

Township of O'Hara

Zoning Ordinance

Adopted January 14, 2020

TOWNSHIP OF O’HARA
ZONING ORDINANCE

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TOWNSHIP OF O'HARA

ZONING ORDINANCE

CHAPTER 72

BE IT ORDAINED AND ENACTED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF O'HARA, COUNTY OF ALLEGHENY, COMMONWEALTH OF PENNSYLVANIA:

PURPOSE

PURSUANT TO THE PROVISIONS OF THE ACT OF JUNE 24, 1931, P.L. 1206, ARTICLE XXXI, AND PURSUANT TO THE PENNSYLVANIA MUNICIPALITIES PLANNING CODE, ACT OF JULY 31, 1968, NO. 247, AS REENACTED AND AMENDED, THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF O'HARA DEEMS IT NECESSARY TO ADOPT THIS ORDINANCE FOR THE FOLLOWING PURPOSES:

To promote and to protect the health, safety, morals and general welfare of the residents of the Township of O'Hara and of the public generally.

To encourage and facilitate the orderly growth and expansion of the municipality, and to lessen congestion and prevent undue concentration of population.

To protect the character and maintain the stability of residential, commercial and manufacturing areas within the Township.

To provide adequate light, air, privacy and convenience of access to property.

To divide the Township into zones and districts restricting and regulating herein the location, construction, reconstruction, alteration and use of buildings, structures and land for residential, commercial, manufacturing and other uses, with a view to conserving the value of building and encouraging the most appropriate use of land throughout the municipality, and to provide for utilities, schools, parks and recreation areas.

To establish building lines and the location of buildings designed for uses within such lines.

To provide uses, buildings or structures which are compatible with the character of development or the permitted uses within specified zoning districts.

To regulate such additions to and alterations or remodeling of existing buildings or structures as would not comply with the restrictions and limitations imposed hereinafter.

To encourage efficient circulation and lessen congestion in the public streets, and to provide for off-street parking of motor vehicles and for the loading and unloading of commercial vehicles.

To provide protection against fire, explosion, noxious fumes and other hazards in the interest of the public health, safety, and general welfare.

To provide for the gradual elimination of those uses of land, buildings, and structures which do not conform with the standards of the district in which they are located and are adversely affecting the development of other property in each district.

To conserve natural resources and protect environmentally sensitive areas.

To define and limit the powers and duties of the administrative officers and bodies as provided herein.

ARTICLE I

GENERAL PROVISIONS

Section 72-1.1 Title

This Ordinance shall be known as the “O’Hara Township Zoning Ordinance,” and the map referred to herein and made a part of this Ordinance shall be known as the “O’Hara Township Zoning Map.”

Section 72-1.2 Compliance

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

Any application for a zoning permit shall be reviewed by the Zoning Officer for completeness. When the application is not approved in terms of completeness, the application shall be considered as it had not been filed and promptly returned to the applicant, specifying the defects found in the application and describe the requirements which have not been met. When an application has been approved in terms of completeness by the Zoning Officer, it shall be marked as submitted. The application may be forwarded to others for required review and approval. The Zoning Officer shall render a decision either approving or disapproving the application for a zoning permit within thirty (30) days after the completed application is filed. Any disapproval of an application shall contain a written explanation setting forth the reason(s) for said disapproval and the manner in which the application can be corrected and/or modified to obtain the required approval.

Section 72-1.3 Interpretation

The provisions of this Zoning Ordinance shall be held to be the minimum requirements for the promotion of the public health, safety, morals and general welfare of the Township of O’Hara. Where requirements imposed by any provision of this Ordinance upon the use of land, buildings or structures are less restrictive than a comparable condition imposed by any other ordinance, law rules or regulation or recorded restriction, the regulations which are more restrictive shall govern. Uses of land, buildings or structures not clearly permitted in the various zoning districts are prohibited. Unless a proposed use can clearly comply with all of the conditions and standards provided in this Ordinance, or if there is any ambiguity, indefiniteness or absence of standards in this Ordinance pertaining to an accessory use, conditional use or a special exception, such use shall not be permitted.

