Act 537).
 - [3] For nursery schools, kindergartens, and elementary schools, the applicant shall make provisions for sufficient off-street drop-off/pick-up area for children, vehicular stacking lanes, and additional off-street parking spaces to ensure adequate traffic flow and avoid traffic obstruction.
 - [4] Schools shall be designed to provide convenient access for emergency vehicles and access to all sides of the building by firefighting equipment and vehicles.
 - [5] The applicant shall identify the maximum number of students, faculty members, and employees that the facility is designed to accommodate.
 - [6] The applicant shall identify all activities that are intended to take place at the facility.
 - [7] The applicant should identify the intended schedule for use of the facility including months of the year, days of the week, and hours of the day.
 - [8] The applicant shall identify any flammable, hazardous, or explosive materials that would be stored or used at the facility. Safety measures shall be identified.
 - [9] The Board of Supervisors may impose reasonable conditions regarding the use of the facility, size of buildings, and other matters it deems necessary to ensure the proposed use meets the objectives of this Ordinance.
- (d) Restaurants with Drive-Through Windows: Use by special exception in the CC District.
- [1] The provisions of §27-1109 shall apply.

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- [2] Adequate waste containers shall be provided on the premises and the operator shall be responsible for timely removal of paper and other debris on the grounds.
- (e) Financial Institutions with Drive-Through Windows: Use by special exception in the CC District.
- [1] Access drives shall provide adequate sight distance for motorists entering and exiting the property, and shall not disrupt the parking pattern of the lot.
- [2] There shall be separate access lanes and service areas identified for customers.
- [3] All areas not occupied by structures or paved shall be landscaped and maintained.
- [4] All parking and/or service areas shall be screened from adjacent residential properties with Bufferyard B as per the Appendix.
- [5] The provisions of §27-1109 shall apply.
- (f) Group Residence Facility: Use by special exception in the B & BT Districts.
- [1] The number of residents shall be limited to no more than twelve (12) persons, including clients, staff and family of staff. Clients shall be limited to no more than nine (9) persons.
- [2] On-site parking facilities shall be provided at the ratio of one (1) stall for every two (2) full-time staff members and an additional stall for every two (2) non-staff residents who are eligible and are permitted by the sponsor to operate a motor vehicle.
- [3] Such facility shall be located not less than one-half (1/2) mile from any other group residence facility, group care facility, institutional facility or drug and/or alcohol outpatient clinic.
- [4] A license or certification shall be obtained from the Commonwealth of Pennsylvania or County of Beaver prior to issuance of a certificate of occupancy. In the event that an appropriate licensing or certifying agency does not exist, the applicant shall demonstrate to the Board of Supervisors that the proposal satisfies a demonstrated need and will be conducted in a responsible manner without detriment to surrounding properties.
- [5] The sponsor shall file annually with the Board of Supervisors information indicating that the facility continues to satisfy the conditions of original approval. Individual or organizations wishing to file a complaint shall do so in writing to the Board of Supervisors. Change of sponsorship or of any conditions of original approval shall constitute a new use and the full procedure for obtaining a new use shall be exercised.
- (g) Day Care Facility: Use by special exception in the B District.
- [1] The provisions of Section 27-1204F shall apply.
- [2] The minimum lot size shall be .75 acres (32,670 square feet).
- [3] Exterior play areas shall be completely fenced with a self-latching gate.
- [4] A drop-off and pick-up area at the primary entrance shall be provided and separated from the required parking area.
- (h) Bed and Breakfast: Use by special exception in the BT District.

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- [1] The provisions of Section 27-1204D shall apply.
 - (i) **Banquet/Reception Facilities: Conditional use in the BT District.**
 - [1] Facility shall not be operated between the hours of 12:00 A.M. and 9:00 A.M.
 - [2] Exterior lighting shall be the sharp cut-off luminaire type, with shielded illumination sources, and illumination levels of a maximum one (1) footcandle at property boundary lines.
 - [3] No exterior loudspeakers shall be permitted.
 - [4] Lots abutting residentially zoned property shall provide Bufferyard Type B along the abutting property boundary.

PART 13

Sign Regulations

§27-1301 GENERAL

The following sign regulations are intended to preserve North Sewickley Township's rural character. Any sign not exempt from this Part shall adhere to the general sign standards, the standards determined by the usage classification of the sign, and the standards determined by the construction classification of the sign. Where standards may conflict, the more restrictive standard shall apply.

§27-1302 SIGNS EXEMPT FROM REQUIREMENTS

The following signs shall be exempt from the requirements of this Part.

- A. Incidental signs not exceeding a sign area of two (2) square feet and not including any commercial message or logo, which carry a message to identify rest rooms, entrances and exits, telephone locations, an on-site direction, on-site warnings or similar signage.
- B. Government signs such as official traffic and street name signs and identification, information or directional signs required by government bodies or their agencies.
- C. Flags, badges, or insignia of any government, government agency, civic organization, charitable organization or religious organization.
- D. Property identification signs which do not exceed two (2) square feet in area and bearing only property numbers, post box numbers, names or occupant of premises or other identification not having commercial connections.
- E. Integral decoration or architectural features of buildings, except letters, trademarks, moving parts or moving lights.

§27-1303 GENERAL STANDARDS

- A. No sign shall be located within the clear sight triangle of any street intersection or any other position where it could endanger vehicular or pedestrian traffic by obstructing vision.
- B. No projecting sign shall have a clearance of less than eight feet (8') between any pedestrian walk at the lowest part of the sign.
- C. No sign, which is parallel to the face of a building, shall project more than twelve inches (12") over a public sidewalk; no sign, which is perpendicular to the face of a building, shall project more than forty-eight inches (48") over a public sidewalk.
- D. No sign shall be permitted which imitates or which might be confused with an official traffic sign or signal, such as by containing the words "Stop" or "Danger" or by including red, green, or yellow lights.
- E. No sign shall advertise activities or products, which are illegal under federal, state or local municipal laws or regulations.
- F. No sign shall include statements, words, or pictures, which are considered to be vulgar, obscene, or pornographic.
- G. Any sign which has been authenticated as historically significant and accurate for its specific location, whether original or a replica, shall be exempt from the regulations of this Part.
- H. The light from any illuminated sign shall not adversely affect safe vision of operators of vehicles moving on public or private streets or parking areas, any residential district or any part of a building or property used for residential purposes.
- I. No sign shall contain flashing or strobe lighting.

- J. Business signs in other than commercial and industrial districts shall not be illuminated when the business is closed.

§27-1304 SIGN STANDARDS CLASSIFIED BY USE

All signs shall be divided into classifications based on the use of the individual sign. Each sign shall adhere to the following specific sign standards for their respective classifications:

- A. Advertising Sign: A sign relating to commercial, industrial, private, recreational, public utility, or other similar business conducted on the premises in which the sign is located shall comply with the following:
- (1) Wall signs are permitted for any business or use not identified by a ground sign. The maximum allowable size for any wall sign shall be one square foot of sign area for each linear foot of sign area or width of the building face to which the sign is attached, but shall not exceed thirty-five (35) square feet. Further, such sign shall not protrude above the structural wall of which it is a part. Where such sign consists of individual lettering or symbols attached to a building or wall, the area of the sign shall be considered to be part of the smallest rectangle or other regular geometric shape, which encompasses all of the letters and symbols. Wall signs shall be limited to one per building or use. For buildings or uses on corner lots having at least fifty feet (50') of frontage on two public rights-of-way. A second sign is permitted facing the right-of-way.
 - (2) Freestanding signs shall be permitted only when the use has no wall sign visible from a public right-of-way. Freestanding signs shall not exceed a height of twelve feet (12') from ground level to the top of the sign and shall not exceed a height of fifteen feet (15') to the top of the sign support. The freestanding sign shall have a maximum sign area of one hundred and twenty (120) square feet.
 - (3) A window sign consisting of individual letters or symbols shall not exceed thirty percent (30%) of the total glass area of the building front.
 - (4) Signs shall only be permitted to be erected on the premises to which the sign relates.
 - (5) Freestanding signs shall not be located within ten feet (10') of any right-of-way line or ten feet (10') from any property line.
- B. Collective Free-Standing Sign: A business sign which provides identification at the entrance to a complex such as a shopping center, office complex, or industrial park shall comply with the following:
- (1) The sign shall devote no less than fifty percent (50%) of the total sign area to advertisement of the center's name.
 - (2) A collective free-standing sign shall have a maximum size of one hundred and twenty (120) square feet.
 - (3) Individual uses within the center may be identified on the collective free-standing sign, provided that no more than one (1) sign per entrance is proposed and the size of such sign area for the individual use shall not exceed eight (8) square feet.
 - (4) A collective free-standing sign shall have a minimum setback of ten feet (10') from the closest street right-of-way line.
 - (5) Signs shall only be permitted to be erected on the premises to which the sign relates.
- C. Home Based Business or home occupation signs indicating the name, profession or activity of the occupant of the dwelling shall comply with the following:
- (1) Signs shall have a maximum size of two (2) square feet.
 - (2) Signs shall not project more than six inches (6") from a wall when attached to a building.
 - (3) Signs shall only be permitted to be erected on the premises to which the sign relates.

- (4) The sign shall be limited to the name, address, occupation, or activity and logo or trademark.
 - (5) There may be no illumination of the sign.
- D. Identification Signs: Signs identifying schools, churches, hospitals, or similar institutions and for lodges, clubs, residential developments, parks, recreation areas, and other public assets shall comply with the following:
- (1) Signs shall have a maximum sign area of twenty-four (24) square feet.
 - (2) Identification signs shall not be combined with street signs.
- E. Real Estate Signs: A sign advertising the sale, rental, leasing, or development of the premises shall comply with the following:
- (1) Signs shall have a maximum sign area of six (6) square feet.
 - (2) Signs shall be removed within five (5) days after final transactions are completed or sales consignments have expired.
 - (3) Signs shall only be permitted to be erected on the premises to which the property owner has granted permission.
 - (4) Signs shall only be permitted to be erected on the premises to which the sign relates; provided, however, that directional signs of no more than one (1) square foot and a maximum height of three feet (3') may be placed at the nearest road intersection to the premises directing prospective buyers to the home for sale.
 - (a) Open house signs may be placed no earlier than twenty-four (24) hours prior to the time of such open house and must be removed within one (1) hour of the completion of the open house.
- F. Special Event Signs: A temporary sign or banner advertising a sale or providing information about a special event sponsored by a legally recognized institutional, public, civic, charitable organization, shall comply with the following:
- (1) Signs shall have a maximum sign area of sixteen (17) square feet, and banners shall have a maximum sign area of thirty-two (32) square feet.
 - (2) Signs and banners shall be permitted for a maximum of sixty (60) days.
 - (3) Signs and banners shall be removed within five (5) days after the event.
 - (4) Banners crossing a street shall be a minimum of sixteen feet (17') above the cartway. No part of the banner shall be more than twenty-five feet (25') in height.

