

New Sewickley Township Zoning Ordinance

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**Zoning
Ordinance
No. 208**

**ARTICLE 1
Purpose and Titles**

Section 100 Title

An Ordinance of the Township of New Sewickley, Beaver County, Pennsylvania, amending all prior ordinances dealing with and regulating and restricting the height, number of stories and size of buildings and other structures, their construction, alteration, extension and all facilities and services in and about such buildings and structures, the percentage of lot that may be occupied, the size of yards, courts and other open spaces, the density of population and the location and use of buildings, structures, and land for trade, industry, residence or other purposes; establishing and maintaining building lines and setback building lines upon any or all public roads and highways; establishing for such purposes districts, and defining the boundaries thereof; providing for appointment of a Zoning Hearing Board and setting forth the duties and functions of said Board; providing for the appointment of a Zoning Officer; and for the administration and enforcement of this Ordinance and imposing fines and penalties for violation.

Section 101 Short Title

This Ordinance shall be known and may be cited as the "Zoning Ordinance of the Township of New Sewickley, Beaver County, Pennsylvania" and the Zoning Map shall be known and may be cited as the "New Sewickley Township, Beaver County, Zoning Map."

Section 102 Purpose of Zoning Ordinance

This Ordinance has been developed for the purpose of lessening congestion on roads and highways, to secure safety from fire, panic and other danger, to promote health, morals and the general welfare; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue congestion of population; to facilitate the adequate provision of transportation, water, sewage, schools, parks and other requirements and facilities; to provide for a reasonable mix of land uses and a variety of dwelling types; to preserve scenic and historic values, prime agricultural land, natural areas, aquifers, and floodplains; to accommodate reasonable overall community growth and to facilitate emergency management operations and national defense facilities.

Section 103 Community Development Objectives

This Ordinance has been formulated to assist in furthering the long range community development objectives of New Sewickley Township, as originally outlined in the New Sewickley Township Comprehensive Plan, which contains community Development Goals and Objectives which are herein adopted by reference.

ARTICLE 2

General Terminology

Section 200 Word Usage

For the purposes of this Chapter certain terms and words are used as follows:

- A. Words used in the present tense shall include the future.
- B. Words used in the singular shall include the plural.
- C. The word "person" includes a corporation as well as an individual.
- D. The word "lot" includes the words "plot" or "parcel."
- E. The term "shall" is always mandatory. The term "may" is always permissive.
- F. The words "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."
- G. The word "building" includes the word "structure."
- H. Unless otherwise specified, all distances shall be measured horizontally.
- I. The word "erected" shall include the word "constructed."
- J. The word "moved" shall include the word "relocated."

Note: Definitions taken directly from the Pennsylvania Municipalities Planning Code are followed by the reference (MPC).

Definitions Specific to Oil and Natural Gas Development Operation are contained within Article 9. Definitions Specific to Sign Regulations are contained in Article 6.

Section 201 Meaning of Words

Unless otherwise expressly stated, the following words shall, for the purpose of this Ordinance, have the meanings herein indicated:

ABUT: A lot that shares a property line with another and has no intervening street or navigable stream right of way.

ACCESSORY BUILDING OR STRUCTURE: For the purposes of this Ordinance, buildings or structures that are authorized under the Zoning Ordinance as subordinate and auxiliary to the principal uses and buildings on the same lot. Said buildings or structures shall be limited to those that commonly belong, are compatible with and are ordinarily utilized in association with a principal use.

ADULT-ORIENTED ESTABLISHMENT:

- A. The term includes, any business which requires a license under the New Sewickley Sexually Oriented Business Licensing Ordinance, and further includes without limitation, the following establishments:
 - (1) Adult bookstores.
 - (2) Adult motion-picture theaters, regardless of seating capacity.
 - (3) 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 sexually oriented motion pictures or where an entertainer provides adult entertainment to a member of the public, a patron or a member.

- (4) An adult entertainment studio or any premises that are physically arranged and used as such, whether advertised or represented as an adult entertainment studio, exotic dance studio, encounter studio, sensitivity studio, modeling studio or any other term of like import.
 - (5) Any establishment providing massage services, but not qualifying as therapeutic massage as a defined personal service.
- B. The term "booths, cubicles, rooms, studios, compartments or stalls" for purposes of defining sexually oriented establishments does not mean enclosures which are private offices used by the owner, manager or persons employed on the premises for attending to the tasks of their employment and which are not held out to the public for the purpose of viewing motion pictures or other entertainment, and which are not open to any persons other than employees.
- C. The Term "Adult Entertainment" shall include
- (1) An exhibition of any sexually oriented motion pictures, meaning those distinguished or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas.
 - (2) A live performance, display or dance of any type which has as a significant or substantial portion of the performance any actual or simulated performance of specified sexual activities or exhibition and viewing of specified anatomical areas, removal of articles of clothing or appearing unclothed, pantomiming, modeling or any other personal services offered to customers.
 - (3) Massage Services which do not meet the definition of therapeutic massage as a personal service.
- D. The term "adult bookstore" shall mean a commercial establishment which, as one of its principal business purposes, offers for sale or rental for any form of consideration any one or more of the following:
- (1) Books, magazines, periodicals or other printed matter or photographs, films, motion pictures, videocassettes or video reproductions, slides or other visual representations which depict or describe specified sexual activities or specified anatomical areas; or
 - (2) Instruments, devices or paraphernalia which are designed for use in connection with specified sexual activities, whether used to view such materials or for use on or off the premises.
 - (3) A commercial establishment may have other principal business purposes that do not involve the offering for sale or rental of material depicting or describing specified sexual activities or specified anatomical areas and still be categorized as "adult bookstore or adult video store." Such other business purposes will not serve to exempt such commercial establishment from being categorized as an "adult bookstore or adult video store" so long as one of its principal business purposes is the offering for sale or rental for consideration the specified

materials which depict or describe specified sexual activities or specified anatomical areas.

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. (MPC) This definition includes the commonly understood term of “farm”. This definition does not include any keeping of animals as part of another business (such as kennels or exotic animal raising and care) or livestock kept as accessory to a single family dwelling subject to Section 519.

AGRICULTURAL SALES AND SERVICES: Businesses selling goods or services to a substantially agricultural clientele, including: feed mills, seed sales, feed grinding services and agricultural implement dealers, or businesses that process and sell agricultural products produced upon the same premises, or within the local community.

ALLEY: A service way providing a secondary means of access to abutting properties.

ALTERATION OR ADDITION (Structural or Use Change): Any change in the size or placement of a building such as extending on a side, front or rear, or the moving from one location to another, or any change in use.

ANTENNA HEIGHT: The vertical distance measured from the base of the antenna support structure at grade to the highest point of the structure. If the support structure is on a sloped grade, then the average between the highest and lowest grade shall be used in calculating the antenna height.

ANTENNA SUPPORT STRUCTURE: Any pole, telescoping mast, tower, tripod, or any other structure that supports a device used in the transmitting or receiving of radio frequency energy.

APPLICANT: A landowner or developer, as hereinafter defined, who has filed an application for development including his heirs, successors and assigns.

APPLICATION FOR DEVELOPMENT: Every application, whether preliminary, tentative or final, required to be filed and approved prior to start of construction or development including but not limited to an application for a building permit, for the approval of a subdivision plat or plan or for the approval of a development plan.

AREA: Area of a lot or site calculated from perimeter dimensions of the site.

AREA, BUILDING: The total area taken on a horizontal plane at the main grade level of a building or structure exclusive of uncovered porches, terraces, and steps.

ASSISTED LIVING FACILITY: A residential facility within which residents with or without minor physical disabilities live, cook, dine, and recreate, and may be provided with medical and other services.

AUCTION BARN: A facility for the vending of merchandise by auction, including provision for storage, display and processing of goods and accommodations for office and sales areas and related functions.

BANK AND FINANCIAL SERVICES: A commercial or member driven entity that provides loans, various secured means to deposit money, and similar services in a building open to the public, members, or customers.

BASEMENT (or Cellar): A portion of a building partly or completely below grade. It shall be considered a building story if more than fifty percent (50%) of its clear height is above the average level of the adjoining ground.

BED AND BREAKFAST: The offering of overnight accommodations and food service for transient guests for compensation within the confines of a single family dwelling structure when conducted subsidiary to normal single family residential use.

BOTTLE CLUB: An establishment operated for profit or pecuniary gain, which has a capacity for the assemblage of twenty (20) or more persons and in which alcoholic liquors, alcohol or malt or brewed beverages are not legally sold but where alcoholic liquors, alcohol or malt or brewed beverages are either provided by the operator or agents or employees of the operator for consumption on the premises or are brought into or kept at the establishment by the patrons or persons assembling there for use and consumption. The term shall not include a licensee under the act of April 12, 1951 (P.L.90, No.21), known as the Liquor Code, or any organization as set forth in Section 6 of the act of December 19, 1990 (P.L.1200, No.202), known as the Solicitation of Funds for Charitable Purposes Act.

BUFFER, OR BUFFER YARD: A strip of land which is planted and maintained in shrubs, bushes, trees, grass or other landscaping material and within which no structure is permitted except a wall, fence or lawful sign. The purpose of a buffer or buffer yard is to place additional horizontal space between potentially conflicting land uses.

BUILDING: An independent and detached structure supported by columns or walls, or resting on its own foundation, including but not limited to, mobile homes, garages, greenhouses, and other accessory buildings, and utilized for shelter or enclosure of persons, animals, chattels, or land use activities.

BUILDING AREA: See Definition "AREA, BUILDING."

BUILDING HEIGHT: The vertical distance measured from the average elevation of the finish grade to the highest point of the roof.

BUILDING LINE: An imaginary line located a fixed distance from the front of the lot at the right-of-way-line. See Definition "YARD FRONT."

BUILDING MATERIAL AND SUPPLY SALES AND STORAGE YARDS: A commercial establishment storing, usually exterior, or offering for sale building and construction supplies, coal, heavy equipment, landscape material, plant materials, and similar goods. Supply yards shall not include the wrecking, salvaging, dismantling or storage of automobiles and similar vehicles.

BUILDING PRINCIPAL: The building housing the main or primary use of the land.

CAR WASH: An entity that has facilities expressly devoted to the cleaning of motor vehicle exteriors by self-service, automated apparatus, or cleaning performed by staff for a fee.

CARPORT: A usable covered space for storage of automobiles.

CARTWAY: That portion of a road which is paved, graded, or improved for travel by vehicles.

CEMETERY: Land used or intended to be used for the burial of the dead and dedicated for cemetery purposes, including columbariums, crematories, mausoleums, and mortuaries when operated in conjunction with and within the boundaries of such cemetery. This definition does not include accessory burial of family members on land belonging to an agricultural operation.

COMMERCIAL (Business): Engaging in a business, enterprise, activity or other undertaking related to or connected with trade or commerce in general.

COMMERCIAL STABLE: An Equine centered agricultural operation which may include boarding of equine animals for other parties, instruction, and performance events, exhibitions, and competition for horses and riders.

COMMISSION, PLANNING: The legally appointed Planning Commission of New Sewickley Township, Beaver County, Pennsylvania.

COMMISSION, COUNTY PLANNING: The Beaver County Planning Commission.

COMMON OPEN SPACE: A parcel or parcels of land or an area of water, or a combination of land and water within a development site and designed and intended for the use or enjoyment of residents of a development, not including streets, off-street parking areas, and areas set aside for public facilities.

COMMUNICATIONS ANTENNA: A device used for radiating or receiving electromagnetic waves (especially microwaves and radio waves) including, without limitation, omnidirectional or whip antennas and directional or panel antennas, owned or operated by any person or entity licensed by the Federal Communications Commission (FCC) to operate such device. An antenna shall not include private residence-mounted satellite dishes or television antennas or amateur radio equipment including, without limitation, ham or citizen band radio antennas.

COMMUNICATIONS TOWER: A structure other than a building, such as a monopole, self-supporting or guyed tower, designed and used to support communications antennas when such structure exceeds fifty (50) feet in height from existing grade, including antennas.

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

CONDOMINIUM: A form of ownership regulated by the Condominium Act of 1980, as interpreted by and subject to the Pennsylvania Municipalities Planning Code.

CONSTRUCTION: The construction, reconstruction, renovation, repair, extension, expansion, alteration or relocation of a building or structure, including the placement of manufactured homes.

CONTRACTOR OFFICE GARAGE, OR SUPPLY YARD: The place of business for a carpenter, mason, plumber, electrician, excavator, or similar tradesman. The key aspects of this business are that most of the services rendered are completed on a site other than the business location. The business location is used for ancillary activities, such as billing and accounting, storage of construction materials for use on such other sites, and service and repair of the contractor's vehicles and equipment.

CONVERSION APARTMENT: A suite or rooms, consisting of at least one private bedroom, one additional habitable room, one separate and private bathroom and separate and private cooking facilities, designed or intended for occupancy as a separate residence, when one or more such suites are created within an existing single family dwelling.

CORRECTIONAL FACILITY OR HALFWAY HOUSE: A facility that provides lodging, meals, counseling, treatment, and rehabilitation to adjudicated delinquents, parolees, and individuals, with security to confine said persons.

COVERAGE: The percentage of a lot covered by buildings or structures, measured as gross floor area divided into lot area.

DAY CARE SERVICES: Provides out-of-home care for part of a 24-hour day to children under sixteen (16) years of age, excluding care provided by relatives and excluding day care furnished in places of worship during religious services. This Ordinance identifies three levels of Day Care Services for Children:

- A. Family Day Care Homes – Facilities in which child day care is provided at any one time to four (4), five (5), or six (6) children who are not relatives of the care giver. (Care of one (1) to twelve (12) children where the child care areas are not used as a family residence will be considered a Day Care Center.)
- B. Group Day Care Homes – Facilities in which care is provided for more than six (6) but less than twelve (12) children, at any one time, where the child care areas are being used as a family residence. [Care of one (1) to twelve (12) children where the child care areas are not used as a family residence will be considered a Day Care Center.]
- C. Day Care Centers – Facilities in which care is provided for seven (7) or more children, at any one time, where the child care areas are not used as a family residence.

Childcare for less than four (4) children will not be considered as Day Care Services. Day care for seniors or other persons in need will be considered the same use based upon number of such persons cared for.

DENSITY, GROSS: The area of a lot, a group of lots, or any given tract of land divided by the number of families or single-family dwelling units developed on the lot, group of lots or tract of land.

DENSITY, NET: The ratio of dwelling units to the area of a lot excluding areas dedicated for roads, streets, public utility easements and stormwater management facilities.

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

DEVELOPMENT: Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, the placement of manufactured homes, streets and other paving, utilities, filling, grading, excavating, mining, dredging or drilling operations.

DEVELOPMENT PLAN: The provisions for development, including a planned residential development, a plat of subdivision, all covenants relating to use, location and bulk of buildings and other structures, intensity of use or density of development, streets, ways and parking facilities, common open space and public facilities. The phrase “provisions of the development plan” when used in this Ordinance shall mean the written and graphic materials referred to in this definition.

DRIVEWAY: A private accessway to a parking area, garage, or structure.

DWELLING UNIT OR DWELLING: A building or portion thereof that contains lawful cooking and sanitary facilities intended for permanent occupation by one family. Subsets of Dwelling Unit include:

- A. Dwelling, Single Family – A detached or separate building designed for or occupied exclusively as a residence for one family.
- B. Dwelling, Duplex – A detached or separate building designed for or occupied exclusively by two families or individuals permanently living independently of each other with separate entrances and facilities.
- C. Dwelling Triplex or Quadriplex – A detached or separate type of multiple family dwelling designed for or occupied exclusively by three or four families or individuals living independently of each other with separate entrances and facilities at ground level.
- D. Dwelling, Multi or Multiple Family – A structure containing three or more separate dwelling units for families or individuals living independently of each other which may provide joint services and/or facilities but separate housekeeping, sanitary and cooking facilities. Such structures may be referred to as apartment, garden apartment, townhouse, triplex or quadriplex.
- E. Dwelling, Townhouse – A multiple family dwelling structure containing three or more dwelling units that each have at-grade entrances, but share common walls on no more than two sides.

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

ESSENTIAL SERVICES: The erection, construction, alteration, or maintenance by public utilities, municipal departments or commissions, including buildings, necessary or furnishing adequate services for public health, safety or general welfare. Shall not include private, nonpublic communication and related facilities.

EXCAVATION: Any act by which earth, sand, gravel, rock or any other similar material is dug into, cut, quarried, uncovered, removed, displaced, relocated or disturbed and any conditional resulting therefrom.

EXOTIC ANIMAL: Animal species of a type not considered or kept as domestic household pets or for commercial farm purposes. This definition includes the keeping of exotic wildlife as defined and regulated by the Pennsylvania Game Commission. The phrase “exotic wildlife” includes, but is not limited to, all bears, coyotes, lions, tigers, leopards, jaguars, cheetahs, cougars, wolves and any crossbreed of these animals which have similar characteristics in appearance or features. The definition is applicable whether or not the birds or animals were bred or reared in captivity or imported from another state or nation.

EXOTIC ANIMAL RAISING AND CARE: A Facility for the breeding, care, sales, or exhibition of exotic animals.

FAMILY: One or more persons related by blood, marriage or adoption, who live together as permanent residents in a single housekeeping unit and maintain a common household, or four (4) or fewer unrelated persons maintaining such a common household as permanent residents. Family shall also include permanent group homes for the handicapped or other permanent, family-like living arrangements for handicapped persons. For purposes of this Ordinance, the term “family” shall not include group residential facilities, day care/family homes, day care centers, transient guests, or institutional facilities.

FARM MARKET: Retail sales of farm products produced on site sold as an activity ancillary to primary farming functions. Sales of Farm products are limited to items produced upon the premises.

FLEA MARKET: A business which leases outdoor, tent or partially enclosed space to persons who wish to vend a variety of new and used goods for sale to the general public by displaying those goods on tables, in or on motor vehicles, or on the ground. This definition does not include farmers' markets, which sell produce, flowers, and similar agricultural products.

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

FRATERNAL AND PRIVATE SOCIAL CLUBS: Buildings and related facilities owned and operated by an association or group of individuals established for fraternal, social, educational, conservation, recreational or civic benefit of members. Full access to facilities is typically restricted to members and their guests. Facilities may include a clubhouse, dining facilities, golf courses, swimming, tennis, non-commercial shooting ranges when operated in daylight hours, primitive camping, or cabins. For the purposes of this Ordinance, this definition does not include miniature golf, golf driving ranges, paintball, commercial hunting, commercial motor sports, or other uses defined by this Ordinance as various forms of commercial recreation. It also shall not include any sexually oriented business or bottle club.

FRONTAGE: The front boundary line of a lot at the right-of-way facing a street. The front of a corner lot shall be considered: on the street that parallels the long dimension of a block; on the street of higher classification with respect to use; or, on the basis of the orientation of a majority of the other lots in the immediate vicinity.

FUNERAL HOME: A building or part thereof used for human funeral services. Such building may contain space and facilities for embalming and the performance of other services used in the preparation of the dead for burial (including cremation on-site in compliance with Commonwealth law), the performance of autopsies and other surgical procedures, the storage of caskets, funeral urns and other related funeral supplies, and the storage of funeral vehicles.

GARAGE: An accessory building commonly used for housing motor driven vehicles, upon the property of, and for the use of the occupants of the lot on which the garage is located.

GENERAL AND SPECIALTY RETAIL: The provision of goods for sale to the public within an enclosed building, including non-durable goods (such as food for preparation or consumption elsewhere), licensed pharmacists, and durable goods such as clothing, consumer electronics, or sporting goods. This definition does not include any sales of items to the public otherwise defined in this chapter for greater specificity, including but not limited to flea markets, farm markets, adult oriented establishments and sales of items kept outdoors.

GOVERNING BODY: The Board of Supervisors of the Township of New Sewickley, Beaver County, Pennsylvania.

GOVERNMENTAL AUTHORITIES: Any federal, state, or local governmental agency.

GRADING PLAN: A plan prepared by a Registered Professional Engineer showing final grade contours, excavation areas, fill or any combination thereof.

GREENHOUSE/NURSERY and LANDSCAPING SUPPLY: A retail sales establishment for the sale of materials, garden supplies, and related products and services, but not including the sale

of motorized machinery, tractors, mowing and related types of equipment, or mulch in bulk quantities unless stored within all required setback areas for the District.

GROSS FLOOR AREA (GFA): The sum of the floor areas of the spaces within the building, including basements, mezzanine and intermediate-floored tiers, and penthouses with headroom height of 7.5 ft. or greater. Excludes non-enclosed (or non-enclosable) roofed-over areas such as exterior covered walkways, porches, terraces or steps, roof overhangs, and similar features. Excludes air shafts, pipe trenches, and chimneys, and crawlspaces of less than five (5) Feet in height.

GROUP RESIDENTIAL FACILITY: An establishment that provides room and board to persons who receive supervised care limited to health, social, rehabilitative or housing services. Such facilities may include child and adult services for individuals not in need of hospitalization or incarceration, but who because of age, convalescence, infirmity, or related circumstances require such care. Group residential facilities shall include boarding homes for children, assisted living facilities, nursing homes, dormitories for students, and personal care homes for adults and similar uses licensed by the Pennsylvania Department of Public Welfare, provided the scope of all such operations shall be in conformance with the regulations of this Ordinance. Group residential facilities shall not include institutional facilities that offer transitional housing, Correctional facilities, halfway houses, child or adult day care centers, day care/family homes and similar uses.

HEAVY INDUSTRY: Shall include any industrial activity that does not meet the definition of "Manufacturing Product Assembly Limited Scope" as defined herein and shall include any manufacture, storage, processing, and treatment of materials which are potentially hazardous, or processes which produce significant amounts of smoke, noise, glare, or dust or odor as a primary or secondary effect of the principal use of the land or buildings Heavy Industry characteristically employs some of such equipment such as smokestacks, tanks, distillation or reaction columns, chemical processing equipment, scrubbing towers, pickling equipment and waste-treatment lagoons. Heavy industry, although conceivably operable without polluting the environment, has the potential to pollute when equipment malfunctions or human error occurs. Examples of heavy industry are oil refineries, basic steel manufacturing plants (such as foundries, blast furnaces, and stamping mills), industries handling animal offal or hides, basic cellulose pulp-paper mills and similar fiberboard and plywood production, production of cement and asphalt, lime manufacturing, ore and metal smelting and refining, natural gas distillation and bulk storage, and chemical plants such as petrochemical complexes. An incinerator structure or facility which, including the incinerator, contains five thousand (5,000) square feet or more, whether public or private, is "heavy industry" for purpose of this Ordinance, as is any electric power production plant which is a principal use, whether said power is generated by coal, natural gas, cogeneration or Utility Scale Alternative Energy.

HOME GARDENING: The cultivation of herbs, fruits, flowers or vegetables on a piece of ground adjoining the dwelling for use of *the* residents therein.

HOME OCCUPATION: Any use customarily carried on entirely within a dwelling, by the occupants thereof, which use is clearly incidental and subordinate to the use of the dwelling for dwelling purposes and does not change the residential character thereof. Examples include, but are not limited to: professional services, such as legal, financial, accounting or engineers, barber and beauty shops, and studios of artists or writers. In the pursuit of such activities, all operations shall be free of any procedures which could be construed as adversely

influencing surrounding residential uses because of noise, vibration, smoke, electrical interference, odor or similar conditions.

HOME-LOT OCCUPATION: A form of light manufacturing or service or repair business conducted as accessory to a home or farm by an owner resident within a building and upon a lot containing the owner resident's dwelling. This may include woodworking enterprises, repair services such as welding or machinery repair, and incidental retail sales of items generally produced on the premises. This definition may also include incidental retail sale of items produced or repaired upon the premises.

HOSPITAL OR CLINIC: Any premises, having an organized medical staff and providing equipment and services primarily for medical care to persons who require definitive diagnosis and/or treatment for illness, injury or other disability or during or after pregnancy, and which also regularly makes available at least clinical laboratory services, diagnostic X-ray services and definitive clinical treatment services. The term shall include such premises providing either diagnosis or treatment, or both, for specific illnesses or conditions.

HOTEL, MOTEL: A facility in which transient lodging accommodations is provided and offered to the general public or to a select group of patrons for compensation and may include additional services such as restaurants, meeting rooms, entertainment or recreational facilities.

JUNK: Any discarded material or article and shall include, but not be limited to, scrap metal, abandoned or junked motor vehicles or vehicle parts, machinery or machinery parts, papers, glass, plastic, bulk waste cardboard or paper and related items, containers, or partially dismantled structures or parts thereof. It shall also include a partially dismantled motor vehicle not bearing current registration plates and which is not in the process of ongoing and immediate repair. It shall not include garbage or hazardous or toxic waste material.

JUNKYARD: The use of more than two hundred (200) square feet of the area of any lot, whether inside or outside a building, for storage keeping, recycling, accumulation or abandonment of junk, including scrap material, or for the dismantling, demolition or abandonment of automobiles or other vehicles, machinery or parts thereof. This term shall include scrap yards, salvage yards and recycling centers.

KENNEL: A facility for care of canines when licensed as such by the Pennsylvania Department of Agriculture or the keeping of five (5) or more dogs upon a lot; whether such dogs are housed within a dwelling or not. For the purpose of this Ordinance the keeping of more than five (5) such animals shall be deemed a commercial kennel whether operated for economic gain or not.

LANDOWNER: The legal or beneficial owner or owners of land including the holder of an option or contract to purchase (whether or not such option or contract is subject to any condition), a lessee if he is authorized under the lease to exercise the rights of the landowner, or other person having a proprietary interest in land.

LOADING SPACE: A space within the main building or on the same lot therewith providing for the standing, loading, or unloading of vehicles.

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

LOT AREA: The horizontal surface area within the lines of the lot.

LOT, CORNER: A lot, abutting two (2) or more streets at their intersection, on which the building line for all streets must be observed.

LOT COVERAGE: See "COVERAGE"

LOT LINE, FRONT: The line contiguous with the street right-of-way line.

LOT LINE, REAR: The line generally parallel to the front lot line, which defines the rear of the lot.

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

LOT WIDTH: A measurement of the lot comprising the linear dimension measured from each side property line and taken at the setback line.

MANUFACTURING, PRODUCT ASSEMBLY/LIMITED SCOPE: The processing, handling or fabrication of materials and products where no processes are involved that will produce noise, vibration, air pollution, fire hazard, noxious emission, or other operating characteristics which will disturb or endanger properties beyond established boundaries of the property upon which the activity is occurring.

MINERALS: Any aggregate or mass of mineral matter, whether or not coherent. The term includes, but is not limited to, limestone and dolomite, sand and gravel, rock and stone, earth, fill, slag, iron ore, zinc ore, vermiculite and clay, anthracite and bituminous coal, coal refuse, peat and crude oil and natural gas. (MPC)

MINERAL EXCAVATION: Mineral excavation shall include all activity which removes from the surface or beneath the surface of the land some material mineral resource, natural resource or other element of economic value, by means of mechanical excavation necessary to separate the desired material from an undesirable one; or to remove the strata or material which overlies or is above the desired material in its natural condition and position. Open pit mining includes, but is not limited to, the excavation necessary to the extraction of: sand, gravel, topsoil, limestone, sandstone, coal, clay, shale and iron ore. This definition does not include Oil and Natural Gas Development as defined and regulated under Article 9 of this Ordinance.

MINI WAREHOUSE (Self-Storage Facility): A building or portion thereof designed and used for storing personal property of an individual or family separate from their residential site.

MOBILE HOME/MANUFACTURED HOME: A transportable, single family dwelling intended for permanent occupancy, contained in one unit, or in two or more units designed to be joined into one integral unit capable of again being separated for repeated towing, which arrives at a site complete and ready for occupancy except for minor and incidental unpacking and assembly operations, and constructed so that it may be used without a permanent foundation.

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

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

MODULAR HOME: A factory fabricated transportable building unit, other than a mobile home, designed to be used independently or incorporated with similar units into a modular structure on a permanent foundation at a permanent building site.

MULTIPLE FAMILY DWELLING: See “Dwelling Unit”

MUNICIPAL AUTHORITY: A body politic and corporate created pursuant to the act of May 2, 1945 (P.L.382, No. 164), 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 GOVERNMENT FACILITY: A building or structure used for the conduct of government services (including police, fire, utilities, and maintenance) by the Township, an authority created by the Township, or the County of Beaver.

MUNICIPAL WASTE LANDFILL: A facility which contains structures to permanently and safely store garbage, refuse, industrial, commercial, or office waste and other material, including solid, liquid, semisolid or contained gaseous material resulting from operation of residential, municipal, commercial, industrial or institutional establishments and from community activities, and sludge not meeting the definition of “residual” or “hazardous waste” under commonwealth law from a municipal, commercial or institutional water supply treatment plant, wastewater treatment plant or air pollution control facility. This definition includes waste disposal wells.

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

- A. The business activity shall be compatible with the residential use of the property and surrounding residential uses.
- B. The business shall employ no employees other than family members residing in the dwelling.
- C. There shall be no display or sale of retail goods and no stockpiling or inventory of a substantial nature.
- D. There shall be no outside appearance of a business use, including, but not limited to, parking, signs or lights.
- E. No on-site parking of commercially identified vehicles shall be permitted.
- F. The business activity may not use any equipment or process which creates noise, vibration, glare, fumes, odors, or electrical or electronic interference, including interference with radio or television reception, which is detectable in the neighborhood.
- G. The business activity may not generate any solid waste or sewage discharge, in volume or type, which is not normally associated with residential use in the neighborhood.
- H. The business activity shall be conducted only within the dwelling and may not occupy more than 25% of the habitable (gross) floor area.
- I. The business may not involve any illegal activity.

*The Township may utilize all commonly available information in making this determination.

NON-BUILDING LOT: A lot proposed for creation under the Township Subdivision and Land Development Ordinance which, by virtue of present and proposed use has no current or future need for sewage facilities and has completed a request for planning waiver and non-building declaration.

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.

NUDITY: The showing of the human male or female genitals, pubic area, or buttocks with less than a fully opaque covering, or the showing of the female breast with less than a fully opaque covering of any portion thereof below the top of the nipple, or the depiction of covered male genitals in a discernible turgid state.

OCCUPANCY PERMIT: A permit issued by the Zoning Officer or Uniform Construction Code Officer setting forth that a building, structure, or parcel of land is in compliance with the Ordinance and other applicable codes, and may lawfully be occupied or employed for specified uses.

OFFICE: A facility in which services, clerical work, professional duties and similar functions are carried.

PENNSYLVANIA MUNICIPALITIES PLANNING CODE: The Pennsylvania Municipalities Planning Code, Act 247 of 1968, Act 170 of 1988 and subsequent amendments) and amendments of same as may be adopted from time to time.

PERMANENT RESIDENT: A person who owns residential real estate in the Township of New Sewickley which they regard as their residence for the purpose of voting, or maintains a domicile at such real estate under the Pennsylvania Code with regards to personal or Commonwealth income tax, or is in the process of establishing residency for such purposes within a period of Sixty (60) days, or any lawful tenant maintaining such domicile for said purposes. Minor persons related by blood, marriage or adoption, or within foster care arrangements shall be regarded as permanent residents if they reside within the dwelling with an adult person regarded as their parent or legal guardian.

PERMITTED USE: A use by right, which is specifically authorized for a particular zoning district.

PERSONAL SERVICE: Any enterprise conducted for man which primarily offers services to the general public, such as: shoe repair, valet services, clothing alternations, barber shops, beauty parlors, tanning salons, exercise and fitness studios, pet grooming (when not including

overnight kenneling) and therapeutic massage services, further defined as:

- A. Any establishment offering massage services provided by any person licensed as a practitioner by the State Board of Massage Therapy; or
- B. when a practitioner is statutorily exempt from state licensure, they shall hold an independent board certification such as The American Organization for Bodywork Therapies of Asia or the American Reflexology Certification Board; or
- C. the services are offered within a premises, and under the supervision of another licensed practitioner, such as a physical therapist, chiropractor, or barber/beautician; and
- D. that under no circumstances shall the practitioner appear or provide services in a state of nudity or semi-nudity.