Section 72-1.4 Number of Buildings on a Zoning Lot

No more than one (1) permitted use shall be located on a zoning lot except for lots in a Riverfront Unit Development or a Planned Residential Development, nor shall a single-family dwelling be located on the same zoning lot with any other principal building.

Section 72-1.5 Dwellings Prohibited in Manufacturing District

No residences shall be permitted in the Suburban Manufacturing District or in the Commercial District except where authorized as a special exception.

Section 72-1.6 Prohibited Uses

Land uses not specifically provided for in Article IV through Article XI are hereby prohibited. It is the intent of these regulations to facilitate the achievement of the stated community goals and objectives by establishing minimum performance standards which apply to all permitted and conditional land uses. These standards are designed to preserve the character of the community through the protection of health and safety and general welfare of current and future residents of O'Hara Township.

Section 72-1.7 Reduction in Lot Size Prohibited

No yard or lot existing at the time of passage of this Ordinance shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this Ordinance shall meet at least the minimum requirements established by this Ordinance.

Section 72-1.8 Statement of Community Development Objectives

The Township Council, pursuant to the Pennsylvania Municipalities Planning Code, Act No. 247, as amended, set forth the following statement of community development objectives:

To protect, conserve and improve property values and amenities in existing residential areas through the adoption and enforcement of adequate municipal codes.

To conceive and invite advanced residential and neighborhood design which will provide a superior living environment with open space and adequate public facilities.

To initiate a program to encourage the reserving of land not suitable for attractive building purposes in its natural state and acquire for the public suitable land for open space and recreation.

To guide commercial development in appropriate sites so as to permit the orderly provision of retail and service outlets with minimum adverse influences on adjacent residential areas, schools, highways and other lands.

To establish programs for the long-term elimination of substandard housing and structural conditions.

To set aside rights-of-way to allow safe and economical installation of future major roads at such time as they roads are needed, taking into consideration the safety of all the public.

To avoid the further congestion of major roads through appropriate measures and to improve and expand them where necessary.

To anticipate future public needs for buildings, parks, utilities and highways, and to prepare long-term financial schedules for needed improvements.

To control and assist the development of industrial land in sufficient quantity and in suitable locations for modern industrial uses which will enjoy park-like settings and be appropriately screened from adjacent lands.

To assist and cooperate with all concerned with attracting and locating new industries in the Township.

To regulate the removal of mineral and other natural resources so as to effect the conservation of land and other physical features.

ARTICLE II
DEFINITIONS

Section 72-2.1 Strict Construction

For the purpose of this Ordinance, certain terms and words are hereby defined. Unless otherwise expressly stated, the following words and phrases shall be construed to have the meanings herein indicated. Words used in the present tense shall include the future; the single number shall include the plural and the plural the singular. The word “used” shall be deemed to include the words “arranged, designed or intended to be used”. The word “shall” is mandatory; the word “may” is permissive; the word “person” includes a firm, association, partnership, company or corporation.

ACCESSORY USE - A subordinate use which is clearly incidental to, related to, and customarily found in connection with the use of the principal structure or principal use of the land.

ACTUAL COST – The actual expenditures/expenses made by the Township.

ADULT BUSINESS - Those uses providing adult reading or view material which depicts or describes nudity or sexual activity and/or entertainment including adult bookstores or video stores, adult movie theaters or movie houses and live theaters.

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, horticulture, silvicultural and aqua cultural 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.

AGRICULTURE - The raising of farm animals and/or produce. The growing of garden products on the property for home use shall be permitted as an accessory use in any residential district.

ALLEGHENY COUNTY DEPARTMENT OF ECONOMIC DEVELOPMENT (“ACED”)
– The county's lead economic and residential development agency that coordinates development initiatives, from revitalization to home improvements. ACED is the designated planning agency for Allegheny County.