§27-1305 SIGN STANDARDS CLASSIFIED BY CONSTRUCTION

All signs shall be divided into classifications based on the construction of the individual sign. Each sign shall adhere to the following specific sign standards for their respective classifications.

- A. Area: The area of a sign shall be the area of the smallest rectangle, triangle, or circle that will encompass all elements of the sign, such as letters, figures, symbols, designs or other display.
- (1) When the sign is a separate unit, the area shall include any borders, framing, trim, decorative attachments, background and space between elements; it shall not include any supporting structure unless the structure is illuminated, is in the form of a symbol or contains advertising elements.
 - (2) When a sign is applied to a wall or otherwise has no definable edges, the area shall include all colored artwork or other means used to differentiate the sign from the surface upon which it is placed.

- (a) **Flat Wall Signs:** Signs which are erected or displayed on or parallel to the surface of a building shall comply with the following:
- [1] Signs shall not project more than twelve inches (12") from the building wall.
 - [2] In any case where projection from the wall is greater than three inches (3"), the sign shall be a minimum of eight feet (8') above grade.
 - [3] Signs shall be limited to one per building or use. For buildings on corner lots having at least fifty feet (50') of frontage on two (2) public rights-of-way, a second wall sign is permitted facing the right-of-way. The maximum allowable size for any sign shall be one square foot of sign area for each linear foot or width of the building face to which the sign is attached but shall not exceed thirty-two (32) square feet. However, for uses such as general commerce, entertainment, retail, restaurant, lodging, consumer service, wholesaling, transportation, manufacturing and research, the maximum area may be increased to forty-eight (48) square feet.
 - [4] Signs may be erected only on the premises to which the sign relates.
- (b) **Ground or Monument Signs:** Signs which are stationary but not supported by a part of a building which are erected on an independent structure (legs or base), so that the structure is the main support of the sign, shall comply with the following:
- [1] No sign shall project to a point nearer than ten feet (10') to the right-of-way line, except for any governmental sign or any sign permitted through a road occupancy permit.
 - [2] No support for any sign shall be located nearer than twelve feet (12') to any lot line.
 - [3] The maximum permitted height is eight feet (8'). The sign height shall be measured from the finished grade to the highest point of the sign. The grade shall not be altered for the purpose of altering the elevation of the sign.
- (c) **Roof Signs:** Shall be prohibited.
- (d) **Wall Projecting Signs:** A sign which is mounted upon a building so that the principal face is at right angles to the building wall shall comply with the following:
- [1] Signs shall be located so that the lower edge of the sign is a minimum of eight feet (8') above grade.
 - [2] Signs shall project a maximum of four feet (4') from the building wall provided, however, that no sign shall project within the road right-of-way.
 - [3] No sign shall extend higher than the top of the wall to which it is attached.
 - [4] Signs shall have a maximum sign area of fifteen percent (15%) of the wall upon which they are mounted or a maximum sign area of sixty (60) square feet, whichever is less.
 - [5] The mounting structure of any wall-mounted sign must meet the standards of the BOCA building code.
- (e) **Other signs not permanently attached at all points or which utilize air motion, sound, direction lights, or mechanical parts for effect shall be permitted only by a special exception granted by the Zoning Hearing Board. The Board may specify such appropriate conditions and safeguard as may be required to keep such signs consistent with the intent of this Part.**

§27-1306 BILLBOARD OR ADVERTISING SIGNS

Billboard signs shall be permitted as a special exception by the Zoning Hearing Board in all nonresidential districts pursuant to the following standards. The Board may attach such reasonable conditions as it may deem necessary to implement the purpose of the Pennsylvania Municipalities Planning Code, and the North Sewickley Township Zoning Ordinance.

- A. The billboard shall not be placed closer than three hundred feet (300') to a building occupied for residential use.
 - (1) The billboard shall not be placed within a one thousand foot (1,000') radius of another billboard.
 - (2) The billboard shall not be placed in the minimum front or side yard area as specified in the Zoning Ordinance for the particular zoning district in which the sign is to be located.
 - (3) The billboard sign face shall have a maximum vertical dimension of ten feet (10'), and a maximum horizontal dimension of twenty feet (20') with a maximum area being two hundred (200) square feet.
 - (4) The maximum sign height of a billboard shall not exceed twenty feet (20') measured from the top of the sign to the ground.
 - (5) Planting material shall be provided at the base of the structure supporting the billboard.
 - (6) All required Commonwealth and Federal permits for outdoor advertising shall be secured where applicable, prior to erection.

§27-1307 SIGN PERMIT WAIVER

The following signs shall be permitted to be erected without a sign permit:

- A. All signs specifically exempted from the requirements of this Part.
 - (1) Trespassing signs.
 - (2) Temporary real estate signs up to a maximum of twenty-four (24) square feet.
 - (3) Signs, within buildings, which are not visible from any street.
 - (4) Garage/yard sale signs.
 - (5) Election signs.
 - (6) Temporary contractor signs up to a maximum of twenty-four (24) square feet.
 - (7) Signs which provide public service information for charity events, fundraisers or emergency service activities.

PART 14

Parking Regulations

§27-1401 ACCESSIBLE PARKING SPACES

A. All multi-family, commercial, public, manufacturing, and industrial uses shall provide handicapped parking spaces for the physically challenged as follows:

Total Parking Space	Required Accessible Spaces
1-25	1
26-50	2
51-75	3
76-100	4
101-150	5
151-200	6
201-300	7
301-400	8
401-500	9
501-1000	2% of total
Over 1,000	20 plus 1 per 100 over 1,000

B. Design of accessible spaces shall be completed in accordance with the Americans with Disabilities Act Architectural Guidelines and include the following:

- (1) Accessible parking spaces serving a particular building shall be located on the shortest accessible route of travel from adjacent parking to an accessible structure. In parking facilities not serving a particular structure, accessible pedestrian entrance of the parking facility.
- (2) Accessible parking spaces shall be at least ten feet (10') wide.
- (3) One (1) parking access aisle of no less than five feet (5') in width shall be provided for each accessible parking space and shall be a part of the accessible route of no less than three feet (3') in width to the building or facility entrance. A parking access aisle may be shared between two (2) accessible parking spaces.
- (4) Parking spaces and access aisles shall be at a level with surface slopes not exceeding six percent (6%) in all directions.
- (5) Accessible parking spaces shall be designated as reserved by a sign showing the symbol of accessibility. Such signs shall be located so as not to be obscured by a vehicle parked in the space.

§27-1402 OFF-STREET PARKING FACILITY REQUIREMENTS

A. Commercial

Amusement arcades	1 space for each 80 square feet of gross floor area
Auction houses (specialty retail)	1 space per seat
Auditoriums, theaters	1 space for every 2 seats

Automotive repair garages	2 spaces for each service bay
Automotive sales, outdoor sales display areas such as auto, boat, mobile home, equipment sales lots	1 space for each 2,500 square feet of sales display area plus spaces required as herein specified for other uses such as offices and service garages
Automotive service stations	2 spaces per service bay
Banks, financial institutions	1 space for each 200 square feet of gross floor area
Banquet/Reception facilities	1 space per 2 people based upon the occupancy permit
Barber and beauty shops and similar personal service shops	3 spaces for each practitioner
Bed and breakfasts or boarding houses	1 space per guest room plus 2 spaces per permanent residence
Bowling alleys (private recreation)	6 spaces for each alley
Community centers, dance halls, roller rinks, clubs, lodges without fixed seating	1 space for each 150 square feet of gross floor area plus 1 space per employee on largest shift
Driving ranges and miniature golf	2 spaces for each tee plus 1 space per employee on largest shift
Dry cleaners	1 space for each 200 square feet of gross floor area
Exercise clubs, tennis or racquetball facilities	4 spaces per court plus 1 for each employee on maximum shift
Funeral homes, mortuaries	25 spaces for each parlor plus 1 space per employee
Health care facilities, medical clinics and veterinary facilities	3 spaces for each professional who typically sees patients, 1 space for each employee
Laundry facilities	1 space per 3 washing machines
Maintenance or equipment repair facilities	1.25 spaces per employee on maximum shift
Office buildings	1 space for each 200 square feet of gross floor area
Public swimming pools	1 space for each 50 square feet of water area plus 1 space per employee on largest shift
Restaurants	1 space for each 3.0 seats
Retail Stores	1 space for each 200 square feet of gross floor area
Wireless Communications facility located outside the right-of-way	2 per tower or 1 space per employee whichever is greater

B. Dwelling Units

Dwellings of all types, except multi-family apartments and retirement communities	2 spaces per dwelling unit
Multi-family apartments and retirement communities	1.5 spaces per dwelling unit

C. Industrial or Manufacturing

Industrial or manufacturing plant, wholesaling and warehousing and research or testing laboratories	1 space per employee on maximum shift
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D. Institutional

Senior care facilities, nursing homes, and group residence facilities	1 space per 2 beds plus 1 space for each employee or volunteer on maximum shift
Hospitals	1 space per bed plus 1 space for each employee or volunteer on maximum shift

E. Public and Semi-Public

Churches or other places of worship	1 space for each 3 seats in assembly area, exclusive of classrooms
Municipal building used for administrative functions	1 space for each 200 square feet of gross floor area plus 1 space for each 4 seats in assembly areas
Museum, cultural facility, art gallery, libraries	1 space for each 200 square feet of gross floor area
Schools: Day care to Grade 9 Grade 10 to Grade 12 Colleges with onsite dormitories, vocational, adult education, commercial schools and colleges without onsite dormitories	1 space per 6 students 1 space per 3 students 1 space per 1.5 students 1 space per student plus 1 space per instructor

- F. To determine the minimum number of off-street parking spaces, which are not specifically listed in this Section, the applicant shall demonstrate the anticipated parking needs to the Zoning Officer. If the Zoning Officer is not reasonably satisfied that the anticipated parking needs will be provided and/or have been realistically anticipated, the application shall be denied. The applicant may appeal the Zoning Officer's decision to the Zoning Hearing Board.