PLACE OF WORSHIP AND ASSEMBLY: A place of religious instruction or indoor public gathering and assembly, which may include incidental instruction, office and charitable activities. Examples include Churches, Synagogues, Mosques and Temples, places of meeting for various groups, indoor museums and libraries. This definition does not include a public school, university, college, trade or commercial school, day care services, provision of food to the general public on a regular basis, or any form of group residence or halfway house.

PLANNED RESIDENTIAL DEVELOPMENT: An area of land, controlled by a landowner, to be developed as a single entity for a number of dwelling units, or combination of residential and nonresidential uses, the development plan for which does not correspond in lot size, bulk, type of dwelling, or use, density, or intensity, lot coverage and required open space to the regulations established in any one district created, from time to time, under the provisions of a municipal zoning ordinance.

PRINCIPAL USE: The major, primary, or dominant use of a structure, lot or land parcel.

PLOT: A tract or parcel of land. See definition for LOT.

PROFESSIONAL CONSULTANTS: Persons who provide expert or professional advice, including, but not limited to, architects, attorneys, certified public accountants, engineers, geologists, land surveyors, landscape architects or planners.

PROFESSIONAL OFFICE: An office or business conducted by an individual, group or association dealing with medicine, law, accounting, real estate, architecture, engineering, finance, data processing, administration, or similar and related services. This definition also includes business offices where such services are rendered for other business activities located elsewhere.

PUBLIC: Public includes any use, activity owned and/or operated by federal, state, county or local governmental units, agencies and branches thereof.

PUBLIC HEARING: A formal meeting held pursuant to public notice by the Board of Supervisors or the Planning Commission to inform and obtain public comment prior to taking action in accordance with this Ordinance.

PUBLIC MEETING: A forum held pursuant to notice under 65 PA C.S., Ch. 7, the Act of July 3, 1986, P.L. 388, No. 84, known as the "Sunshine Act."

PUBLIC NOTICE: Notice published once each week for two 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.

RECREATION: For purposes of this Ordinance, recreation shall be defined as follows:

- A. Recreation, Public – Developed or undeveloped open spaces and/or structures and facilities which are provided by a governmental body or an authority created by such a body for public use for the purposes of play, amusement, relaxation or cultural pursuits. Such uses may include sports facilities, entertainment sites, parks, assembly buildings, agricultural exhibition grounds, passive areas, gardens and related amenities and activities.
- B. Recreation, Commercial Indoor – Indoor facilities for leisure time activities that are provided as a business pursuit, including facilities open to the public and those requiring membership, and including but not limited to, indoor theaters, lodges, fraternal organizations, bowling alleys, indoor skating facilities and similar uses and activities.
- C. Recreational, Commercial Outdoor – Outdoor facilities for leisure time activities that are provided as a business pursuit, including outdoor facilities open to the public and those requiring membership, and including but not limited to, swimming pools, tennis courts, riding stables, drive-in theaters, golf courses, and similar uses and activities.
- D. Recreation, Private – Developed or undeveloped open spaces and/or structures and facilities which are provided by individuals or private organizations for the use of specified individuals or groups of individuals sharing common relationships or associations for the purposes of play, amusement or relaxation. Such uses may include sports facilities, parks, assembly buildings, passive areas, gardens and related amenities and activities.
- E. Recreation, Outdoor Intensive – Outdoor Recreation facilities involving participation or spectator involvement in motorsports, commercial outdoor shooting ranges, amplified outdoor musical entertainment, or a tract or area used principally as a location for permanent amusement structures or rides.

RECREATIONAL CAMPGROUND: An area or tract of land on which accommodations for temporary occupancy are located or may be placed, including cabins (which may lack plumbing or toilet facilities) tents, and recreational vehicles. (See also definition of recreational vehicle)

RECREATIONAL VEHICLE: Any licensed or unlicensed trailer or other vehicle designed or used for temporary living or sleeping purposes, regardless of whether the wheels are attached or unattached or a permanent or semi-permanent foundation is constructed underneath. “Camping and recreational vehicle” shall include, but not be limited to, travel trailers, pickup coaches, motorized homes and recreation transport trailers and shall be defined as follows:

- A. Travel Trailer – A vehicular, portable structure built on a chassis designed to be used as a temporary dwelling for travel, recreational and vacation purposes, and when equipped for the road, must be licensed.
- B. Pickup Coach – A structure designed primarily to be mounted on a pickup or truck chassis with sufficient equipment to render it suitable for use as a temporary dwelling for travel, recreational and vacation uses.

- C. Motor Home – A motorized vehicle with sufficient equipment to render it suitable for use as a temporary dwelling of travel, recreational and vacation uses. Such units must be licensed and inspected.

RESTAURANT OR BAR: An establishment where refreshments, meals or prepared foods and drink may be obtained by the public for dining within a building or upon the premises, or prepared and packaged for immediate consumption elsewhere (commonly known as takeout). This definition also includes a limited winery, brewery, or distillery license as defined by the Pennsylvania Liquor Control Board.

RIGHT-OF-WAY: Land reserved for use as a street, alley, interior walk, or other public purpose and dedicated for public use. For purposes of this Ordinance, dedicated public right-of-way lines shall prevail over private parcel lines that are designated as falling within the public right-of-way. When a lot abuts a right-of-way of a public thoroughfare or alley, all applicable lot area and front, side, and rear lot requirements shall be computed from the public right-of-way line.

RURAL RESOURCE AREA: An area described in a municipal or multimunicipal plan within which rural resource uses including, but not limited to, agriculture, timbering, mining, quarrying and other extractive industries, forest and game lands and recreation and tourism are encouraged and enhanced, development that is compatible with or supportive of such uses is permitted, and public infrastructure services are not provided except in villages.

SCREEN PLANTING: An arrangement of fencing, walls or vegetative material of sufficient height and density to conceal from view of property owners in adjoining lots the structures and uses on the premises on which the screen is located.

SCHOOLS, PRIMARY AND SECONDARY WHEN RECOGNIZED BY THE COMMONWEALTH: A government or other entity that provides standardized educational services in a building open to students from the grades between kindergarten and twelfth grade, and recognized as providing such education to at least a minimum standard by the Pennsylvania Department of Education.

SERVICE STATION: A building, buildings, premises, or portions thereof which are used for the sale of gasoline or other fuel for motor vehicles, as well as automobile repair and servicing and convenience retail. Service Stations may include eating and drinking places as an accessory to other convenience retail and fuel sales.

SETBACK: The distance that a structure is located from a right-of-way or property line or another structure, thereby creating an open space on a lot.

SOLAR ENERGY SYSTEM: Any solar collector panel(s), film(s), shingle(s), or other solar energy device(s), or solar structural component(s), mounted on a building or on the ground and including other appurtenant structures and facilities, whose primary purpose is to provide for the collection, storage, and distribution of solar, or radiant, energy received from the sun and used for heating or cooling, for water heating, and/or for generation of electricity. A Solar Energy System may be ground-mounted (i.e., placed on top of the ground surface) or roof-mounted (i.e., placed on or as an integral part of a building).

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, Act 247, as amended.

STEALTH TECHNOLOGY: Design techniques used to blend building mounted telecommunications antennas into the surrounding environment and to minimize the visual impact as much as possible. These design techniques are applied to blend the proposed facility into the existing structure or visual backdrop in such a manner as to render it less visible to the casual observer. Such methods include, but are not limited to, architecturally screened roof-mounted antennas, building-mounted antennas painted to match the existing structure and facilities constructed to resemble architectural features.

STORY: That portion of a building included between the surface of any floor and the surface of the floor next above it, or if there is no floor above it, then the space between the floor and the ceiling next above it.

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.

STREET CLASSIFICATION: The following street classifications shall apply to all streets in the Township:

- A. Expressway – Expressways are limited access freeways that carry through traffic between major urban centers and to and from points outside of a region with no local interference.
- B. Arterial – Arterials carry major movements of traffic within or through the community.
- C. Collector – Collectors carry the internal traffic movements within the Township and connect developed areas with the arterial system. The collector system simultaneously provides abutting property with road access and accommodates local internal traffic movements.

STREET LINE: The line defining the edge of the legal width of a dedicated street right-of-way.

STRUCTURAL CHANGE: For purposes of this Ordinance, remodeling or improvement of an existing structure that does not create additional lot area coverage or change the orientation of the structure on the parcel shall not be deemed structural change.

STRUCTURE: Any man-made object having an ascertainable stationary location on or in land or water, whether or not affixed to the land.

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

SUBSTANTIAL IMPROVEMENT: Any modification, alteration, reconstruction or improvement of any kind to an existing structure, to an extent or amount of fifty percent (50%) or more of its market value.

TATTOO AND BODY PIERCING STUDIO: A business that inscribes any indelible design, letter, scroll, figure, symbol, or other mark placed with the aid of needles or other instruments; or any design, letter, scroll, figure, or symbol done by scarring upon or under the skin or the

perforation of any human body part other than an earlobe for the purpose of inserting jewelry or other decoration or for some other nonmedical purpose.

THEATRES, PLAYHOUSES AND BANQUET HALLS: A building that houses an indoor auditorium for live or film performances, or a gathering place for periodic social events by prearranged appointment for invited groups of people, but is not a bottle club and does not feature performances of sexually explicit entertainment. This definition includes facilities where food cooked off-site is served on site, or may include commercial food preparation facilities, but shall not keep regular hours to accommodate the general public unless approved as a restaurant or bar.

TRACT: A lot, or contiguous group of lots in single ownership or under single control, and usually considered a unit for purposes in development.

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. (MPC)

TRUCK TERMINAL: A facility designed to accommodate the service and storage of trucks, and which may also provide warehousing activities or transfer of material from one site to another.

TRANSIENT GUEST: A transient person who maintains legal residency elsewhere or otherwise does not meet expectations of permanent residency, but may be lodging in the Township under a commercial basis for a period of less than thirty (30) days. No more than three (3) transient Guests shall occupy any dwelling or dwelling unit at any one time unless approved as a bed and breakfast.

TRANSIENT VENDER: A person selling produce from an agricultural operation which is not located within New Sewickley Township, or a person selling any other good or service from a motor vehicle or trailer licensed to travel the highways of the Commonwealth (except within an approved flea market).

TRANSITIONAL HOUSING FACILITY: A structure whose Principal Use is to provide shelter for more than a 12 hour period to two (2) or more persons who are homeless, subject to abuse, under a protection from abuse order, or whom otherwise need transitional housing, but are not persons in group housing due to being adjudicated a juvenile delinquent, having a criminal record, or have a status as a sex offender, or persons who currently use illegal drugs, or persons who have been convicted of the manufacture or sale of illegal drugs, or persons with or without disabilities who present a direct threat to the persons or property of others. (See also Correctional Facility or Halfway House.)

USE: The purpose of the activity for which the land or building thereon is designed, arranged or intended, or from which it is occupied or maintained. The term "permitted use" or "use by right" or its equivalent shall not be deemed to include any nonconforming use.

UTILITY SCALE ALTERNATIVE ENERGY SYSTEM: Any commercially-sized or -scaled Solar or Wind Energy Conversion System; wherein; (1) the System is the principal use on the property and its operator has signed an official agreement of power purchase with a utility provider, (2) it produces energy in excess of one-hundred-twenty-five (125) percent (%) of the energy needed by the property's principal use (3) it produces energy for a property used activities otherwise defined as for "Manufacturing/ Product Assembly Limited Scope" or "Heavy Industry".

VARIANCE: Relief granted pursuant to the provisions of Articles VI and IX of the Pennsylvania Municipalities Planning Code, Act 247, as amended.

VEHICLE – ABANDONED/JUNKED/DISABLED: A vehicle from which the wheels, engine or other vital component has been removed, or which is not in operating condition or does not have a current valid Commonwealth vehicle license and/or required inspection.

VEHICLE SALES AND SERVICES: Facilities for the sale and service of vehicles, includes used car and truck dealers, factory authorized car and truck dealers, mobile home dealers, self-propelled or towed recreational vehicles and boat dealers, farm or construction equipment dealers, or similar automotive related dealers.

VETERINARY OFFICE: An establishment that provides for the treatment and prevention of diseases and injuries in domestic animals together with related boarding of said animals.

WIND ENERGY CONVERSION SYSTEM (WECS): Any electric generation facility, whose main purpose is to convert and store wind energy into usable forms of energy and that includes the wind turbine(s), structural supports, electrical infrastructure, and other appurtenant structures and facilities. A Wind Energy System may be freestanding (i.e., placed on top of the ground surface) or Building -mounted. Utility Scale Alternative Energy Systems shall be regarded as "Heavy Industry", and shall meet Section 438.

YARD: A space on the same lot with a principal structure, open, unoccupied, and unobstructed by structures, except as may be otherwise provided in this Ordinance.

- A. Yard, Front – A yard extending across the full width of the lot, unoccupied other than by steps, walks, terraces, driveways, lamp posts and similar improvements, the depth of which is the least distance between the front lot at the right-of-way line and the building line.
- B. Yard, Rear – A yard extending across the full width of the lot between the rear of the principal building and the rear lot line, unoccupied other than by steps, walks, terraces, driveways, lamp posts and similar improvements.
- C. Yard, Side – A yard between the principal structure and the side lot line, extending from the front yard, or from the front line where no front yard is required, to the rear yard. The width of the required side yard is measured horizontally, at ninety degrees (90°) with the side lot line, from the nearest part of the principal building.

ZONING MAP: The Official Zoning Map or Maps of New Sewickley Township, which are part of this Ordinance, together with all amendments subsequently adopted.

ZONING HEARING BOARD: The Board appointed by the New Sewickley Township Supervisors and assigned the duties of judging various appeals and variance requests of persons aggrieved by the interpretation of this Ordinance, and further, assigned to consider

the qualification of special exceptions under the terms and conditions specified in this Ordinance.

ZONING OFFICER: The individual authorized by the New Sewickley Township Supervisors to be the administrator of the day to day administration of the provisions contained in this Ordinance.

ZONING PERMIT: A statement signed by the Zoning Officer indicating that the application for permission to construct or alter is approved and in accordance with the requirements and standards of this Ordinance.

ARTICLE 3
General Provisions and Establishment of Districts

Section 300 Zoning Districts

For the purpose of applying the provisions of this Ordinance, the Township of New Sewickley is hereby classified and divided into the following zoning districts:

RA - Residential Agricultural District

MDR - Mixed Density Residential District

GC - General Commerce District

LI - Light Industrial District

TND - Traditional Neighborhood Development

300.1 Zoning Map

The location of the boundaries of these established Zoning Districts are shown on the Official Zoning Map adopted by the Board of Supervisors as an inherent part of this ordinance. The Official zoning map shall be kept on file in the office of the Township Secretary. Said Official Zoning Map, together with amendments and all explanatory matter thereon, shall be deemed to accompany, be, and is hereby made a part of this Ordinance.

Section 301 Interpretation of District Boundaries.

District boundaries shall be determined as follows:

- A. Where district boundaries are indicated as approximately following the centerlines of streets, highways, street lines, highway right-of-way lines, or streams, such center lines shall be construed to be such boundaries.
- B. Where district boundaries are indicated as approximately following lot lines, such lot lines shall be construed to be such boundaries.
- C. Where the boundary of a district follows a stream or other body of water abutting another municipality, the boundary shall be deemed to be the limits of jurisdiction of the Township unless otherwise indicated.
- D. Where streets, property lines or other physical boundaries and delineations are not applicable, boundaries shall be determined by the scale shown on the original Zoning Map on file in the office of the Township Secretary.
- E. Where physical or cultural features existing on the ground are at variance with those shown on the Zoning Map, or in other circumstances not covered in this Section, the Zoning Hearing Board shall interpret the district boundary.

Section 302 Use of Property

Following the effective date of this Ordinance, no building or land shall be used or occupied and no building or part thereof shall be erected, moved or altered unless in conformity with the regulations specified for the Zoning District in which it is located, or applicable special regulations.

Section 303 Restrictions

- A. Following the effective date of this Ordinance, no building shall hereafter be erected or altered:
 - (1) To exceed the height.
 - (2) To accommodate a greater number of families.
 - (3) To occupy a greater percentage of lot area, or to have narrower or smaller rear yards, front yards, or side yards than are specified in this Ordinance for the Zoning District in which such building is located.
- B. No part of a yard or other open space required about any building for the purpose of complying with the provisions of this Ordinance shall be included as a part of a yard or other open space similarly required for another building.

USES NOT SPECIFICALLY LISTED - Any use which is not listed in any zoning district within the confines of the Township may be approved as a conditional use within the confines of the LI Light Industrial District by the Board of Supervisors.

Section 304 RA Residential Agricultural District

304.1 Statement of Purpose and Use Summary

The RA Residential Agricultural District is established as a rural resource area and residential district in order to accommodate residential development while still maintaining a rural setting and traditional rural uses.

TABLE 304A RA RESIDENTIAL AGRICULTURAL DISTRICT , List of Uses	
PERMITTED PRINCIPAL USES	CONDITIONAL USES
Agricultural Operation	Bed and Breakfast (See Section 406)
Commercial Stable	Conversion Apartment (See Section 422)
Duplex Dwelling	Agricultural Sales and Services (See Section 410)
Farm Market (See Section 409)	Home Lot Occupation (See Section 432)
No-Impact Home-Based Business	Home Occupation (See Section 424)
Greenhouse, Nursery and/or Landscaping Supply (See Section 413)	Group Residential Facility (See Section 414)
Municipal Government Facility	Multiple Family Dwelling (See Section 416)
Public Recreation	Professional Offices (See Section 418)
Place of Worship and Assembly	Planned Residential Development (See Article 7)
Single Family Dwelling	Recreation, Private Commercial Indoor or Outdoor, but not Intensive (See Section 419)
Forestry (See Section 428)	Schools, Primary and Secondary when recognized by the Commonwealth (See Section 429)
	Veterinary Offices (See Section 427)
	Kennel (See Section 427)
For Standards for Oil and Gas Development in this District, refer to Article 9	

Table 304B Lot and Dimensional Requirements for the RA Residential Agricultural District

Use	Minimum Lot Size	Minimum Lot Width	Minimum Front Yard Setback	Minimum Side Yard Setback	Minimum Rear Yard Setback	Maximum Lot Coverage	Maximum Height*
Single Family Dwelling#	45,000 square feet	150 feet	40 feet	20 feet	40 feet	35%	35 feet
Kennel	5 acres	150 feet	40 feet	100 feet	100 feet	35%	35 feet
Commercial Stable, Agricultural Operation, or Home Lot Occupation	10 acres	150 feet	40 feet	40 feet	40 feet	35%	35 feet*
Duplex Dwelling	65,000 square feet	200 feet	40 feet	40 feet	40 feet	35%	35 feet
All other Permitted Uses in District	3 acres	200 feet	40 feet	40 feet	40 feet	35%	35 feet
Conditional Uses unless otherwise specified under standards for said use	5 acres	200 feet	40 feet	40 feet	40 feet	35%	35 feet

Includes No-impact home based business, homes occupations, and family or group day care. Where Public Sewer is Present, Minimum Lot size for Single Family Dwellings may be decreased by 50% and rear yard setbacks reduced to 20 feet.

* Silos and similar structures for grain storage and structures used exclusively for agricultural operations are not subject to height limitation, but must be set back from all property lines by the height of the structure.

Section 305 MDR Mixed Density Residential District

305.1 Statement of Purpose and Use Summary

The MDR Mixed Density Residential District is established to provide a wide range of housing types at various densities in a rural resource area setting.

TABLE 305A MDR MIXED DENSITY RESIDENTIAL DISTRICT , List of Uses	
PERMITTED PRINCIPAL USES	CONDITIONAL USES
Agricultural Operation	Day Care Services (See Section 423)
Duplex Dwelling	Communications Tower (See Section 426)
No-Impact Home-Based Business	Bed and Breakfast (See Section 406)
Municipal Government Facility	Conversion Apartment (See Section 422)
Public Recreation	Farm Market (See Section 409)
Place of Worship and Assembly	Agricultural Sales and Services (See Section 410)
Single Family Detached Dwelling	Home Occupation (See Section 424)
Forestry (See Section 428)	Group Residential Facility (See Section 414)
Townhouse Development (See Section 416)	Multiple Family Dwelling Other than Townhouse Triplex or Quadriplex (See Section 416)
Triplex, or Quadriplex Dwellings (See Section 416)	Professional Offices (See Section 418)
	Planned Residential Development (See Article 7)
	Recreation, Private Commercial Indoor or Outdoor, but not Intensive (See Section 419)
	Schools, Primary and Secondary when recognized by the Commonwealth (See Section 429)
	Veterinary Offices (See Section 427)
	Theatres and Playhouses (See Section 431)
	Mini Warehouse Facilities (See Section 415)
	Greenhouse/Nursery and/or Landscaping Supply (See Section 413)
For Standards for Oil and Gas Development in this District, refer to Article 9	

Table 305B Lot and Dimensional Requirements for the MDR Mixed Density Residential District

Use	Minimum Lot Size	Minimum Lot Width	Minimum Front Yard Setback	Minimum Side Yard Setback	Minimum Rear Yard Setback	Maximum Lot Coverage	Maximum Height*
Single Family Dwelling#	45,000 square feet	150 feet	40 feet	20 feet	40 feet	35%	35 feet
Place of Worship and Assembly	45,000 square feet	150 feet	40 feet	20 feet	40 feet	35%	35 feet
Commercial Stable or Agricultural Operation or Agricultural Sales and Services	10 acres	150 feet	40 feet	40 feet	40 feet	35%	35 feet*
Duplex Dwelling, Triplex, Quadriplex, Townhouse#	45,000 square feet plus 25,000 per unit	200 feet	40 feet	40 feet (Between blocks for Townhouse)	40 feet	35%	35 feet
All other Permitted Uses in District	3 acres	200 feet	40 feet	40 feet	40 feet	35%	35 feet
Conditional Uses unless otherwise specified under standards for said use	5 acres	200 feet	40 feet	40 feet	40 feet	35%	35 feet

Includes No-impact home based business, homes occupations, and family or group day care. Where Public Sewer is Present, Minimum Lot size for Single Family Dwellings may be decreased by 50% and rear yard setbacks reduced to 20 feet. Minimum lot size for Multiple Family dwellings may be reduced by 30% if served by Public Sewer.

* Silos and similar structures for grain storage and structures used exclusively for agricultural operations are not subject to height limitation, but must be set back from all property lines by the height of the structure.

Section 306 GC General Commercial District

306.1 Statement of Purpose and Use Summary

The GC General Commercial District is established to provide for a wide variety of retail and related business activities to service both Township residents and the regional community.

TABLE 306A GC GENERAL COMMERCIAL DISTRICT , List of Uses	
PERMITTED PRINCIPAL USES	CONDITIONAL USES
Agricultural Operation	Transitional Housing Facility (See Section 434)
Bank/Financial Services	Agricultural Sales and Services (See Section 410)
Professional Office	Ancillary Residential (See Section 425)
Farm Market (See Section 409)	Vehicle Sales and Service Station, (Inc. Convenience Store) and/or Car Wash (See Section 405)
General and Specialty Retail	Bed and Breakfast (See Section 406)
Home Based Business (No Impact)	Conversion Apartment (See Section 422)
Home Occupation (See Section 424)	Day Care Services (See Section 423)
Recreation, Commercial Indoor	Duplex Dwelling (See Section 433)
Municipal Government Facility	Mini Warehouse Facilities (See Section 415)
Personal Services	Multiple Family Dwelling (See Section 416)
Recreation, Public	Planned Residential Development (See Article 7)
Place of Worship and Assembly	Recreation, Private Commercial Indoor or Outdoor, but not Intensive (See Section 419)
Single Family Dwelling	Planned Business Park (See Section 408)
Forestry (See Section 428)	Manufacturing, Product Assembly/Limited Scope (See Section 440)
Restaurants and Bars	Hospitals and Clinics (See Section 407)
Theatres and Playhouses	Kennel (See Section 427)
Veterinary Office	
Hotel or Motel	
Funeral Homes	
Contractor Office, Garage, or Supply Yard	
For Standards for Oil and Gas Development in this District, refer to Article 9	

Table 306B Lot and Dimensional Requirements for the GC General Commercial District

Minimum Lot size may be decreased by 50% if served by Public Sewer

Use	Minimum Lot Size	Minimum Lot Width	Minimum Front Yard Setback	Minimum Side Yard Setback	Minimum Rear Yard Setback	Maximum Lot Coverage	Maximum Height
Professional Offices, Bank and Financial Services, General and Specialty Retail, all other permitted uses unless noted	45,000 square feet	200 feet	40 feet	20 feet	40 feet	35%	35 feet
Restaurants and Bars,	65,000 square feet	200 feet	40 feet	20 feet	40 feet	35%	35 feet
Conditional Uses unless otherwise specified under standards for said use	90,000 square feet	200 feet	40 feet	40 feet	40 feet	35%	35 feet

Section 307 LI Light Industrial District

307.1 Statement of Purpose and Use Summary

The LI Light Industrial District is established to provide for a mix of light industry and heavy commerce in areas of the community where it will not conflict with less intense land uses and where adequate area wide highway access is available along the municipal perimeter.

TABLE 307A LI LIGHT INDUSTRIAL DISTRICT , List of Uses	
PERMITTED PRINCIPAL USES	CONDITIONAL USES, Continued
Manufacturing, Product Assembly Limited Scope	Adult Oriented Establishment (See Section 403)
Place of Worship and Assembly	Vehicle Sales and Service and/or Car Wash (See Section 405)
Building Material and Supply Sales and Storage Yards	Planned Business Parks (See Section 408)
Professional Office	Cemetery, Mausoleum (See Section 437)
Forestry (See Section 428)	Heavy Industry (See Section 438)
Greenhouse/Nursery and/or Landscaping Supply (See Section 413)	Mini Warehouse Facility (See Section 415)
Bank/Financial Services	Fraternal and Private Social Clubs (See Section 411)
General and Specialty Retail	Theatres and Playhouses (See Section 431)
Truck Terminals	Bottle Clubs (See Section 442)
Hospitals and Clinics (See Section 407)	Communications Tower (See Section 426)
Municipal Government Facility	Correctional Facility and/or Halfway House (See Section 441)
Contractor Office, Garage, or Supply Yard	Commercial Recreation, Outdoor Intensive (See Section 419)
Single Family Detached Dwelling	Junkyards, Salvage and Recycling Centers (See Section 443)
Agricultural Sales and Service	Transitional Housing Facility (See Section 434)
Agricultural Operations	Recreational Campgrounds (See Section 435)
Restaurants and Bars	Municipal Waste Landfill (See Section 417)
Veterinary Office	Mineral Excavation (See Section 420)
Hotel or Motel	Auction Barn (See Section 404)
Personal Services	Exotic Animal Raising and Care (See Section 436)
Funeral Homes	Flea Markets (See Section 439)
CONDITIONAL USES	Mobile Home Parks (See Section 430)
Tattoo and Body Piercing Studio (See Section 444)	Kennel (See Section 427)
For Standards for Oil and Gas Development in this District, refer to Article 9	

Table 307B Lot and Dimensional Requirements for the LI Light Industrial District

Use	Minimum Lot Size	Minimum Lot Width	Minimum Front Yard Setback	Minimum Side Yard Setback	Minimum Rear Yard Setback	Maximum Lot Coverage	Maximum Height
Single Family Dwellings and other Principal Permitted Uses unless otherwise specified	45,000 square feet	200 feet	40 feet	20 feet	40 feet	35%	35 feet
Manufacturing, Product Assembly Limited Scope, Truck Terminals	65,000 square feet	200 feet	40 feet	60 feet	60 feet	35%	35 feet
Heavy Industry	90,000 square feet	200 feet	40 feet	60 feet	60 feet	35%	35 feet
Other Conditional Uses unless otherwise specified under standards for said use	90,000 square feet	200 feet	40 feet	40 feet	40 feet	35%	35 feet

Section 308 Traditional Neighborhood Development District

308.1 Statement of Purpose and Use Summary

The purpose of this district is to recognize the historic pattern of growth that has continued from the neighboring boroughs of Freedom and Conway into the Township. These embody a healthy mix of small-scale business development, institutions that support the community, and single family dwellings at a density that promotes walkability and maintains historic character. The District derives its purpose and authority from Article VII-A of the Pennsylvania Municipalities Planning Code, including, the purposes set forth in that chapter, which are incorporated herein by reference. The district is established under this authority to encourage urban infill and outgrowth or extension of existing development in the Township's as empowered by Section 702-A of the Pennsylvania Municipalities Planning Code. Development of any lot or tract of greater than ten (10) acres shall follow the standards for Traditional Neighborhood Development under Section 705.

Table 308A Traditional Neighborhood Development District Table of Uses	
PERMITTED PRINCIPLE USES	CONDITIONAL USES
Single Family Dwellings	Any New Construction (except for single family dwellings) for the Following Uses, where construction would exceed 5,000 square feet gross floor area <ul style="list-style-type: none"> • General and Specialty Retail Shops (no greater than 20,000 square feet in gross floor area if new construction) • Multiple Family Dwellings • Restaurants and Bars • Professional Offices • Convenience Store/Gasoline Service Station • Group Residential Facility • Bed and Breakfast • Personal Services • Parking Lot Construction of Greater than 5,000 square feet
General and specialty retail business of no greater than 5,000 square feet gross floor area.	
Restaurants and Bars of no greater than 5,000 square feet gross floor area.	
Professional Office of no greater than 5,000 square feet gross floor area.	
Banks/Financial Services	
Schools, Primary and Secondary when recognized by the Commonwealth	
Municipal Government Facility	
No-Impact Home-Based Business	Multiple Family Dwellings (See Section 416)
Public Recreation	Conversion Apartments (See Section 422)
Home Occupation (See Section 424)	Planned Residential Development (See Article 7)
Funeral Homes (See Section 412)	
Personal Services of no greater than 5,000 square feet gross floor area.	
Forestry (See Section 428)	

Table 308B TND Lot and Dimensional Standards

Use Type/Dimension	Single Family Dwellings with <u>both</u> Public Water and Sewer	All Permitted Uses Without Public Sewer	All Permitted Uses With Public Sewer
Minimum Lot Area	10,800 Square Feet	30,000 Square Feet	15,000 Square Feet
Minimum Lot Width	75 Feet	150 Feet	100 Feet
Minimum Front Yard Depth	30 Feet*	50 Feet*	40 Feet*
Minimum Side Yard Width	15 Feet	20 Feet	20 Feet
Minimum Rear Yard Depth	20 Feet	20 Feet	20 Feet
Maximum Height of Structure	35 Feet	35 Feet	35 Feet
Maximum Coverage	50 Percent	40 Percent	50 Percent

*If all parking is confined to the side and rear of the building, the setback may be reduced to the average of buildings located within one hundred fifty (150) feet in either direction on the same side of the street. Single family dwellings with both public water and sewer may utilize this setback averaging without confining parking to the side or rear of a building.

308.2 Sketch Plan Requirements

Any new building or expansion of an existing building of over 5,000 square feet gross floor area; or parking in excess of 5,000 square feet shall present a sketch plan for review of the planning commission pursuant to Table 310A and Section 707-A of the Pennsylvania Municipalities Planning Code. The Sketch Plan process is informal, and the planning commission shall comment upon said plan within 60 days of submittal. A sketch plan so reviewed by the planning commission may be submitted as a preliminary land development plan under the Subdivision and Land Development Ordinance; provided such plan incorporates the comments of the planning commission. As an alternative to the sketch plan, a developer may initiate conditional use approval for any use under Article 4

Sketch plans need not include final dimensions and final designs of any public or private improvements, but shall focus upon the relationship of proposed building and parking areas to each other and the surrounding neighborhood, overall building design, and any landscaping, screening and buffering proposed.