ALLEY - A right-of-way which provides secondary service access for vehicles to the side or rear of abutting properties.

ALTERATION - As applied to a building or structure, means a change or rearrangement in the structural parts or in the exit facilities, or an enlargement, whether by extending on a side or by increasing in height, or the moving from one location or position to another.

ALTERATIONS, STRUCTURAL - Any change in the supporting members of a building such as bearing walls, columns, beams or girders.

AMATEUR RADIO COMMUNICATIONS – (ham radio) The use of radio frequency spectrum for purposes of non-commercial exchange of messages without the Internet or cell phones.

AMATEUR RADIO COMMUNICATIONS TOWER – A structure designed to support antennae for non-commercial telecommunications and broadcasting.

AMENDMENT - A change in use in any district which includes revisions to the zoning text and/or the official zoning map; the authority for any amendment lies solely with the Township Council.

ANTENNA – Any system of wires, rods, discs, panels, flat panels, dishes, whips or other similar devices used for the transmission or reception of wireless signals. An antenna may include an omnidirectional antenna (rod), directional antenna (panel), parabolic antenna (disc) or any other wireless antenna. An antenna shall not include Tower-Based Wireless Communications Facilities (WCF) as defined. (Amended 7/14/2015, Ordinance No. 1294)

APPLICANT - A landowner or developer, as hereinafter defined, who has filed an application for development approval, building/zoning, occupancy, temporary use, or grading permits, or who has appealed a decision through the provisions of established zoning procedures for review and administration of this Ordinance.

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 for the approval of a development plan.

APPROVAL, FINAL - Acknowledgment by the Township Council that application for a subdivision, land development, Riverfront Planned Unit Development, or Planned

Residential Development has been reviewed for compliance with local regulations and approved with or without conditions and that upon the posting of surety and recording of the plan, permits will be issued.

APPROVAL, PRELIMINARY - Acknowledgment by the Township Council that application of a subdivision or land development, including a Riverfront Planned Unit Development, has been reviewed for compliance with local regulations and is eligible to proceed to the final approval stage.

APPROVAL, TENTATIVE - Acknowledgment by the Township Council that all documents needed to evaluate a planned residential development proposal have been reviewed and approved, and that the developer may proceed to the final plan stage, but may not be issued any zoning/building permits for construction.

APPROVED FENCE - Any fence, wall or other like divisional construction or enclosure which: 1) is composed of non-growing material; 2) is located in the front yard, between the street line and building line (or on either line), is four feet (4') or less in height; 3) if located in any other setback or yard area (including on any setback or lot line), is six and one half feet (6 ½') in height or less; and 4) does not contain any barbed wire, razor wire, razor ribbon wire, electrical wire or similar material, if located in or abutting a residential zone.

ARCHITECTURAL PROJECTION - That portion of a structure designed to accommodate an aesthetic or incidental function such as a bay window, chimney or stairway landing. The projection shall be used in the determination of a minimum setback or yard.

AREA, BUILDING - The total of areas taken on a horizontal plan at the main grade level of the principal building and all accessory buildings and/or structures exclusive of terraces and steps.

AREA, LOT – See “Lot Area”

AREA, LOT BUILDABLE - The three dimensional space within which a structure is permitted to be built on a lot and that is defined by maximum height regulations and minimum yard setbacks.

ARTERIAL STREET - Any street or highway with a functional classification consistent with the Comprehensive Plan, and designated by the O'Hara Township Planning Commission Map, “O'Hara Township Official Highway Classification Map,” as an

Urban Primary Extension, Urban Principal Arterial, Urban Minor Arterial or Urban Collector, such map being on file in the Township Municipal Building.

ARTICLE - of the Township Zoning Ordinance.

AUTHORITY - A body politic and corporate created pursuant to the Act 22, 2001 known as the "Municipality Authorities Act."