§27-1403 DESIGN AND CONSTRUCTION STANDARDS

- A. Minimum depth of parking space, nineteen feet (19').
- B. Minimum width of parking space, nine feet (9').
- C. Minimum width of parking space for persons with disabilities, ten feet (10') plus an adjacent five foot (5') wide access aisle.
- D. Minimum driving lane width adjacent to perpendicular parking spaces or angled parking spaces adjacent to a two (2) way driving lane, twenty-five feet (25').
- E. Driving lane widths for angled parking spaces adjacent to a one-way driving lane shall have the following minimum widths:
- (1) Angle space of eighty degrees (80°) but less than ninety degrees (90°), twenty-five feet (25').
 - (2) Angle of space seventy degrees (70°) but less than eighty degrees (80°), nineteen feet (19').
- F. Provisions should be made within a parking facility and loading/unloading areas for vehicles shall not apply to individual parking facilities for buildings containing less than five (5) dwelling units and attached residential dwelling units.
- G. Parking facilities, driving lanes, access drives, and areas for loading, and unloading shall, at a minimum, be constructed of asphalt, concrete, brick, paver blocks, or cobblestone on a six inch (6") stone base. Parking spaces shall be delineated by painted lines having a minimum width of four inches (4"). This subsection shall not apply to individual parking facilities for single-family detached dwellings
- H. Access drives shall have a minimum width of twenty-four feet (24'), if two-way traffic is to be permitted, and shall have a minimum width of twelve feet (12') if only one-way traffic is to be permitted and no tractor-trailer traffic will use the access drive. If tractor-trailer traffic is anticipated, a minimum access drive width of eighteen feet (18') shall be provided, and appropriate curve radii shall be provided to accommodate such traffic.
- I. Access drives shall meet the adjacent public street at a ninety degree (90°) angle.
- J. A minimum of ten percent (10%) of the interior of a parking facility consisting of more than fifty (50) parking spaces shall be maintained as a landscaped area, with at least one (1) two and one-half inch (2 ½") caliper tree provided for each eight (8) parking spaces or portion thereof. Landscaped areas located outside the parking facility, such as peripheral areas, shall not constitute interior landscaping. Interior landscaped areas must be flanked on all sides by portions of parking facility in order to be considered an interior landscaped area.
- K. Parking facilities, driving lanes, access drives, and loading and unloading areas for all nonresidential uses which are established after the adoption of this Chapter, shall be located a minimum of twenty-five feet (25') from any dwelling unit on an adjacent property.

§27-1404 PERIMETER LANDSCAPING REQUIREMENTS FOR OFF-STREET PARKING AREAS

Off-street parking areas shall be defined as an open or unenclosed area containing more than 1,800 square feet of area or used by six or more of any type of vehicle, whether moving or at rest, including, but not limited to, parking lots, loading and unloading areas, mobile home parks, and sales and service areas. Further, grass or groundcover shall be planted on all portions of the landscape bufferyard not occupied by other landscape material.

- A. Off-street parking area perimeter requirements shall be as follows:
- (1) When off-street parking area adjoins a property, a landscape bufferyard of at least ten feet (10') in width shall be provided. Such landscape bufferyard shall contain least one (1) tree for every thirty-five feet a (35') of boundary of off-street parking area or fraction thereof, and a minimum three and one-half foot (3 ½') average height continuous planting or hedge.
 - (2) When any public or private street right-of-way, access road, or service road adjoins an off-street parking area, a landscape bufferyard shall contain one (1) tree for every forty feet (40') of boundary of off-street parking area or fraction thereof, and a three and one half foot (3 ½') average height continuous planting and hedge.
 - (3) When any industrial or commercial use off-street parking area abuts a residential use or district, a twenty-five foot (25') wide vegetative landscape bufferyard shall be provided and contain a combination of hedgerows, shade trees (a minimum of one [1] tree for every thirty feet [30'] of property line), and grass areas. In addition, as a supplement to the screening material provided for the above, the use of decorative fencing and ornamental mounding may be permitted.
- B. Landscape Bufferyard Conflicts: The required landscape bufferyard may be combined with a utility or other easement as long as all of the landscape requirements can be provided in addition to, and separate from, any other easement.

§27-1405 INTERIOR LANDSCAPING REQUIREMENTS FOR OFF-STREET PARKING AREAS

Standards for landscaping within off-street parking areas containing nineteen (19) or more parking spaces shall be as follows:

- A. A terminal island shall be provided at both ends of all rows of parking spaces. Each terminal island shall measure at least five feet (5') in width and fifteen feet (15') in length. Each terminal island shall include at least two (2) trees, with the remaining area landscaped with appropriate groundcover or grass.
- B. A divider strip between abutting rows of parking shall be provided. At least one (1) tree shall be planted at twenty foot (20') intervals within the divider strip. The remaining area of the divider strip shall be landscaped with appropriate vegetative groundcover or grass.

§27-1406 STANDARDS FOR LANDSCAPING MATERIALS

- A. All required trees shall be a minimum of eight feet (8') in height and shall have a minimum caliper of two inches (2"), measured at three feet (3') above the ground line, immediately upon planting.
- B. All required trees shall be deep-rooted species capable of withstanding automobile emissions and the salts used in snow melting and removal operations.
- C. Maintenance and Installation of Landscaping Materials: All landscaping materials shall be installed in a sound, workmanship-like manner and according to accepted, good construction, and planting procedures. The owner of the property shall be responsible for the continued proper maintenance of all landscaping materials, and shall keep them in a proper, neat and orderly appearance, free from refuse and debris at all times. All unhealthy or dead plant

material shall be replaced within one (1) years, or by the next planting period, whichever comes first; while other defective landscaping material shall be replaced or repaired within three (3) months. All plantings shall be properly maintained with dead plantings replaced in spring and fall planting seasons as needed. Violation of these installation and maintenance provisions shall be grounds for the refusal of a certificate of occupancy or institution of legal proceedings.

- D. All plant materials used in conformance with provisions of this Part shall conform to the standards of the American Association of Nurserymen and shall have passed any inspections required under State regulations.

§27-1407 OFF-STREET LOADING AND UNLOADING

A. Required Spaces:

- (1) For all nonresidential uses requiring delivery or pick-up of materials, a minimum number of off-street loading and unloading spaces shall be provided as follows:

Gross Floor Area	Required # of Loading Spaces
0-20,000 square feet	1 loading/unloading space
20,000-20,000 square feet	2 loading/unloading spaces
Above 50,000 square feet	2 loading/unloading spaces, plus 1 additional space for each additional 50,000 square feet of gross floor area

- (2) Hotels shall have at least one loading space, with an additional loading berth when the floor area exceeds fifty thousand (50,000) square feet.
- (3) All off-street loading spaces shall be provided and maintained so long as the use exists which the facilities were designed to serve.

B. Design Standards: Off-street loading facilities shall be designed in accordance with the following specifications:

- (1) Each required space shall not be less than twelve feet (12') in width, fifty-five feet (55') in length, and fourteen and one half (14.5') in height, exclusive of drives and maneuvering space and located entirely on the lot being served.
- (2) There shall be appropriate means of access to a street or alley, as well as adequate maneuvering space.
- (3) The maximum width of driveway openings, measured at the street lot line, shall be forty feet (40'); the minimum width shall be twenty feet (20').

PART 15

Administration and Enforcement

§27-1501 ZONING PERMITS

No building or structure shall be erected, added to or structurally altered until a permit therefore has been issued by the Zoning Officer. No zoning permit shall be issued for any building where said construction, addition, or alteration or use thereof would be in violation of any of the provisions of this Ordinance, except after written order from the Zoning Hearing Board. Any zoning permit issued in conflict with the provisions of this Ordinance, except after written order from the Zoning Hearing Board shall be null and void.

A. Permit Applications:

- (1) All applications for zoning permits shall be accompanied by plans in duplicate, drawn to scale, showing the actual dimensions and shape of the lot to be built upon; the exact sizes and locations of the lot or buildings and structures already existing, if any; and the location and dimensions of the proposed building and structure or alteration. The application shall include such other information as lawfully may be required by the Zoning Officer, including existing or proposed building alteration; all proposed changes of grade, walls, fences, drains, driveways, parking area and landscaping plan; existing or proposed uses of the building and land; the number of families, housekeeping units or rental units the building is designed to accommodate; conditions existing on the lot; and such other matters as may be necessary to determine conformance with and provide for the enforcement of this Ordinance.
 - (2) No permit shall be issued until evidence is supplied that the property is serviced by a community sewage system or a permit for the operation of an individual sewage system for said property has been obtained, that the property is serviced by a public water system or a final approval for well operation upon the property has been obtained and that satisfactory arrangements have been made for sanitary facilities during construction.
- B. In approving an application for a zoning permit, the Zoning Officer may require such changes in plans for construction, addition or alteration or use of such buildings or lots as may be necessary to assure compliance with this Part.
- C. A zoning permit for any building or use may be revoked and withdrawn by the Zoning Officer if the holder of the zoning permit has failed to comply with the requirements of this Ordinance or with any conditions attached to the issuance of the permit, and the holder of the zoning permit may be subject to Enforcement Remedies, as provided for in this Ordinance.
- D. The Zoning Officer shall render a decision either approving or disapproving the application for a zoning permit within ninety (90) days after the application is filed, provided that any disapproval of the application shall be issued within said ninety (90) day period and contain a brief explanation setting forth the reason for said disapproval and the manner in which the application can be corrected and/or modified to obtain the required approval.
- E. One (1) copy of the plans shall be returned to the applicant by the Zoning Officer, after the Zoning Officer shall have marked such copy either as approved or disapproved and attested to same by his signature on such copy. The second copy of the plans, similarly marked, shall be retained by the administration official.
- F. If the work described in any zoning permit has not begun within six (6) months from the date of issuance thereof, said permit shall automatically expire.
- G. The work described in any zoning permit shall be substantially completed within the time stated on the permit or within one (1) year of the date of issuance thereof, whichever is sooner. An extension may be granted by the Zoning Officer upon request of the applicant

- H. A zoning permit for the construction of a single family residence on a second lot created from the rear portion of an existing lot of record shall be issued, provided the following standards are met:
- (1) The rear lot is connected to a public street by an access strip of land at least twenty feet (20') in width and in the same ownership as the rear lot;
 - (2) The front lot will retain not less than one hundred twenty-five feet (125') of continuous lot width after the access strip is removed;
 - (3) The rear lot will contain only one (1) single family detached dwelling and normal accessory uses;
 - (4) The rear lot is a minimum of one (1) acre in area (43,560 square feet), shall not be re-subdivided, and the front lot is also a minimum of one (1) acre (43,560 square feet) in area;
 - (5) The access strip is not used in calculating lot area, and will not be extended or used as access for any other lots; and
 - (6) The dwelling on the rear lot is set back from the rear lot line of the front lot by a least fifty feet (50').