308.3 Development Standards for All Conditional or Optional Sketch Plan Uses

The Sketch Plan or Conditional Use, shall reflect all development standards:

- A. Blank windowless walls shall be avoided on any building's front yard area. At least 15 percent of the facade shall be transparent, or be designed to appear transparent.
- B. Each parking area of 5000 square feet shall be broken by landscaped areas or pedestrian access areas.
- C. New multi-building development shall relate to the development of the surrounding properties. This means there shall be no internally oriented buildings which cause rear yards or rear façades to face toward abutting properties.
- D. Parking is encouraged to the side and rear of buildings. No more than a double row of parking spaces with a single drive lane shall be allowed between the principal building and the primary street.

- E. Buildings shall provide a pitched roof or a flat roof with a decorative parapet wall compatible with the architectural style of the building.
- F. Areas not proposed for building or parking shall be designated as landscaped areas or remain as natural areas.

ARTICLE 4
Specific Use Standards for Conditional Uses, and Specific Requirements for Permitted Uses, Where Required

Section 400 General Criteria and Schedule

- A. Conditional uses are listed for each zoning district in this Article of this Ordinance. Only those uses expressly listed as conditional uses in a particular district may be considered in that zoning district. All applications for a conditional use shall demonstrate compliance with the general criteria and standards, as well as any criteria and standards specific to the requested use, as set forth in this Article.
- B. 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:
 - (1) 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.
 - (2) 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.
 - (3) Where the use will generate more than fifty (50) average daily p.m. peak hour vehicle trips, the use shall not cause a deterioration of more than one level from 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 Section 517 of this Article.
 - (4) The use provides adequate off-street parking on the same property as the use, in compliance with standards set forth in Section 515 of this Article.
 - (5) At a minimum, areas of the property not covered by buildings or paved are landscaped and maintained pursuant to the standards and requirements set forth in Section 509 of this Article.
 - (6) Unless addressed in the specific criteria and standards set forth herein, buffer yards are provided pursuant to the standards and requirements for buffer yards as set forth in Section 509 of this Ordinance.
 - (7) 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.

Section 401 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 Manager/Secretary. All information submitted shall be reviewed by the Township Manager/Secretary for completeness.
 - (1) A written statement supporting the general criteria outlined in Section 400B of this Article 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 Township Manager/Secretary 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 (45) days of conclusion.
- E. Within the time period set forth above, 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.

- (a) An applicant whose conditional use application is approved must obtain a zoning/building 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/building permit may proceed independently.
 - (b) 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.
 - (c) 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.
- F. Such Reasonable Additional Conditions and Safeguards referred to in E.4 may include, but are not limited to:
- (1) Establishment of screening and buffering or an increase in screening and buffering normally required.
 - (2) Limitations upon hours of operation.
 - (3) Establishment of fencing for purposes of security, limiting vehicular access, or control of windblown trash.
 - (4) Limits upon future subdivision of property to prevent the creation of a lot too small for the approved use.
 - (5) Changes in the proposed location or design of access drives or parking areas to prevent traffic hazards, congestion, or the impacts of increased traffic upon local access and residential streets.
 - (6) Any compressors shall be so enclosed as to baffle their sound from surrounding uses.
 - (7) All dumpsters and or garbage/trash storage areas shall be enclosed and placed in a rear or side yard, or similar requirement to prevent noise and malodorous nuisance.
- G. Permitted Uses that have conditions attached will be granted or denied by the Zoning Officer based solely upon the criteria set forth in this section as well as other appropriate sections of this Ordinance. The Zoning Officer does not have the authority to attach any conditions to such approvals.

Section 402 Specific Standards for Conditional Uses

All conditional uses shall be subject to the performance standards specified in the applicable district regulations for the district in which the use is proposed. In addition to the performance standards and the applicable district regulations for the authorized conditional uses, the

following specific criteria shall be evaluated in reviewing an application for approval of a conditional use.

Section 403 Adult Oriented Establishment

Subject to New Sewickley Township, Beaver County, Pennsylvania Ordinance No. 108, enacted April 21, 1987 and any licensing standards of the Township.

Section 404 Auction Barn

- A. The site of an auction barn shall be a minimum of five (5) contiguous acres and shall direct access to a public right-of-way classified as an arterial or collector highway.
- B. No structure, sales area, storage site or parking area shall be sited within fifty feet (50') of a perimeter property line.
- C. All buildings and structures shall be designed to achieve compatibility with the rural character of the community and shall not exceed two (2) stories or thirty-five feet (35') in height.
- D. All storage and equipment shall be housed in enclosed structures.
- E. All boundary areas within one hundred feet (100') of neighboring residential structures shall be screened with appropriate vegetative buffers.

Section 405 Vehicle Sales and Service

Activities may include automobile, truck, recreational vehicle, marine and farm vehicle, equipment sales and services subject to the following provisions:

- A. Sufficient parking shall be provided on site for employees and customers per Table 515.
- B. No vehicle that fits the definitions of "Vehicle – Abandoned/Junked/Disabled" as defined in this Ordinance shall be parked outdoors.
- C. Any business engaged in towing service shall dispose of vehicles that fit the definition of "Junked Vehicle" or "Abandoned Vehicle" as defined in this Ordinance within twenty-four (24) hours, unless they are stored inside a building.
- D. All outdoor display areas for new and used vehicles, including self-propelled or towed recreational units and farm or construction and utility equipment, shall be paved, illuminated and property secured.
- E. Fencing and/or buffering of display areas shall be required by the Board of Supervisors, as a condition precedent to a conditional use approval, where such provisions are deemed necessary to achieve compatibility with adjacent land use activities.
- F. All repair work shall be conducted indoors.
- G. All handling of fuel and materials used in the conduct of the business shall be carried out in accordance with legal and accepted safety standards.
- H. All outside storage of parts or equipment shall be prohibited.
- I. All repair and maintenance activities, except for fuel dispensing, shall take place within an enclosed structure.

- J. No more than two (2) vehicles waiting, or in the process of repair or maintenance, shall be parked outside on the premises for longer than forty eight continuous (48) hours.
- K. Operations involving a car wash shall also meet all standards of Section 421.

Section 406 Bed and Breakfast

- A. All rooms and related facilities provided for transient guests shall be normal integral components of the principal dwelling unit. The owner of the facility must reside therein.
- B. No facilities, such as cooking accommodations or similar amenities, other than those provided for the normal use of the principal dwelling unit, shall be provided for transient guests.
- C. No more than three (3) guest sleeping rooms shall be available or utilized concurrently for transient guests in any facility.
- D. The size of each individual guest sleeping room utilized for transient guests shall be a minimum of one hundred (100) square feet.
- E. Maximum occupancy shall not exceed eight (8) guests.
- F. Service of meals shall be limited to overnight transient guests.
- G. Off-street parking spaces, as specified in Article 5 of this Ordinance, shall be provided to the rear of the front building line and shall not be sited within any required front yard setback areas.
- H. Signs shall be limited as specified in Article 6 of this Ordinance.
- I. Only normal residential yard and structure lighting appropriate for residential purposes shall be permitted.
- J. As part of the approval process, the Chief of the Township Fire Department, of the designated agent thereof, shall inspect the premises to evaluate access and structural layout. No certificate of occupancy shall be issued prior to an inspection by such authority. The owner shall make the premises available for reinspection by Township authorities at any reasonable time.
- K. Only members of the family in residence at the premises shall be engaged in the conduct of the bed and breakfast establishment.
- L. Overnight guests shall not occupy the facility for more than thirty (30) consecutive nights in a sixty (60) day period.

Section 407 Clinic or Hospital

- A. The application shall include and be supported by documents, maps, plans and other materials that contain the following information and such other related data as may be specified by the Township Planning Commission and/or Supervisors:
 - (1) Name and address of the owner and/or applicant and a statement that the applicant, if not the owner, has the permission of the owner to make application and act as agent for the owner.
 - (2) Legal description, street address, and other identifying data concerning the site.

- (3) A description of the precise nature of the proposed use and its operating characteristics, and measures proposed to make the use compatible with other properties in the vicinity. This data shall include a complete description of proposed supervision procedures and policies.
 - (4) A dossier on the organization and all principals involved in any manner with the control, establishment and operation of the facility for which the application is being made, including organization structure, financial status, experience, qualifications references and any pertinent documentation deemed necessary by Township Officials to evaluate the application.
 - (5) A site plan showing proposed development of the site, including topography, building locations, parking, traffic circulation, useable open space, landscaped area and utilities and drainage features.
 - (6) Preliminary building plans and elevations sufficient to indicate the dimensions, general appearance, scale, and interior plan of all buildings.
 - (7) Such additional material as may be prescribed or that the applicant may submit pertinent to the application and to the finding prerequisite to the issuance of a conditional use permit.
- B. All uses in conjunction with a conditional use permit issued by the Board of Supervisors pursuant to this Section shall comply with the following:
- (1) Compliance with any and all local, Commonwealth, county and federal laws and regulations relating to the approval, development and operation of the facility.
 - (2) The correction within the time specified of any violation by the facility owner or operator of any local, county, Commonwealth, or federal law, regulation, rule or enforcement order or any condition to any permit, license, or authorization of authority issued in connection with the facility.
- C. The applicant shall obtain, as required, from each appropriate local, county, Commonwealth and federal regulatory agency or authority, a permit issued in accordance with all applicable regulations for the proposed use. In the event any required permits have not been issued at the time Township zoning approval is requested, the zoning approval shall be expressly conditioned on the granting of all necessary permits. At the time of making application to such local, county, federal or Commonwealth authorities, the applicant shall file with the Township Secretary, a copy of each state or federal application with supporting documentation for the proposed use.
- D. All facilities shall be served by public water facilities as provided by a duly constituted water authority consistent with all rules and regulations thereof.
- E. In the absence of public sanitary sewerage facilities, a central private sewage disposal processing plant shall be established to serve all planned site requirements. Plans for said facility shall be approved by the Pennsylvania Department of Environmental Protection prior to conditional use approval under the terms of this Ordinance.
- F. The site shall be a minimum of five (5) contiguous acres and shall meet all dimensional, sign, parking and other applicable requirements specified in this Ordinance.

- G. Clinics, hospitals and sanitariums shall comply with the current editions of the BOCA National Fire Prevention Code and BOCA National Building Code and with the Pennsylvania Fire and Panic Act and regulations promulgated pursuant to the Act.

Section 408 Planned Business Park Development

- A. It is the purpose of this Section to provide an area for coordinated commercial centers to provide goods and services in the community and adjacent trading areas. Overall appearance and design are essential to assure compatibility with the surrounding area. More specifically, this district is designed as an alternative to conventional roadside oriented commerce. These regulations are intended:
- (1) To encourage innovations in commercial variety and designed by relaxing certain yard requirements to permit flexibility in siting structures to provide for a complex of commercial facilities for the convenience of consumers and merchants.
 - (2) To relate function, design and layout of commercial development to the particular site.
 - (3) To provide a stable environment in harmony with surrounding development.
 - (4) To minimize traffic congestion at strategic intersections by reducing vehicular access portals.
 - (5) To improve the aesthetic quality and client appeal of commercial facilities by incorporation of landscape features and pedestrian amenities.
- B. Land buildings or premises in a planned business park development may be used for one or more of the following Uses by Right:
- (1) General merchandise stores including department stores, variety stores, general merchandise discount stores, drug stores, and sporting goods stores.
 - (2) Apparel and accessories stores including shoe stores, furriers, and custom tailors.
 - (3) Furniture, home furnishing and equipment including household, appliance stores, hardware, paint and glass stores, radio, television and computer stores.
 - (4) Food stores including supermarkets, bakeries and confectionery shops where the production of baked goods is to be sold only at retail on the premises.
 - (5) Eating establishments including restaurants, lunch counters, taverns, and delicatessens.
 - (6) Gift shops, including camera, book, stationery, antique, musical supplies, cosmetics, candy, tobacco, flowers, hobby, jewelry, leather and luggage shops.
 - (7) Offices for the conduct of medical and other professions, real estate, insurance and banks, including branch banks.
 - (8) Business and electronic equipment sales and services.
 - (9) Personal service shops, including dry cleaning, barber, beautician, shoe repair, laundromat, and tailor.
 - (10) Government offices serving the public, including post office, or other public or semipublic offices.

- (11) Indoor recreational facilities.
- (12) Artist, craft, and photographer studios.
- (13) Lodge halls for fraternal organizations and meeting places (public or private).
- C. Conditional Uses: Vehicle sales and service as authorized in Section 405 of this Ordinance
- D. Qualifying Criteria: No application for conditional use approval of planned business park development shall be considered or approved until the following conditions have been met:
 - (1) Structures shall be designed to avoid monotonous patterns in appearance. Structures shall be located so as not to interfere with the privacy of neighboring sites.
 - (2) Minimum front setback of structures from public road right-of-way shall be one hundred feet (100').
 - (3) Minimum side and rear setbacks of structures along the perimeter of the property shall be seventy-five feet (75').
 - (4) Lot arrangement, building siting, accessways, parking areas, pedestrian circulation, amenities and overall design criteria shall be approved as part of the review process, based on the submission of the developer consistent with the requirements specified herein. Said plans shall be prepared by a registered architect, engineer, or landscape architect knowledgeable in planned site development.
- E. Circulation:
 - (1) Circulation accessways shall be designed to discourage intercommunity traffic through the site.
 - (2) Pedestrian circulation shall be designed for convenience and safety.
 - (3) Site highway access portals to public roads shall not exceed one every three hundred (300) lineal feet.
- F. Parking:
 - (1) Off-street parking and loading shall conform to the requirements specified in Article 5 of this Ordinance.
 - (2) No parking areas shall be permitted within forty feet (40') of any public right-of-way.
 - (3) Insofar as possible, parking areas shall be to the rear or side of buildings. All parking areas that border public roads shall be buffered to provide a visual shield from passing traffic and any neighboring residential development.
- G. Utilities and Services:
 - (1) Utilities shall be located underground. Fire hydrants and street lighting shall be provided by the developer and located in accordance with local standards.
 - (2) The development shall be served by public water and public sanitary sewer systems, unless the Board of Supervisors and the Pennsylvania Department of

Environmental Protection shall approve alternate methods of water and sanitary sewer services to the particular development.

H. Signs:

- (1) Signs shall conform to the requirements specified in Article 6 of this Ordinance.
- (2) Sign design and appearance shall conform to the aesthetic character of the overall district of which they are a part.

I. General Requirements:

- (1) The developer shall provide easements, covenants, and other arrangements, and furnish performance bonds or assurances, as determined necessary by the Township to reasonably assure performance in accordance with the plan, and to protect the public interest in the event of abandonment prior to completion.
- (2) The development site shall be developed as a single entity. On completion, the site may be under single ownership or individual parcel ownership.

Section 409 Farm Market

- A. Merchandise sold at farm markets shall be limited to seasonal agricultural products produced on the farm site and ancillary acreage operated by the owner or lessee of the farm.
- B. Sale of any merchandise in addition to products authorized in the above Section shall be limited to fifteen percent (15%) of total gross annual sales.
- C. All buildings and structures shall be designed to achieve compatibility with the character of perimeter areas and the community in general and shall not exceed one (1) story or twenty feet (20') in height.
- D. The maximum land area used for sales areas and storage for the business function shall not exceed one (1) contiguous acre.
- E. Outdoor storage areas shall not front on public highways.
- F. All site accessways shall provide for safe site ingress and egress, turning movements, parking, off-street vehicle stacking, adequate site distances and loading access.

Section 410 Agricultural Sales and Services

- A. Permitted uses shall be limited to activities implicitly encompassed in the definition as delineated in Article 2 of this Ordinance.
- B. No activities or substances shall be employed, stored or utilized in a manner that will constitute a danger to the health, safety, or general welfare of site occupants, adjacent areas or the community at large. Where reasonable concern is raised by Township Officials or other affected parties, the applicant for a Conditional Use shall be required to certify that no such adverse conditions are present or will be introduced.
- C. All storage of supplies and equipment shall be conducted in a manner to ensure compatibility with the character of neighborhood areas and the community in general and shall be buffered (screened) in a manner to achieve this purpose.
- D. Outdoor storage areas shall be permitted only in areas that do not front and are not visible from a public highway.

- E. No loading dock or parking lot shall be constructed facing on any public street or highway unless concealed by use of landscaping. Adequate provisions for truck and trailer maneuvering shall be located on the site.
- F. All site accessways shall be designed to provide for safe site ingress and egress. Provisions for turning movements, vehicle stacking, site distances and related factors shall be incorporated in the design of accessways to provide for maximum safety conditions on adjacent highways. PennDOT permits shall be obtained, as required.
- G. Off-street parking shall be provided at the rate of one (1) space for each two hundred (200) square feet of net indoor and sales area.
- H. No building or structure shall exceed three (3) stories or thirty-five feet (35') in height. All contemplated structures and uses shall be designed to insure compatibility with the character of perimeter areas and the community in general and have the appearance of traditional farm structures. Existing farm structures shall be preserved if they are structurally sound.
- I. The following area, density and dimensional requirements shall apply:
 - (1) The minimum size of the land parcel on which the business is sited shall be ten (10) contiguous acres.
 - (2) The business may be conducted on the same parcel as a farm operated by the owner or lessee provided the minimum size of the operation of ten (10) acres is met.
 - (3) The maximum land area, exclusive of horticultural propagation areas, used for the rural commercial business parking, sales rooms, storage structures, shop areas and other space utilized for business functions shall not exceed one (1) acre.
 - (4) Conditional use permits shall be limited to land parcels that are contiguous to, and have direct access to a state owned and maintained road or highway.

Section 411 Fraternal and Private Social Clubs

- A. Minimum lot area shall be two (2) acres.
- B. Minimum lot width shall be one hundred and fifty feet (150').
- C. All structures shall be a minimum of fifty feet (50') from property boundaries.
- D. All points of vehicular ingress and egress shall be subject to the approval of the Board of Supervisors to insure planning for adequate sight lines, consideration of adjacent through traffic movements and local traffic patterns.
- E. No lighting, noise or other aspect of the use shall produce any nuisance factor to adjacent residential properties.

Section 412 Funeral Home

- A. Parking and cortege formation in conjunction with funeral home operations shall be accommodated on site.
- B. Ingress and egress of traffic shall be coordinated with local traffic movements and volumes in a manner that will preclude safety hazards.

- C. Advertisement and location signing shall be limited to one (1) sign not exceeding sixteen (16) square feet in area.
- D. On-site activity shall be screened from abutting properties with aesthetically acceptable fencing or dense evergreen plant materials providing a continuous opaque visual barrier.

Section 413 Greenhouse/Nursery Landscape Supply

- A. Permitted uses shall be limited to activities implicitly encompassed in the definition of “garden center/commercial greenhouse” and “landscaping service,” as delineated in Article 2 of this Ordinance, plus the propagation of plant materials and storage of supplies and equipment associated with landscaping services.
- B. No activities or substances shall be employed, stored, or utilized in manner that will constitute a danger to the health, safety, or general welfare of site occupants, adjacent areas or the community at large. Where reasonable concern is raised by Township officials or other affected parties, the applicant for a Conditional Use shall be required to certify that no such adverse conditions are present or will be introduced.
- C. All site accessways shall be designed to provide for safe site ingress and egress. Provisions for turning movements, vehicle stacking site distances and related factors shall be incorporated in the design of accessways to provide for maximum safety conditions on adjacent highways.
- D. All contemplated uses, including structures, storage of supplies and equipment, shall be conducted to ensure compatibility with the character of perimeter areas and the community in general.
- E. All equipment and storage of materials and stock housed at the site shall be in structures or areas that are landscaped and/or buffered from the view of neighboring properties and adjacent highway and street systems.
- F. Storage of any loose material of over 400 square feet in area at base shall be within all setback lines and screened from public view.
- G. Garden centers and commercial greenhouses shall have a minimum contiguous site area of forty thousand (40,000) square feet. Landscaping services shall have a minimum contiguous site area of five (5) acres).

Section 414 Group Residential Facility

- A. The group residential facility shall not include business or professional offices (other than incidental offices), business activities, fraternal or social clubs, hospitals, clinics or other such activities.
- B. Supervision shall be provided by responsible and appropriately qualified adults on duty, on the premises on a twenty-four (24) hour a day basis. A minimum of one (1) such adult shall be in residence at the facility and on duty at all times.
- C. Lot, yard and all other dimensional requirements of the Zoning District in which the facility is located shall be met. Each lot shall include a minimum of one thousand, six hundred (1,600) square feet of exterior open space, which is maintained and suitable for passive and/or active recreational use.

- D. In addition to normal residential parking requirements, parking facilities shall be provided at the rate of one (1) off-street space for every two (2) resident clients.
- E. A group residential facility shall comply with the Pennsylvania Uniform Construction Code. Prior to issuing a zoning permit, the facility shall be inspected by a representative of the local fire department to ascertain structure layout, fire escapes and other related information.
- F. Sanitary facilities, consisting of a sink, water closet, and tub or shower shall be provided at a ratio of one (1) each for every four (4) inhabitants of the facility.
- G. A dining area shall be provided which is of sufficient size to accommodate all clients and residents at a single seating.
- H. In the absence of state requirements, a minimum of seventy-two (72) square feet of contiguous sleeping and personal area shall be provided for each client. Said area, for purposes of this requirement, shall be computed exclusive of common use areas such as circulation areas, storage areas, dining areas, kitchen and food preparation areas, game rooms and related recreation or instruction areas and other common use spaces.
- I. A license or certification shall be obtained from the Commonwealth of Pennsylvania, Department of Labor and Industry, Department of Public Welfare, and any other Commonwealth or County agency having jurisdiction, prior to the 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 Township Supervisors that the proposal for establishing such a facility satisfies a demonstrated need and will be conducted in a responsible manner without detriment to surrounding properties.
- J. Documentation shall be submitted which certifies approval of sewage disposal provisions by the Sewage Enforcement Officer, and certification shall be provided from competent sources that adequate water supply is available.

Section 415 Mini Warehouse (Self-Storage Facility)

- A. No business activities other than rental of storage units and attendant administrative functions shall be conducted on the premises.
- B. All storage shall be accommodated indoors in permanent on-site buildings designed for storage purposes. No temporary structures, portable units, containers or similar arrangements shall be permitted.
- C. No activities such as miscellaneous or garage sales shall be conducted on the premises.
- D. The servicing or repair of vehicles, boats, or equipment shall not be conducted on the premises.
- E. The operation of a mini warehouse shall in no way be deemed to include a transfer and storage business.
- F. A landscaped strip of at least ten feet (10') in width shall be provided along the entire perimeter of the property. Landscaping shall consist of a variety of evergreen plant materials consisting of trees, shrubs and suitable ground covers. All vehicular and pedestrian ways shall be paved with asphalt or concrete. Remaining areas of the site shall be planted with grass or otherwise suitably landscaped and maintained.

Section 416 Multi-Family Housing

Includes apartments, garden apartments or row houses (townhouses).

- A. Multi-family dwellings shall meet the following minimum standards:
 - (1) All multi-family dwellings shall be provided with public or Pennsylvania Department of Environmental Protection approved private central sewage disposal systems. No on-lot disposal shall be authorized.
 - (2) Shall meet the density and setback standards for the District as applicable.
- B. The following design standards shall apply:
 - (1) No row house/townhouse shall exceed three (3) stories (or 35 feet) in height.
 - (2) No row house/townhouse structure shall contain more than four (4) dwelling units.
 - (3) No row house/townhouse structure shall be more than one hundred twenty feet (120') in length.
 - (4) No apartment structure shall exceed three (3) stories (or 35 feet) in height nor contain more than six (6) dwelling units.
 - (5) At least three (3) off-street parking spaces shall be provided for each dwelling unit and such space shall be within one hundred and fifty feet (150') of any commonly used entranceway for such dwelling unit.
 - (6) Buildings shall be so designed as to avoid monotonous patterns of construction or repetitive spaces or modules between buildings.
 - (7) No structure shall be erected within twenty feet (20') of another structure.
- C. Municipal sewage facilities shall be utilized where available. An approved Pennsylvania Department of Environmental Protection sanitary sewage disposal system of sufficient size and design to adequately serve the maximum designed capacity of the proposed residential units in the development shall be provided in the absence of an approved municipal sewage system.
- D. Municipal water systems shall be utilized where available. An approved Pennsylvania Department of Environmental Protection water system shall be provided to serve the maximum designed capacity of the proposed residential units in the absence of public water supply.
- E. All multi-family dwelling unit development shall be subject to preliminary site plan review and approval in accordance with the following application requirements:
 - (1) Kind, location, occupancy capacity of structures and uses.
 - (2) General floor plan of building.
 - (3) Location and identification of open space, streets, and all other means for pedestrian and vehicular circulation, parks, recreational areas and other non-building sites.
 - (4) Provisions for automobile parking and loading.
 - (5) General landscape plan.

- (6) General location and nature of public and private utilities and community facilities and services.
- (7) Plan for collection and drainage of stormwater.

Section 417 Municipal Waste Landfill

- A. The types of waste materials deposited at the landfill site and all handling, treatment and storage and other activities with respect to the operation shall be in compliance with applicable federal, Commonwealth, and local statutes, regulations and enforcement procedures.
- B. No landfill facility shall be used for disposal of any hazardous demolition material, sludge from sewage treatment plants or water treatment facilities or hazardous waste from residential, municipal, commercial or institutional sources.
- C. A site plan shall be included in the application that delineates site ingress and egress, use areas within the site, phasing of use areas, location of all structures, and location and description of all proposed screening and fencing.
- D. No landfill site shall be established on a site containing less than forty (40) contiguous acres.
- E. The applicant shall provide plans for transportation of materials to the site. Said plan shall delineate access routes, provisions for traffic control, and procedures to minimize littering and overflow problems along access routes contiguous to the site. Measures that will be taken to maintain all Township roads used for primary site access shall be specified.
- F. Bonds in amounts specified by the Board of Supervisors shall be posted by the applicant to repair any damages to roads that may result from the landfill operation.
- G. The applicant shall outline procedures to be employed to provide for antipollution and nuisance control, cleanup and site maintenance, the protection of area water supplies and other applicable concerns related to the health and safety of adjacent residential areas.
- H. For each site that is adjacent to, or considered by the Planning Commission and Board of Supervisors to be visibly or environmentally detrimental to, the use of any structures used for residential, human habitation, sleeping, cultural, social, educational, recreational, religious or similar residential related purpose in any district, there must be preserved a strip of land for screening purposes on any site of the tract of land on which the residential or related use is situated. The preserved strip shall be a minimum of twenty feet (20') in width.
- I. The required screen shall have a height adequate to achieve its purpose. Plant materials used for screening shall consist of dense evergreen plants. They shall be of a kind, or used in such a manner, so as to provide a continuous opaque screen within twenty-four (24) months after commencement of operations in the area to be screened. The Board of Supervisors shall require that either new planting or alternative screening be provided if after twenty-four (24) months, the plant materials do not provide an opaque screen.
- J. All active use areas shall be completely enclosed by a metal fence not less than six feet (6') above the ground level to be constructed of barbed wire or other appropriate

material, with the entire fence being constructed in such a manner so as to prevent the entry by unauthorized persons onto the portion of the premises on which the use is situated. Required fencing shall be located on the inside perimeter of required screening.

Section 418 Professional Offices

- A. Permitted uses shall be limited to the following business and professional offices, including those listed herein, and similar related activities:
 - (1) Business administration
 - (2) Sales, marketing
 - (3) Insurance, real estate, brokerage
 - (4) Government services consulting
 - (5) Professional, medical, dental, legal
 - (6) Engineering, architectural
 - (7) Utility service offices
 - (8) Office services, stenographic, copy
- B. Application requirements for a conditional use permit shall include the following data:
 - (1) A site plan drawn at an appropriate scale, showing all structures, parking, traffic circulation, landscaping buffers, security features and other development elements.
 - (2) An architectural plan drawn at an appropriate scale showing structural profiles and related architectural features of all contemplated structures.
 - (3) Water supply, sewage disposal and site drainage plans prepared by a Registered Professional Engineer. All waste disposal shall be in compliance with U.S. Environmental Protection Agency and PA Department of Environmental Protection requirements and certified accordingly.
 - (4) A written description of the proposed scope of operations, including the estimated maximum potential number of shifts, employees and employment per shift.
 - (5) Any additional pertinent data as may be required by the Zoning Officer, Planning Commission and Board of Supervisors.
- C. Development Standards:
 - (1) No building or structure shall exceed three (3) stories or thirty-five feet (35') in height.
 - (2) All contemplated structures and uses shall be designed to ensure compatibility with the character of perimeter areas and the community in general.
 - (3) No structure or group of related structures shall be erected within one hundred feet (100') of any other structure or group of structures.
 - (4) There shall be a building setback of at least one hundred feet (100') along the perimeter of every office development tract and adjacent to all adjoining roads.

- (5) All operations and activities shall be conducted indoors. No external storage of materials or equipment shall be permitted.
- (6) A landscaped corridor or buffer of evergreen vegetative material shall be established and maintained along any portion of the site perimeter which abuts, or is adjacent to, a residence. Walls or fencing may be incorporated in buffer corridors if the design is approved as appropriate and acceptable by the Board of Supervisors after recommendation by the Planning Commission.
- (7) The total ground area of the site not covered by buildings, paved parking, interior roadways, and service areas is to be landscaped. Front yard areas are to be landscaped with lawn and/or other plant materials such as trees and shrubs. Side and rear yards and all slopes are to be covered by grass, ground cover or other appropriate plant material. In no instances shall paving cover more than thirty percent (30%) of the gross site area.
- (8) Provisions for all vehicular parking, ingress and egress in conjunction with office park sites shall be approved by appropriate Commonwealth and Township officials to ensure public safety.
- (9) All applicable parking, sign and other requirements of this Ordinance shall apply and must be documented as part of applications submitted for Conditional Use approvals.

Section 419 Recreation/Private, Public and Commercial – Indoor, Outdoor, and Outdoor Intensive

419.1 Indoor and Outdoor uses shall:

- A. No use activities shall be permitted or conducted in any required front, side or rear setback area.
- B. No public or commercial activities shall be permitted within one hundred feet (100') of any adjoining residential district.
- C. All lot boundaries abutting any adjoining residential districts shall be enclosed by a landscaped buffer that meets the requirements set forth in Article 5 of this Ordinance.
- D. Fencing may be required in cases where deemed necessary by the Board of Supervisors or the developer for purposes of safety, security or design. The installation, material and design of the fencing shall be subject to recommendations and final approval of the Board of Supervisors.
- E. Loudspeakers and similar sound amplification devices for entertainment purposes shall not exceed the noise levels for steady-state noise as specified in Article 508 of this Ordinance.
- F. All lighting shall be designed and utilized in a manner that is compatible with adjacent land use and highway safety standards.
- G. Provisions shall be made for the safety and welfare of individuals both on-site and off-site.

419.2 Intensive Outdoor Recreation shall meet the following additional standards:

- A. Maintain a Lot size of at least twenty five (25) acres.

- B. Outdoor commercial shooting ranges and commercial hunting operations shall not undertake activities between the hours of sunset and sunrise. The Board of Supervisors may limit hours of operation for other intensive uses as a reasonable additional condition of approval.
- C. Commercial shooting ranges shall illustrate that the design and direction of all firing lanes shall not present a danger to public health and safety. The developer shall show adherence to best design practices, such as the National Rifle Association's NRA Range Source Book to ensure safety. Other intensive uses shall present a plan to minimize any noise created by activities through buffering, acoustic engineering, or topography.