AVERAGE FLOOR AREA – The value created by dividing the gross floor area of the entire structure by the number of floors/stories in the structure. (Amended 3/20/2014, Ordinance No. 1280)

AVERAGE NET DENSITY - The total number of dwelling units in a development divided by the total amount of buildable acreage in the development (see definition for buildable acreage).

BASEMENT - A story partly underground but having at least one-half (1/2) of its height above the average level of the adjoining ground. A basement shall be counted as a story for the purpose of height measurement if the vertical distance between the ceiling and the average level of the adjoining ground is more than five (5) feet or is used for business or dwelling purposes, other than a game or recreation room.

BED AND BREAKFAST - A private residence whose primary purpose is offering sleeping accommodations and complimentary meals to lodgers in 10 or fewer guest rooms for rent and is the innkeeper's principal residence while renting the rooms. A Bed and Breakfast shall not include "Short Term Rentals" as defined herein.

BEDROOM - Any room containing at least eight (80) square feet of floor area and an operable window, used permanently or occasionally for sleeping purposes.

BEST MANAGEMENT PRACTICES ("BMP") – Conservation practices or systems of practices and management measures that: (a) control soil loss and reduce water quality degradation caused by nutrients, animal waste, toxins, and sediment; (b) minimize adverse impacts to surface water and groundwater flow, circulation patterns, and to the chemical, physical, and biological characteristics of wetlands; and (c) includes allowing proper use and storage of fertilizers/pesticides. Best Management Practices is further defined in Ordinance No. 1296 adopted July 14, 2015, as hereinafter may be amended.

BILLBOARD: A sign other than one indicating a business conducted on the premises, a sign on which advertising matter of any character is printed, posted, or lettered; and

it may be either freestanding or attached to a surface of a building or other structure. It may not have any scrolling, changing or lit messages or advertisements.

BOARD - Any body granted jurisdiction under a land use ordinance or under the Pennsylvania Municipalities Planning Code, Act 247 of 1968, as amended, to render final adjudications.

BOAT LAUNCHING FACILITIES – Facility to launch and retrieve recreational boats from a trailer. Some are limited to hand launching of canoes. Facilities can include parking lots, a courtesy dock to assist in launching, toilets, refuse containers, lighting, and telephones. (Amended 3/20/2014, Ord. No. 1280)

BUFFER AREA -A strip of land which is planted and maintained in shrubs, trees, grass, or other landscaping material and within which no structure is permitted except a wall or fence. (See Article XIV)

BUFFER ZONE: Land surrounding the immediate perimeter of a logging operation in which no cutting of trees or other vegetation shall occur except for the isolated cutting or individual trees which are dead, damaged, sick, infected, or constitute a danger to neighboring properties or the public generally.

BUFFER YARD - A landscaped area of a certain depth specified by this Ordinance which shall be planted and maintained in trees, grass, ground cover, shrubs, bushes or other natural landscaping material or an existing natural or constructed natural barrier which duplicated the effect of the required buffer yard. (See Article XIV)

BUILDABLE ACREAGE - The land area of the subdivision determined by subtracting land to be devoted to road rights-of-way, easements or covenants restricting the use of the land, and all or portions of land subject to special environmental limitations, such as floodplains, wetlands and slopes, as specified by this Ordinance and the Subdivision and Land Development Ordinance.

BUILDING - Any structure having a roof supported by columns or by walls and intended for the shelter, housing or enclosure of persons, animals or any other property.

BUILDING, FRONT LINE - The line of that face of the building nearest the front line of the lot. This face includes sun parlors and roofed porches whether enclosed or unenclosed but does not include steps.

BUILDING, HEIGHT - The vertical distance measured from the average elevation of the proposed finished grade at the front of the building to the highest point of the roof for flat roofs, to the deck line of mansard roofs, and to the mean height between eaves and ridge for gable, hip and gambrel roofs.