§27-1502 OCCUPANCY PERMITS

- A. It shall be unlawful to use or occupy or permit the use of occupancy of any land or building, or part thereof, existing or hereafter erected, connected or wholly or partly altered or enlarged, if its use has been changed, until an occupancy permit has been issued therefore by the Zoning Officer. Said occupancy permit shall state that the proposed use of the building or land conforms to the requirements of this Ordinance.
- B. Occupancy permits shall be applied for coincident with the application for a zoning permit and shall be issued within five (5) working days after the erection or alteration has been completed, inspected by the Zoning Officer and approved by said Officer as complying with the provisions of this Ordinance and the Pennsylvania Uniform Construction Code.
- C. Application for occupancy permits for a new or changed use of land and/or building where no zoning permit is required shall be made directly to the office of the Zoning Officer. Occupancy permits shall be issued or written notice stating why an occupancy permit cannot be issued shall be given to the applicant no later than ten (10) days after the application has been received by the office of the Zoning Officer.
- D. A temporary occupancy permit may be issued by the Zoning Officer for a period not exceeding six (6) months during alterations as partial occupancy of a building pending its completion, provided that such temporary permit may require such conditions and safeguards as will protect the safety of the occupants and the public.
- E. Failure to obtain an occupancy permit shall be a violation of this Ordinance and may be subject to penalties as provided by this Ordinance.
- F. The Zoning Officer shall maintain a record of all occupancy permits, and copies shall be furnished upon request to any person having a proprietary or tenancy interest in the building or lot affected.
- G. Adult businesses shall require an annual occupancy permit for continued operation.

§27-1503 TEMPORARY USE PERMITS

- A. The following uses and temporary outdoor activities shall require a temporary use permit issued by the Zoning Officer for a maximum of ten (10) days, with one ten (10) day extension approved by the Zoning Officer for a total of twenty (20) days, except where a specific time limit is specified: (See also Section 27-1102)

- (1) Christmas tree sales in commercial, business and industrial districts, where the property owner has given permission, not to exceed thirty (30) days.
- (2) Sale of seasonal fruits, vegetable or plants in the AR Agriculture Residential District, or in the MDR Mixed Density District, when such fruits or vegetables have not been produced in the Township.
- (3) Multi-family, multi-day yard or garage sales, not to exceed three (3) days per event and three (3) times in any twelve (12) month period.
- (4) Promotional or religious events or activities requiring temporary structures, public assembly or off-street parking.
- (5) Carnivals, circuses, street fairs, car shows and sidewalk sales in Commercial Districts, where adequate off-street parking has been provided.
- (6) Mobile amusements and/or lighting or musical equipment for promotional events, advertisement and grand openings in the Commercial Districts.
- (7) All temporary use permit applications shall include a completed application form and three (3) sets of detailed drawings prepared by a licensed civil engineer, or hand-drawn in a clear and legible manner, with details required by the township identifying the subject parcel boundaries, area intended for the temporary use, parking areas and insurance carrier, when applicable.

§27-1504 ADMINISTRATION OF NONCONFORMING USES OR STRUCTURES

- A. **Use of Property:** A nonconforming use means a use, whether of land or of structure, which does not comply with the applicable use provisions of this Zoning Ordinance or any Amendment hereafter enacted, where such use was lawfully in existence prior to the enactment of such Ordinance or Amendment or prior to the application of such Ordinance or Amendment to its location by reason of annexation.
- B. **Permitted Continuation:** A nonconforming use may continue, be bought or sold, altered, restored or extended subject to the provisions of this Part even though such use does not conform to the regulations established for that Zoning District in which it is located.
- C. **Alterations:**
 - (1) A nonconforming building or structure may be altered, improved or reconstructed provided:
 - (a) Such alterations do not result in the expansion of the exterior dimensions of the nonconforming building or structure, and
 - (b) Such work does not exceed fifty percent (50%) of the current replacement value of the building or structure as determined by the Beaver County Assessor, and premised upon its value when first constructed.
 - (2) A nonconforming building or structure may be altered, improved or reconstructed in excess of fifty percent (50%) of the current replacement value of the building or structure, but not exceeding one hundred percent (100%) of the current replacement value as determined by the Beaver County Assessor, if approved as a Special Exception by the Zoning Hearing Board.
 - (3) A nonconforming building or structure may be altered to the extent necessary, if such alteration is intended and will result in the building or structure's conversion to a conforming use.
- D. **Extension or Expansion:** A nonconforming use may be extended upon approval as a Special Exception by the Zoning Hearing Board subject to and provided the following:
 - (1) The extension or expansion becomes an attached part of the main structure and does not utilize additional or adjoining land area other than the original parcel.

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- (2) No structural alterations or additions or enlargements of any nonconforming building or structure, including porch or deck roofs, shall be permitted which would violate the size, front, side or rear setback lines or the building coverage of the zone in which the building or structure is located, except that where there is a nonconforming structure as to side, front or rear yard setback line, a permissible alteration or addition may be built along an extension of the line with the existing side, front or rear nonconforming building line, respectfully. No further violation of the setback line not previously violated or encroachment into a minimum required yard shall be permitted. In addition, no alteration or addition shall obstruct the view of intersecting driveways at the right-of-way line.
 - (3) No nonconforming building or structure shall be moved in whole or part to another location on the lot unless every portion of said building or structure is made to conform to all of the regulations of the district in which it is located..
 - (4) The extension or expansion is for the purpose of expanding the nonconforming use in existence at the time of the adoption of this Zoning Ordinance. Extension or expansions proposed in excess of fifty percent (50%) and up to one hundred percent (100%) of the original floor area or lot coverage of the existing use shall require review and approval as a conditional use.
 - (5) Adequate parking can be provided in conformance with this Ordinance to serve both the original plus expanded use.
 - (6) Such expansion does not present a threat to the health or safety of the community or its residents.
- E. Changes: Any nonconforming building or structure accommodating a nonconforming use may accommodate a different nonconforming use, where such use is considered by the Zoning Officer to be equal to or less nonconforming than the existing use. Appeals from the Zoning Officer's determination shall be referred to the Zoning Hearing Board.
- F. Restorations:
- (1) A lawful nonconforming building which is damaged by fire, explosion, flood or other casualty to the extent of sixty percent (60%) or more of its value (exclusive of walls below grade) as determined by the Beaver County Assessor, and which does not comply with the use, area or height regulations of this Ordinance, shall not be restored except in conformity with the regulations for the use district in which such building is located.
 - (2) A lawful nonconforming building destroyed to the extent of up to fifty-nine percent (59%) by fire, explosion, flood or other casualty or legally condemned, may be reconstructed and used for the same nonconforming use, provided that (1) the reconstructed building shall not exceed in height, area or volume, the building destroyed or condemned; and (2) building reconstruction shall be commenced within one (1) year from the date the building was destroyed or condemned.
- G. Abandonment:
- (1) The nonconforming use of a building or land which has been abandoned shall not thereafter be returned to such nonconforming use. A nonconforming use shall be considered abandoned when one (1) of the following conditions exist:
 - a. When the intent of the owner to discontinue the use is apparent;
 - b. When the characteristic equipment and furnishings of the nonconforming use have been removed from the premises and have not been replaced by similar equipment within (6) months, unless other facts show intention to resume the nonconforming use;

- c. When a nonconforming use has been discontinued for a period of one (1) year; and
 - d. When it has been replaced by a conforming use.
- (a) Any nonconforming use of a sign or billboard which is discontinued or not used for three (3) months shall not be resumed, and if any sign or billboard is removed, it shall not be reconstructed.
- H. **Unsafe Structures:** Nothing in this Chapter shall prevent the strengthening or restoring to a safe condition of any portion of a building declared unsafe by a proper authority.
 - I. **Unlawful Uses Not Authorized:** Nothing in this Zoning Chapter shall be interpreted as authorization for or approval of the continuance of the illegal use of a structure or premises in violation of zoning controls in existence at the time of enactment of this Zoning Chapter.
 - J. **District Changes:** Whenever the boundaries of a district shall be changed so as to transfer an area from one (1) district to another district of a different classification, the foregoing provisions of this Section shall apply to any nonconforming uses created therein.
 - K. **Construction Approved Prior to Legal Enactment of Ordinances:** Nothing herein shall require any change in plans, construction or designated use of a building or structure for which a permit has been issued and construction of which shall have diligently proceeded within two (2) months of the date of issuance of such permit, and the ground story framework of which shall have been completed within four (4) months of the date of the permit, and which entire building shall be completed according to such plans as filed within one (1) year from the date of the permit.
 - L. **Registration:** The Zoning Officer may prepare a list registering all nonconforming uses, nonconforming lots and nonconforming structures existing at the time of the legal enactment of this Chapter. Said list shall include general descriptions of the nature and extent of the nonconformity and may include photographs as documentation. Further, said list shall be maintained for public use and information.