Section 420 Mineral Excavation

- A. Minimum Lot size for surface mining shall be at least twenty-five (25) acres. All applications submitted for consideration of the Township Planning Commission and Board of Supervisors shall include, at a minimum, the following documentation, and all other pertinent data deemed necessary to process the application.
 - (1) A description of the character of the proposed operation, its timing and proposed duration, together with duplicates of maps and plans to be submitted to Commonwealth and federal regulatory agencies or authorities for the issuance of necessary permits.
 - (2) Identification of seams of coal, rock, ore, beds of sand and gravel, strata of soil or other material to be removed in connection with the proposed extractive operation.
 - (3) An analysis of the possible impact of extractive operations upon groundwater supplies in all affected areas of the Township and the measures which will be taken to guarantee that any loss, diminution or pollution of water supply will be corrected.
 - (4) The location and identify of ownership of all structures and land uses which may be affected by the proposed operation, and the measures which will be taken to protect all structures and land uses from adverse impacts from the proposed extractive operation.
 - (5) Plans for the restoration or reclamation of all land affected by the extractive operations.
 - (6) Receipt of a certification from each Commonwealth or federal agency or authority, having enforcement jurisdiction for the issuance of all necessary permits, licenses or grants of authority for the installation and operation of the proposed extractive operation, that the owner or operator seeking the conditional use has fully complied with all requirements for the issuance of such permits, licenses or grants of authority.
 - (7) A description of plans for the transportation of materials, products and equipment to be used, removed from, or marketed in connection with the proposed extractive operation including routes of travel, number and weight of vehicles to be used and procedures which will be made to maintain and repair roads that are targeted for use.

- B. No top of slope or quarry wall shall be located closer than one hundred feet (100') of any street or property line except where contiguous property lines fall within a common operational area. Operational area perimeters shall be fenced securely with a fence at least six feet (6') high to prevent access by children and animals.
- C. No rock crusher, cement plant or other crushing, grinding, polishing or cutting machinery or other physical or chemical process for treating such products shall be permitted.
 - (1) The removal designated in the permit shall be begun within a sixty (60) days period from the date of issuance of a permit, or the permit shall be revoked at the expiration of said period.
 - (2) The designated operator shall complete operation within a period of time as designed in the permit. Upon expiration of the period of time as set forth therein, the operator must cease operations and commence backfilling and scar removal, as hereinafter provided. The operator may present to the Township Zoning Officer a request for an extension of time, which may be granted, if the operator was held back in his operation through unforeseen circumstances deemed to be no fault of his own. However, should an extension of time be refused by the Zoning Officer, then the operator must cease operations as hereinbefore stated. Failure of the operator to cease operations shall constitute a violation of this Ordinance.
 - (3) Prior to beginning operation, the designated operator shall deposit a bond issued by a reputable bonding company in the amount agreeable to the Township for each and every mile of Township road or portion thereof proposed to be traversed for removing material from the site. The period designated for the bond shall start with the issuance date of the permit. Said bond shall be returned to the operator upon completion of the backfilling operation and reconstruction of any damaged roadway due to excess weight. Any failure to complete the reconstruction as required by this Ordinance shall result in the forfeiture of the required bond. Those portions of Township roads which have been damaged shall be as determined by the Township Engineer and reconstructed to Township specifications.
 - (4) The backfilling operation, after all surface excavation is completed, shall reestablish a satisfactory vegetative groundcover that will deter soil erosion and eventually rebuilt the soil. Legumes, such as crown vetch and rye grass and/or plantings, evergreens or deciduous trees, shall be planted in accordance with Soil Conservation, U.S. Department of Agriculture recommendations.

Section 421 Car Wash

- A. Off-street parking, stacking and circulation areas shall be arranged so as not to cause blockage of ingress and egress and to assure that the traffic flow on adjacent public thoroughfares is not endangered or impeded in any way.
- B. Means of ingress and egress shall be established and clearly marked. Where both a car wash and an auto service facility are in joint operation, separate means of ingress and egress shall be required for each facility.

- C. If additional acceleration or deceleration lanes are deemed necessary by the Township or the Pennsylvania Department of Transportation, the developer shall be responsible for providing the necessary right-of-way and the cost of constructing such facilities.

Section 422 Conversion Apartment

- A. Each living unit shall contain a minimum of four hundred (400) square feet of gross floor area.
- B. Each living unit shall contain not less than one (1) private bedroom and one (1) additional habitable room in addition to separate and private kitchen and bathroom facilities.
- C. The Chief of the Township Fire Department or designated agent thereof, shall inspect the premises to evaluate access, fire hazard potential, fire escape provisions, structural layout and adequacy of smoke and fire alarm devices.
- D. A maximum of two (2) dwelling units shall be permitted in any single structure.
- E. Two (2) off-street parking spaces shall be provided for each living unit.
- F. On-lot sewage disposal systems shall be inspected and certified by the Sewage Enforcement Officer as capable of meeting the demands of the additional dwelling unit.

Section 423 Day Care Services

423.1 Day Care Centers

- A. Day care centers shall be located only in commercial, public or semipublic institutional buildings, such as schools, churches, governmental or similar structures that meet all requirements specified by the Pennsylvania Department of Public Welfare for such activities. Day care centers shall not be conducted in conjunction with single family residential dwellings. When conducted on multi-family premises, all day care center operations shall be completely separate and distinct from residential uses.
- B. Activities shall be limited to functions normally associated with part-time tending of children and shall not include overnight or drop-in care.
- C. Operational hours shall be limited to the hours between 6:00 a.m. and 9:00 p.m., local prevailing time.
- D. Day care centers shall comply with the Pennsylvania Uniform Construction Code.
- E. All rules, requirements and guidelines promulgated in the regulations for Day Care Centers, Chapter II, Section 8A of the Department of Public Welfare Social Services Manual, effective April 2, 1978, and any amendments subsequent thereto, shall be strictly observed. All required Commonwealth licenses and certifications shall be obtained as conditions precedent to granting of required Township Zoning and Occupancy Permits.

423.2 Family and Groups Day Care in Homes

- A. All activities shall be conducted in a private detached single family residence.
- B. Activities shall be limited to functions normally associated with the part-time tending of children and shall not include overnight lodging.

- C. Activities shall be conducted within a home atmosphere that is void of any special facilities or appurtenances other than secure play areas and/or apparatus that are deemed to be normal single family accessory uses within the immediate neighborhood.
- D. Safe off-street pick-up and drop-off areas shall be provided at the site.
- E. Outdoor play areas shall be fenced to control access to adjacent properties and vehicular ways. No portion of the outside play areas shall be less than thirty feet (30') from a neighboring dwelling without the owner's written consent. Outdoor play shall be limited to the hours between 6:00 a.m. and 9:00 p.m., local prevailing time.
- F. A minimum of one hundred (100) square feet of usable outdoor play space and twenty (20) square feet of usable indoor space shall be provided for each child present at the facility, including resident children.
- G. Day care services shall be limited to the total number and age of children for which the appropriate level of Pennsylvania Day Care license is issued.
- H. Day care/family day care homes shall comply with the Pennsylvania Uniform Construction Code.
- I. All rules, requirements, and guidelines promulgated in the Commonwealth Day Care Service for Children regulations shall be strictly observed. All required Commonwealth licenses and certifications shall be obtained as conditions precedent to granting of required Township Zoning and Occupancy Permits.

Section 424 Home Occupation

A home occupation that involves an activity or operation that is construed as being capable of adversely influencing surrounding residential uses through any of the following conditions shall not be permitted:

- (1) Changes the external residential appearance of the dwelling.
- (2) Shall not generate more than 12 vehicle trips per day or more than 2 peak hour vehicle trips.
- (3) Creates hazards to persons or property.
- (4) Creates interference or a nuisance.
- (5) Involves outside overnight (24 hours) storage, display or operations. Is operated in a multi-family dwelling unit.
- A. The accessory use areas shall be located in the principal dwelling and/or accessory building. The accessory use shall be limited to not more than twenty percent (20%) of the floor area of a single floor of the principal dwelling structure. The total area utilized for home occupation activities shall not exceed five hundred (500) square feet.
- B. Maximum sign size shall not exceed four (4) square feet in area.
- C. Only members of the family residing on the premises shall be engaged in such occupation, plus two (2) assistants may be employed.
- D. Off-street parking requirements of three (3) spaces, in addition to the two (2) spaces required for the dwelling units shall be provided on the immediate site and to the rear of the required front yard setback line.

- E. A site plan drawn to scale shall be included as part of the application for home occupation which illustrates the location of the required parking provisions. The site plan shall include the following data and information.
- (1) Property lines (perimeter of lot).
 - (2) Location and use of all structures on the subject lot.
 - (3) Location and use of all structures on adjacent lots.
 - (4) Location of all site areas for residential and home occupation parking spaces.
 - (5) Provisions for on-site vehicle movements and circulation.
 - (6) Location of ingress and egress to and from the site.
 - (7) If required by the Planning Commission, a drawing of the area circulation system in sufficient detail to determine the proximity of intersections, topographic conditions, road alignment, sight barriers, blind driveways or related factors that are capable of creating safety hazards or impediments to area traffic flow.
- F. Activities shall be limited to the following types and categories of use:
- (1) Professional, technical or business pursuits that involve only office related functions.
 - (2) Light handicrafts, sewing, photography and objects of art.
 - (3) Teaching instruction, limited to groups of no more than four (4) students at any one time.
 - (4) Beautician, barber and similar services, limited to facilities for service of no more than two (2) clients at any given time.
 - (5) Telephone answering services.
- G. The following types and categories of use shall not be authorized as home occupations:
- (1) Automotive and equipment repair and painting.
 - (2) Restaurants.
- H. Any proposed home occupation that is not specifically cited as an acceptable activity (Item E of this Section) or as not acceptable (Item F of this Section) may be submitted to the Zoning Hearing Board.

Section 425 Ancillary Residential

Ancillary residential use in conjunction with commercial use shall be established and conducted pursuant to the following:

- A. Residential use ancillary to commercial establishments shall be limited to one (1) dwelling unit per commercial structure.
- B. All dwelling units shall be to the rear or above, and shall be integrated within and be a part of, the primary related commercial structure.
- C. The dwelling unit shall meet the following minimum requirements:
 - (1) Minimum area – 400 square feet

- (2) Each unit shall contain not less than one (1) private bedroom and one (1) additional habitable room in addition to private bath, sanitation and cooking facilities, all of which shall be independent of the primary commercial use.
- D. Fire and safety provisions shall be adequate to meet all applicable local and Commonwealth requirements.
- E. In the absence of public sewerage facilities, certification shall be obtained from the appropriate local authority that on-site sewage disposal facilities are adequate to serve the anticipated demands of the projected use.

Section 426 Communication Towers

426.1 Development Standards

- A. The applicant shall demonstrate that it is licensed by the Federal Communications Commission to operate a Communications Tower, if applicable, and Communication Antennas.
- B. The applicant shall demonstrate that the proposed Communications Tower and Communications Antennas proposed to be mounted thereon comply with all applicable standards established by the Federal Communications Commission governing human exposure to electromagnetic radiation.
- C. Communications Towers shall comply with all applicable Federal Aviation Administration (FAA), Commonwealth Bureau of Aviation (BOA) and any applicable Airport Zoning Regulations.
- D. Any applicant proposing construction of a new Communications Tower shall demonstrate that a good faith effort has been made to obtain permission to mount the Communications Antennas on an existing Building, Structure or Communications Tower. A good faith effort shall require that all owners of potentially suitable structures within a one-quarter (1/4) mile radius of the proposed Communications Tower site be contacted and that one (1) or more of the following reasons for not selecting such structures apply:
 - (1) The proposed Antennas and related equipment would exceed the structural capacity of the existing Structure and its reinforcement cannot be accomplished at a reasonable cost.
 - (2) The proposed antennas and related equipment would cause radio frequency interference with other existing equipment for that existing Structure and the interference cannot be prevented at a reasonable cost.
 - (3) Such existing Structures do not have adequate location, space, access or height to accommodate the proposed equipment or to allow it to perform its intended function.
 - (4) Addition of the proposed Antennas and related equipment would result in electromagnetic radiation from such Structure exceeding applicable standards established by the Federal Communications Commission governing human exposure to electromagnetic radiation.
 - (5) A commercially reasonable agreement could not be reached with the owners of such Structures.

- E. Access shall be provided to the Communications Tower and Communications Equipment Building by means of a public street or easement to a public street. The easement shall be a minimum of twenty (20) Feet in width and shall be improved to a width of at least ten (10) Feet with a dust-free, all weather surfaces for its entire length.
- F. A Communications Tower may be located on a lot occupied by other principal Structures and may occupy a leased parcel so long as the leased parcel meets the minimum lot size requirements for the Zoning District. The lot area for each Communications Tower shall be a minimum of 1.5 acres. Recording of a plat of subdivision or land development shall not be required for a lease parcel on which a Communications Tower is proposed to be constructed, provided the Communications Equipment Building is unmanned.
- G. The applicant shall demonstrate that the proposed height of the Communications Tower is the minimum height necessary to perform its function.
- H. In all Zoning Districts, the maximum height of any Communications Tower shall be no more than two hundred (200) Feet.
- I. The foundation and base of any Communications Tower shall be set back from all adjacent property lines or public rights of way by not less than the total height of the Communications Tower.
- J. The base of a Communication Tower shall be landscaped so as to screen the foundation and base and Communications Equipment Building from abutting properties.
- K. The Communications Equipment Building, if applicable, shall comply with the required yard and height requirements of the applicable Zoning District for an accessory structure.
- L. All guy wires associated with guyed Communications Towers shall be clearly marked so as to be visible at all times and shall be located within a fenced enclosure. All guy wires and guy wire anchors shall be at least twenty-five (25) Feet from the nearest property line.
- M. The site of a Communications Tower, which shall include tower and all supporting structures, shall be secured by a fence which shall otherwise comply with the New Sewickley Township Zoning Ordinance, with a minimum height of eight (8) Feet to limit accessibility by the general public.
- N. Communication Towers shall be protected and maintained in accordance with the requirements of applicable Building Codes.
- O. One (1)-off street parking space shall be provided within the fenced area.
- P. The applicant shall submit certification from a Pennsylvania registered professional engineer that a proposed Communications Tower will be designed and constructed in accordance with the current Structural Standards for Steel Antenna Towers and Antenna Supporting Structures, published by the Electrical Industrial Association/Telecommunications Industry Association and applicable requirements of the Township's Building Code.
- Q. The applicant shall submit a copy of its current Federal Communications Commission license; the name, address and emergency telephone number for the operator of the Communications Tower; and 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 Communications Tower and Communications Antennas.

- R. If a Communications Tower remains unused and unleased for a period of twenty four (24) consecutive months, the owner or operator shall dismantle and remove the Communications Tower within six (6) months of the expiration of such twenty four (24) month period.

426.2 Impact Mitigation Standards

- A. Towers shall either maintain a galvanized steel finish, subject to any applicable governmental or engineering standards, or be painted a neutral color, so as to reduce visual obtrusiveness.
- B. At a tower site, the design of the tower buildings and related structures shall, to the maximum extent possible, use materials, colors, textures, screening and landscaping that will blend the tower facilities with the natural setting and environment.
- C. Towers shall be landscaped with a buffer of plant materials that effectively screens the view of the tower compound from adjacent residential property. The standard buffer shall consist of a landscaped strip at least ten (10) Feet wide outside the perimeter of the compound. Natural vegetation is preferred. In locations where the visual impact of the tower would be minimal, the landscaping requirement may be reduced or waived entirely.
- D. Existing mature tree growth and natural land forms on the site shall be preserved to the maximum extent possible. In some cases, such as towers sited on large wooded lots, natural growth around the property may be deemed a sufficient buffer.
- E. No lights shall be mounted on the tower except as may be required by the Federal Communications Commission, Federal Aviation Administration, or other governmental authority with jurisdiction. If lighting is required, it shall be designed, installed, and maintained to cause the least disturbance to surrounding viewpoints, consistent with applicable governmental regulations.
- F. No signs of any kind shall be mounted on the tower except as may be required by applicable governmental regulations.

426.3 Post-Development Submissions

- A. The Township shall be notified of any change in ownership of a Communications Tower.
- B. On or before June 30 of each year, the owner of a Communications Tower shall provide the Township with the following:
 - (1) A statement of the number and kinds of communications equipment located on the tower and reasonable proof or certification that such communications equipment is being operated and maintained in accordance with applicable FCC license and regulatory requirements.
 - (2) The name, address and telephone number for the operator of the communications tower.

- C. The Communications Tower must be inspected at the time of its construction and not less frequently than every two (2) years thereafter by an expert who is regularly involved in the maintenance, inspection and/or erection of such structures. At a minimum, this inspection shall be conducted in accordance with the Tower Inspection Class checklist provided in the Electronics Industries Association (EIA) Standard 222 "Structural Standards for Steel Antenna Towers and Antenna Support Structures." Copies of all such inspection reports shall be filed with the Zoning Officer by the applicant/permittee not later than thirty (30) days after receipt thereof by the owner or operator, and all deficiencies noted in such inspection reports shall be remedied promptly by the owner or operator.

Section 427 Veterinary Office or Kennels

- A. The applicant shall show compliance with all Commonwealth dog law standards, as it would apply to their operation.
- B. All parking and recreation/play areas that abut residential uses shall provide screen planting, and fencing, as necessary, to contain animals.
- C. All overnight boarding of animals shall be conducted indoors. Kennels shall show means of adequate sound proofing.
- D. Shall present a plan that show manure will not become a malodorous nuisance.
- E. For the purposes of this ordinance, setbacks as required for the use and district shall be interpreted to include any building or fenced enclosure housing the animals.
- F. In the GC Commercial and LI Industrial Districts, no kennel shall be permitted on a lot of less than ten (10) acres. To minimize the noise disruption of kennels upon other uses, kennels proposed in GC and LI Districts must be on a lot abutting Interstate 76 (The Pennsylvania Turnpike).

Section 428 Forestry

The practice of forestry, including timber harvesting, is declared as a Permitted Use in all districts. It is subject to the following conditions:

- A. Any harvesting shall present an approved erosion and sediment control plan, if required, prior to the issuance of a zoning permit.
- B. To avoid traffic congestion and sound disturbance, all activities must start after 7:00 a.m. and end by sunset.
- C. All applicable road bonding requirements of the Township must be met.

Section 429 Public and Private Elementary and Secondary Schools Recognized by the PA Department of Education

- A. Shall provide all parking and loading/unloading requirements as required by this Ordinance.
- B. Shall be located on a public street with a minimum paved cartway of twenty-four (24) Feet.
- C. All parking and recreation/play areas, which abut residential uses, shall be screened.
- D. Any outdoor lighting shall use fully or partially shielded fixtures.

- E. All necessary licenses or permits issued by County, Commonwealth or Federal agencies shall be presented to the Board and required licenses, certificates or permits shall be a condition for approval.

Section 430 Mobile Home Parks

- A. Existing Parks: Mobile Home Parks presently existing within the Township which do not conform with this chapter can exist as a nonconforming use, which shall further allow replacement of existing mobile homes within the existing Mobile Home Park, provided that the replacement unit shall not be of a size greater than one hundred thirty percent (130%) of the unit presently installed at the time that this chapter is adopted. All Mobile Home Parks and individual mobile homes in existing parks shall be nonconforming uses under the provisions of this section and shall comply with all the applicable provisions of this Article except for the environmental requirements set forth in this Article.
- B. Additions to Parks: Additions to Mobile Home Parks must conform to all the provisions of this Article.
- C. Density Requirements: The minimum gross area required for a Mobile Home Park shall be twenty five (25) contiguous acres. The minimum lot area required for each mobile home shall be twenty five thousand (25,000) Square Feet. Otherwise, all density and development standards shall conform to the Township Subdivision and Land Development Ordinance.
- D. Inspection of the Mobile Home Park: Due to the transient nature of structures within the park, The Township Supervisors may designate an inspector, who is authorized to inspect Mobile Home Parks constructed, altered, or extended after the effective date of this chapter, in connection with the issuance of the original permit or in connection with any expansion permit to be issued. Additional inspections may be made as required to determine compliance with these regulations.
- E. Removal of Mobile Home: No mobile home shall be removed from the Township without first obtaining a permit from the Township Tax Collector, as required by Act No. 54, 1969, of the Pennsylvania General Assembly. Such permit shall be issued upon payment of the required fee and real estate and personal taxes assessed and unpaid at the time the permit is requested.

Section 431 Theatres and Playhouses

- A. Shall present evidence that all performances shall be indoors and not create a sound nuisance to neighboring properties.
- B. Shall not present performances of a sexually explicit nature.

Section 432 Home Lot Occupation

- A. The owner or occupant of the home must be engaged in the family business.
- B. No more than one (1) person other than individuals, who reside on the property, may be employed in the business.
- C. All storage of supplies, materials, or products shall be within a building in which the business is conducted or a permitted accessory building.

- D. Waste shall be properly disposed in conformity with applicable Commonwealth law.

Section 433 Duplex Dwelling

- A. Unless part of a planned residential development as defined in Article 2, No two family dwelling shall abut another two family dwelling on any side lot line.
- B. Shall submit a land development plan as required by the Township Subdivision and Land Development Ordinance.

Section 434 Transitional Housing Facility

- A. The facility operator shall present to the Township applicable information about any and all limits upon residency to determine the facility will not operate as a halfway house or correctional facility.
- B. If the facility is located in a former single family dwelling, no more than ten (10) residents are permitted at any one time. Maximum residency of other building types is limited to sixteen (16) persons.
- C. No transitional housing facility shall be located within three hundred (300) Feet of another transitional housing facility or two hundred (200) Feet of a pre-existing single family dwelling.

Section 435 Recreational Campgrounds

- A. The request for approval as herein required, shall be accompanied by a site plan showing the scale to which it is drawn, showing the location of the proposed campground in relation to all roads and lot lines within two hundred (200) Feet of the campground boundaries, the location size and arrangement of all roads and lots, screening, the location of all proposed central sanitary facilities and wells or other sources of water supply and the location of special buildings and other pertinent features. This Plan shall meet all other applicable specifications of the Township Subdivision and Land Development Ordinance.
- B. Campgrounds in existence on the effective date of this Ordinance may continue to operate under present regulations. However, any new addition onto existing parks shall conform to the requirements set forth in this Ordinance.
- C. Design Requirements:
 - (1) The campground shall be located on a well-drained site of a minimum of 10 acres in area properly graded to insure rapid drainage and freedom from stagnant pools of water.
 - (2) Tent or Recreational Vehicle spaces shall be dimensioned, improved and arranged so that when any space is occupied, no portion of any unit (including awning or other accessory attachments) shall be within fifteen (15) Feet of any other unit or building within the camp or one hundred (100) Feet from any property line bounding the camp. The 100 foot buffer area adjacent to the camp boundaries shall be suitably planted and screened as may be required by the Township.

Section 436 Exotic Animal Raising and Care

- A. No Exotic Animal Raising and Care may be conducted on a lot of less than ten (10) acres. The developer shall agree to not subdivide any parcel below these stated minimums, while the said use remains active.
- B. No cages, pens or runs shall be closer than three hundred (300) Feet from neighboring lot lines.
- C. Provide evidence that waste products or manure will not create a malodorous nuisance.
- D. Provide evidence of meeting all applicable Commonwealth codes and licenses.

Section 437 Cemetery and Mausoleum

The purpose of cemeteries, under this Ordinance, is to provide a place for the sale of lots for a burial ground for persons or domestic pets. All other uses and activities must be clearly and customarily incidental to this use, but may include integrated funeral homes or a crematorium.

Prior to the establishment of a new facility or expansion of an existing cemetery, the owner shall:

- A. File a site plan to demonstrate the design and layout of the proposed cemetery or cemetery expansion and specifically illustrating: the proposed drainage plan, the internal circulation plan, and the location of accessory building(s).
- B. Connections to existing Township streets will be no closer than fifty (50) Feet to street intersection, fifteen (15) Feet to a fire hydrant, thirty (30) Feet to a driveway on the same side of the street, and shall avoid streets or driveways opposite proposed means of ingress and egress.
- C. Shall demonstrate compliance with applicable Commonwealth laws.
- D. All accessory uses must be clearly incidental and subordinate to the function of the cemetery.
- E. All new facilities shall have a size of at least five (5) acres.

Section 438 Heavy Industry

The applicant shall provide a detailed description of the proposed use, addressing each of the following impacts:

- A. The nature of the on-site processing operations, the materials used in the process, the products produced, and the generation and methods for disposal of any by-products. In addition, the applicant shall furnish evidence that the disposal of materials will be accomplished in a manner that complies with Commonwealth and Federal regulations.
- B. The general scale of the operation in terms of its market area, specific floor space requirements for each step of the industrial process, the total number of employees on each shift, and an overall needed site size.
- C. Any environmental impacts that are likely to be generated (e.g., odor, noise, smoke, dust, litter, glare, vibration, electrical disturbance, waste water, stormwater, solid waste, etc.), and specific measures employed to mitigate or eliminate any negative impacts. The applicant shall further furnish expert evidence that the impacts generated

by the proposed use fall within acceptable levels as regulated by applicable laws and ordinances, including but not limited to performance standards under this Ordinance.

- D. A traffic study prepared by a professional traffic engineer and meeting any standards for such studies established by New Sewickley Township may be required.
- E. The Township may employ a number of site specific reasonable additional conditional and safeguards, including, but not limited to screening, limits upon hours of operations, and maximizing distance of industrial activities from other zoning districts.

Section 439 Flea Markets

All flea markets shall meet the following standards:

- A. The operator of the flea market shall either be the property owner or provide evidence of written permission (such as a lease agreement) to utilize the property.
- B. The operator shall submit a plan that details public parking areas and the number and location of proposed seller stalls.
- C. The operator shall have a contract with an approved waste hauler and a minimum of one (1) fifty (50) gallon capacity solid waste receptacle (or equivalent dumpster capacity) for every four (4) proposed sellers.

Section 440 Manufacturing, Product Assembly, Limited Scope

- A. Such businesses shall:
- B. Describe all industrial processing and product lines in such detail to ensure the Township that they meet the definition of light manufacturing.
- C. The developer shall submit a drawing of the proposed site plan. This drawing need not include final dimensions and final designs of any public or private improvements, but shall focus upon the relationship of proposed building and parking areas to each other and the surrounding neighborhood, overall building design, and any landscaping, screening and buffering proposed.
- D. All industrial activities and storage areas shall be contained indoors.
- E. The plan shall illustrate an internal pedestrian and vehicular access system.
- F. Show a plan for minimizing the effect of any truck traffic on congested areas.

Section 441 Correctional Facility or Halfway House

- A. Shall present the Township Supervisors with a security plan that takes into account the safety of Township residents.
- B. The building shall not be located within one thousand five hundred (1,500) feet of:
 - (1) A church;
 - (2) A public or private pre-elementary, elementary, or secondary school;
 - (3) A public library;
 - (4) A child-care facility or nursery school;
 - (5) A public park adjacent to any resident district; or

(6) A child-oriented business.

- C. No building or fence shall lie within three hundred (300) feet of the property line of a pre-existing residential dwelling.

Section 442 Bottle Clubs

- A. Shall be located at least one thousand (1,000) feet from the nearest property line of any other bottle club, church, school or other institution of learning or education, hospital, library, park, or playground.
- B. Shall be located at least three hundred (300) feet from any land zoned residential.
- C. Shall be located at least three hundred (300) feet from any property line of any single or multi-family dwelling.

Section 443 Junkyards, Salvage and Recycling Centers

- A. All drive and parking areas shall be hard surfaced with asphalt or concrete.
- B. The facility and all storage or operations areas shall be enclosed by a security fence which shall be fronted by a screen planting. On side or rear lot lines this fence shall be set back by an area which totals the established side and rear yard requirement for the applicable zoning district plus an additional twenty (20) feet.
- C. No emission of objectionable gases, fumes, smoke, or dust.
- D. Must have all required federal, state, and local permits.

Section 444 Tattoo and Body Piercing Studio

- A. Hours of operation shall be limited from 8:00 am to 10:00 pm.
- B. No tattoo or piercing operation shall be visible from the outside of the building.
- C. No advertising material or flyers are permitted to be publicly displayed upon the building except lawful signs for the zoning district.

ARTICLE 5
Supplemental Regulations

Section 500 General Application

The provisions of this Ordinance shall be subject to such exceptions, additions, or modifications as herein provided by the following supplementary regulations.

Section 501 Additional Dwellings and Structures

- A. Except as specifically provided elsewhere in this Ordinance, no lot shall have more than one principal dwelling structure.
- B. Accessory buildings shall not be erected on a lot adjacent to a lot containing a primary building if said lots are recorded under individual deeds, whether or not there is a common ownership. Accessory buildings and structures For Single Family Dwellings shall be limited to a maximum height of thirty five (35) feet. The number and size of accessory structures is limited by Table 501.

Table 501 Maximum Size and Number of Accessory Buildings

Lot Size Upon which the Accessory Building is to Be Erected	Maximum Size of Any Accessory Building	Total Number and Combined Square Feet of Accessory Buildings Permitted
Less than Three (3) Acres	1,200 square feet gross floor area	No more than two (2) accessory buildings or combined total of 2,400 square feet gross floor area
At Least Three (3) Acres (if served by public water and sewer) or At least Five (5) Acres (if served by on-lot water and sewer)	2,400 square feet gross floor area	No more than two (2) accessory buildings or combined total of 4,800 square feet gross floor area
Ten (10) Acres of More	Limited by District Coverage Standards	

- C. Accessory buildings and structures shall be permitted only when in conjunction with a primary building on any lot, tract or parcel of land and only when in conjunction with a primary building or permitted use activity.
- D. The Zoning Officer may grant a permit for a period not to exceed six (6) months, renewable once, for the temporary placement of mobile home, travel trailer, or motorized home to be used for living or housekeeping purposes under the following conditions:
 - (1) The mobile home, travel trailer, or motorized home is placed on a parcel that contains a single family dwelling that was rendered uninhabitable by fire, storm,

explosion, or act of God, and the applicant for the permit had been occupying the single family dwelling as his primary residence at the time of the adversity.

- (2) The single family dwelling is in the process of repair or reconstruction at the time the permit is requested, or will be under repair or reconstruction within a reasonable period of time thereafter.
 - (3) The temporary living unit is equipped with adequate provisions for sanitation and is properly anchored to withstand normal weather conditions.
- E. Temporary structures used in conjunction with construction work shall be permitted only during the period that construction work is in progress. Permits for temporary structures shall be issued for a maximum period of six (6) months.

Section 502 Area and Yard Requirements

- A. Notwithstanding the limitations imposed by any other provisions of the Ordinance, the Zoning Hearing Board may authorize the erection of a dwelling on a lot of record (in a district where permitted by this Ordinance) separately owned, or under contract of sale, and containing at the time of the passage of this Ordinance an area or width smaller than that required for a single family dwelling.
- B. Principal Buildings:
- (1) No principal building or part thereof shall be erected within, or shall project into, front, side, or rear yards of a lot as specified by the setback requirements for the zoning district in which it is located, except for cornices, eaves, and gutters. Steps, stoops, or chimneys are permitted to project into yard areas, provided that the projection is not more than eighteen inches (18").
 - (2) At grade, slabs, sidewalks and similar paving shall be permitted within required yard areas; however, said improvements shall not be utilized for normal long term or overnight parking or storage of motor vehicles, watercraft, travel trailers and similar items, except as regulated by Section 509.
 - (3) Handicapped Access ramps necessary for Americans with Disabilities Act compliance may project into Yard areas as necessary, but must be at least five feet from a public right of way.
- C. Accessory Uses:
- (1) Permitted accessory structures may be erected within the required rear yard area in agricultural and residential districts to within ten feet (10') of side and rear yard lines except for corner lots which shall be kept clear of all structures. No accessory structure shall be erected within ten feet (10') of any other structure. Accessory structures shall not be erected in any required front yard.
 - (2) No permit shall be required for video satellite dishes and accessory storage and related structures provided that they do not exceed two hundred (200) square feet of gross floor area and are not more than ten feet (10') in height at the highest point of the roof line. Placement of said structures shall be limited to the rear yard and may be sited up to within five feet (5') of rear and side property lines.