BUILDING, PUBLIC - Any structure owned or operated by a municipality, municipal authority or agency thereof.

BUILDING AND ZONING PERMIT - A document attesting that a proposal for development has been reviewed and approved pursuant to the Township Building Code and Zoning Ordinance, and that construction may commence.

BUILDING COVERAGE – A percentage figure referring to that portion of the lot area covered only with principal and accessory buildings and/or other impervious surfaces. (Amended 3/20/2014, Ordinance No. 1280)

BUILDING SPACING - The minimum distance between two (2) buildings. The minimum building spacing shall be measured from the outermost wall or projection, excluding bay windows, chimneys, flues, columns, ornamental features, cornices and gutters. These exceptions may encroach no more than two feet (2').

BUS SHELTER - a roofed structure for people to wait under at a bus stop.

BUSINESS SERVICE SHOP - A service shop or office providing services and sales of office supplies and equipment where the repair and maintenance of equipment is limited, and does not include equipment manufacturing or industrial operations.

BUSINESS SERVICES - Establishments which provide services which are not Personal Services. Business Services include those establishments which are primarily engaged in providing a service to other business establishments, whether or not the service is also used by the general public. Business Services also include information systems services, investigative services, security services and other similar services.

CARPORT - An open space for the storage of one or more vehicles in the same manner as a private garage, which may be covered by a roof supported by columns or posts except that one or more walls may be the walls of the main building to which the carport is an accessory building or extension.

CARTWAY - That portion of the street right-of-way surfaced for vehicular use. Width is determined from face of curb to face of curb or from one edge of driving surface to the other edge of driving surface.

CASE-IN-CHIEF - (1) The evidence presented at trial by the party with the burden of proof. (2) The part of a trial in which a party presents evidence to support its claim or defense.

CELLAR - A story partly underground and having more than one-half (1/2) of its clear height below the average level of the adjoining ground. A cellar shall not be considered in determining the permissible number of stories.

CEMETERY - A place where the remains of deceased people are buried or otherwise interred.

CENTERLINE - An imaginary line running parallel to a street right of way or easement boundary, equidistant from each side line of the easement or right of way or an imaginary line equidistant from the sides of a physical features such as a stream.

CLEAR CUTTING: A logging method that removes all trees from a tract of land or portion thereof.

CLEAR SIGHT TRIANGLE - An area of unobstructed vision at street intersections defined by lines of sight between points at a given distance from the intersection of the street centerlines, as measured at the height of the driver's eye which is assumed to be three and three quarters feet (3.75') above the road surface. The minimum sight triangle shall be in accordance with the requirements of the Pennsylvania Department of Transportation (67 PA Code, Chapter 1).

CLINIC - A place used for the care, diagnosis and treatment of sick, ailing, infirm and injured persons and those who are in need of medical or surgical attention, but who are not provided with board or room nor kept overnight on the premises.

CLINIC, VETERINARY - An establishment where animals are examined and treated by veterinarians and which may include kennels for temporary boarding of animals during treatment.

CLUB - A nonprofit association of persons who are bona fide members paying annual dues, which owns, hires or leases a building or portion thereof, the use of such structures being restricted to members and their guests. It shall be permissible to serve food and meals on such premises providing adequate dining room space and kitchens

are available. The sale of alcoholic beverages to members and their guests shall be allowed provided that such sale of alcoholic beverages is in compliance with applicable federal, state and municipal laws.

CO-LOCATION – The mounting of one or more Wireless Communication Facilities (“WCF’s”), including antennae, on an existing Tower-Based WCF, or on any structure that already supports at least one Non-Tower WCF. (Amended 7/14/2015, Ordinance No. 1294)

COLLECTION AND RECYCLING FACILITY - A center for the acceptance and processing of recyclable materials from the public. Recyclable materials shall be limited to glass containers, plastic containers, aluminum beverage cans, steel/bi-metal containers, newsprint, high grade office paper and corrugated paper. Processing of recyclable materials shall be limited to crushing, baling, chapping, shredding or other operations which physically reduce the mass of the materials but which do not alter their composition in any way.