§27-1505 OFFICE OF THE ZONING OFFICER

- A. For the administration of this Zoning Ordinance, a Zoning Officer, who may hold no other elected office in the Township, shall be appointed. The Zoning Officer shall administer this Zoning Ordinance in accordance with its literal terms, and shall not have the power to permit any construction or any use or change of use which does not conform to this Zoning Ordinance. The Zoning Officer shall issue zoning permits and occupancy permits for only those structures and uses that comply with the provisions of this Ordinance. The Zoning Officer shall, furthermore, conduct all inspections necessary to determine compliance with this Ordinance.
- B. The Zoning Officer shall meet qualifications established by North Sewickley Township and shall be able to demonstrate to the satisfaction of the Township, a working knowledge of municipal zoning.
- C. **Duties and Responsibilities:** The Zoning Officer shall have all of the duties and powers conferred upon him by this Ordinance and the Municipalities Planning code. The duties of the Zoning Officer shall include, but not be limited to:

- (1) **Applications and Permits:** The Zoning Officer shall receive, examine and in coordination with the Township Secretary or the Township Clerk, process all applications for zoning permits, sign permits, temporary use permits, conditional uses, uses by special exception, requests for variance, change of use, and occupancy permits within ninety (90) days of receipt of such applications or within time limits specified in this Chapter. The Zoning Officer shall record and file all applications for permits and accompanying plans and documents and make them available upon request, as public records.
- (2) **Inspections:** The Zoning Officer may, and if requested by the Supervisors of North Sewickley Township or the permit holder shall, make at least one (1) inspection during the progress of the work for which a zoning permit has been issued. Upon completion of the work and before issuance of an occupancy permit, he or she shall make a final inspection of the property to assure compliance with all provisions of this Zoning Ordinance and all other applicable North Sewickley Township Ordinances and applicable statutes and regulations. Violations of approved plans or permits shall be noted, and the Zoning Officer shall notify the holder of the permit of all discrepancies.
- (3) **Complaints Regarding Violations:** The Zoning Officer may, and when in receipt of a signed written complaint stating fully the cause and basis thereof shall, investigate alleged violations of this Zoning Ordinance. If a signed written complaint is received, said investigation shall be completed within thirty (30) days of the receipt of said complaint. A written report of all investigations of alleged violations of this Zoning Ordinance shall be prepared and properly filed, and a copy shall be sent to North Sewickley Township Supervisors. If, after investigation, the Zoning Officer determines that a violation has occurred, he or she shall take action as provided in this Zoning Ordinance.
- (4) **Official Records:** It shall be the duty of the Zoning Officer to maintain and be responsible for all pertinent records on zoning matters in North Sewickley Township. The records shall include but not be limited to all applications received, copies of all permits and certificates issued, copies of orders and findings of the Zoning Hearing Board, written complaints of alleged violations, records of all inspections made, a current copy of this Ordinance and all amending ordinances, a copy of the current Official Zoning Map and all other pertinent information. The records of the Zoning Officer shall be available for the use of North Sewickley Township and inspections by any interested party during normal office hours. The Zoning Officer shall submit to the Supervisors of North Sewickley Township a written report of all zoning permits and an occupancy permit issued and all notices of violations and stop work orders issued or recommended as requested by the Supervisors of North Sewickley Township.
- (5) **Nonconforming Uses, Structures, and Lots:** The Zoning Officer may inspect nonconforming uses, structures, and lots and keep a record of such nonconforming uses, structures, and lots as a public record.
- (6) **Presentation of Evidence and Testimony:** Upon request of the Supervisors of North Sewickley Township or the Zoning Hearing Board, the Zoning Officer shall present to such bodies facts, records, and any similar information on specific requests to assist such bodies in reaching their decision.

- (7) The Zoning Officer shall enforce the provisions of this Zoning Chapter in its literal terms and apply all provisions stated herein to gain compliance. Where a violation is determined, enforcement proceedings shall be initiated through the mailing of an Enforcement Notice with a return receipt requested, to the owner of record of the parcel on which the violation has occurred. The Enforcement Notice shall state, at least, the following:
- (a) The name of the owner of record and any other person against whom the municipality intends to take action.
 - (b) The location of the property in violation.
 - (c) The specific violation with a description of the requirements which have not been met, citing in each instance the applicable provisions of the ordinance.
 - (d) The date before which the steps for compliance must be commenced and the date before which the steps must be completed.
 - (e) That the recipient of the notice has the right to appeal to the zoning hearing board within a prescribed period of time in accordance with procedures set forth in the 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.
- D. The Zoning Officer is authorized to institute civil enforcement proceedings as a means of enforcement when acting within the scope of the job description.

§27-1506 ZONING HEARING BOARD

- A. **Creation of Board:** The Township Supervisors hereby creates a Zoning Hearing Board in accordance with the provisions of the Pennsylvania Municipalities Planning Code, Act 247, Article IX as amended.
- B. **Membership of Board:** The membership of the Board shall consist of three (3) residents of the Township appointed by the Township Supervisors. Their terms of office shall be three (3) years and shall be so fixed that the term of office of one (1) member shall expire each year. The Board shall promptly notify the Township Supervisors of any vacancies which occur. Appointments to fill vacancies shall be only for the unexpired portion of the term. Members of the Board shall hold no other office in the Township except that no more than one (1) member of the Board may also be a citizen member of the Planning Commission.
- C. The Township Supervisors may appoint by resolution at least one but no more than three (3) residents of the North Sewickley Township to serve as alternate members of the Board. The term of office of an alternate member shall be three (3) years. When seated pursuant to the provisions of Article IX, Section 906 of the Pennsylvania Municipalities Planning Code, Act 247, as amended, an alternate shall be entitled to participate in all proceedings and discussions of the Board to the same and full extent as provided by law for Board members, including specifically the right to cast a vote as a voting member during the proceedings, and shall have all the powers and duties set forth in the Pennsylvania Municipalities Planning Code, Act 247, as amended, and as otherwise provided by law. Alternates shall hold no other office in North Sewickley Township, including membership on the Planning Commission and Zoning Officer. Any alternate may participate in any proceeding or discussion of the Board but shall not be entitled to vote as a member of the Board unless designated as a voting alternate member.
- D. **Removal of Members:** Any Board member may be removed for malfeasance, misfeasance or nonfeasance in office or for other just cause by a majority vote of the Township Supervisors which appointed the member, taken after the member has received fifteen (15)

days advance notice of the intent to take such a vote. A hearing shall be held in connection with the vote if the member shall request it in writing.

- E. **Organization of Board:** The Board shall elect from its own membership its officers, who shall serve annual terms as such and may succeed themselves. For the conduct of any hearing and the taking of any action, a quorum shall be not less than a majority of all the members of the Board. If by reason of absence or disqualification of a member, a quorum is not reached, the Chairman of the Board shall designate as many alternate members of the Board to sit on the Board as may be needed to provide a quorum. Any alternate member of the Board shall continue to serve on the Board in all proceedings involving the matter or case for which the alternate was initially appointed until the Board has made a final determination of the matter or case. Designation of an alternate pursuant to this Section shall be made on a case-by-case basis in rotation according to declining seniority among all alternates. The Board may make, alter and rescind rules and forms for its procedure, consistent with ordinances of the Township and laws of the Commonwealth. The Board shall keep full public records of its business and shall submit a report of its activities to the Township Supervisors at least once a year.
- F. **Expenditures for Services:** Within the limits of funds appropriated by the Township Supervisors, the Board may employ or contract for secretaries, clerks, legal counsel, consultants and other technical and clerical services. Members of the Board may receive compensation for the performance of their duties as may be fixed by the Township Supervisors.
- G. **Jurisdiction:**
- (1) The Zoning Hearing Board shall have exclusive jurisdiction to hear and render final adjudications in the following matters:
 - (a) Substantive challenges to the validity of any land use ordinance, except those brought before the Township Supervisors pursuant to Sections 609.1 and 917.1(a)(2) of the Pennsylvania Municipalities Planning Code, Act 247, as amended.
 - (b) Challenges to the validity of a land use ordinance raising procedural questions or alleged defects in the process of enactment or adoption which challenges shall be raised by an appeal taken within thirty (30) days after the effective date of said ordinance. Where the ordinance appealed from is the initial Zoning Ordinance of North Sewickley Township and a Zoning Hearing Board has not been previously established, the appeal raising procedural questions shall be taken directly to court.
 - (c) 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.
 - (d) Appeals from a determination by the Township Engineer or the Zoning Officer with reference to the administration of any floodplain or flood hazard ordinance or such provisions within a land use ordinance.
 - (e) Applications for variances from the terms of the Zoning Ordinance and Flood Hazard Ordinance or such provisions within a land use ordinance, pursuant to Section 910.2 of the Pennsylvania Municipalities Planning Code, Act 247, as amended.
 - (f) Applications for special exceptions under the Zoning Ordinance or Floodplain or Flood Hazard or such provisions within a land use ordinance, pursuant to Section 912.1 of the Pennsylvania Municipalities Planning Code, Act 247, as amended.