- (3) An owner of residential property may construct within a rear or side yard, for the use of on-site residents, a garage, carport, storage structure, swimming pool or similar amenity as a use by right, provided that all applicable building and setback requirements of the Zoning Ordinance are complied with, including 502 (C1).
- (4) Lifts and associated appendages externally added to existing single family and duplex residential structures to facilitate access by the physically handicapped shall require a zoning permit, however, when such a facility cannot be reasonably designed to conform with front, rear, and side yard or other lot dimensional requirements, the Zoning Officer shall be authorized to issue a zoning permit.

D. Fences/Walls:

- (1) Residential security and decorative fences and walls may be placed up to the lot line. The height of fences or walls shall not exceed three feet (3') between the front building line and the front lot line. Those to the rear of the front building line shall not exceed six feet (6') in height. All portions of a fence or wall shall be kept in structural and esthetically acceptable condition by the property owner. Residential fences shall be designed and constructed in a manner compatible with acceptable residential usage and general aesthetic quality. No barbed wire or other materials or design features which compromise the safety of the general public shall be permitted.
- (2) Fences and walls in commercial and industrial district may be erected to the height deemed necessary, or as specifically required by law or common usage, to achieve a stated purpose. A minimum setback of three feet (3') shall be maintained where lot lines border residential districts or residential uses in agricultural districts.
- (3) Fences, walls, vegetation, signs and similar obstructions may only be located at street intersections, private roads and driveways when maintained in accordance with mandated clear sight triangles as specified in the Design Standards promulgated in the New Sewickley Township Subdivision and Land Development Ordinance. No such structures, vegetation or other obstructions that restrict visibility shall be permitted in the area defined by the clear sight triangle.

E. Communications Antennas:

- (1) Communications Antennas may be mounted upon an existing tower, a building, or a utility pole, subject to this section:
 - (a) Unless mounted upon a new or existing Communications Tower, omnidirectional/whip antennas shall not exceed fifteen (15) feet in height and six (6) inches in diameter and panel antennas shall not exceed six (6) feet in height or three (3) feet in width. All installations remain subject to specific limits for communications antenna type. Building mounted communications satellite or microwave dish antennas shall not exceed eight (8) feet in diameter. Pole mounted communications satellite and microwave dish antennas shall not exceed two (2) feet in diameter.
 - (b) All antenna equipment shall contain a permanent label with emergency contact information for the owner/operator.

- (c) The Applicant shall submit evidence from a registered professional engineer certifying that the proposed installation will not exceed the structural capacity of the building or structure proposed for mounting, considering wind and other loads associated with the proposed location.
 - (d) All installation shall provide evidence of lease agreements and easements necessary to provide access to the building or structure, signed by the owner of said building or structure.
- (2) Building Mounted Antenna
- (a) Building mounted communications antennas shall not be permitted on any single-family or two-family dwelling.
 - (b) Building mounted communications antennas shall not exceed a height of twelve (12) feet from the existing roofline of any building.
 - (c) Any building mounted antenna shall be setback from the edge of any vertical wall or edge of a roof by at least the height of the antenna, or utilize stealth technology (as defined) for installation.
 - (d) No protuberances or new structure will result in a violation of any side, front or rear yard setback requirement for the district.
 - (e) Unless located in the LI Light Industrial District, there must only be a maximum of three (3) omnidirectional/whip antennas or four (4) panel antennas or no more than a combination of three (3) antennas on any one building.

(3) Utility Pole Mount

Unless exempted by statute as public utilities, all pole mounts shall comply with the following:

- (a) No pole mounted antenna is permitted in any development or right of way within a subdivision where electrical utilities are buried.
- (b) The developer shall avoid location of antennas upon poles within the direct viewshed of any existing single-family residence. This shall be accomplished by avoiding locations which lie in a space between two lines, measured from the corners of said residence, and perpendicular towards the public right of way on the same side of the street.
- (c) If the structure proposed from mounting is proposed to be located within a state right-of-way, the Applicant shall provide to the satisfaction of the Township that all relevant standards of the Pennsylvania Department of Transportation Highway Occupancy Permit (HOP) Manual (Publication 282, or as may be amended), or any local right of way encroachment ordinance as applicable are met.
- (d) No installation results in a communications antenna of greater than fifty (50) feet in height from existing grade.
- (e) The placement of the equipment cabinet or equipment building shall not obstruct the free flow of traffic on the site, shall not reduce any parking required or available for other uses on the site and shall not obstruct any

right-of-way or easement without the permission of the owner or grantor of the right-of-way or easement, or in any way violate state or local law or regulation.

Section 503 Driveway Regulations

Driveways that intersect with a public right-of-way shall be established in conformance with applicable requirements of the New Sewickley Township Land Development Ordinance No. 118, Driveway Ordinances Nos. 105 and 111 and the following regulations:

- A. No wall, fence or other structure shall be erected or altered, and no hedge, tree, shrub or other growth shall be permitted higher than three feet (3') along any street right-of-way so that sight distance from any driveway or other point of entry onto a public highway is restricted.
- B. Driveway grades shall not exceed fifteen percent (15%) except upon a variance issued by the Zoning Hearing Board.
- C. Driveways shall be designed in such a manner that would prevent the driveway material and associated stormwater from entering onto a public road.
- D. Driveways shall be located at least fifty feet (50') from any street intersection and at least two feet (2') from any property line.
- E. Driveways for residential use shall have a minimum width of ten feet (10'). No driveway for residential use shall serve more than four (4) lots or four (4) dwelling units unless improved to a commercial or industrial standard consistent with Section 503F.
- F. Driveways for commercial and industrial uses shall have a minimum paved width of twenty feet (20') unless specified otherwise by applicable regulations.
- G. Entrance to the street shall not vary by more than fifteen degrees (15°) as measured from the perpendicular extended to the centerline of the intersected street.
- H. Access drives to and from off-street parking, loading and vehicle service areas along public rights-of-way shall consist of well-defined separate or common entrances and exits, and shall not open upon any public right-of-way line of any intersecting public street. In the event that the property is less than one hundred and fifty feet (150') in frontage, the access drive shall be at the furthest extremity from the street intersection.

Section 504 Environmental Protection

Excavation, grading and related earthmoving function and activities shall be in accordance with New Sewickley Township Grading and Stormwater Management Regulations and the following:

- A. No Activity that has a potential of creating adverse environmental circumstances, such as erosion, slip-slide areas, subsidence, watercourse changes, air or water pollution, vegetative loss or similar conditions, shall be undertaken until a Zoning Permit has been issued by the Township Zoning Officer.
- B. Normal agricultural and forestry activities, commonly and routinely engaged in by farm and residential residents in the municipality, shall not be considered excavations and shall not require permits.

- C. No cut or fill grade shall exceed a slope of 3:1 or 33.3 percent (33 1/3%). This provision shall apply to all cuts and fills exceeding one hundred (100) square feet in exposed surface area including cuts or fills on land naturally exceed 3:1 in slope.
- D. All lands steeper than 10:1 slope, from which structures or natural cover have been removed or otherwise destroyed, shall be appropriately graded and seeded within a reasonable time of such clearance activity. The phrase "a reasonable time" shall be interpreted to be within two (2) weeks during the growing season and shall be rigidly applied to construction activities in order to accomplish the intent of keeping erosion to an absolute minimum.
- E. No cutting, filling or other disturbing of land and natural vegetation is permissible within fifty feet (50') of the centerline of natural drainage courses except as permitted by action of the Zoning Hearing Board. In such cases, the Board may grant permission provided special precautions are taken to ensure against continuing erosion or other circumstances which may in any way pollute the stream.
- F. All earthmoving activity shall comply with the Erosion and Sedimentation Control Amendment to the Pennsylvania Clean Streams Law of 1937, P.L. 1987 and P.L. 177, all requirements of the Pennsylvania Department of Environmental Protection and other applicable federal, Commonwealth, or enforcement jurisdiction.
- G. Non-Building Lots must be proposed for an acceptable use as listed on the Pennsylvania Department of Environmental Protection request for planning waiver and nonbuilding declaration. If proposed for agricultural, forestry, division of farmland to settle estates, or related uses, the lot must be at least twenty (20) acres. If proposed for mineral excavation, oil and gas drilling or communication towers, the lot must meet the minimum lot standards of this ordinance for the district and proposed use.

Section 505 Slope Controls

These provisions are intended and are to be applied to prevent construction in areas unsuitable for building sites, to minimize danger to public health by protecting watersheds, to discourage erosion of soils by maintaining an adequate vegetation cover on slopes, and to promote the perpetuation of open space on hillsides. All development in areas of excessive slope shall be subject to the provisions contained herein.

- A. Slope area restrictions and development requirements shall apply to all zoning districts. Excessive slope conditions are considered in any situation where slope has an average grade of twenty-five percent (25%) or more. Slope areas in excess of thirty three and one third percent (33 1/3%) shall be considered unbuildable.
- B. The required building setback dimensions for residential structures shall be:
 - (1) Distance between residential structures – face to face – one hundred feet (100') minimum plus any applicable street right-of-way width.
 - (2) Building setback line – fifty feet (50')
 - (3) Side yard – forty feet (40')
 - (4) Rear yards – seventy feet (70')

- C. All site approvals regulated under this Section shall be determined on a case by case basis. Slope information shall be provided to the Township Planning Commission as a part of a required site plan review.
- D. Any person desiring to change or modify an existing use of land in an area subject to these controls, shall supply a statement to the Planning Commission signifying that the intended use of land will be a use permitted by these regulations. If such changes in use involve the construction of any building, the applicant shall, in addition, furnish the Township Zoning Officer with a statement prepared by a Registered Civil Engineer or Surveyor that the proposed building will not be erected on a site where the percentage of slope exceeds thirty three and a third percent (33 1/3%).
- E. All slope areas in excess of thirty-three and a third percent (33 1/3%) shall be considered as unbuildable. Buildings may be constructed on a slope where grade exceeds twenty-five percent (25%) if the building is constructed in a manner that will not destroy the natural soil conditions.
- F. On all landslide prone areas, the following requirements shall be met:
 - (1) No building or grading permits shall be issued by Township officials on an active landslide as identified by the U.S. Geological Survey or other competent governmental source before a land stabilization plan is prepared by a qualified registered engineer. Building or grading permits shall be issued only after the Township Engineer has reviewed and approved the stabilization plan.
 - (2) Prior to granting and issuing of building or grading permits for projects within any identified landslide or probably landslide area, the permit applicant must sign a statement of awareness of the landslide characteristics and risks and assume responsibility for all liabilities involved in construction or grading.
- G. Alterations may be made to the existing grade in slope areas, subject to the issuance of a grading permit by the Township Zoning Officer and subject to the following provisions.
 - (1) Slopes in excess of thirty three and a third percent (33 1/3%) may be graded so that the finished slope in building areas will be less than thirty three and a third percent (33 1/3%), however, no resulting steep walls will be allowed unless soundly engineered, and approved by the Township Engineer.
 - (2) Slopes between twenty-five percent (25%) and thirty three and a third percent (33 1/3%) may be graded, however, no slopes in excess of thirty three and a third percent (33 1/3%) shall be created by such grading.
 - (3) No changes in grade (slope) shall be permitted unless adequate engineering and architectural techniques are followed with detailed explanations presented to the Planning Commission.

Section 506 Essential Services

Essential services, as defined by this Ordinance, shall be permitted as Uses by Conditional Use in all zoning districts, subject to restrictions approved by the Township with respect to use, design, yard area, setback and height. The Board shall consider the impact of the use, activity, or structure involved, on adjacent land uses in terms of safety, potential for property devaluation and related factors.

Section 507 Height Regulations

- A. Measurement of height shall be the vertical height from the average elevation of finished grade at the front of the structure to:
 - (1) In case of flat roof or domed structures: highest point of coping.
 - (2) In case of mansard roof structures: average height at top of roof.
 - (3) In case of gable or hipped roof: average height to top of roof.
- B. The height limitations of this Ordinance shall not apply to flagpoles, church spires, belfries, domes, or similar projections not used for human occupancy, nor to chimneys, ventilations, skylights, water tanks, public utility facilities, bulkheads, silos, antennas and other necessary mechanical and operational apparatus usually carried above the roof level.

Section 508 Performance Standards

- A. All land use activities shall comply with the requirements of this Section. The Township may require evaluation by a qualified consultant, whose cost for services shall be borne by the applicant in cases where issues develop over the need for, or the adequacy of, compliance.
- B. Fire Prevention – Fire prevention and fire control equipment acceptable to standards of the Board of Fire Underwriters or other appropriate regulatory agency shall be readily available where any activity involves the handling of flammable or explosive materials. It shall be the responsibility of the property owner to identify and update the applicable local fire department of any hazardous or inflammable materials.
- C. Steady-State Noise Emanated from Stationary Equipment – Steady-state noise emanating from stationary equipment or sources, which will persist during indefinite or periodic intervals of time over a period of more than seven (7) consecutive days onto adjacent real properties or to a receiving property within any district within the Township, shall not exceed the maximum noise levels prescribed in this Section.
 - (1) No person shall cause or permit any steady-state sound or other nuisance sound to emanate from a source property which exceeds the levels set for in Paragraph B of this Section when measured at the following locations:
 - (a) Within twenty-five feet (25') of any receiving building located in any district or
 - (b) At any point along the boundary line between the source property and the receiving property.
 - (c) Sound measurements shall be made at six feet (6') above the ground level at the property line of the parcel where the sound source is located.
 - (2) Maximum permissible noise levels are:
 - (a) Daytime (7:00 a.m. to 10:00 p.m.) – 60 dBA.
 - (b) Nighttime (10:00 p.m. to 7:00 a.m.) – 55 dBA.
 - (c) In the LI Light Industrial District daytime noise as established in this section may be increased to 75 dBA and nighttime noise may reach 70 dBA.

- (3) Sound measurements made to determine compliance with the conditions and standards of this Section shall be made using a sound level meter which conforms to Type 1 or Type 2 as specified in ANSI Specifications, S1, 4-1971.
- D. Odor – No malodorous gas or matter that is discernible on any adjoining lot or property shall be permitted except for normal farm operations.
- E. Air Pollution - No pollution of air by flyash, dust, smoke, vapors, or any substance that is harmful to health, animals, vegetation or other property shall be permitted.
- F. Erosion – No erosion by wind or water that will carry objectionable substances onto neighboring properties shall be permitted.
- G. Water Pollution – Water pollution in violation of any standards established by the Pennsylvania Department of Environmental Protection shall not be permitted.
- H. Glare – Any operation or activity producing intense glare shall be so conducted that direct and indirect illumination from the source of light shall not cause illumination in excess of one-half of one foot candle above background when measured at any residential district boundary line. Flickering or intense source of light shall be so controlled as not to cause a nuisance across any lot lines. No use shall produce a strong, dazzling light or a reflection of strong, dazzling light beyond its lot lines. In general, lighting fixtures that shield the reflector or lens or any high brightness surface from viewing angles above sixty degrees (60°) from the horizontal shall be utilized.

Section 509 Storage, Screening and Buffer Yards

- A. No lot or premises may be used as a storage area or dump for garbage, junk automobiles, appliances or storage or collection of any other miscellaneous items except as provided for in appropriate Articles of this Ordinance or other application Township statutes.
- B. Travel trailers, pick-up coaches, motorized homes or boat trailers may be parked or stored subject to the following restrictions:
- (1) Such vehicles and trailers may be parked but not occupied as single family residential units.
 - (2) Travel trailers, pick-up coaches, boat trailers or similar recreational vehicles maybe temporarily parked or stored in rear and side yards in any district. Such vehicle may be occupied or used for living or housekeeping purposes after securing a permit from the Supervisors or their designee, and in no event shall such vehicles be occupied for such purposes for a period exceeding thirty (30) days.
- C. Perimeter fencing, walls, and all material and equipment storage in conjunction with commercial and industrial uses which border residential districts shall be screened to minimize visibility from adjoining residential uses. The screening requirement may be waived in a District where there is no adjoining residential development within three hundred (300) feet on an abutting lot.
- D. Where required, a screen or buffer shall have a height adequate to achieve its purpose. Plant materials used for screening shall consist of dense evergreen plants. They shall be of a kind, or used in such a manner, so as to provide a continuous opaque screen within twelve (12) months after commencement of operations in the area to be screened. The

Board of Supervisors shall require that either new planting or alternative screening be provided if, after twenty-four (24) months, the plant materials do not provide an opaque screen.

- E. Commercial and industrial sites adjacent to public rights-of-way shall meet the following requirements:
 - (1) Any part or portion of the site that is not used for buildings, loading or parking spaces and aisles, sidewalks and designated storage areas, shall be planted with an all season groundcover and shall be landscaped with trees and shrubs in accordance with an overall landscape plan. A replacement program for non-surviving plants shall be included.
 - (2) Any material stored outside an enclosed structure being used for commercial or industrial purposes, as an incidental part of the primary operation, shall be screened by opaque ornamental fencing, walls or evergreen plant material in order to minimize visibility if the storage area is readily visible from adjoining streets or properties not owned by the user. Materials shall not be deemed to include operable vehicles.
- F. A landscape plan and performance guarantees shall be submitted as part of applications for all commercial and industrial development and in all instances where buffering is required under this Ordinance.

Section 510 Single Unit Mobile Home Installation

Individual mobile homes may be installed as single family residential units on individual lots or tracts of land in subject to compliance with application requirements of this Ordinance and the following additional requirements:

- A. The mobile home shall be installed to conform with all front yard, side yard and rear yard setback lines applicable to housing in the district.
- B. The mobile home shall be installed upon, and securely fastened to, a frost-free basement, permanent footer or comparable stable and secure base as approved by the Uniform Construction Code.
- C. An enclosure (skirting) of compatible design and material shall be erected around the entire base of any mobile home installation when the base (as required in item (2) above) does not completely enclosed open spaces between the bottom of the mobile home structure and the ground level below said structure. Said enclosures shall provide for sufficient ventilation to inhibit decay and deterioration of the structure and to deter habitation by vermin.
- D. The owner shall provide a potable water supply and shall provide a sewage disposal system which meets all standards of the Pennsylvania Department of Environmental Protection.
- E. Any garage, utility shed, or other accessory building constructed on the tract shall conform with the standards applicable to such structures for the applicable zoning district.
- F. The land on which the mobile home is installed shall be owned or leased by the occupants thereof.

Section 511 Swimming Pools

Every swimming pool, not including farm ponds, that has a below ground depth of twenty-four inches (24") or more, and every swimming pool that has a height of three feet (3') or more at its highest point above ground, must comply with the side, rear and front yard setback requirements of this Ordinance. A zoning permit must be obtained before the same is installed or constructed, and an occupancy permit must be obtained before the same may be used. All installation shall be in conformance to the Uniform Construction Code.

Section 512 Roadside Stands

Temporary roadside stands for the seasonal sale of produce and related farm products produced on the site of an agricultural operation within the Township shall conform to the following minimum standards:

- A. Structures shall be a minimum distance of fifteen feet (15') from the highway right-of-way line.
- B. Off-street parking areas must be provided for patrons; with spaces at a ratio of one per each one hundred square feet of stand or produce storage area. Regardless of the size of stands and produce storage areas, at least three (3) spaces shall be provided.
- C. All parking areas shall be a minimum of ten feet (10') from the highway cartway.
- D. All stand structures shall be removed when seasonal sales are terminated.

Section 513 Residential Ancillary Sales

- A. Temporary roadside stands for the seasonal sale of garden products grown within the Township are permitted subject to the following requirements:
 - (1) Stands shall be set back at least fifteen feet (15') from the cartway.
 - (2) All stands must be removed when seasonal use is terminated.
 - (3) At least two (2) off-street parking spaces must be provided in addition to those required under regulations for residential parking and shall be a minimum of ten feet (10') from the highway cartway.
- B. The private sale of motor vehicles in all agricultural and residential districts shall be subject to the following requirements:
 - (1) No more than one (1) vehicle shall be available for sale and display at any given time.
 - (2) No vehicles displayed in required yard areas shall be placed in a manner that blocks or otherwise obscures sight distances along abutting highways.
 - (3) Advertising information, including "For Sale" notices, description, price and contact references, shall not exceed a cumulative total area of four (4) square feet).
 - (4) No spotlighting or similar illuminations shall be permitted.
- C. A temporary event to sell used household goods from a single family dwelling, an accessory building, or a yard area are a permitted temporary accessory to a single family dwelling, provided that no such sales shall exceed seven (7) days in duration, and

no more than thirty (30) days of such sales occur within any calendar year from the premises.

Section 514 Transient Vendors

Transient vendors, when authorized under applicable Commonwealth and Township regulations and by affected property owners, may be permitted to sell products subject to the following:

- A. Activities shall be restricted to the GC District.
- B. Temporary structures, signs and vehicles used for the sales activity shall be situated a minimum distance of twenty feet (20') from the highway cartway. Said structures, signs, and vehicles shall be removed during periods when sales operations are not in progress.
- C. Minimum clear sight lines of five hundred feet (500') along the highway approaches to the sales site shall be maintained from both directions.
- D. Off-street parking shall be available at a minimum distance of twenty feet (20') from the highway cartway.
- E. A minimum of five (5) off-street parking spaces shall be provided.
- F. Signs relating to the sale of products shall be limited to a total of two (2). Individual signs shall not exceed ten (10) square feet in area.
- G. Signs shall not be placed within twenty feet (20') of the highway cartway and shall be within one hundred fifty feet (150') of the sales site.

Section 515 Parking and Loading Requirements

515.1 Procedure

An application for a zoning permit for a new or enlarged building, structure, or use, shall include therewith a plot plan drawn to scale and fully dimensioned, showing off-street parking and loading facilities to be provided in compliance with the requirements of this Ordinance.

- A. Extent of Control:
 - (1) At the time of the erection of any main building or structure, or when any such building or structure is enlarged or increased in capacity, or when any private or public facility use permitted under this Ordinance is established permanent off-street parking and loading spaces shall be provided as specified herein.
 - (2) Required parking spaces shall be located on the same lot as the use for which it is provided. An adjacent lot that is guaranteed for the use of off-street parking during the life of the use for which the parking is provided may be permitted provided that guarantees in legal form are acceptable to the Board of Supervisors on the advice of the Township Solicitor.
- B. Where more than one use occupies a given lot, building or structure, off-street parking equal to the sum of that required for each use shall be required.
- C. No required off-street parking area, space or lot shall be located within a public right-of-way unless specifically authorized and approved by the Board of Supervisors.

D. Standards for Off-Street Parking and Loading Areas:

- (1) When determination of the required number of off-street spaces for parking or loading results in a fractional space, any fraction of one-half (1/2) or more shall be interpreted as a whole space.
- (2) In no case shall the public right-of-way be used for loading or unloading of material or for meeting a required parking facility.
- (3) Loading and unloading facilities and parking lots shall be designed so that vehicles are not required to back onto the street right-of-way.
- (4) Nonresidential parking areas, parking accessways, driveways and loading areas shall be sited at a minimum distance of ten feet (10') from all property lines. Where commercial or industrial land uses abut residential districts, no such vehicular areas shall be closer than twenty-five feet (25') to an adjacent residential parcel.
- (5) All lighting used to illuminate off-street loading and parking areas shall be designed so that light is reflected downward and away from adjoining premises and public rights-of-way.

E. Off-Street Parking Standards:

- (1) A required off-street parking space for an individual auto shall be a minimum dimension of nine feet wide by twenty feet long (9' x 20'). Maneuvering and cross aisles shall be twenty feet (20') wide for ninety degree (90°) parking. Aisle width for angle parking may be decreased in proportion to the parking angle but no aisle may be less than twelve feet (12') in width.
- (2) Driveways may be included as meeting the requirements for parking spaces for single family and two family dwellings.
- (3) Whenever possible, nonresidential parking areas and lots shall be level, except for necessary drainage purposes. If parking spaces are provided in areas which exceed five percent (5%) slope, all such spaces shall be parallel to the contour lines of the area.
- (4) All off-street parking areas shall be graded for proper drainage.
- (5) Stalls shall be provided with bumper guards or wheel stops when necessary for safety or protection to adjacent structures or landscaped areas.
- (6) Surface drainage shall be connected to the existing or proposed storm drainage detention or retention system.
- (7) All off-street parking areas requiring a capacity of ten (10) or more parking spaces shall be paved in accordance with the following guidelines.
 - (a) Proper subgrade preparation shall be completed.
 - (b) Adequate base course material, either crushed stone or bituminous concrete base course, shall be placed.
 - (c) An adequate thickness of ID-2 binder material shall be placed.
 - (d) An adequate thickness of ID-2 wearing course shall be placed.

- (8) A reinforced concrete pavement may be substituted for (7) above in accordance with the following:
 - (a) Proper subgrade preparation shall be completed.
 - (b) Adequate crushed stone base course shall be placed.
 - (c) An adequate thickness of Class AA cement concrete with sufficient reinforcing shall be placed.
 - (d) All materials and construction outlined above shall be completed in accordance with the latest PennDOT Publication 408 specifications.
- (9) Sufficient design data and details shall be provided with the site plan submission for review by the Township.
- (10) Ingress and egress shall be paved pursuant to the Township Driveway ordinance. All paved areas shall be properly marked to assure orderly and safe parking and efficient traffic circulation.
- (11) Parking areas designed for fewer than ten (10) vehicles shall be properly graded, have adequate stormwater controls installed, and may be surfaced with gravel or crushed stone. Provisions for dust control shall be implemented and the parking area shall be designed to provide orderly and safe parking, ingress and egress.

F. Off-Street Loading Standards:

Off-street loading spaces shall be provided for a building, structure or use which requires the receipt or distribution of materials or merchandise by 26,001+ pound weight class vehicles on a regular basis. Each off-street loading space shall be not less than ten (10) Feet in uniform width and sixty-five (65) Feet in length. Spaces need not be striped for exclusive loading use if it can be shown that peak hours and deliveries will differ. However, all loading areas shall be so designed so the vehicles using loading spaces are not required to back onto a public street or alley. Such spaces shall abut a public street or alley or have an easement of access thereto.

G. Off-Street parking spaces required per use:

- (1) Size and Access: Off-street parking spaces shall have a uniform area of one hundred eighty (180) Square Feet, being at least ten (10) Feet wide and eighteen (18) Feet long. These uniform sizes shall be exclusive of access drives or aisles, and shall be in usable shape and condition. Except in the case of single-family dwellings, no parking area shall contain less than three (3) spaces. Parking areas shall be designed to provide sufficient turnaround area so that vehicles are not required to back onto public streets. Where an existing lot does not abut on a public or private street, alley or easement of access, there shall be provided an access drive leading to the parking or storage areas or loading spaces.
- (2) Number of Parking Spaces Required: The number of off-street parking spaces required is set forth in Table 515. Where the use of the premises is not specifically mentioned, requirements for similar uses shall apply. If no similar uses are mentioned, the parking requirements shall be one (1) space for each two (2) proposed patrons and/or occupants of that structure. Where more than one (1) use exists on a lot, parking regulations for each use must be met, unless it can be shown that peak times will differ.

Table 515 Parking by Use Group		Parking Spaces Required
Residential		
Single-Family Dwelling		2 per dwelling unit
Family and Group Day Care		2 spaces for the dwelling and at least 1 additional space
Multi-Family Dwelling		2.5 per dwelling unit, unless limited to persons over the age of 55, or 1 bedroom units, then 1.5 spaces per dwelling unit
Mobile Home Parks		2 per dwelling unit
Institutional Uses		
Places of Worship and Assembly, Auditoriums, Indoor Assembly Places		1 per each 3 seats or 1 per each 4 persons permitted in maximum occupancy
Stadiums, Sports Arenas and Places of Outdoor Assembly		1 per each 6 seats or 1 per each 4 persons permitted in maximum occupancy
Schools		1 per each teacher and staff 1 for each 4 classrooms plus 1 for each 2 students age 16 and over
Nursing Homes and Personal Care Homes		1 per each staff on the largest shift plus 1 per each 4 beds
Hospitals		1 per each staff on the largest shift plus 1 per each bed
Commercial Uses		
Vehicle Sales and Service, Trailer Sales, and Similar Outdoor Sales		1 per 5,000 Square Feet developed lot area for vehicle display <i>and</i> 1 per 300 Square Feet customer service area; to a required maximum of 30 designated customer parking spaces
Day Care Centers		One space for every eight (8) children under care and one space for each employee on shift
Service Stations (including Convenience Store)		1 per 200 Square Feet gross floor area
Hotels/Motels		1 per guest room plus 1 per each employee on the largest shift
Funeral Home and Mortuaries		25 for the first parlor or viewing room, plus 10 per each additional viewing room
Indoor Commercial Recreation		One per each 3 persons in maximum occupancy
Outdoor Commercial Recreation		1 per each 2,500 of lot area developed and used for the recreational activity
Medical and Dental Office		8 spaces per doctor
Professional Office and Banks		1 per each 250 Square Feet of gross floor area
Furniture Stores, Building Material and Supply Yards		1 per each 800 Feet of gross floor area
Eating and Drinking Places		1 per each 2.5 patron seats
General Specialty Retail Stores/Shopping Centers		1 per each 400 Square Feet of gross floor area
Fast Food, Drive Through Eating and Drinking		1 per each 2 patron seats
Recreation Campgrounds		2 per campsite
Industrial Uses Business Parks, Light Manufacturing, Heavy Manufacturing, Truck Terminals, Warehouses		1 per each employee on largest shift plus 1 visitor space per each 10,000 Square Feet gross floor area

Section 516 Alternative Energy (Wind Energy Conversion Systems and Solar Energy)

Utility Scale Alternative Energy Systems shall be regarded as Heavy Industry, and shall be permitted as a Conditional Use in the LI Light Industrial District. They shall meet all applicable standards of this section as well as Section 438. Other Wind Energy Conversion Systems and Solar Energy Systems are permitted in all zoning districts as an accessory use to any lawfully permitted principal use or accessory use on the same lot or parcel upon issuance of the proper permit pursuant to and upon compliance with all requirements of this Article and as elsewhere specified in this Ordinance.

516.1 Solar Energy:

Building or roof-mounted systems are permitted to face any rear or side yard or as defined by this Ordinance, but must meet setbacks for accessory buildings and structures. Building-mounted systems may only be mounted on lawfully permitted principal or accessory structures.

A. Design and Installation Standards:

- (1) The solar PV system must be constructed to comply with the Pennsylvania Uniform Construction Code (UCC), Act 45 of 1999, as amended, and any regulations adopted by the Pennsylvania Department of Labor and Industry as they relate to the UCC, except where an applicable industry standard has been approved by the Pennsylvania Department of Labor and Industry under its regulatory authority.
- (2) All wiring must comply with the National Electrical Code, most recent edition, as amended and adopted by the Commonwealth of Pennsylvania.
- (3) The solar PV system must be constructed to comply with the most recent fire code as amended and adopted by the Commonwealth of Pennsylvania.
- (4) Setback Requirements - Ground-mounted systems are subject to the accessory use or structure setback requirements in the zoning district in which the system is to be constructed. The required setbacks are measured from the lot line to the nearest part of the system. No part of the ground-mounted system shall extend into the required setbacks due to a tracking system or other adjustment of solar PV related equipment or parts.