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

COMMERCIAL VEHICLE – any type of vehicle used to conduct business, to transport goods or services, or to transport paying passengers.

COMMON AREAS - All those areas in a planned residential development, including common open spaces and recreation areas, which are owned or leased by an association or other combination of persons, and if owned under the Uniform Condominium Act, including all common elements.

COMMON DRIVEWAY – A type of private road, including a hard surface, for local access from a public road or public street or other thoroughfare serving two or less residential structures that is owned and maintained by property owner(s) in accordance with a recorded maintenance agreement between owners.

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.

COMMUNITY BUILDING - A structure used, owned, and operated by the residents of a planned residential development or Riverfront Planned Unit Development for social, cultural, or recreational purposes.

COMMUNITY DEVELOPMENT OBJECTIVES - A statement attaching the zoning ordinance to the municipal comprehensive plan with reference to land use, density of population, and location and function of streets, utilities, and community facilities.

COMPARABLE DEPARTURE - An alternative method of compliance with stated zoning standards or planning objectives and approved by the Township Council within the scope of review outlined in Article XIII for Riverfront Unit Developments.

COMPREHENSIVE PLAN - The Comprehensive Plan for O'Hara Township which guides the physical development of the Township and consists of maps, charts and textual matter in accordance with the provisions of the Pennsylvania Municipalities Planning Code.

CONDITIONAL USE - A use permitted in a particular zoning district pursuant to the provisions of Article VI of the Pennsylvania Municipalities Planning Code, Act 247 of 1968, as amended.

CONDOMINIUM - Real estate, portions of which are designated for separate ownership and the remainder of which is designated for common ownership solely by the owners of those portions. Real estate is not a condominium unless the undivided interests in the common elements are vested in the unit owners.

CONSISTENCY - An agreement or correspondence between matters being compared which denotes a reasonable rational, similar, connection or relationship.

CONSTRUCTION FENCE -A temporary fence utilized to delineate the boundaries of a construction work site.

CONTINUING CARE FACILITY - As defined in current state licensure requirements, a residential facility or planned residential development designed, operated and maintained for retired adults, which may also include skilled nursing, intermediate care or personal care facilities as defined herein.

CONVENIENCE STORE - A retail establishment which does not exceed ten thousand (10,000) square feet in gross floor area and which offers a limited selection of grocery, household and personal items for quick purchase and which may include the dispensing of gasoline at self-service pumps.

CONVENTIONAL GAS WELL – A vertical well bore that is drilled above the base of the Elk Sandstone Shale Formation or its geologic equivalent stratigraphic interval. (Amended 10/9/2018, Ordinance No. 1337)

CONVERSION APARTMENT -A multi-family dwelling constructed by converting an existing dwelling into apartments for more than one (1) family without substantially altering the exterior of the building.

COUNCIL - Township Council of O’Hara Township.

CURATIVE AMENDMENT - An amendment proposed by a property owner challenging the validity of zoning regulations as they apply to property in which he has an interest and requiring municipal action on his petition or a municipal curative amendment, in which the Township Council declares a moratorium on specific parts of the zoning ordinance in order to cure alleged defects.

DAY CARE CENTER - A facility, licensed by the Commonwealth, located within a building which is not used as a dwelling unit, for the care during part of a twenty-four (24) hour day of children under the age of sixteen (16) or handicapped or elderly persons.

DAY CARE HOME - A facility, licensed by the Commonwealth, located within a dwelling, for the care on a regular basis during part of a twenty-four (24) hour day of not more than six (6) children under sixteen (16) years of age, excluding care provided to children who are relatives of the provider. Such use shall be secondary to the use of the dwelling for living purposes and no more than one (1) person who does not reside in the dwelling shall be employed.