- (g) Appeals from the determination of any officer or agency charged with the administration of any transfers of development rights or performance density provisions of the Zoning Ordinance.
 - (h) Appeals from the Zoning Officer's determination under Section 917.2 of the Pennsylvania Municipalities Planning Code, Act 247, as amended.
 - (i) Appeals from the determination of the Zoning Officer or Township Engineer in the administration of any land use ordinance or provisions thereof with reference to sedimentation and erosion control and stormwater management insofar as the same relate to development not involving Article V or VII of the Pennsylvania Municipalities Planning Code, Act 247, as amended, applications.
- (2) Township Supervisors or, except as to clauses (3), (4), and (5), the Planning Commission, if designated, shall have exclusive jurisdiction to hear and render final adjudications in the following matters:
- (a) All applications for approvals of planned residential developments under Article VII of the Pennsylvania Municipalities Planning Code, Act 247, as amended, pursuant to the provisions of Section 702 of the Pennsylvania Municipalities Planning Code, Act 247, as amended.
 - (b) All applications pursuant to Section 508 of the Pennsylvania Municipalities Planning Code, Act 247, as amended, for approval of subdivision or land developments under Article V of the Pennsylvania Municipalities Planning Code, Act 247, as amended. Any provision in a subdivision and land development ordinance requiring that final action concerning subdivision and land development applications be taken by the Planning Commission rather than the Township Supervisors shall vest exclusive jurisdiction in the Planning Commission in lieu of the Township Supervisors for purposes of the provisions of this paragraph.
 - (c) Applications for conditional use under the express provisions of the Zoning Ordinance pursuant to Section 603 (2) of the Pennsylvania Municipalities Planning Code, Act 247, as amended.
 - (d) Applications for curative amendment to a Zoning Ordinance pursuant to Sections 609.1 and 917.1(a)(2) of the Pennsylvania Municipalities Planning Code, Act 247, as amended.
 - (e) All petitions for amendments to land use ordinance, pursuant to the procedures set forth in Section 609 of the Pennsylvania Municipalities Planning Code, Act 247, as amended. Any action on such petitions shall be deemed legislative acts, provided that nothing contained in this clause shall be deemed to enlarge or diminish existing law with reference to appeals to court.
 - (f) Appeals from the determination of the Zoning Officer or the Township Engineer in the administration of any land use ordinance or provisions thereof with reference to sedimentation and erosion control and stormwater management insofar as the same relate to application for land development under Article V and VII of the Pennsylvania Municipalities Planning Code, Act 247, as amended. Where such determination relates only to development not involving of Article V or VII, of the Pennsylvania Municipalities Planning Code, Act 247, as amended, application, the appeal from such determination of the Zoning Officer or the Township Engineer shall be to the Zoning Hearing Board pursuant to subsection (a)(9) of the Pennsylvania Municipalities Planning Code, Act 247, as amended, Section 909.1. Where the applicable land use ordinance vests jurisdiction for final administration of subdivision and land

development applications in the Planning Commission, all appeals from determinations under this paragraph shall be to the Planning Commission and all appeals from the decision of the planning agency shall be to court.

- (g) Applications for a special encroachment permit pursuant to Section 405 and applications for a permit pursuant to Section 406 of the Pennsylvania Municipalities Planning Code, Act 247, as amended.

H. Hearings: The Board shall conduct hearings and make decisions in accordance with the following requirements:

- (1) Notice shall be given to the public, the applicant the Zoning Officer, such other persons as the Township Supervisors shall designate by Ordinance and to any person who has made timely request for the same. Notices shall be given at such time and in such manner as shall be prescribed by Ordinance or, in the absence of ordinance provision, by rules of the Board. Written notice of said hearing shall be conspicuously posted on the affected tract of land at least one (1) week prior to the hearing date.
- (2) Where a request for a variance has been filed, all owners of property within one hundred (100) linear feet of the subject property boundaries shall be notified by regular mail of the date of the scheduled hearing. The applicant shall provide to the Township staff a list containing the names and street addresses of the aforementioned property owners.
- (3) Township Supervisors shall from time to time establish by resolution, a schedule of administrative fees to cover the costs of public hearings before the Zoning Hearing Board. Said fee shall include compensation for the Secretary, members of the Board, notice and advertising costs, general overhead costs and application processing.
- (4) The hearings shall be conducted by the Board or the 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 Board; however, the applicant may waive the decision or findings by the Board and accept the decision or findings of the Hearing Officer as final.
- (5) The parties to the hearing shall be any persons who is entitled to notice under this Section or who has made timely appearance of record before the Board and any other persons permitted to appear by the Board.
- (6) The first hearing shall be held within sixty (60) days from the date of the applicant's request, unless the applicant has agreed in writing to an extension of time. Each subsequent hearing shall be held within forty-five (45) days of the prior hearing, unless agreed to by the applicant in writing or on the record. An applicant shall complete his case-in-chief within one hundred (100) days of the first hearing, and is assured of at least seven (7) hours of hearings, if requested. Persons opposed to the application shall complete their opposition within one hundred (100) days of the presentation of the applicant's case-in-chief. Additional hearings may be granted for both parties upon written request.
- (7) The Chairman or Acting Chairman of the 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.
- (8) 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.

- (9) Formal rules of evidence shall not apply, but irrelevant, immaterial or unduly repetitious evidence may be excluded.
- (10) The Board or the Hearing Officer, as the case may be, shall keep a stenographic record of the proceedings. The appearance fee for a stenographer shall be shared equally by the applicant and the Board. A transcript of the proceedings shall be paid by the person appealing from the decision of the Board and copies of the transcript, graphic or written material received in evidence shall be made available to any party at cost.
- (11) The 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 unless the parties are afforded an opportunity to contest the material so noticed and shall not inspect the site or its surroundings with any party or his representative unless all parties are given an opportunity to be present.
- (12) The 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. Each decision shall be accompanied by findings of fact and conclusions based thereon together with the reasons therefore. Conclusions based on any provisions of this act or 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 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 Board prior to final decision or entry of findings and the Board's decision shall be entered not later than thirty (30) days after the report of the Hearing Officer. Where the Board has power to render a decision and the Board or the Hearing Officer, as the case may be, fails to render the same within the period required by this clause, or fails to hold the requested hearing within sixty (60) days of the date of the application, the decision shall be deemed to have been rendered in favor of the applicant. When a decision has been rendered in favor of the applicant because of the failure of the Board to meet or render a decision as hereinabove provided, the Board shall give public notice of said decision within ten (10) days from the last day it could have met to render a decision in the same manner as provided in Article IX, Section 908 of the Pennsylvania Municipalities Planning Code, Act 247, as amended.
- (13) 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 Board not later than the last day of the hearing, the Board shall provide by mailed 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.

§27-1507 APPEALS FROM THE ZONING OFFICER

The Board shall hear and decide appeals where it is alleged by the appellant that the Zoning Officer has failed to follow prescribed procedures or has misinterpreted or misapplied any provision of a valid ordinance or map or any valid rule or regulation governing the action of the Zoning Officer. Nothing contained herein shall be construed to deny to the appellant the right to proceed directly in court, where appropriate, pursuant to Pennsylvania R.C.P., Sections 1091 to 1098 relating to mandamus.

§27-1508 VARIANCES

- A. The Board shall hear requests for variances where it is alleged that the provisions of the Zoning Ordinance inflict unnecessary hardship upon the applicant. The Board may by rule prescribe the form of application and may require preliminary application to the Zoning Officer. All applications shall include a site plan that has been prepared based on an existing survey. The Board may grant a variance provided the following findings are made where relevant in a given case.
- (1) That there are unique physical circumstances or conditions, including irregularity, narrowness or shallowness of lot 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 generally created by the provisions of the Zoning Ordinance in the neighborhood or district in which the property is located.
 - (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 the Zoning Ordinance and that the authorization of a variance is therefore necessary to enable the reasonable use of the property.
 - (3) That such unnecessary hardship has not been created by the appellant.
 - (4) That the variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located, nor substantially or permanently impair the appropriate use of development of adjacent property, nor be detrimental to the public welfare.
 - (5) That the variance, if authorized, will represent the minimum variance that will afford relief and will represent the least modification possible of the regulation in issue.
- B. In granting any variance, the Board may attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes of this Ordinance and of the Pennsylvania Municipalities Planning Code, Act 247, as amended. Following the granting of a variance, said use shall be established and building or portion thereof occupied, within two (2) years of the approval date.
- C. Under no circumstances shall the Zoning Hearing Board grant a variance to allow a use not permissible under the terms of this Ordinance in the district involved, or any use expressly, or by implication, prohibited by the terms of this Ordinance in said district.
- D. A variance from the terms of this Ordinance shall not be granted by the Board unless and until a written application for a variance is submitted to the office of the Zoning Officer expressing the unique physical circumstances or conditions of the particular land, structure or building creating an unnecessary hardship. No conforming use of neighboring lands, structures or buildings in the same district, and no permitted use of lands, structures or buildings in other districts shall be considered grounds for the issuance of a variance.

§27-1509 SPECIAL EXCEPTIONS

- A. The provisions of Part 12, including standards and criteria for special exceptions, shall be applicable.
- B. Following the granting of a special exception, said use shall be established within one (1) year of the approval date or the special exception approval shall automatically lapse.

§27-1510 MEDIATION OPTION

- A. Parties to proceedings authorized in this Part and Article X-A, Appeals to Court, of the Pennsylvania Municipalities Planning Code, Act 247, as amended, 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 Part once they have been formally initiated. Nothing in this Section shall be interpreted as expanding or limiting municipal police powers or as modifying any principals of substantive law.

- B. 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. North Sewickley Township assures that, in each case, the mediating parties, assisted by the mediator as appropriate, shall develop terms and conditions for:
- (1) Funding mediation.
 - (2) Selecting a mediator who, at a minimum, shall have a working knowledge of municipal zoning and subdivision procedures and demonstrated skills in mediation.
 - (3) Completing mediation, including time limits for such completion.
 - (4) Suspending time limits otherwise authorized in this act, provided there is written consent by the mediating parties, and by an applicant or municipal decision-making body if either is not a party to the mediation.
 - (5) Identifying all parties and affording them the opportunity to participate.
 - (6) Subject to legal restraints, determining whether some or all of the mediation sessions shall be open or closed to the public.
 - (7) 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 the other sections of this act.
- C. 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.

§27-1511 VALIDITY OF ORDINANCE; SUBSTANTIVE ISSUES

- A. A landowner who, on substantive grounds, desires to challenge the validity of an ordinance or map or any provision thereof which prohibits or restricts the use or development of land in which he has an interest shall submit the challenge either:
- (1) To the Zoning Hearing Board under Article IX, Section 909.1(a) of the Pennsylvania Municipalities Planning Code, Act 247, as amended; or
 - (2) To Township Supervisors under Article IX, Section 909.1(b)(4) of the Pennsylvania Municipalities Planning Code, Act 247, as amended, together with a request for a curative amendment under Article VI, Section 609.1 of the Pennsylvania Municipalities Planning Code, Act 247, as amended.
- B. Persons aggrieved by a use or development permitted on the land of another by an ordinance or map, or any provision thereof, who desires to challenge its validity on substantive grounds shall first submit their challenge to the Zoning Hearing Board for a decision thereon under Section 909.1(a)(1).
- C. The submissions referred to in subsections A and B herein shall be governed by the following:
- (1) In challenges before the Zoning Hearing Board, the challenging party shall make a written request to the Board that it hold a hearing on the challenge. The request shall contain the reasons for the challenge. Where the landowner desires to challenge the validity of such ordinance and elects to proceed by curative amendment under Article VI, Section 609.1 of the Pennsylvania Municipalities Planning Code, Act 247, as amended, his application to the Township Supervisors shall contain, in addition to the requirements of the written request hereof, the

plans and explanatory materials describing the use or development proposed by the landowner in lieu of the use or development permitted by the challenged ordinance or map. Such plans or other materials shall not be required to meet the standards prescribed for preliminary, tentative or final approval or for the issuance of a permit, so long as they provide reasonable notice of the proposed use or development and a sufficient basis for evaluating the challenged ordinance or map in light thereof. Nothing herein contained shall preclude the landowner from first seeking a final approval before submitting his challenge.