B. Height Restrictions:

- (1) All Systems are subject to the Height Limitations of the Zoning District for which they are proposed.
- (2) For a building-mounted system installed on a sloped roof that faces the front yard of a lot, 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 eighteen (18) inches between the roof and the highest edge of the system.
- (3) For a building-mounted system installed on a sloped roof, the highest point of the system shall not exceed the highest point of the roof to which it is attached.
- (4) For a building-mounted system installed on a flat roof, the highest point of the system shall not exceed six (6) feet above the roof to which it is attached.

- (5) Ground-mounted systems may not exceed ten feet in height, measured from the tallest part of the structure when installed.
- (6) Impervious Lot Coverage Restrictions - The surface area of any ground-mounted system, regardless of the mounted angle of any portion of the system, is considered impervious surface and shall be calculated as part of the lot coverage limitations for the zoning district. If the ground-mounted system is mounted above existing impervious surface, it shall not be calculated as part of the lot coverage limitations for the zoning district.

C. Non-conformance, Vacation, Abandonment or Decommissioning:

- (1) If a building-mounted system is to be installed on any building or structure that is a non-conforming because it violates the height or setback restrictions of the zoning district in which it is located, the building-mounted system may be permitted by Conditional Use so long as the building-mounted system does not extend above the peak or highest point of the roof to which it is mounted.
- (2) Discontinuation and/or abandonment is presumed when a solar PV system has been disconnected from the net metering grid for a period of six (6) continuous months without being connected to a battery system or has not produced electricity for a period of six (6) months. The burden of proof in the presumption of discontinuation/abandonment shall be upon the Municipality.
- (3) A solar PV system including its solar PV related equipment must be removed within twelve (12) months of the date of discontinuation and/or abandonment or upon termination of the useful life of the solar PV system.
- (4) For ground-mounted and building-mounted systems, removal includes removal of all structural and electrical parts of the ground or building-mounted system and any associated facilities or equipment and removal of all net metering equipment.

516.2 Wind Energy Conversion Systems:

- A. Building or roof-mounted systems are permitted to face any rear or side yard or as defined by this Ordinance, but must meet setbacks and height limitation for the buildings and structures to which it is attached. Building-mounted systems may only be mounted on lawfully permitted principal or accessory structures.
- B. WECS operations shall not cause interference to television or radio reception on neighboring properties. The Township reserves the rights to suspend and/or rescind the zoning permit if such interference becomes evident and is a nuisance to neighboring property owners.
- C. WECS operations shall not exceed 55 dba measured at the lot boundary line of adjacent properties. The Township reserves the right to suspend and/or rescind the zoning permit if it is determined by the Zoning Officer the noise characteristics and/or levels generated by a particular WECS exceed the standard enumerated herein.
- D. WECS operations shall not constitute an undue safety hazard to neighboring properties due to repeated failure and/or breakage of the rotor blade(s). If in the opinion of the Township Engineer such a safety hazard and/or nuisance exists, the Township reserves

the right to suspend and/or rescind the zoning permit until the safety hazard(s) have been corrected to the satisfaction of the Township Commissioners.

- E. All freestanding WECS towers, poles, or supporting structures shall be set back from all property lines a minimum distance of 1.25 times the total height of the tower or pole and all equipment mounted thereon from all adjacent property lines. The total height shall include the height of any structure that a tower or pole is mounted on if it is not mounted directly at ground level. No WECS tower or pole shall exceed in fifty (50) feet in height, except in the LI Light Industrial District, where height may be increased to one hundred twenty (120) feet.
- F. All WECS towers or poles shall be enclosed by a six-foot fence with a lockable entry. The climbing apparatus for the tower or pole shall stop 12 feet above the ground level.
- G. Freestanding WECS zoning applications shall be accompanied by construction plans, prepared by a Pennsylvania registered engineer, showing the location of the proposed tower or related equipment for the WECS; the type of materials used to construct the tower or pole on which the WECS will be mounted; all manufacturer's data relative to the complete operational characteristics of the WECS, including but not limited to safety and performance standards and/or characteristics, noise characteristics, and supplemental information as requested by the Zoning Officer.

Section 517 Traffic Impact Studies

- A. The Township shall require a traffic study when required by Section 400B3 but reserves the right to require a traffic study in any other circumstances where they believe that a conditional use or subdivision or land development will result in an increase of congestion along a key transportation corridor, or a significant decrease in level of service at any intersection. A Certified Traffic Engineer shall conduct the study.

The following represents a traffic study scope of services. 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 ($\frac{3}{4}$ - to 1-mile radius).
- (3) Roadway network and traffic control.
- (4) Existing traffic volumes in terms of peak hours and average daily traffic.
- (5) Planned roadway improvements by others.
- (6) Intersection levels of service.
- (7) Roadway levels of service (where appropriate).
- (8) Other measures of roadway adequacy (i.e., lane widths, traffic signal warrants, vehicle delay studies, etc.).
- (9) An analysis of existing traffic conditions, including:
 - (a) Intersection levels of service.
 - (b) Roadway levels of service (where appropriate); and
 - (c) Other measures of roadway adequacy (i.e. lane widths, traffic signal warrants, vehicle delay studies, etc.).

- (10) Projected site - generated traffic volumes in terms of:
 - (a) Peak hours and Average Daily Traffic.
 - (b) Approach/departure distribution including method of determination.
 - (c) Site traffic volumes on roadways; and
 - (d) Comparison of existing zoning to proposed site generation.
 - (11) 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, etc.).
 - (12) A description of the recommended access plan and necessary improvements, including:
 - (a) Schematic plan of access and on-site circulation.
 - (b) General description of on-site improvements required to maintain existing levels of service.
- B. When the results of traffic impact study (as finally approved by the Townships professional consultants) warrant the construction of onsite improvements, or a level of service for any intersection will decline by one grade or more, the Township shall require either completion of such onsite improvements by the developer as a condition of final approval, or a fee in lieu of such completion.

Section 518 Airport Zoning

A portion of New Sewickley Township is within the airport hazard overlay district for the Zelienople Airport. The Airport Hazard overlay zoning regulations adopted by the Township Board of Supervisors as Ordinance No. 188 of 2011 are incorporated herein by reference.

Section 519 Keeping of Livestock for Personal Use and Recreation as an Accessory to a Single Family Dwelling

The Township is committed to the protection of agricultural operations in areas where agricultural is historically present. The intent of this section is to create standards for the keeping of livestock for personal recreation, consumption, or incidental sales of products such as eggs, where the activity is an accessory to a single family dwelling and not part of an agricultural operation. Agricultural animals may be kept as accessory to a single family dwelling subject to the following standards. This Section does not apply to agricultural operations as defined herein, which constitutes any lot or parcel of ten (10) acres or greater.

A. Poultry and Rabbit Keeping:

- (1) A lot of any size may keep poultry or domestic rabbits, provided:
 - (a) A lot of one acre or less may keep up to four (4) hens or domestic rabbits.
Lots of at least one acre but less than 3 acres may keep up to six (6) hens or

domestic rabbits. (See Section 519B.1 below for lots of three (3) acres or more.)

- (b) Only female chickens (Hens) may be kept. No male chickens (Roosters) shall be kept on a lot of less than ten (10) acres.
- (c) Poultry and rabbits shall be kept within a structure or fence of durable construction of sufficient design to confine all animals upon lot and prevent estray.
- (d) No coop, pen, structure or enclosure for the keeping of animals shall be permitted within thirty five (35) feet of a lot line containing a pre-existing dwelling in separate ownership.
- (e) Manure shall be managed through composting, deep litter bedding, or other means to prevent malodorous nuisances, and in a manner consistent with or as regulated by the Pa. Department of Environmental Protection manure management regulations

B. Other Livestock:

- (1) A lot of at least three (3) acres may keep other livestock subject to the following standards:
 - (a) One (1) horse, cattle, lama, alpaca, or two goats, two sheep or two miniature ponies are allowed per each 1.5 acres of enclosed pasture. Ten quail, rabbits, chickens or six female turkeys are allowed per 1.5 acres of vacant property or enclosure, provided said poultry or rabbits are confined per Section 519A subsections 1c and 1e.
 - (b) The portion of the lot area used by said animals is completely enclosed by a fence of at least four (4) feet in height or other method of enclosure located a minimum of 15 feet from any lot line, if abutting lots contain preexisting single family residences.
 - (c) Must show compliance with all applicable Department of Environmental Protection (DEP) authorized manure management practices.
 - (d) Accessory buildings housing the animals shall be located a minimum of 50 feet from any lot line and located on the side or rear of the principle structure.
 - (e) No swine, roosters, uncastrated male goats, or other livestock not mentioned in this section shall be kept upon a lot of less than ten (10) acres.

ARTICLE 6

Sign Regulations

Section 600 Definitions Relative to Signs

Sign - Any structure, building, wall (or other outdoor surface) or any device or part thereof, which displays or includes any letter, word, model, banner, flag, pennant, insignia, device, or other representations used for announcement, direction, advertisement or identification. The actual area of any sign shall be measured in square feet and determined by the sum of the geometrically computed area(s) encompassing separate individual letters, words, or graphic elements on the background

Billboard - A sign that identifies or communicates a commercial or non-commercial message related to an activity conducted, a service rendered, or a commodity sold at a location other than where the sign is located.

Sign, Business - A sign that directs attention to a business, profession or industry conducted on the premises or to products sold, manufactured or assembled upon the same premises upon which it is displayed.

Sign, Changeable Copy - A sign or portion thereof which has a readerboard for the display of text information in which each alphanumeric character, graphic or symbol is defined by objects, not consisting of an illumination device and may be changed or re-arranged manually with characters, letters, or illustrations that can be changed or rearranged without altering the face or the surface of the sign.

Sign, Electronic - Electronic signs are identified by their subtype: electronic changeable copy signs, electronic graphic display signs multi-vision signs, or video display signs.

Sign, Electronic Changeable Copy - A sign or portion thereof that displays single color electronic information in which each alphanumeric character, graphic, or symbol is defined by a small number of matrix elements using different combinations of single color light emitting diodes (LED's), fiber optics, light bulbs or other illumination devices within the display area. Electronic changeable copy signs include computer programmable, microprocessor controlled electronic displays. Electronic changeable copy signs do not include official or time and temperature signs. Electronic changeable copy signs include projected images or messages with these characteristics onto buildings or other objects.

Sign, Electronic Graphic Display - A sign or portion thereof that displays multiple color electronic, static images, static graphics or static pictures, with or without text information, defined by a small number of matrix elements using different combinations of light emitting diodes (LED's), fiber optics, light bulbs or other illumination devices within the display area where the message change sequence is accomplished immediately or by means of fade, repixelization or dissolve modes.

Electronic graphic display signs include computer programmable, microprocessor controlled electronic or digital displays. Electronic graphic display signs include projected images or messages with these characteristics onto buildings or other objects.

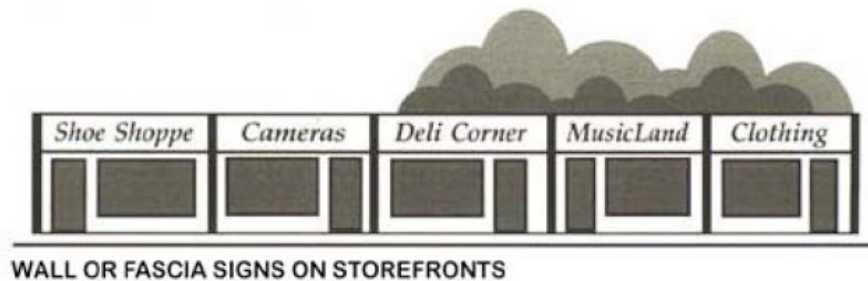
Sign, Multi-vision - Any sign composed in whole or in part of a series of vertical or horizontal slats or cylinders that are capable of being rotated at intervals so that partial rotation of the group of slats or cylinders produces a different image and when properly

functioning allows on a single sign structure the display at any given time one of two or more images.

Sign, Video Display - A sign that changes its message or background in a manner or method of display characterized by motion or pictorial imagery, which may or may not include text and depicts action or a special effect to imitate movement, the presentation of pictorials or graphics displayed in a progression of frames which give the illusion of motion, including, but not limited to, the illusion of moving objects, moving patterns or bands of light, or expanding or contracting shapes, not including electronic changeable copy signs. Video display signs include projected images or messages with these characteristics onto buildings or other objects.

Type of Signs

Sign, Façade, Fascia, or Wall - A sign that is in any manner affixed to any exterior wall of a building or structure and that projects not more than eighteen (18) inches from the building or structure wall. Also includes signs affixed to architectural projections that project from a building provided the copy area of such signs remains on a parallel plane to the face of the building facade or to the face or faces of the architectural projection to which it is affixed.



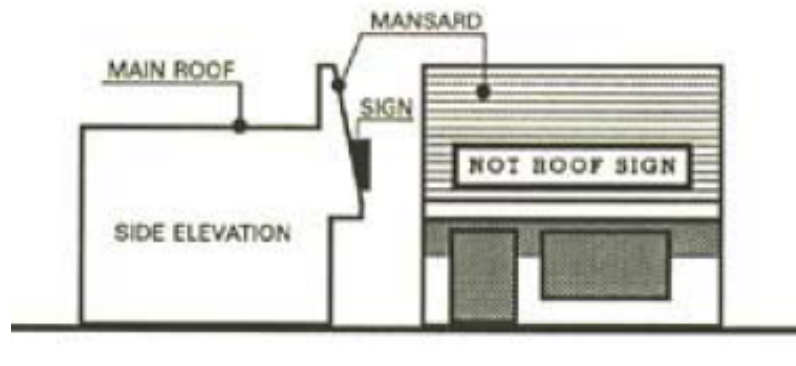
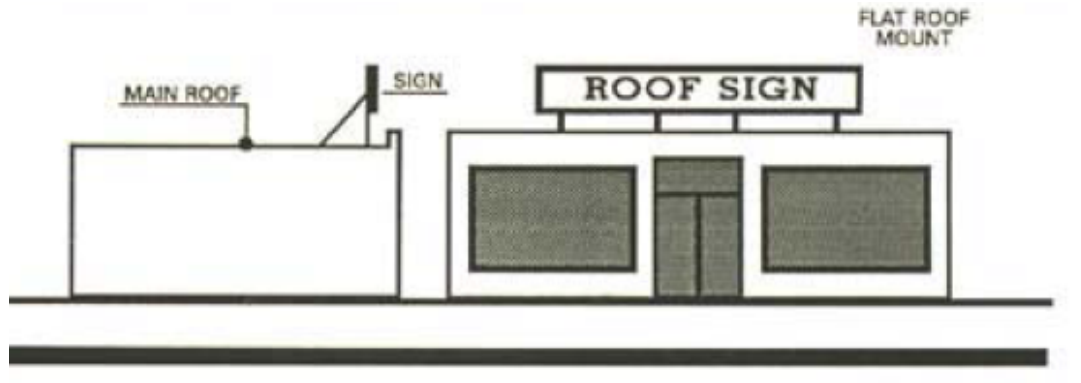
Sign, Freestanding - A sign principally supported by one or more columns, poles, or braces placed in or upon the ground.



Sign, Projecting - A sign other than a Wall Sign that is attached to or projects more than eighteen (18) inches from a building face or wall or from a structure whose primary purpose is other than the support of a sign.



Sign, Roof - A sign mounted on the main roof portion of a building or on the uppermost edge of a parapet wall of a building and which is wholly or partially supported by such building. Signs mounted on mansard facades, pent eaves, and architectural projections such as canopies or marquees shall not be considered to be roof signs.



Sign, Sandwich Board - A temporary sign created by attaching two sign faces at a single point, intended to be self-supporting.

Sign, Window - A sign affixed to the surface of a window with its message.

Section 601 Exempt Signs

- A. The following types of signs are permitted in all zoning districts, and exempt from permitting requirements, but not from performance standards relative to traffic safety, or overall sign limitations of any specific sign type or district.
- B. Temporary signs announcing a campaign, drive or event of a civic, philanthropic, educational, or religious organization, provided such sign shall not exceed sixteen (16) square feet in area and shall be removed immediately upon the completion of the campaign, drive or event.
- C. Temporary signs erected in connection with the development or proposed development of the premises or property provided that the area of any such sign shall not exceed sixteen (16) square feet. Not more than one (1) such sign shall be placed on property held in single and separate ownership unless the property fronts on more than one (1) street, in which case one (1) such sign shall be permitted on each separate street frontage. Such signs shall be removed within ten (10) days after the development has been completed and/or the last structure occupied. No such sign may be erected until all zoning, subdivision and land development approvals have been obtained.
- D. Political signs announcing candidates seeking public office, a referendum, or similar political speech.
- E. Religious or holiday displays or messages with no commercial content.
- F. The flag of the United States, Commonwealth of Pennsylvania, or any state or nation.
- G. Signs offering the sale or rental of the premises upon which the sign is erected, provided that the area of any such sign shall not exceed ten (10) square feet and not more than one (1) such sign shall be placed on the property unless such property fronts on more than one (1) street, in which case one (1) sign may be erected on each street frontage.
- H. Auctions, garage, or yard sale signs provided that they do not exceed four (4) square feet and are removed as soon as the event or activity has occurred.
- I. Directory signs which list all the occupants of a multi-tenant or multiple-family building, or buildings in a multi-building development; provided, that the area of such signs does not exceed one-half square foot per tenant or two square feet per individual building.
- J. Temporary signs of contractors, developers, architects, engineers, builders and artisans, erected and maintained on the premises where the work is being performed, provided that the area of such sign shall not exceed sixteen (16) square feet in any Residential District, and thirty two (32) square feet in all other districts; provided that such sign shall be removed upon completion of the work.
- K. Any signs not visible from outside a lot or building.
- L. Displays of time and temperature, including electronic displays.
- M. Rest room, exit, public telephone, handicapped parking or access, and similar directional or informational signs emplaced for the benefit of the public or building tenants.

- N. No trespassing signs, signs indicating the private nature of a road, driveway or premises, signs controlling fishing on the premises, provided that the area of such sign shall not exceed two (2) square feet.
- O. House and address numbers, home occupation or nameplate sign displaying the name and address of the occupant or the profession or activity of the occupant of a dwelling unit, provided that not more than one (1) such sign shall be erected for each permitted use, and provided that the area of each such sign shall not exceed four (4) square feet and may not be illuminated.
- P. Memorial signs or tablets denoting the date of erection of a building.
- Q. Temporary signs announcing the birth of a child, birthday commemoration, marriage, graduation, or similar event in the life of a householder shall be permitted provided such signs do not exceed thirty-two (32) square feet.
- R. Any sign warning of a hazard that contains no other information or commercial content.
- S. Signs erected by the Township or an authorized entity that serve to provide directions and explanations for public recreational purposes and facilities, for dedication/memorial purposes, and to mark and explain historical events, persons or structures. Such signs shall not exceed sixteen (16) square feet in area. Such signs may include the name or logos of businesses or individuals who have sponsored a public improvement or general support of said facility.
- T. Traffic signs and similar regulatory notices placed by a duly constituted governmental body.
- U. Signs erected for the purpose of scoring an athletic event taking place upon the site, which may include electronic scoring devices and names and or logos of sponsors of the sign, provided there is no illumination of the sign at times when the activity is not taking place.

Section 602 Performance Standards

Except where specifically noted, all signs shall adhere to all performance standards.

- A. Unless specifically exempted by Section 601 of this Ordinance, a permit must be obtained from the Township for the erection or alteration of all signs. Exemptions from the necessity of securing a permit, however, shall not be construed to relieve the owner of the sign involved from responsibility for its erection and maintenance in a safe manner and in a manner in accord with all the other provisions of this Ordinance and other codes.
- B. No signs shall be permitted within public rights-of-way, except PennDOT approved traffic signs and devices; signs and banners specially approved by the Township for decoration or promotion of community events and activities; signs not exceeding nine square feet placed temporarily to advertise the sale of real estate or a yard sale; political signs not exceeding nine square feet placed temporarily; signs not exceeding nine (9) square feet placed temporarily to provide notice of or direction to a civic, philanthropic, political, educational, or religious event or activity, or other signs specifically permitted under section 601 of this Ordinance (projecting business signs). The Township may require proof of insurance for any sign within a Township right-of-way.

- C. No person shall construct, erect, place, use or permit the use of any permanent or temporary sign or sign structure on private or public property except for the property owner or tenant.
- D. Construction and maintenance: All signs shall be constructed in a workmanlike fashion using durable materials. Signs shall be designed and constructed to withstand wind forces and in accordance with appropriate mechanical or electrical standards. The owners of signs shall keep them in safe and good repair. Signs which become deteriorated or otherwise present a public hazard shall be removed or repaired by the sign's owner. If the owner of a sign cannot be found or identified, the owner of the property whereon the sign is located shall be responsible for its repair or removal.
- E. No sign structure may block a vehicular line of sight for a driveway, access lane, or public street, or be placed at any location where by its position, shape, or color it may interfere with or obstruct the view of or be confused with any authorized traffic sign, signal or device. Sign structures erected directly upon the ground within fifteen (15) feet of any vehicular driveway, or street intersection shall have at least three (3) feet six (6) inches of clear space between such sign and the ground; however, necessary supports may extend through such open space.
- F. No signs shall be permitted which are posted, stapled or otherwise attached to public utility poles, trees, fire hydrants, traffic signposts, light posts, or any Township owned structure.
- G. Nonconforming signs, once removed, shall be replaced only with conforming signs. Nonconforming signs may be repainted or repaired, providing such repainting or repairing does not exceed the dimensions of the existing sign.
- H. Any electronic sign within the Township whether nonconforming, or conforming, shall meet compliance with Sections 606 regarding operating performance standards for public safety and welfare.

Section 603 Illumination

- A. Except as specifically provided for electronic signs, no sign shall employ intermittent light, electronic or movable text, strobes or other animations that may serve to distract motorists, or abutting homeowners.
- B. Lighting for signs shall not create a hazardous glare for pedestrians or vehicles either in a public street or on any private premises.
- C. Except as specifically provided for electronic signs under Section 606, or the use of diffused neon, the light source, whether internal to the sign or external, shall be shielded from view.
- D. Sign illumination for externally illuminated signs shall utilize focused light fixtures that do not allow light or glare to shine above the horizontal plane of the top of the sign or onto any public right-of-way or adjoining property.
- E. All electrical connections shall be shielded by underground or overhead electrical wires which meet all relevant codes. No temporary signs shall be illuminated by direct means.

603.1 Signs may be illuminated by direct or indirect means:

Illumination of the sign face shall not exceed one hundred (100) luxes (10 foot candles) measured at a distance of ten (10) feet from the sign, unless any portion of the illuminated sign face is within one hundred (100) feet from, and visible from, an occupied dwelling in said district. In such cases, illumination shall be reduced to ten (10) luxes (1 foot candle) measured at a distance of ten (10) feet from the sign.

Section 604 Sign Permit Application

All applications for signs, as required under this section, shall be submitted to the Zoning Officer. The application shall contain:

- A. Type, area and number of signs proposed.
- B. Type of illumination proposed (if permitted), including the luminance proposed and direction of lighting.
- C. For freestanding signs, a drawing showing the placement of the sign in relation to all driveways, vehicular rights of way, property lines and cart-ways. The developer shall submit current sight distances, before and after erection of the sign with sufficient information to show that sight distances shall not be reduced.
- D. A photograph or graphic rendition of the proposed sign copy, including all symbols, letter, and graphic elements shown to scale and all structural elements intended to anchor the sign.
- E. The Township must specifically approve signs within public rights of way. In the case of temporary signs, the Zoning Officer or his designee shall review the application and grant approval if all applicable standards of this Ordinance are met. In the case of permanent signs, the Zoning Officer shall refer the application to Township Supervisors, who may refer the application for advice to the Planning Commission or any similar advisory committee.
- F. The information required by this section may be integrated into the Township's land development plan application and approval process where applicable.

604.1 Temporary Signs:

Temporary signs shall be permitted in building windows, and shall not require a permit.

- A. Temporary sandwich board signs of up to four (4) square feet, per side, in area are permitted during the hours the business is open.
- B. Permanent Window Signs, Banners and Temporary Business Signs:
 - (1) Permanent window signs are permitted by right without a permit provided no more than fifty percent (50%) of each window surface and twenty-five percent (25%) of all building windows include such signs. Such permanent window signs do not count towards the allowed number of signs per district.
 - (2) Temporary business signs, such as vinyl banner signs or manual changeable copy signs, are also permitted as accessory to all business uses, and do not require a permit. However, such signs remain subject to all setback requirements for business signs, and may not exceed 32 square feet in size. No temporary banner sign or changeable copy sign may be lighted except by indirect means. No

temporary banner sign or changeable copy sign shall remain in place for more than 30 continuous days or 120 total days per calendar year.

Section 605 Signs Permitted in the Each Zoning District

Table 605

Zoning District	MDR District	RA and TND Districts	GC and LI Districts
Signage Area Permitted	Aggregate of 64 Square Feet 3 Signs per Property	Aggregate of 32 Square Feet 2 Signs per Property	Aggregate of 500 Square Feet
Maximum Area per Sign	32 Square Feet	16 Square Feet	200 Square Feet
Maximum Height per Freestanding Sign	8 Feet	8 Feet	35 Feet
Setback	All Signs must be set back from a Property Line or Public Right of Way, by the Height of the Sign		

Section 606 Electronic Signs

The inherent characteristic of electronic signs is their flexibility. This creates the potential for such signs to create an undue distraction to motorists if poorly placed or poorly programmed. These regulations are designed to encourage evolving methods of advertising, while preventing light pollution, and driver distraction hazards.

- A. A single LED window sign of up to two (2) square feet in size is permitted for any business use. LED window signs shall not be included as part of calculations of total signage permitted.
- B. An electronic sign is permitted in the GC District as an accessory portion of a freestanding or wall sign, the area of the LED shall be included in total sign area calculations. The Electronic Sign shall also meet all the following design and performance standards:
 - (1) Message display shall remain static for a minimum of five (5) seconds. There shall be no strobe, flashing effect or other animation during the display. Any transitions or change of the display between messages shall not be more than one (1) second. Transitions that involve fading, scrolling, or other animations shall not be permitted.
 - (2) Illumination: The owner of the sign or his agent shall measure sign luminance with a luminance meter set to measure foot-candles accurate to at least two decimals. Luminance shall be measured with the sign off, and again with the sign displaying a white image for a full color-capable sign, or a solid message for a single-color sign. All measurements shall be taken perpendicular to the face of

the sign at the distance determined by the total square footage of the sign. Electronic signs of ten square feet or less shall be measured at a distance of thirty two (32) feet. Electronic Signs of greater than ten (10) square feet shall be measured at a distance of 39 feet. The difference between the off and solid-message measurements using the criteria shall not exceed 0.3 foot-candles at night. A letter certifying compliance shall be provided to the Zoning Officer.

- (3) Dimming Capabilities: All permitted electronic signs shall be equipped with a sensor or other device that automatically determines the ambient illumination and programmed to automatically dim according to ambient light conditions, or that can be adjusted to comply with the 0.3 foot-candle measurement.
- (4) Electronic signs which malfunction shall be turned off except for testing during any correction or repair.
- (5) Setback from other electronic changeable copy, electronic graphic display or video display signs: Electronic signs must be separated from other electronic signs by at least thirty-five (35) feet. No more than one (1) electronic sign is permitted per each property, regardless of how many tenants occupy that lot.
- (6) Orientation. When located within one hundred fifty (150) feet of a residentially-used lot, all parts of the electronic changeable copy sign must be oriented so that no portion of the sign face is visible from an existing or permitted principal structure on that lot.
- (7) Audio or Pyrotechnics. Audio speakers or any form of pyrotechnics are prohibited in association with an electronic sign.
- (8) The developer shall show compliance with all applicable regulations of the Pennsylvania Department of Transportation for any proposed sign abutting a State Highway.
- (9) The developer shall show the ability to meet illumination standards under Section 603 of this ordinance. Developer shall present material detailing any differences in proposed LED light as compared to standard light measurement.

Section 607 Billboards and Multi-Vision Signs

Billboards are permitted in the LI Light Industrial District as a Conditional Use.

- A. Billboards are limited to the following size limits:
 - (1) Static: Six Hundred Seventy Two Square Feet (672)
 - (2) Electronic: Two Hundred Eighty Eight Square Feet (288)
- B. No billboard shall be located within thirty five (35) feet of a public road intersection.
- C. No Billboard shall be placed within seventy five (75) feet of another billboard on the same side of the street.
- D. All Multi-Vision signs shall have a transition time between sign faces of no more than two (2) seconds or less than one (1) second.
- E. Electronic Billboards must meet all performance standards of Section 605.

ARTICLE 7
Planned Residential (PRD) and Traditional Neighborhood (TND) Developments

Section 700 Purposes

The purposes of this Article and the Township of New 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.

Section 701 Conditions for Planned Residential Development

- A. This Article hereby establishes two (2) types of planned residential developments (PRD): PRD-A and PRD-B. Subject to the restrictions, qualifications, and provisions of this Article.
- 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 New 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 provisions of this Article. 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.
- G. The proposed planned residential development shall be served by a public sanitary sewage treatment system which shall meet all the standards set by this Article and shall have received all necessary approvals and permits from local, county, and Commonwealth agencies.
- H. 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.

Section 702 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 Article.
- 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 quadriplex.
 - (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 Article 13.
 - (g) Essential services, as defined in Article 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 quadriplex), 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 quadriplex.
- (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 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, quadriplexes 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.

Section 703 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 Article. The average net density by type of PRD shall be:
 - (a) PRD-A - 3.0 units/buildable acre
 - (b) PRD-B - 4 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 Article.

B. Calculation of Buildable Area:

- (1) Proposed buildable area of a proposed PRD site is determined by subtracting portions of the subject land in the following existing categories:

Type of Land
Land in existing ROW easements or otherwise restricted by deed or covenant
Floodplains (100 year)
Lakes, Ponds or Wetlands
Slope - 40% or more
Land categorized as a bio-diversity area (BDA)

- (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.

Section 704 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.
- (2) All housing shall be sited so as to enhance privacy and ensure natural light.
- (3) 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.
- (4) 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:

- i. Aesthetic values (autumn coloration, type of flowers and fruit, bark and crown characteristics).
- ii. Susceptibility of tree to insect and diseases and to air pollution.
- iii. Species longevity.
- iv. Wind firmness and the characteristic of soil to hold trees to withstand wind.
- v. Wildlife values (e.g. oak, hickory, pine, walnut, and dogwood have high food value).
- vi. Comfort to surroundings (e.g., hardwoods reduce summer temperatures to surroundings more effectively than pines or cedars).
- vii. Existence of disease, rot, or other damage to the tree.
- viii. Protection of buildings (i.e., dead and large limbs hanging over buildings should be removed).
- ix. The size of the tree at maturity.

(3) 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:
 - i. Recreational uses not requiring permanent or temporary structures, such as picnic areas, fishing sites, trails, and similar uses.
 - ii. 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 New Sewickley Township.

(4) 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.

(5) 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.
- (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 thirty five feet (35') in height.
- (2) All structures or recreational facilities shall be situated at least seventy five (75) feet from all public road rights of way and fifty feet from all property lines.

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, and the specific provisions of the Ordinance of June 7, 2011.
- (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 Township's Subdivision and Land Development Ordinance. A proposed E/S plan shall be submitted with the tentative application and the Township shall forward it to 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. Such costs shall be determined during the review of the application and included in the Development Agreement, in accordance with this Article.
- (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 AngleAisle 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.
- (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 poles 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 Buffer Yards:

- (1) All shared 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 are preferred to 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 should be provided for each fifty feet (50) of street length, or fraction thereof.
- (3) The entire perimeter of the tract undergoing development shall be provided with a planted buffer-yard type as based upon standards enumerated in this Ordinance.
 - (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 Article 6.
- (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.

O. Standards for Location and Management of Common Open Space and Facilities:

(1) 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.

(2) 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 no change in the open space ratio or with each of the various methods:

(a) 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."

(b) 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.

(c) 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:

- i. Such land is accessible to the residents of the Township;
- ii. There is no cost of acquisition (other than any costs incidental to the transfer of ownership such as title insurance); and
- iii. Township agrees to and has access to maintain such lands.

(d) 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:

- i. Such land is accessible to the residents of the Township;
- ii. There is no cost of acquisition (other than costs incidental to the transfer of ownership, such as title insurance); and
- iii. A satisfactory maintenance agreement is reached between the developer and the Township.

(e) 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:

- i. The organization is acceptable to the Township, and is a bona fide conservation organization with perpetual existence;
- ii. 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
- iii. 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.

(3) Specific Requirements for Homeowner's Associations:

If a homeowner's association is formed, it shall be governed according to the following regulations:

- (a) Developers shall provide to the Township a description of the organization, including its by-laws and methods for maintaining the open space.
- (b) 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.
- (c) Membership in the organization is mandatory for all purchasers of property therein and their successors.
- (d) The organization shall be responsible for maintenance of and insurance and taxes on common open space and facilities.
- (e) 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.
- (f) 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.
- (g) The organization shall maintain all common facilities and open space.
- (h) 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:
 - i. That the residents of the planned residential development shall at all time have access to the common open space lands or facilities contained therein;

- ii. That the common area(s) to be leased shall be maintained for the purposes set forth in this Ordinance;
 - iii. 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.
 - (i) 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 the execution and a copy of the recorded lease shall be filed with the Township Secretary.
- (4) Maintenance:
- (a) 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 or 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.
 - (b) 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.
 - (c) 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.
 - (d) 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.

- (e) The cost of such maintenance and enforcement proceedings by the Township shall be assessed on a 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.

P. Development in Stages:

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

- (1) 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.
- (2) 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.
- (3) 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.
- (4) 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

Q. Application Procedure:

- (1) General:
 - (a) 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 Article.

- (b) 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.
 - (c) All applications shall be submitted to the Township secretary in the form and within the time limits specified by this Article. 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 Article. Within twenty (20) days of submission, the Township shall notify the applicant in writing of any deficiencies in the application documents.
 - (d) 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.
 - (e) 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.
- (2) Sketch Plan Review (Optional):
- (a) 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.
 - (b) 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.
 - (c) 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.
 - (d) 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.

(3) Tentative Application (Required):

(a) 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 Article 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.

(b) The tentative application shall include the following items:

- i. Legal description of the proposed PRD site and names and addresses of all owners of the property or properties.
- ii. 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).
- iii. 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.
 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).
- iv. 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 Article.
 - v. 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.
- vi. A preliminary drainage plan for providing stormwater management for the PRD, in accordance with the standards of the New Sewickley Township Subdivision and Land Development Ordinance. 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.
- vii. A preliminary grading and erosion/sedimentation plan in accordance with the Township's Subdivision and Land Development Ordinance, this Article, and Beaver County Conservation District criteria.
- viii. Preliminary architectural elevations of all building sufficient to convey the basic architectural intent of the proposed construction.
- ix. 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.).
- x. 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.
- xi. Any documents or reports, such as geotechnical investigations, recreation needs assessments or similar studies, prepared in compliance with the requirements of this Article or which provide pertinent background information to the PRD application.
- xii. 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.
- xiii. 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.
- xiv. 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 Article.
- xv. 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.

(c) Review of Tentative Applications:

- i. 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.
- ii. 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.
- iii. 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.
- iv. 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.
- v. 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.
- vi. 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.

(d) Status of the Plan After Tentative Approval:

- i. The official written communication shall be filed by the Township Manager/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.
- ii. 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.

(4) Application Procedure for Final Approval of PRD Plan (Required):

(a) Scope of the Application: The application for final approval of the PRD plan may be:

- i. For all the land included in the plan, or
- ii. 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.

(b) Content and form of the Final Application:

- i. 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.
- ii. 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.
- iii. 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.
- iv. 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:
2. Extent and location of all plant materials and other landscape features. Plant material must be identified by direct labeling on the plant or by a clearly understandable legend.
3. Proposed plant material should be indicated at mature sizes and in appropriate relation to scale.
4. Species and size of existing plant materials.
5. Proposed treatment of all ground surfaces must be clearly indicated (paving, turf, gravel, grading, etc.).
6. 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

7. 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.
- v. Location, type, size, height and design of lighting fixtures for streets and common open areas and signage within the PRD.
- vi. 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.

(c) Review Procedure:

- i. 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.
- ii. 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.
- iii. 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.
- iv. When a final application is refused, the applicant may either;
 - v. Refile his application without objected variations, or
 - vi. 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.
 - vii. 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) days 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.

(d) Status of the Plan After Final Approval:

- i. 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 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.
- ii. 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.

- (e) 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.

R. Administration:

(1) Relationship of the PRD Article to the MPC and Other Township Ordinances:

- (a) It is the intention of the Township Supervisors that all provisions in this PRD Article 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 Article, the Municipalities Planning Code shall take precedence.
- (b) Where any provision of this Article 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 Article 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 Article shall apply.
- (c) Upon enactment of this Article by the Township Board of Supervisors, said Article shall become part of the Zoning Ordinance and all other provisions of the Zoning Ordinance shall be applicable to development under this Article except where noted in this Article or where said provisions or requirements conflict with this Article.

(2) Modification of Provisions of this Article:

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 Article.

(3) 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.

(4) Performance Guarantee:

- (a) 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.
- (b) 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.
- (c) 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.

(5) Dedication and Maintenance Guarantee:

- (a) 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.
- (b) 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.
- (c) 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.
- (d) 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.

(6) Permits:

- (a) 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.

- (b) 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.
- (c) The provisions of Article 15 of the New 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 Article 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 Article and the conditions of final approval.

(7) Fees:

The New 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.

Section 705 Traditional Neighborhood Development Option

A. Purpose and Authority:

Authority for the establishment of this development option derives from Article VII-A of the Pennsylvania Municipalities Planning Code, and its purposes are as follows:

- (1) To insure that the zoning regulations which are concerned in part with the uniform treatment of dwelling type, bulk, density, intensity, and open space within each zoning district shall not be applied to the improvement of land by other than lot-by-lot development in a manner that would distort the objectives of the Township's Community Development Goals and Objectives.
- (2) To encourage innovations in residential and nonresidential infill development and renewal that makes use of a mixed-use form of development so that the growing demand for specific housing needs for residents of all ages, and other development and redevelopment may be met by greater variety in type, design, and layout of dwellings and other buildings and structures and by the conservation and more effective use of open space ancillary to said dwellings and uses.
- (3) To extend greater opportunities for better and more diverse types of housing, recreation, and access to goods, services, and employment opportunities to citizens and residents of New Sewickley Township.
- (4) To encourage a more efficient use of land and of public services to reflect changes in the technology of land development so that economies secured may benefit those who need housing and for other uses consistent with the design characteristics of Smart Growth.
- (5) To allow for the development and redevelopment of fully-integrated, mixed-use pedestrian-oriented neighborhoods.
- (6) To minimize traffic congestion, infrastructure costs, and environmental degradation.

- (7) To promote the implementation of the objectives of the New Sewickley Township Comprehensive Plan for guiding the location of growth and development.
- (8) To provide a procedure in aid of these purposes which can relate the type, design, and layout of a mix of residential, nonresidential and service uses to the particular demand for housing existing at the time of development in a manner consistent with the preservation of the property values within existing residential and nonresidential areas.
- (9) To insure that the increased flexibility of regulations over land development authorized herein is carried out under such administrative standards and procedure as shall encourage the disposition of proposals for land development meeting acknowledged demands without undue delay.
- (10) For purposes of administration, mixed use developments on a unified site planned and designed to incorporate residential, nonresidential and service support uses including, but not limited to, retirement communities and hamlets shall be considered Traditional Neighborhood Developments.

B. Review and Approval:

It is hereby declared to be in the public interest that all applications for approval of a Traditional Neighborhood Development and the continuing administration thereof shall utilize the following procedure:

- (1) The application for tentative approval shall be filed by the developer/applicant in such form, upon the payment of such a reasonable fee as is specified by the Township. The application shall be filed with the Township Manager/Secretary.
- (2) All planning, zoning, and subdivision matters relating to the platting, use and development of the Traditional Neighborhood Development site and subsequent modifications of the regulations relating thereto, to the extent such modification is vested in New Sewickley Township, shall be determined and established by the New Sewickley Township Board of Supervisors with the recommendation of the Planning Commission.
- (3) The provisions shall require such information in the application as is reasonably necessary to disclose to the Township:
 - (a) General Data:
 - i. Name of proposed Traditional Neighborhood Development.
 - ii. North point.
 - iii. Graphic scale and legend describing all symbols shown on the plan.
 - iv. Day, month and year the plan was prepared and date and description of revisions to the plan occurring after formal submission.
 - v. Statement of property owned by the proposed developer/applicant within the zoning district, or property being developed on behalf of another owner and any agreements relative to ownership.
 - vi. Name, address and seal of the individual or firm preparing the plan.
 - vii. An Offer of Dedication Signature Block.

viii. Municipal Approval Signature Block.

ix. Recorder of Deeds Signature Block.

(b) Existing Features:

- i. Total acreage of the property and total square feet within each lot of the development.
- ii. Existing Features, including sewer lines and laterals, water mains and fire hydrants, electrical lines and poles, culverts and bridges, railroads, buildings, streets, including rights-of-way and cartway widths and approximate grades, development of abutting properties, including location and types of uses.
- iii. Land and building uses for all property within the proposed Traditional Neighborhood Development, including pre-existing neighborhood density and how the proposed development would affect pre-existing densities.
- iv. The following permitted uses shall be applicable to all Traditional Neighborhood Developments:
 1. Residential (two dwelling types required):
 - Single family dwellings
 - Two-family dwellings
 - Quadriplex dwellings
 - Townhouses (maximum six dwelling units per structure)
 - Apartment dwellings on upper floors of a mixed-use structure with commercial, service or office use on ground floor.
 2. Nonresidential (maximum 25% of gross floor area of total construction):
 - Neighborhood scale retail
 - Personal and professional services
 - Sit-down restaurants with no drive-through service
 - Mixed-use structures
 - Educational, religious or government office facilities
 3. Recreational (minimum 15% of gross site area):
 - Public and private recreational facilities, including but not limited to, health and fitness facilities and court games
 - Baseball, soccer and football fields
 - Active or passive open space, including but not limited to, walking trails, interpretive trails, and multi-purpose fields.
- v. Parking: In all Traditional Neighborhood Developments with twelve (12) or more dwelling units in any configuration, a centrally located

public parking area with a minimum of one (1) visitor space per each three (3) dwelling units shall be provided in addition to off-street parking provided to serve both residential and nonresidential uses. (See also Article VI of the MPC).

C. Proposed Development:

The Traditional Neighborhood Development is an area in which an integrated development will occur which incorporates a variety of residential and related neighborhood scale commercial or service uses permitted within the development plan. The respective areas of the site plan devoted to specific residential, commercial, service and recreational uses shall be shown and within each area, the following shall be included:

- (1) The approximate location, and use of buildings and other structures (all area dimensions shall be indicated in square feet).
- (2) The approximate location and area of driveways and parking and loading areas.
- (3) The property lines of lots to be subdivided, measured to the nearest foot.
- (4) The approximate location of sidewalks and bike or foot paths.
- (5) The location of utility and drainage easements.
- (6) The location and pipe diameter of sewer and water mains.
- (7) The location of fire hydrants.
- (8) Perimeter setbacks and buffer yards.
- (9) Street information, including: location and widths of rights-of-way and cartways, proposed street names, approximate road profiles along the center line of each proposed street, showing finished grade at a scale of one inch equals fifty feet horizontal and one inch equals five feet vertical.
- (10) A conceptual landscaping plan indicating the treatment of materials and landscaping concepts used for private and common open space, consistent with the standards in Section 509.
- (11) A general grading plan showing any major alterations to the topography of the site.
- (12) The approximate location and area of proposed common or dedicated open space, including: the proposed use and improvements of common open space, the approximate location and use of common recreational facilities, and the approximate location and area of land to be dedicated for public purposes or privately maintained.
- (13) The total area devoted to each use, the number and type of residential units (two types required), the percentage of each type of use and the total nonresidential square footage in the development and in each phase.
- (14) Building footprints and building elevations for each structure in the development and each phase.

- (15) The area of street rights-of-way, parking, sidewalks, and walkways and the total area paved and percent of area paved or covered by the structures in the development in each phase or section.
- (16) The total area devoted to planned recreational or open space use throughout the entire development and in each phase, where applicable.
- (17) The calculations of impervious surface in the development and in each phase and the methods and best management practices proposed to manage stormwater.

D. Narrative Statement:

The following information should be included with a development narrative submitted with the site plan:

- (1) A statement of the ownership of all of the land included within the Traditional Neighborhood Development site.
- (2) An explanation of the design and layout of the Traditional Neighborhood Development, with particular attention as to planning objectives to be achieved.
- (3) A statement describing proposed innovative design concepts or architectural themes included in the plan, including their purpose and benefits.
- (4) The substance of covenants, grants of easements or other restrictions proposed to be imposed on the use of land, buildings and structures, including proposed easements or grants for public use or utilities. The covenants should specifically indicate that any land proposed for parks, recreation or open space shall be identified as such on the recorded plan.
- (5) A description of how the proposed development meets standards and conditions of Section 706 A of the Pennsylvania Municipalities Planning Code, any variations necessary, and why such variations are in the public interest.
- (6) A description of the proposed use and improvement of common open space and active recreational facilities.
- (7) Where all property in the proposed development is not owned by the developer/applicant, a statement of how development will be integrated to present a cohesive neighborhood, or tentative acquisition plans.
- (8) A statement of consistency with the Township's Comprehensive Plan, particularly any Land Use Plans, and consistency with any design guidelines or preferred development components the Township has adopted or may adopt pursuant to this Section.

E. Development Schedule:

When it is anticipated that development pursuant to an approved Tentative Plan will occur in phases over a period of years, the following shall be included with the application for site plan (land development) approval:

- (1) The sequence of phases in which the land development will be submitted for final approval and the approximate date when each phase will be submitted for final plan approval.
- (2) The approximate date when each phase will be completed.

- (3) Any phase of development pursuant to an approved tentative plan shall be able to function independently of the undeveloped phases while being compatible with adjacent or neighboring land use.
- (4) The location and character of open space may be revised in subsequent phases and development may occur on lands previously identified for open space provided that at no time shall the actual minimum area required for open space by phase and overall for the Traditional Neighborhood Development, be reduced.
- (5) The application for tentative approval of a Traditional Neighborhood Development shall include a written statement by the developer/applicant setting forth the reasons why, in his opinion, a Traditional Neighborhood Development would be in the public interest and would be consistent with the comprehensive plan for the development of the Township.
- (6) The application for tentative approval shall be forwarded to the New Sewickley Township Planning Commission for their review and comments by the Community Development Department staff following a completeness review. The Planning Commission shall complete their review and make recommendations to the Board of Supervisors within thirty (30) days of the date of the first review.

F. Public Hearings:

- (1) Within sixty (60) days after the filing of a completed application for tentative approval of a Traditional Neighborhood Development pursuant to this Ordinance, a public hearing pursuant to public notice of said application shall be held by the Board of Supervisors in the manner prescribed in the Pennsylvania Municipalities Planning Code, Article VIIA.
- (2) The Board of Supervisors may continue the hearing as deemed necessary, and where applicable, may refer the matter back to the Planning Commission for additional review, provided, however, that in any event, the public hearing or hearings shall be concluded within sixty (60) days after the date of the first public hearing.

G. The Findings:

- (1) The Township Board of Supervisors, within sixty (60) days following the conclusion of the public hearing provided for in this Section, shall, by official written communication, to the developer/applicant, either:
 - (a) Grant tentative approval of the development plan as submitted;
 - (b) Grant tentative approval subject to specified conditions not included in the development plan as submitted; or
 - (c) Deny tentative approval to the development plan.
 - i. Failure to so act within said period shall be deemed to be a grant of tentative approval of the development plan as submitted. In the event, however, the tentative approval is granted subject to conditions, the developer/applicant may, within 30 days after the date of receipt of a copy of the official written communication of the Township, notify the Board of Supervisors of his refusal to accept all said conditions, in which case, the Township shall be deemed to have denied tentative

approval of the development plan. In the event the developer/applicant does not, within said period, notify the Board of Commission of his refusal to accept all said conditions, tentative approval of the development plan, with all said conditions, shall stand as granted.

- ii. The grant or denial of tentative approval by official written communication shall include not only conclusions but also findings of fact related to the specific proposal and set forth the reasons for the grant, with or without conditions, or for the denial, and said communication shall set forth with particularity in what respects the development plan would or would not be 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 comprehensive plan for the development of the Township;
 2. The purpose, location and amount of the common open space in the Traditional Neighborhood Development, a plan for maintenance and conservation of the common open space, and the adequacy of the amount and purpose of the common open space as related to the proposed density and mix of development proposed;
 3. The physical design of the development plan and the manner in which said design makes adequate provision for public services, provides adequate control over vehicular traffic, and further the amenities of a well-designed development;
 4. The relationship, of the proposed Traditional Neighborhood Development to the neighborhood in which it is proposed to be established; and
 5. 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 interests of the public and of the residents of the Traditional Neighborhood Development in the integrity of the development plan.
- (2) In the event a development plan is granted tentative approval, with or without conditions, the Township may set forth in the official written communication the time within which an application for final approval of the development plan shall be filed or, in the case of a development plan which provides for development over a period of years, the periods of time within which applications for final approval of each part thereof shall be filed. An annual report shall be filed by the developer/applicant with Community Development Department which projects future development objectives.

H. Status of Plan After Tentative Approval:

- (1) The official written communication provided for in this Section shall be certified by the Township Manager and shall be filed in the office of the Board of Supervisors, and a certified copy shall be mailed to the developer/applicant. Where tentative approval has been granted, the subject property shall be classified as an overlay district amending the zoning map, effective upon final approval, and shall be noted on the official Township zoning map.
- (2) Tentative approval of a development plan shall not qualify a plat of the Traditional Neighborhood Development for recording nor authorize development or the issuance of any building permits. A development plan which has been given tentative approval as submitted, or which has been given tentative approval with conditions which have been accepted by the developer/applicant (and provided that the developer/applicant has not defaulted nor violated any of the conditions of the tentative approval), shall not be modified or revoked nor otherwise impaired by action of New Sewickley Township pending an application or applications for final approval, without the consent of the developer/applicant, provided an application for final approval is filed or, in the case of development over a period of years, provided applications are filed, within the periods of time agreed upon in the official written communication granting tentative approval.
- (3) In the event that a development plan is given tentative approval and thereafter, but prior to final approval, the developer/applicant shall elect to abandon said development plan and shall so notify the Board of Supervisors in writing, or in the event the developer/applicant shall fail to file application or applications for final approval within the required period of time or times, as the case may be, the tentative approval shall be deemed to be revoked and all that portion of the area included in the development plan for which final approval has not been given shall be subject to those Township ordinances otherwise applicable thereto as they may be amended from time to time, and the same shall be noted on the zoning map and in the records of the Township Manager.

I. Application for Final Approval:

- (1) An application for final approval may be for all the land included in a development plan or, to the extent set forth in the tentative approval, for a section thereof. Said application shall be made to the Township Zoning Officer within one year of the official written communication granting tentative approval. The application shall include any drawings, specifications, covenants, easements, development agreement for applicable public improvements and such other requirements as may be specified in this Section, as well as any conditions set forth in the official written communication at the time of tentative approval. A public hearing on an application for final approval of the development plan, or the part thereof, submitted for final approval, shall not be required provided the development plan, or the part thereof submitted for final approval is in compliance with the development plan theretofore given tentative approval and with any specified conditions attached thereto. The submission shall be reviewed by the Township Zoning Officer, the Planning Commission and any professional consultants retained by the Township, to provide comments for

compliance prior to being forwarded to the Board of Supervisors. This review is to take place within thirty (30) days of the date of receipt of a completed application.

- (a) In the event the application for final approval has been filed, together with all drawings, specifications and other documents in support thereof, and as required by this Section and the official written communication of tentative approval, by the Township shall, within forty-five (45) days of such filing, grant such development plan final approval.
 - (b) In the event the development plan as submitted contains variations from the development plan given tentative approval, the Township may refuse to grant final approval and shall, within 45 days from the filing of the application for final approval, so advise the developer/applicant in writing of said refusal, setting forth in said notice the reasons why one or more of said variations are not in the public interest. In the event of such refusal, the developer/applicant may either:
 - i. Refile his application for final approval without the variations objected; or
 - ii. File a written request with the Board of Supervisors that it hold a public hearing on his application for final approval.
 - iii. If the developer/applicant wishes to take either such alternate action he may do so at any time within which he shall be entitled to apply for final approval, or within thirty (30) additional days if the time for applying for final approval shall have already passed at the time when the developer/applicant was advised that the development plan was not in substantial compliance. In the event the developer/applicant shall fail to take either of these alternative actions within said time, he shall be deemed to have abandoned the development plan. Any such public hearing shall be held pursuant to public notice within thirty (30) days after request for the hearing is made by the developer/applicant, and the hearing shall be conducted in the manner prescribed in this Section for public hearings on applications for tentative approval. Within thirty (30) days after the conclusion of the hearing, the Township shall by official written communication either grant final approval to the development plan or deny final approval. The grant or denial of final approval of the development plan shall, in cases arising under this section, be in the form and contain the findings required for an application for tentative approval set forth in this Section.
- (2) A development plan, or any part thereof, which has been given final approval shall be so certified without delay by the Board of Supervisors and shall be filed of record forthwith in the office of the Beaver County Recorder of Deeds before any development shall take place in accordance therewith. Upon the filing of record of the development plan the zoning and subdivision regulations otherwise applicable to the land included in such plan shall cease to apply thereto. Pending completion, in accordance with the time provisions stated in Section 508 of the Pennsylvania Municipalities Planning Code, of said Traditional Neighborhood Development or of that part thereof, as the case may be, that has been finally

approved, no modification of the provisions of said development plan, or part thereof, as finally approved, shall be made except with the consent of the developer/applicant. Upon approval of a final plat, the developer/applicant shall record the plat in accordance with the provisions of Section 513(a) of the Pennsylvania Municipalities Planning Code and post financial security in accordance with Section 509 of the Pennsylvania Municipalities Planning Code and consistent with the Township's policies and procedures.

- (3) In the event that a development plan, or a section thereof, is given final approval and thereafter the developer/applicant shall abandon such plan or the section thereof that has been finally approved, and shall so notify the Township in writing; or, in the event the developer/applicant shall fail to commence and carry out the Traditional Neighborhood Development in accordance with the time provisions stated in Section 508 of the Pennsylvania Municipalities Planning Code after final approval has been granted, no development or further development shall take place on the property included in the development plan until after the said property is reclassified by enactment of an amendment to the New Sewickley Township Zoning Ordinance and map in the manner prescribed for such amendments in Article 10.

ARTICLE 8

Nonconforming Uses (Nonconformities)

Section 800 When Permitted

Subject to the provisions of this Article, a nonconforming lot, building, structure or use may be continued even though it does not conform with the provisions of these regulations for the district in which it is located.

Section 801 Unsafe Structure

Nothing in this Ordinance shall prevent the strengthening or restoring to a safe condition of any portion of a building or structure declared unsafe by a proper authority.

Section 802 Alterations of Nonconforming Buildings and Structures

A nonconforming building or structure may be altered, improved or reconstructed, provided the work does not create additional nonconformity.

Section 803 Restoration

Nothing in this Ordinance shall prevent the reconstruction, repairing, rebuilding and continued use of any nonconforming building or structure damaged by fire, collapse, explosion of Act of God, provided reconstruction or repair is commenced within one (1) year from the date of occurrence of the damage, provided the work does not create additional nonconformity.

Section 804 Extension

- A. A nonconforming use may be extended as a Use by Conditional Use after authorization by the Township, subject to the following:
 - (1) The extension becomes an attached part of the main structure and does not utilize any additional or adjoining land area other than the original parcel.
 - (2) The extension does not violate any lot, area, dimensional, off-street loading or parking requirements, or any other requirements of this Ordinance in the district in which the nonconforming use is located, or in any way extends the degree of dimensional nonconformance of any structure or building.
 - (3) The extension is for the purpose of expanding the same classification of nonconforming use in existence at the time of Ordinance adoption.
- B. Extension of a lawful use to any portion of a nonconforming building or structure that existed prior to the enactment of the Ordinance shall not be deemed an extension of such nonconforming use.

Section 805 Changes

- A. No nonconforming use shall be changed to another nonconforming use, except that a nonconforming use may be changed to another nonconforming use of equal or more restrictive classification upon application to, and approval by, the Zoning Hearing Board. The Zoning Hearing Board may impose reasonable conditions to assure that any such change will not adversely affect the public interest.

Section 806 Abandonment

A nonconforming use of a building or land that has been abandoned or discontinued shall not thereafter be returned to a nonconforming use. A nonconforming use shall be considered abandoned as follows:

- 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 ninety (90) days, unless other facts or circumstances show a clear intention to resume the nonconforming use.
- C. When a nonconforming use has been discontinued for a period of twelve (12) months.
- D. When it has been replaced by a conforming use.
- E. When it has been changed to another use under permit from the Zoning Hearing Board or the Zoning Officer, consistent with applicable provisions of the Zoning Ordinance.

Section 807 District Changes

Whenever the boundaries of a district shall be changed so as to transfer an area from one district to another district of a different classification, the foregoing provisions shall apply to any nonconforming use conditions created therein.

Section 808 Nonconforming Lot Regulations

In any district in which single family houses are permitted, notwithstanding requirements of area or width, or both, imposed by other sections in this Ordinance, a single family house and customary accessory buildings may be erected as a matter of right upon any single lot of record in existence at the effective date of the adoption or amendment of this Ordinance providing that the following requirements are met:

- A. Such lot must not be part of a continuous frontage under single ownership with another lot or other unimproved lots. If two (2) or more unimproved lots with continuous frontage are in single ownership the land involved shall be considered an undivided parcel.
- B. Front, rear, and side yards shall in no case be less than five feet (5').
- C. If the actual average dimensions of front, rear, or side yards existing on lots neighboring an unimproved lot are greater than five feet (5'), all new construction on such unimproved lot must conform to the average dimensions of the said neighboring front, rear, and side yard setback lines.

ARTICLE 9

Oil and Natural Gas Development

Section 900 Introduction

In order to implement Section 603 (i) of the Pennsylvania Municipalities Code, which requires provision for the reasonable development of minerals in each municipality, and recognizing that minerals are defined by the same code as including crude oil and natural gas, New Sewickley Township has established the following as reasonable regulations upon Oil and Natural Gas Development, Operations. The Township recognizes that while Oil and Gas operations have industrial or quasi-industrial characteristics, this activity can only occur in reasonable proximity to where such mineral resources are located. Oil and gas exploration, drilling and extraction operations 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 health, safety and welfare of the township residents.

Section 901 Definitions

As used in this Section, the following terms shall be interpreted or defined as follows. Where there is a conflict between a definition in this section and definition contained in Article 2, the more specific definition of this Section shall apply:

Accessory Impoundment: A natural topographic depression, manmade excavation or diked area formed primarily of earthen materials although lined with synthetic materials, or other structures, designed to hold surface water, groundwater, and other Department approved sources of non-impaired water, constructed for the purpose of servicing a single well site located upon the same lot or tract as such a well site, and clearly incidental and subordinate to such a well site.

Applicant: Any person, operator, partnership, company or corporation, including their subcontractors and agents, who have an interest in Oil and Gas Development in the Township.

Best and Safest Route: One or more roads leading to a proposed oil and gas well operation or development which are characterized by containing the fewest number of residential dwellings, having the fewest impediments to line of sight for vehicles, and the least horizontal and vertical road geometry.

Department: The Department of Environmental Protection of the Commonwealth of Pennsylvania.

Centralized impoundment: A facility designed to hold fluids or semi-fluids associated with oil and gas activities, including wastewater, flowback and mine influenced water, the escape of which may result in air, water or land pollution or endanger persons or property, constructed solely for the purpose of servicing multiple well sites.

Existing Protected Building: An occupied structure with walls and a roof, within which individuals live or customarily work, and which was occupied, or for sale or lease for occupancy, at the time an Oil or Gas Development application is made. Excluded are buildings

used exclusively for accessory use of agricultural operations, or other accessory storage buildings. For the purpose of oil and gas wells only, any structure owned by an oil and gas lessor who has signed a lease with the applicant granting rights to access oil and gas upon the subject property shall also not be considered an existing protected building. Also excluded from this definition are any structures used exclusively for oil and gas development, and natural gas processing plants and natural gas compressor stations when applied to Oil and Gas wells.

Freshwater Impoundment: A natural topographic depression, manmade excavation or diked area formed primarily of earthen materials although lined with synthetic materials, or other structures, designed to hold surface water, groundwater, and other Department approved sources of non-impaired water, constructed for the purpose of servicing multiple well sites.

Natural Gas Compressor Station: A facility designed as, and including, one or more closed insulated buildings housing compressor units, and constructed to compress natural gas that originates from a gas well or collection of such wells, operating as a midstream facility for delivery of gas to a transmission pipeline, distribution pipeline, Natural Gas Processing Plant or underground storage field, including one or more natural gas compressors, associated buildings, pipes, valves, tanks and other equipment.

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

Oil and Gas: Crude oil, natural gas, methane gas, coal bed methane gas, propane, butane, natural gas liquids and/or any other constituents or similar substances that are produced by drilling a well of any depth into, through and below the surface of the earth.

Oil and Gas Development: The well site preparation, construction, drilling, redrilling, 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; 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. This definition does not include Natural Gas Compressor Stations and Natural Gas Processing Plants or facilities performing the equivalent functions.

Oil or Gas Well: A bore hole drilled or being drilled for the purpose of, or to be used for, the production of natural gas.

Oil or Gas Well Site: A site that consists of the area occupied by the facilities, structures, materials and equipment, whether temporary or permanent, when necessary for, or incidental to the preparation, construction, drilling, production or operation of an oil or gas well during drilling, production, well maintenance or well pad construction at that same location.

Oil and Gas Operations: The term includes the following:

- A. The seismic operations, well site preparation, construction, drilling, hydraulic fracturing, completion, production, operation, alteration, plugging and site restoration associated with an oil or gas well.
- B. Water withdrawals, residual waste processing, water and other fluid management and storage including centralized tank storage, used exclusively for the development of oil and gas wells.
- C. Construction, installation, use, maintenance and repair of:
 - (1) Oil and gas well development, gathering and transmission pipelines.
 - (2) Natural gas compressor stations.
 - (3) Natural gas processing plants or facilities performing equivalent functions.
- D. Construction, installation, use, maintenance and repair of all equipment directly associated with the aforementioned activities to the extent that the equipment is necessarily located at or immediately adjacent to a well site, impoundment area, oil and gas pipeline, natural gas compressor station or natural gas processing plant.
- E. Earth disturbance associated with oil and gas exploration, production, processing, or treatment operations or transmission facilities.

Section 902 Table of Uses

Oil and Gas Operations are permitted in the Township only as consistent with the requirements of Table 902A. Permitted uses must also meet all dimensional requirements, permit and application requirements and design and installation requirements, and all other Township ordinances as applicable. Oil and Gas Operations that take place below the surface of the earth (including but not limited to gas and water pipelines, and vertical and horizontal wellbores, and well and pipelines location assessment operations, including seismic testing shall be permitted uses within every zoning district and do not require a permit.