- (2) If the submission is made by the landowner to the Township Supervisors under this section, the request also shall be accompanied by an amendment or amendments to the Ordinance proposed by the landowner to cure the alleged defects therein.
- (3) If the submission is made to the Township Supervisors, the Township Solicitor shall represent and advise it at the hearing or hearings referred to in Section 909.1(b)(4) of the Pennsylvania Municipalities Planning Code, Act 247, as amended.
- (4) The Township Supervisors may retain an independent attorney to present the defense of the challenged ordinance or map on its behalf and to present their witnesses on its behalf.
- (5) Based upon the testimony presented at the hearing or hearings, the Township Supervisors or the Zoning Hearing Board, as the case may be, shall determine whether the challenged ordinance or map is defective, as alleged by the landowner. If a challenge heard by the Township Supervisors is found to have merit, the Township Supervisors shall proceed as provided in Section 609.1 of the Pennsylvania Municipalities Planning Code, Act 247, as amended. If a challenge heard by a Zoning Hearing Board is found to have merit, the decision of the Zoning Hearing Board shall include recommended amendments to the challenged ordinance which will cure the defects found. In reaching its decision, the Zoning Hearing Board shall consider the 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 the ordinance or map;
 - (c) The suitability of the site for the intensity of use proposed by the site's soils, slopes, woodlands, wetlands, floodplains, aquifers, natural resources and other natural features;
 - (d) The impact of the proposed use on the site's soils, slopes, woodlands, wetlands, floodplains, 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 which are essential to public health and welfare.
- (6) The Township Supervisors or the Zoning Hearing Board, as the case may be, shall render its decision within forty-five (45) days after the conclusion of the last hearing.

- (7) If the Township Supervisors or the Zoning Hearing Board, as the case may be, fails to act on the landowner's request within the time limits referred to in paragraph (6) of this Section, a denial of the request is deemed to have occurred on the forty-sixth (46th) day after the close of the last hearing.
- D. The Zoning Hearing Board or Township Supervisors, as the case may be, shall commence its hearings within sixty (60) days after the request is filed unless the landowner requests or consents to an extension of time.
- E. Public notice of the hearing shall include notice that the validity of the ordinance or map is in question and shall give the place where and the time when a copy of the request, including any plans, explanatory material or proposed amendments may be examined by the public.
- F. The challenge shall be deemed denied when:
- (1) The Zoning Hearing Board or Township Supervisors, as the case may be, fails to commence the hearing within the time limits set forth in subsection D, of this section;
 - (2) The Township Supervisors notifies the landowner that it will not adopt the curative amendment;
 - (3) The Township Supervisors adopts another curative amendment which is unacceptable to the landowner; or
 - (4) The Zoning Hearing Board or Township Supervisors, as the case may be, fails to act on the request forty-five (45) days after the close of the last hearing on the request, unless the time is extended by mutual consent by the landowner and North Sewickley Township.
- G. Where, after the effective date of this act, a curative amendment proposal is approved by the grant of a curative amendment application by the Township Supervisors pursuant to Section 909.1(b)(4) of the Pennsylvania Municipalities Planning Code, Act 247, as amended, or a validity challenge is sustained by the Zoning Hearing Board pursuant to Section 909.1(a)(1) or the court acts finally on appeal from denial of a curative amendment proposal or a validity challenge, and the proposal or challenge so approved requires a further application for subdivision or land development, the developer shall have two (2) years from the date of such approval to file an application for preliminary or tentative approval pursuant to Article V or VII of the Pennsylvania Municipalities Planning Code, Act 247, as amended. Within the two-year period, no subsequent change or amendment in the Zoning, Subdivision or other governing ordinance or plan shall be applied in any manner which adversely affects the rights of the applicant as granted in the curative amendment or the sustained validity challenge. Upon the filing of the preliminary or tentative plan, the provision of Section 508(4) of the Pennsylvania Municipalities Planning Code, Act 247, as amended, shall apply. Where the proposal appended to the curative amendment application or the validity challenge is approved but does not require further application under any Subdivision or Land Development Ordinance, the developer shall have one (1) year within which to file for a zoning permit. Within the one-year period, no subsequent change or amendment in the Zoning, Subdivision and Land Development or other governing ordinance or plan shall be applied in any manner which adversely affects the rights of the applicant as granted in the curative amendment or the sustained validity challenge. During these protected periods, the court shall retain or assume jurisdiction for the purpose of awarding such supplemental relief as may be necessary.

§27-1512 APPEALS

Appeals and proceedings to challenge an ordinance under Article IX of the Pennsylvania Municipalities Planning Code, Act 247, as amended, may be filed with the Board in writing by any officer or agency of the Township, or any person aggrieved. Requests for a variance under this Part or for a special exception under this Part may be filed with the Board by any landowner or any tenant with the permission of such landowner

§27-1513 TIME LIMITATIONS

The time limitations for raising certain issues and filing certain proceedings with the Board shall be set as follows:

- A. No issue of alleged defect in the process of enactment of any ordinance or map, or any amendment thereto, shall be raised in any proceeding filed with the Board later than thirty (30) days from the time such ordinance, map or amendment takes effect unless the person raising such issue alleges and proves that he failed to receive adequate notice of the enactment or amendment. If such person has succeeded to his interest after the enactment of the ordinances, adequate notice to his predecessor in interest shall be deemed adequate notice to him.
- B. No person shall be allowed to file any proceeding with the Board later than thirty (30) days after any application for development, preliminary or final, 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 failed to receive adequate notice of such approval. If such person has succeeded to his interest after such approval, adequate notice to his predecessor in interest shall be deemed adequate notice to him.

§27-1514 STAY OF PROCEEDINGS

Upon filing of any proceeding referred to in this Part above, and during its pendency before the 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 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 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 Board by persons other than the applicant, the applicant may petition the court having jurisdiction of zoning appeals to order such persons to post bond as a condition to continuing the proceedings before the Board. The question of whether or not such petition should be granted and the amount of the bond shall be within the sound discretion of the court.

§27-1515 REVIEW BY PLANNING COMMISSION

- A. The Planning Commission of the Township of North Sewickley shall receive from the office of the Zoning Officer copies of all applications for amendments to this Ordinance and shall make findings and recommendations thereon, after which the Commission shall forward such findings and recommendations to the Township Supervisors.
- B. The Planning Commission may receive from the office of the Zoning Officer copies of all applications for special exceptions and may make recommendations thereon, after which the Commission shall forward such findings and recommendations to the Zoning Hearing Board.
- C. The Planning Commission may, furthermore, initiate, direct and review from time to time a study of the provisions of this Ordinance and make reports of its findings and recommendations to the Township Supervisors.

§27-1516 SCHEDULE OF FEES, CHARGES AND EXPENSES

The Township Supervisors shall establish a schedule of fees, charges and expenses and a collection procedure for zoning permits, occupancy permits, appeals and other matters pertaining to this Ordinance. The schedule of fees shall be posted in the office of the Zoning Officer, and may be changed only by resolution of the Township Supervisors. No permit, special exception or variances shall be issued unless or until such costs, charges, fees or expenses have been paid in full, nor shall any action be taken on proceedings before the Board unless or until preliminary charges or fees have been paid in full.

§27-1517 ENFORCEMENT NOTICE

- A. If it appears to North Sewickley Township that a violation of any Zoning Ordinance enacted under this act or prior enabling laws has occurred, North Sewickley Township shall initiate enforcement proceedings by sending an enforcement notice as provided in this Section.
- B. The enforcement notice shall be sent to the owner of record of the parcel on which the violation has occurred, to any person who has filed a written request to receive enforcement notices regarding that parcel, and to any other person requested in writing by the owner of record.
- C. In any appeal of an enforcement notice to the Zoning Hearing Board, North Sewickley Township shall have the responsibility of presenting its evidence first.
- D. Any filing fee paid by a party to appeal an enforcement notice to the Zoning Hearing Board shall be returned to the appealing party by North Sewickley Township if the Zoning Hearing Board, or any court of competent jurisdiction, rules in the appealing party's favor.
- E. An enforcement notice shall state at least the following:
 - (1) The name of the owner of record and any other person against whom North Sewickley Township intends to take action.
 - (2) The location of the property in violation.
 - (3) The specific violation with a description of the requirements which have not been met, citing in each instance the applicable provisions of the Ordinance.
 - (4) The date before which the steps for compliance must be commenced and the date before which the steps must be completed.
 - (5) That the recipient of the notice has the right to appeal to the Zoning Hearing Board within thirty (30) days of receipt of the notice.
 - (6) 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.

§27-1518 ENFORCEMENT REMEDIES

- A. Any person, partnership or corporation who or which has violated or permitted the violation of the provisions of any Zoning Ordinance enacted under this act or prior enabling laws shall, upon being found liable therefore in a civil enforcement proceeding commenced by North Sewickley Township, pay a judgment of not more than five hundred dollars (\$500.00) plus all court costs, including reasonable attorney fees incurred by North Sewickley Township as a result thereof. No judgment shall commence or be imposed, levied or payable until the date of the determination of a violation by the district justice. If the defendant neither pays nor timely appeals the judgment, North Sewickley 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 justice determining that there has been a violation further determines that there was a good faith basis for the person, partnership or corporation violating the ordinance to have believed that there was no such violation, in which event there shall be deemed to have been only one such violation until the fifth (5th) day following the date of the determination of a violation by the district justice 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 zoning ordinances shall be paid over to North Sewickley Township.

- B. The court of common pleas, upon petition, may grant an order of stay, upon cause shown, tolling the per diem fine pending a final adjudication of the violation and judgment.
- C. Nothing contained in this Section shall be construed or interpreted to grant to any person or entity other than North Sewickley Township the right to commence any action for enforcement pursuant to this Section.