Table 902A Use Requirements

USE	MDR Medium Density Residential District	LI Industrial District	All other Districts
Gas or Oil Well located One thousand (1,000) feet or more from an existing protected building	Conditional Use (See Section 908)	Permitted Use	Conditional Use (See Section 908)
Gas or Oil Well located less than one thousand (1,000) feet from an existing protected building	Conditional Use (See Section 908)	Conditional Use (See Section 908)	Conditional Use (See Section 908)
Natural Gas Compressor Station	Conditional Use (See Section 906)	Conditional Use (See Section 906)	Conditional Use (See Section 906)
Natural Gas Processing Plant	Not Permitted	Conditional Use (See Section 906)	Not Permitted
Centralized Impoundment	Not Permitted	Conditional Use (See Section 907)	Not Permitted
Freshwater Impoundment	Conditional Use	Conditional Use	Not Permitted

Section 903 Dimensional Requirements

Oil or Gas Development must meet all applicable dimensional standards of Table 903A.

Table 903A- Dimensional Requirements	Minimum Lot Size	Minimum Setback from Public Road Right of Way	Other Setbacks
Gas or Oil Well Site	Ten (10) Acres* Except that no gas or oil well site shall be located upon a lot of less than forty (40) acres in the TND District.*	Five Hundred (500) Feet	Five Hundred (500) Feet from an existing protected building. Three Hundred Feet(300) from all other buildings and structures. Bore holes shall be at least two hundred (200) feet from all property lines outside leased parcels.
Natural Gas Compressor Station	Fifteen (15) Acres	Five Hundred (500) Feet	Seven Hundred fifty (750)feet from any existing protected building Two hundred (200) feet from any property line.
Natural Gas Processing Plant	Fifteen (15) Acres	Five Hundred (500) Feet	Seven Hundred fifty (750) feet from any existing protected building Two hundred (200) feet from any property line.
Centralized Impoundment	Ten (10) Acres	Edge of water or Tank storing material must be two hundred (200) feet from the road right of way	Edge of water or Tank storing material must be two hundred (200) feet from any property line
Freshwater Impoundment	Ten (10) Acres in LI Light Industrial District For MDR lot Standards See Section 907E	Edge of water must be two hundred (200) feet from the road right of way	Edge of water must be two hundred (200) feet from any property line

*To meet the required minimum ten (10) or forty (40) acre lot size, multiple parcels or lots may be considered as a single entity, provided that:

1. The owners of oil or natural gas rights for the parcels must consent to the activity; provided, however, a copy of the oil and gas lease which allows such activities shall be sufficient to satisfy this requirement and sign the application.
2. All parcels must be subject to an oil and gas lease with the same entity conducting the oil and gas development, or a similar subsidiary agreement.

Section 904 Permits and Application Process

No Oil and Gas Development shall be undertaken in the Township unless an application shall be submitted together with a fee established by resolution. An application shall contain the following information:

- A. A narrative describing an overview of the project including the number of acres to be involved, the number of wells to be drilled, the location of all accessory structures (including proposed function) and a description of equipment to be used, to the extent known.
- B. A narrative describing the project as it relates to existing or anticipated Natural Gas Compressor Stations, pipelines, or Natural Gas Processing Plants.
- C. The address of the Oil or Gas Well Site, Natural Gas Compressor Station or Natural Gas Processing Plant for the information of Emergency Responders.
- D. Contact information of the individual or individuals responsible for the operation and activities at the Oil and Gas Development 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 twenty four hours per day, three hundred sixty five days a year. Annually, or upon any change of relevant circumstances, the Applicant shall update such information and provide it to the Township and all Emergency Responders.
- E. A location map of the Oil and Gas Development showing the approximate location of 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 development and use of the site. Such location shall be configured to allow the normal flow of traffic on public streets to be undisturbed.
- F. 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 Oil and Gas Development, showing the proposed best and safest routes.
- G. Certification satisfactory to the Township that, prior to the commencement of Oil and Gas Development, the Applicant shall have accepted and complied with any applicable bonding and permitting requirements; and shall have entered into a Township roadway maintenance and repair agreement, in a form acceptable to the Township solicitor, regarding the maintenance and repair of affected Township roads.
- H. A description of, and commitment to maintain, safeguards that shall be taken by the Applicant to ensure that Township roads 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 of dirt, mud and debris occurring as a result of Applicant's usage.

- I. Copy of the applicant's Emergency Response Plan. In absence of this, an emergency management plan which includes well pad construction, drilling operations, a post construction accident contact protocols that specifically address well leakage, spill containment, vandalism and ecoterrorism, and potential contamination shall be presented.
- J. Certification that a copy of the operation's Preparedness, Prevention and Contingency Plan has been provided to the Township and all Emergency Responders. The Applicant shall maintain at the well site and make available to on file with the Township a current list and the Safety Data Sheets (SDS) for all chemicals used in the Applicant's operations as required by The Emergency Planning and Community Right-to Know Act, (Tier II), consistent with Commonwealth Requirements.
- K. Certification that the Applicant, upon changes occurring to the operation's 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.
- L. Assurance that, at least 30 days prior to drilling, the Applicant shall offer 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 offer more than one site orientation and training course annually under this section.
- M. Copies of the documents submitted to the Department regarding environmental impacts of the project, or if no documents have been submitted to the Department, a narrative describing the environmental impacts erosion and sedimentation controls and stormwater management best management practices anticipated of the proposed project on the site and surrounding land and measures proposed to protect or mitigate such impacts, as well as copies of all permits issued by appropriate regulatory agencies or authorities relating thereto. If permits have not been issued at the time of application, the Applicant shall submit copies of the appropriate permit applications.
- N. Copies of all permits and plans from the appropriate state or federal regulatory agencies or authorities issued in accordance with applicable laws and regulations for the proposed use. If permits have not been issued at the time of application, the Applicant shall submit copies of the appropriate permit applications, and the status of the applications with the approving agency.
- O. Copy of erosion and sedimentation control plan and post construction stormwater management plans as required.
- P. The applicant shall provide a plan for the transmission flow of gas from the site, to the extent known. The plan will identify but not be limited to gathering lines, compressors and other mid- and downstream facilities located within the Township and extending 800 feet beyond the Township boundary. Applicant shall agree to provide as-built drawings for completed pipelines.

- Q. A narrative or graphic illustrating any landscaping, screening, and buffering.
- R. A plan to ensure that all reportable spills and industrial accidents requiring 911 emergency services or hospitalization shall be reported to the Township administrative office, police department or volunteer fire company in a timely manner.

Within 15 business days after receipt of a permit application and the required fee, the Township will determine whether the application is complete and shall advise the Applicant accordingly. If the application is incomplete the Township shall so notify the Applicant who may resubmit the completed application. The Township shall issue or deny the permit for permitted uses within 30 days following receipt of the completed application.

Section 905 Design and Installation Standards for All Oil and Gas Development

The following design and installation requirements must be adhered to:

- A. Permanent structures associated with Oil and Gas Development, both principal and accessory, shall comply with the height regulations and coverage standards for the zoning district in which the Development is located. Drilling rigs and temporary structures are exempt from height restrictions during active drilling.
- B. Twenty-four (24) hour onsite supervision and security shall be provided by the applicant during the initial drilling, or redrilling operations. Oil and Gas Well sites within one thousand feet of an existing building shall provide security fencing to restrict access during drilling operations.
- C. Warning signs shall be placed on the fencing or boundary surrounding the Oil or Gas Well Site providing notice of the potential dangers and the contact information in case of an emergency.
- D. The applicant shall meet with emergency responders to ensure that they are adequately trained for any potentially dangerous conditions on the proposed site. Emergency Responders shall be given means to access Oil or Gas Well Sites in case of emergency.
- E. In the development of Oil or Gas Well Sites the natural surroundings should be considered and attempts made to preserve existing trees and other native vegetation.
- F. Lighting at the Oil and Gas Well site, 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. Lighting structures shall be kept within the defined well pad area.
- G. Accessory impoundment areas shall be fenced or otherwise have access restricted. The Applicant shall agree to a schedule for the draining and proper abandonment of such impoundments within five years of the conclusion of drilling operations upon the well sites served, or seek approval for a freshwater impoundment (if permitted in that district and meeting all standards of Section 907).
- H. The primary access road to any oil and gas well site shall be improved to a dustless all weather surface that prevents stormwater erosion or sedimentation from being carried on to a public roadway.
- I. Construction operations shall be restricted to the hours of 6:00 am to 9:00 pm. This includes all pre-drilling construction or construction of impoundments, compressor

stations or processing plants. This restriction does not include drilling, redrilling, or maintenance.

- J. Oil and Gas operations that are surrounded by existing woodland to an average depth of seventy five (75) feet on the same parcel, are exempt from further screening or buffering requirements when permitted uses. Other permitted uses shall install either a single row of coniferous trees of at least eight (8) feet in height, and planted on all sides of the well pad (sufficient to provide complete screening in five years) or install opaque fencing of at least eight (8) feet in height during active drilling operations. Trees shall be planted within six months of the date that well pad grading is complete.

Section 906 Conditional Use Standards for Compressor Stations and Natural Gas Processing Plants

Where Natural Gas Compressor Stations and Natural Gas Processing Plants are permitted as a Conditional Use or permitted use, the following specific requirements apply. Sections 906 A, B, C, D and F shall be applicable conditions of a permitted use within the LI Light Industrial District, and reviewed during the land development approval process.

- A. Meet all standards of Section 904.
- B. Provide 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. A minimum of three linear miles shall be maintained between all compressor stations and processing plants within the Township. Multiple compressor station buildings may be located upon the same compressor station site. No Compressor Station shall be permitted within 750 feet of the boundary of an approved planned residential development as depicted on the Township zoning map.
- C. Prior to the operation of a Natural Gas Compressor Station or 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 of a residence, public building, school, medical, emergency or other public facility. This shall be referred to as a Noise Sensitive Area and so depicted upon a map or diagram. The sound level meter used in conducting any evaluation shall meet the American National Standard Institute's standard for sound meters. The Applicant shall provide the Township with documentation of the established ambient noise level prior to operating the compressor station or processing plant, and that noise will not increase to objectionable levels within the site's sound context.
- D. Effective sound mitigation devices shall be installed to permanent facilities per the sound study and sound reduction proposals, to address sound levels that would otherwise exceed the noise level standards when located near an existing protected building.
- E. In the case of complaints received by the Township, they shall be investigated by the Applicant within 24 hours following receipt of notification. If noise levels are found to be exceeding the limits set forth in Section C above, the Applicant shall, as soon as reasonably practical, continuously monitor for a period of forty-eight 48 hours at the Noise Sensitive Area where the complaint was generated. The Applicant shall report the findings to the Township and shall mitigate the problem to the allowable level if the noise level exceeds the allowable rate.

- F. Lighting at a Natural Gas Compressor Station or a Natural Gas Processing Plant shall, when practicable, be limited to security lighting.
- G. Heavy truck traffic accessing the site will be limited to the hours between 7:00 A.M. and 7:00 P.M., including weekends. Access roads to the site shall be designed at a maximum ten percent grade, and maintained in a stable mud free condition. The Township may require a plan for traffic management (prepared by an engineer certified by the Institute of Transportation Engineers), including minimizing use on evenings and weekends and adherence to best and safest routes.
- H. A plan for complete screening and landscaping using natural or planted landscaping, contour grade changes, fencing, or other means to minimize visibility shall be prepared and installed.

Section 907 Conditional Use Standards for Centralized Impoundments and Freshwater Impoundments

- A. The applicant shall present a map or narrative that illustrates that centralized or freshwater impoundments would maximize water transfer by pipeline and minimize truck traffic.
- B. The applicant shall develop a best and safest route plan for truck traffic that minimizes conflict with residential areas, and maximizes utilization of state roads. The Applicant shall use its best efforts to utilize pipelines and minimize heavy truck traffic to and from the Centralized or Freshwater Impoundment. The plan must be submitted as part of the conditional use application and is subject to Township approval.
- C. The applicant shall submit a graphic illustration for security and fencing.
- D. Other Oil and Gas Development uses upon a property containing a freshwater or centralized impoundment shall be considered as an alteration of the original conditional use application, and must meet all applicable standards for the proposed use.
- E. Freshwater Impoundments must be at least eighty (80) acres in the MDR District unless located to access a state road for all traffic, in which case minimum lot size may be reduced to forty (40) acres.
- F. Freshwater Impoundments in the MDR must be for the exclusive use of servicing oil and gas well sites owned by the company which owns the impoundment or a subsidiary (controlled by the principle company) or affiliate (under common control) thereof.
- G. Freshwater Impoundments shall provide a plan to show adequate aeration or other means to prevent stagnation.

Section 908 Conditional Use Standards for Oil and Gas Well Sites

- A. The Applicant should maximize coordination between the state and federal permitted system and conditional approval to the maximum extent practicable. A pre-application sketch plan meeting is strongly encouraged with the Township planning commission to avoid delays in the approval process. A conceptual sketch should be brought to this pre-application meeting to show the potential visual impact of the site upon abutting developed properties.

- B. The Application for conditional use approval shall include a perspective sketch that clearly illustrates the use of screening and buffering through natural forest, opaque fencing, or planted screening. At a minimum, the perspective sketch shall be made from the perspective of the road entrance and any residential dwellings within the viewshed. This perspective sketch shall be from a perspective of at least four (4) feet and no greater than six (6) feet above existing grade.
- C. The Applicant shall agree to a scheduled of inspections of the site to ensure that development conforms to the approved plan, or provide as-built drawing with all improvements certified as true and correct by a registered engineer or surveyor.
- D. To prevent land use conflict, and ensure harmonious development in a mixed use setting, the Township shall consider the following as reasonable additional conditions of approval and safeguard.
 - (1) Changes in the proposed location of best and safest routes to prevent traffic hazards, congestion, or the impacts of well service traffic upon residential streets.
 - (2) Installation of vegetative screening or buffer yards to muffle sound and light from well sites. This shall be based upon the applicants landscaping plan required under section 904R.
 - (3) Reduction of Setbacks by as much as 50 percent from road rights of way or unprotected buildings and structures; if accompanied by an equal and corresponding increase in setbacks from existing protected buildings.
- E. In the case of conditional use, the Township reserves the right to impose other conditions and safeguards not codified in this ordinance.

ARTICLE 10 Amendments

Section 1000 Petition to Amend; Notice

- A. The Township Supervisors may introduce and consider amendments to this Ordinance and to the Zoning Map as proposed by a Commissioner, by the Planning Commission or by a petition of a person or persons residing or owning property within the Township.
- B. Any person or persons owning property in the Township who petition the Township Supervisors for rezoning of their property shall not resubmit substantially the same application for rezoning of substantially the same property to the same zoning classification within one year of the date of the Township Supervisors decision denying the similar application.
- C. In the case where a proposed amendment involves the rezoning of property, a minimum of four public notices shall be posted on and around the affected property for a minimum of seven (7) days prior to the date of the public hearing.

Section 1001 Enactment of Zoning Ordinance Amendments

- A. Before voting on the enactment of an amendment, the Board of Supervisors shall hold a public hearing thereon, pursuant to public notice. In addition, if the proposed amendment involves a zoning map change, notice of said public hearing shall be conspicuously posted by the municipality at points deemed sufficient by the municipality along the tract to notify potentially interested citizens. The affected tract or area shall be posted at least one week prior to the date of the hearing.
 - (1) In addition to the requirement that notice be posted under clause (1), where the proposed amendment involves a zoning map change, notice of the public hearing shall be mailed by the municipality at least thirty (30) days prior to the date of the hearing by first class mail to the addresses to which real estate tax bills are sent for all real property located within the area being rezoned, as evidenced by tax records within the possession of the municipality. The notice shall include the location, date and time of the public hearing. A good faith effort and substantial compliance shall satisfy the requirements of this subsection.
 - (2) This clause shall not apply when the rezoning constitutes a comprehensive rezoning.
- B. In the case of an amendment other than that prepared by the Planning Commission, the Board of 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.
- C. If, after any public hearing held upon an amendment, the proposed amendment is changed substantially, or is revised, to include land previously not affected by it, the Board of Supervisors shall hold another public hearing, pursuant to public notice, before proceeding to vote on the amendment.
- D. At least thirty (30) days prior to the public hearing on the amendment by the Board of Supervisors, the municipality shall submit the proposed amendment to the Beaver County Planning Commission for recommendations.

- E. The municipality may offer a mediation option as an aid in completing proceedings authorized by this section. In exercising such an option, the municipality and mediating parties shall meet the stipulations and follow the procedures set forth in Article 11.
- F. Within thirty (30) days after enactment, a copy of the amendment to the zoning ordinance shall be forwarded to the Beaver County Planning Commission.

Section 1002 Municipal Curative Amendments

If the Township determines that its zoning ordinance or any portion thereof is substantially invalid, it shall take the following actions:

- A. The 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 the Board of Supervisors shall:
 - (1) By resolution make specific findings setting forth the declared invalidity of the zoning ordinance which may include:
 - (a) references 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, the Township shall enact a curative amendment to validate, or reaffirm the validity of, its zoning ordinance pursuant to the provisions required by Section 609 in order to cure the declared invalidity of the zoning ordinance.
- C. Upon the initiation of the procedures, as set forth in this Section, the Board of Supervisors shall not be required to entertain or consider any landowner's curative amendment filed nor shall the Zoning Hearing Board be required to give a report requested under Section 909.1 or 916.1 of the Pennsylvania Municipalities Planning Code subsequent to the declaration and proposal based upon the grounds identical to or substantially similar to those specified in the resolution required by this Section. Upon completion of the procedures as set forth this Section, no rights to a cure pursuant to the provisions of Sections 609.1 and 916.1 of the Pennsylvania Municipalities Planning Code 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. The Township having utilized the procedures as set forth this Section may not again utilize said procedure for a 36-month period following the date of the enactment of a curative amendment, or reaffirmation of the validity of its zoning ordinance. Provided, however, if after the date of declaration and proposal there is a substantially new duty or obligation imposed upon the Township by virtue of a change in statute or by virtue of a Pennsylvania Appellate Court decision. The Township may utilize the provisions of this Section to prepare a curative amendment to its ordinance to fulfill said duty or obligation.

Section 1003 Content of Public Notice

Public notices of proposed zoning amendments shall include either the full text thereof or a brief summary setting forth the principal provisions in reasonable detail and a reference to a place within the Township where copies of the proposed ordinance or amendment may be examined, in addition to the time and place of hearing. A certified copy of the proposed amendment shall be sent to the County Planning Department and shall also be made available for public inspection at the offices of the newspaper of general circulation in which it is being advertised.

Section 1004 Mediation

The Township may offer a mediation option as an aid in completing proceedings authorized by this Ordinance. In exercising such an option, the Township and the mediating parties shall meet the stipulations and follow the procedures set forth in Section 1106 of this Ordinance.

ARTICLE 11
Administration and Enforcement

Section 1100 Zoning Officer

- A. The Zoning Officer shall administer and enforce this Ordinance, including the receiving of applications, the inspection of premises and the issuing of zoning permits. No zoning permit shall be issued by said officer except where the provisions of this Article have been complied with. The Zoning Officer shall meet the qualifications established by the Township. The duties of the Zoning Officer shall include, but not be limited to the following:
- (1) Receive applications required by the Zoning Ordinance.
 - (2) Inspect premises.
 - (3) Issue Zoning Permits and Certificates of Occupancy.
 - (4) Maintain records of all official duties.
 - (5) All permit issued by the Zoning Officer shall be in accordance with the literal provisions of this Ordinance.
- B. The Zoning Officer shall be appointed by the Board of Supervisors of New Sewickley Township, Beaver County, Pennsylvania and shall not hold any elective office in the Township.

Section 1101 Zoning Permit

- A. No building or structure, including mobile homes, shall be erected or added to until a permit therefore has been issued by the Zoning Officer. All applications for zoning permits shall be in accordance with the requirements of this Ordinance, and unless upon written order of the Zoning Hearing Board, no such zoning permit shall be issued for any building where said construction, addition or alteration for use thereof would be contrary to any of the provisions of this Ordinance. Remodeling or improvement of an existing building that does not alter the basic structure, create additional lot area coverage or change the use of the parcel of building is exempt from this specific requirement.
- B. A zoning permit shall be required prior to any of the following:
- (1) The erection, or construction of any building, structure, dwelling or portion thereof.
 - (2) The moving of a structure into a district or from one place in the district to another.
 - (3) The change in use of structure or land.
 - (4) The change or extension of a nonconforming use or structure.
- C. There shall be submitted with all applications for zoning permits, two (2) copies of a layout or plot plan drawn to scale showing the actual dimensions of the lot to be built upon, the exact size, location, and height of the building and accessory buildings to be erected, and other such information as may be deemed necessary by the Zoning Officer to determine and provide for the enforcement of this Ordinance.

- D. No permit shall be required for the following:
- (1) Minor repairs or maintenance.
 - (2) No permit shall be required for an accessory structure that has less than two hundred (200) square feet of floor area. However, all such structures shall comply with all yard, area and setback requirements specified by this Ordinance.
- E. Zoning permits issued for the purposes specified hereinabove shall automatically expire six (6) months from the date of issue. Prior to the continuance of the activity for which the original permit was used, a new zoning permit must be obtained. If the activity has been proceeding in a constant and regular manner and due to unique conditions, it is impossible for the applicant to complete said process prior to the expiration of six (6) months, no new permit will be required. However, the applicant must advise the Zoning Officer of said expiration and advise as to the reason for failure to complete within the specified time period. In the event said applicant fails to notify the Zoning Officer of said failure to complete, then said permit shall immediately expire and no further activity may take place unless a new permit is obtained.
- F. If after the issuance of a zoning permit, no construction or other process is instituted, said permit shall terminate immediately six (6) months from the date of issuance as stated above.
- G. A copy of the permit shall be posted on the premises for public inspection during the initiation of the work and until completion of same.
- H. No Zoning Permit shall be issued until all requirements of the Township Sewage Enforcement Officer and Pennsylvania Act 537 have been satisfied.

Section 1102 Conditional Use Permit

An application for a zoning permit for a conditional use shall be filed with the Zoning Officer and it shall:

- A. Identify and describe the property, its location and the present use.
- B. Reasonably describe present improvements and any intended additions and changes.
- C. Disclose the conditional use for which the application is being made, and show how the property, as it may be improved, meets the standards and criteria required.
- D. Upon receipt of such application for conditional use, the Zoning Officer shall forthwith refer the same to the attention of the Township Planning Commission. The Planning Commission shall arrange a date, time and place for a meeting with the applicant for the conditional use. Said meeting shall be held within forty-five (45) days of filing of the application with the Zoning Officer. The Planning Commission shall make a recommendation on the application to the Board of Supervisors within sixty (60) days of the Planning Commission meeting.
- E. The Board of Supervisors shall hold a public hearing pursuant to public notice, on the conditional use, within sixty (60) days of the date of the applicant's request for a hearing and shall complete the hearing within one hundred (100) days after the completion of the applicant's case in chief, unless extended for good cause upon application to the Court of Common Pleas.

- F. The Board of Supervisors may authorize conditional uses pursuant to express standards and criteria specified in this Ordinance for said uses and may attach such additional conditions and safeguards as it may deem necessary.
- G. The Zoning Officer shall be under a duty of issuance of a permit or order indicating the action of the Board of Supervisors as a result of the hearing on the application, and shall notify the applicant.

Section 1103 Occupancy Permit

- A. Upon completion of authorized new construction, remodeling or change of use of building or land under the provisions of a zoning permit, such building shall not be occupied until an occupancy permit has been issued by the Zoning Officer or Building Code Official. Written request to the Zoning Officer shall be processed within one (1) week of receipt of the request of the proposed use provided the use is in conformity with the provisions of this Ordinance and other effective and applicable ordinances. The Zoning Officer's refusal to issue an occupancy permit shall include a written statement to the applicant containing reasons for such denial.
- B. Occupancy permits are required for the following:
 - (1) Occupancy of a new building.
 - (2) Occupancy and use of a building hereafter moved or altered so as to require a zoning permit.
 - (3) Change in the use of an existing building except to another use of the same type.
 - (4) Development and use of vacant land.
 - (5) Change in the use of land except to another use of the same type.
 - (6) Any change in use of a nonconforming use.
- C. Occupancy permits shall state that the building or the proposed use of a building or land complies with all provisions of this Ordinance.
- D. No occupancy permit shall be issued until such time as the applicant has applied for the same, paid the application fee, and the premises have been inspected by the Zoning Officer or his delegate and, thereafter, a determination has been made that the premises are in compliance with this Ordinance.
- E. If the project has not been completed and a partial use or occupation of the premises is desired by the applicant, the applicant must first make application to the Zoning Officer. Once the Zoning Officer has determined compliance for the limited or partial use intended, said applicant may use and/or occupy the premises, however, nothing contained in this provision shall be interpreted or used as an excuse or viewed as a waiver of any of the other terms contained hereinabove pertaining to the expiration of any and all certificates for purposes of completion of the original project.
- F. No Occupancy Permits shall be issued without an approved on-lot sewage system, connection to a public system, or otherwise demonstrating compliance with Pennsylvania Act 537.

Section 1104 Temporary Permits

- A. Temporary permits are required where it is intended that a mobile, temporary or seasonal use be located anywhere within the Township for a very short period of time. Temporary permits are valid for all permitted uses for a period of up to six (6) weeks during any one (1) calendar year and are limited to the time periods as specified herein.
- B. Temporary permits are required for and in accordance with the following:
 - (1) Selling of Christmas trees, home grown produce - a maximum of four (4) weeks.
 - (2) Carnival, circus, street fairs, or craft sales – a maximum of one (1) week.
 - (3) Mobile amusements and lighting equipment for promotion, advertisement and grand openings – a maximum of two (2) weeks.
 - (4) Camping and recreational equipment on property used for residential purposes – a maximum of thirty (30) days per calendar year.
- C. No temporary permit shall be issued for any use where said use would violate any of the provisions of this Ordinance.

Section 1105 Fees

- A. The Board of Supervisors shall determine and adopt by resolution a schedule of fees, charges and expenses, as well as the collection procedure for permits, variances, special exceptions, conditional uses, amendments and other matters pertaining to this Ordinance. Said schedule of fees shall be posted in the office of the Township Secretary.
- B. The Board of Supervisors shall be empowered to reevaluate the fee schedule from time to time and make adjustments as deemed appropriate. Any such alterations shall not be considered an amendment to this Ordinance and may be adopted by resolution of the Board of Supervisors at any legally advertised public meeting.
- C. Application for permits, approvals and other related matters pertaining to this Ordinance shall be accompanied by the designated fee and such other documentation specified by this Ordinance or considered necessary by the appropriate reviewing authorities or agencies.

Section 1106 Zoning Hearing Board

- A. Creation, Appointment and Organization: The membership of the Zoning Hearing Board shall consist of three (3) residents of the Township appointed by the Board of Supervisors. Members of the Board may receive compensation for the performance of their duties, as may be fixed by the Board of Supervisors, but in no case shall the rate of compensation exceed that paid to the Board of Supervisors. Their terms of office shall be three (3) years and shall be so fixed that the terms of office of one (1) member shall expire each year. The Zoning Hearing Board shall promptly notify the Board of Supervisors of any vacancies that occur. Appointments to fill vacancies shall be only for the unexpired portion of the term. Members of the Zoning Hearing Board shall hold no other office in the Township.
- B. Alternate Members: The Board of Supervisors may appoint one (1) to three (3) residents of the Township to serve as alternate members of the Zoning Hearing Board. Their terms shall be three (3) years. 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, nor be compensated, unless designated by the Chairman of the Board as a voting alternate member pursuant to Section 906 of the Pennsylvania Municipalities Planning Code (Act 247 of 1968, as amended). Alternate members may hold no other office in the Township.

C. Powers and Duties:

- (1) The Zoning Hearing Board shall hear and decide appeals from any order, requirement, decision or determination made by the Zoning Officer in the administration of this Ordinance.
- (2) The Zoning Hearing Board shall hear and decide all matters referred to or upon which it is required to pass under this Ordinance and other applicable laws of the Commonwealth of Pennsylvania.
- (3) The Zoning Hearing 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.
- (4) The Zoning Hearing Board shall hear challenges to the validity of a Zoning Ordinance or Map. In all such challenges, the Board shall decide all contested questions and shall make findings on all relevant issues of fact which shall become part of the record on appeal to the court.
- (5) The Zoning Hearing 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. The Board may grant a variance provided the following findings are made where relevant in a given case.
 - (a) That there are unique physical circumstances or conditions, peculiar to the particular property, and that the unnecessary hardship is due to such conditions.
 - (b) 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.
 - (c) That such unnecessary hardship has not been created by the applicant.
 - (d) That the variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located, nor substantially or permanently impair the appropriate use or development of adjacent property, nor be detrimental to the public welfare.
 - (e) That the variance will represent the minimum variance that will afford relief.
- (6) If a Special Exception has been authorized the Zoning Hearing Board shall follow procedures outlined in Section 912.1 of the Pennsylvania Municipal Planning Code and Article 9 thereof.

D. Procedure:

The procedure of the Zoning Hearing Board shall be governed by the provisions of the applicable laws of the Commonwealth of Pennsylvania, and such rules, not inconsistent therewith, as the Board may adopt.

Section 1107 Validity

Should any section or provision of this Ordinance be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of this Ordinance as a whole or any other part thereof, and the part of or sections remaining shall remain in effect as though the part or section declared unlawful had never been a part thereof.

Section 1108 Interpretation, Purpose and Conflict

The interpretation and application of the provisions of this Ordinance shall be held to be the minimum requirements for the promotion of the health, safety, morals, and general welfare. The Ordinance is not intended to interfere with or abrogate or annul other rules, regulations or ordinances of the Township of New Sewickley, provided that where this Ordinance imposes a greater restriction upon the use of buildings or premises, or upon the height of a building, or requires larger open spaces than are imposed by other such rules, regulations or ordinances, the provisions of the Ordinance shall prevail.

Section 1109 Remedies

In case of any structure or land is, or is proposed to be, erected, constructed, reconstructed, altered, converted, maintained and/or used in violation of this Ordinance, or any regulations made pursuant thereto, the Board of Supervisors, in addition to specifically authorizing the Zoning Officer to obtain enforcement and in addition to other remedies, may institute in the name of the Township by itself or through the Zoning Officer, any appropriate action or proceeding to prevent, restrain, correct, or abate such building structure, land or use or to prevent in or about such premises, any act, conduct, business or use, constituting a violation.

Section 1110 Repealer

All existing ordinance or parts of ordinances, that are contrary to or conflict with the provisions of this Zoning Ordinance are hereby repealed to the extent necessary to give this Ordinance full force and effect. In the event that any ordinance or parts of ordinances conflict with the terms and provisions of this Ordinance, then the ordinance containing the stricter provisions and requirements will prevail and govern.

Section 1111 Municipal Liability

The granting of a zoning permit for the erection and/or use of a building or lot shall not constitute a representation, guarantee or warranty of any kind or nature by the Township, or an official or employee thereof, of the safety of any structure, use or other proposed plan for any cause whatsoever, and shall create no liability upon, or a cause of action against any such public official or employee for any damage that may result pursuant thereto.

Section 1112 Penalties

- 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 the Township, pay a judgment of not more than five hundred dollars (\$500.00) plus all court costs, including reasonable attorney fees incurred by the Township as a result thereof. No judgment shall commence or be imposed, levied or payable until the date of the determination of a violation by the district justice. If the defendant neither pays nor timely appeals the judgment, the Township may enforce the judgment pursuant to the applicable rules of civil procedure.

- B. 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 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 the Township.

Section 1113 Effective Date

This Zoning Ordinance shall become effective five days after enactment.

ORDAINED AND ENACTED this _____ day of _____, 20____.

ATTEST:

BOARD OF SUPERVISORS
NEW SEWICKLEY TOWNSHIP
Beaver County, PA

Secretary

Chairman

Member

Member

Member

Member