§27-1519 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 Pennsylvania Municipalities Planning Code, Act 247, as amended, or prior enabling laws, Township Supervisors or, with the approval of Township Supervisors, an officer of North Sewickley 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 North Sewickley Township at least thirty (30) days prior to the time the action is begun by serving a copy of the complaint on Township Supervisors of North Sewickley Township. No such action may be maintained until such notice has been given.

§27-1520 INTERPRETATION OF ORDINANCE PROVISIONS

In interpreting the language of zoning ordinance to determine the extent of the restriction upon the use of the property, the language shall be interpreted, where doubt exists as to the intended meaning of the language written and enacted by the governing body, in favor of the property owner and against any implied extension of the restriction.

PART 16

Amendments

§27-1601 PROPOSAL TO AMEND

The Township Supervisors may from time to time on their own motion, or on petition or on recommendation of the Planning Commission amend, supplement or repeal the regulations and provisions of this Ordinance.

§27-1602 SUBMITTAL TO PLANNING COMMISSION

Before voting on the enactment of an amendment or change, the Township Supervisors shall submit each such amendment or change to the Planning Commission at least thirty (30) days prior to the public hearing hereinafter provided for to allow the Commission an opportunity to submit its recommendations.

§27-1603 PROCEDURE FOR ENACTMENT

- A. Before voting on the enactment of an amendment, Township Supervisors shall hold a public hearing thereon, pursuant to public notice, as provided for in this Part. In addition, if the proposed amendment involves a zoning map change, notice of said public hearing shall be conspicuously posted by North Sewickley Township at points deemed sufficient by the Township to notify potentially interested citizens. The affected tract or area shall be posted at least one (1) week prior to the date of the hearing.
- B. In the case of an amendment other than that prepared by the Planning Commission, Township Supervisors shall submit each such amendment to the Planning Commission at least thirty (30) days prior to the hearing on such proposed amendment to provide the Planning Commission an opportunity to submit recommendations. In addition, where a request for consideration of a rezoning application has been filed, all owners of property within three hundred (300) linear feet of the subject property or properties shall be notified by regular mail of the date of the first meeting or scheduled public hearing at which the application will be discussed. The applicant shall provide to the Township staff a list containing the names of the aforementioned property owners.
 - (1) If, after any public hearing held upon an amendment, the proposed amendment is changed substantially, or is revised, to include land previously not affected by it, Township Supervisors shall hold another public hearing, pursuant to public notice, before proceeding to vote on the amendment.
 - (2) At least thirty (30) days prior to the public hearing on the amendment by the local governing body, the municipality shall submit the proposed amendment to the county planning agency for recommendations.
 - (3) North Sewickley Township may offer a mediation option as an aid in completing proceedings authorized by this section. In exercising such an option, North Sewickley Township and mediating parties shall meet the stipulations and follow the procedures set forth in Section 12.10 of this Ordinance.
 - (4) Within thirty (30) days after enactment, a copy of the amendment to the Zoning Ordinance shall be forwarded to the Beaver County Planning Commission.

§27-1604 POSTING

Nature of proposed amendments affecting a particular property shall be posted conspicuously on any property involved not less than seven (7) days prior to date of hearing.

§27-1605 REVISIONS TO AMENDMENT

If, after any public hearing held upon an amendment, the amendment is revised or further revised to include land previously not affected by it, the Township Supervisors shall hold another public hearing, pursuant to public notice, before proceeding to vote on the amendment.

§27-1606 PROCEDURE FOR LANDOWNER CURATIVE AMENDMENTS

- A. A landowner who desires to challenge on substantive grounds the validity of a zoning ordinance or map or any provision thereof, which prohibits or restricts the use or development of land in which he has an interest may submit a curative amendment to the Township Supervisors with a written request that his challenge and proposed amendment be heard and decided as provided in Section 917.1 of the Pennsylvania Municipalities Planning Code, Act 247, as amended. Township Supervisors shall commence a hearing thereon within sixty (60) days of the request as provided for in this Part. The curative amendment and challenge shall be referred to the Planning Commission or agencies as provided in Section 609 of the Pennsylvania Municipalities Planning Code, Act 247, as amended, and notice of the hearing thereon shall be given as provided in Section 610 and 917.1 of the Pennsylvania Municipalities Planning Code, Act 247, as amended.
- B. The hearing shall be conducted in accordance with Section 908 of the Pennsylvania Municipalities Planning Code, Act 247, as amended, and all references therein to the Zoning Hearing Board shall, for purposes of this Section be references to Township Supervisors. If North Sewickley Township does not accept a landowner's curative amendment brought in accordance with this subsection and a court subsequently rules that the challenge has merit, the court's decision shall not result in a declaration of invalidity for the entire zoning ordinance and map, but only for those provisions which specifically relate to the landowner's curative amendment and challenge.
- C. Where North Sewickley Township has determined that a validity challenge has merit, it may accept a landowner's curative amendment, with or without revision, or it may adopt an alternative amendment which will cure the challenged defects. Township Supervisors shall consider the curative amendments, plans and explanatory material submitted by the landowner and shall also consider:
 - (1) The impact of the proposal upon roads, sewer facilities, water supplies, schools and other public service facilities;
 - (2) 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 provision of the ordinance or map;
 - (3) The suitability of the site for the intensity of use proposed by the site's soils, slopes, woodlands, wetlands, floodplains, aquifers, natural resources and other natural features;
 - (4) The impact of the proposed use on the site's soils, slopes, woodlands, wetlands, floodplains, aquifers, natural resources and other natural features, the degree to which these are protected or destroyed, the tolerance of the resources to development and any adverse environmental impacts; and
 - (5) The impact of the proposal on the preservation of agriculture and other land uses which are essential to public health and welfare.

§27-1607 PROCEDURE FOR MUNICIPAL CURATIVE AMENDMENTS

If North Sewickley Township determines that its Zoning Ordinance or any portion thereof is substantially invalid, it shall take the following actions:

- A. North Sewickley Township shall declare by formal action, its Zoning Ordinance or portions thereof substantively invalid and propose to prepare a curative amendment to overcome such

- invalidity. Within thirty (30) days following such declaration and proposal, Township council shall:
- (1) By resolution make specific findings setting forth the declared invalidity of the Zoning Ordinance which may include:
 - (a) Reference to specific uses which are either not permitted or not permitted in sufficient quantity;
 - (b) Reference to a class of use or uses which require revision; or
 - (c) Reference to the entire ordinance which requires revisions.
 - (2) Begin to prepare and consider a curative amendment to the Zoning Ordinance to correct the declared invalidity.
- B. Within one hundred and eighty (180) days from the date of the declaration and proposal, North Sewickley Township shall enact a curative amendment to validate, or reaffirm the validity of, its Zoning Ordinance pursuant to the provisions required by Section 609 of the Pennsylvania Municipalities Planning Code, Act 247, as amended, in order to cure the declared invalidity of the Zoning Ordinance.
- C. Upon the initiation of the procedures, as set forth in Section 13.7.1, Township Supervisors shall not be required to entertain or consider any landowner's curative amendment filed under Section 609.1 of the Pennsylvania Municipalities Planning Code, Act 247, as amended, nor shall the Zoning Hearing Board be required to give a report requested under Section 909.1 or 917.1 of the Pennsylvania Municipalities Planning Code, Act 247, as amended, subsequent to the declaration and proposal based upon the grounds identical to or substantially similar to those specified in the resolution required by Section 13.7.1 (a). Upon completion of the procedures as set forth in Sections 13.7.1 and 13.7.2, no rights to a cure pursuant to the provisions of Sections 609.1 and 917.1 of the Pennsylvania Municipalities Planning Code, Act 247, as amended, shall, from the date of the declaration and proposal, accrue to any landowner on the basis of the substantive invalidity of the unamended Zoning Ordinance for which there has been a curative amendment pursuant to this Section.
- D. North Sewickley Township, having utilized the procedures as set forth in Section 13.7.1 and 13.7.2, may not again utilize said procedure for a thirty-six (36) month period following the date of the enactment of a curative amendment, or reaffirmation of the validity of its Zoning Ordinance, pursuant to Section 13.7.2; provided, however, if after the date of the declaration and proposal there is a substantially new duty or obligation imposed upon North Sewickley Township by virtue of a change in statute or by virtue of a Pennsylvania Appellate Court decision, North Sewickley Township may utilize the provisions of this Section to prepare a curative amendment to its Ordinance to fulfill said duty or obligation.

PART 17
Enactment

§27-1701 SEVERABILITY

Should any sentence, section, clause, part or provisions of this Ordinance code amendment be declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of the code Ordinance as a whole, or any part thereof, other than the part declared to be invalid.

§27-1702 REPEALER

All ordinances, code sections or parts thereof in conflict herewith are hereby repealed to the extent of such conflict.

§27-1703 EFFECTIVE DATE

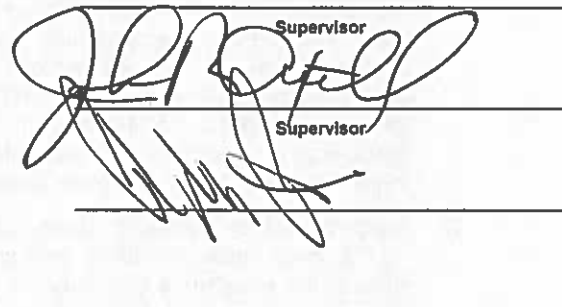
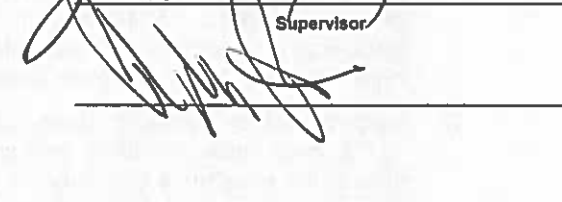
This Ordinance code amendment shall take effect immediately upon its passage.

Duly presented and adopted at a regular meeting of the North Sewickley Township Board of Supervisors, Beaver County, Pennsylvania, held on the 13th day of June, 2017.

ATTEST:


Township Secretary


Chairman, Board of Supervisors


Supervisor

Supervisor