DECISION - Final adjudication of any board or other body granted jurisdiction under any land use ordinance or this act to do so, either by reason of the grant of exclusive jurisdiction or by reason of appeals from determinations. All decisions shall be appealable to the Court of Common Pleas of the county and judicial district wherein the municipality lies.

DECK - An accessory structure considered as part of the principal structure for the purpose of determining minimum setbacks.

DENSITY - A measure of the number of dwelling units per unit of area. It shall be expressed in dwelling units per acre. (A) Gross Density: The ratio of the total number of dwelling units to the total acreage; (B) Net Density: That ratio of the total number of

dwelling units to the acreage within a given tract of land devoted to residential use, including streets, parking areas and adjacent open space, yards and courts which abut and serve individual residences. Excluded are those unbuildable areas and grades (slopes) of twenty-five percent (25%) or greater after development, and those areas preserved from further development by virtue of classification as natural areas as defined.

DETERMINATION - Final action by an officer, body or agency charged with the administration of any land use ordinance or applications thereunder, except the following:

1. the Township Council;
2. the Zoning Hearing Board or
3. The Planning Commission, only if and to the extent the planning agency is charged with final decision on preliminary or final plans under the Subdivision and Land Development Ordinance or Planned Residential Development provisions.

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 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 shall mean the written and graphic materials referred to in this definition.

DISTRIBUTED ANTENNA SYSTEMS (DAS) – A network of spatially separated Antenna sites connected to a common source that provides wireless service within a geographic area or structure. (Amended 7/14/2015, Ordinance No. 1294)

DRIVEWAY - A type of private road owned and maintained by the property owner for local access from a public road or public street or other thoroughfare to one residential structure, business or parking lot.

DUPLEX - Two (2) dwelling units accommodating two (2) families which are located one over the other or side by side, with a common fire wall.

DWELLING - A building or portion thereof, but not an automobile house trailer or recreational vehicle, designed or used exclusively for single-family residential occupancy, consisting of a detached dwelling surrounded by open space on the same lot.

DWELLING DENSITY - The maximum number of dwelling units permitted per acre or per lot.

DWELLING UNIT - A structure or entirely self-contained portion thereof containing complete housekeeping facilities, for occupancy by only one family (including any domestic servants living or employed on the premises) with no enclosed space (other than vestibules, entrances, or other hallways or porches) in common with any other dwelling unit. Dwelling units may be contained in single-family or multi-family structures, as classified below:

Single-Family Structures:

Single-Family Detached - A single-family dwelling having only one (1) dwelling unit from ground to roof, independent outside accesses, and open space on all sides.

Single-Family Detached-Lot Line: A single-family detached dwelling on an individual lot with the building set on one of the side property lines. An easement is required for maintenance on the adjoining lot, and windows on the lot-line side of the dwelling are prohibited.

Patio House - A single-family detached dwelling with one (1) of the building walls set on one (1) of the side property lines and with additional walls or fences set on the remaining side and the rear property lines to form a private outdoor enclosure.

Mobile Home - A transportable, single-family dwelling intended for permanent occupancy contained in one (1) unit, or in two (2) 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, including any addition or accessory structure, such as porches, sheds, decks, or additional rooms. All mobile homes shall meet construction standards set by the U.S. Department of Housing and Urban Development.

Multi-Family Structures:

Two-Family - A structure containing two (2) dwelling units, including but not limited to these types: twins (units attached side by side by a vertical party wall) and duplexes (attached one above the other by a horizontal party wall.)

Atrium Houses - Single-family attached dwellings set on individual lots with two (2) or more of the building walls of each unit set on the property lines and with walls set on the remaining property lines to form a private outdoor enclosure. Any part of a lot or lot line not enclosed by a building shall be enclosed by a wall or fence, and a private yard or "atrium" shall be included on each lot. Each unit shall have individual outside access.

Townhouse - Single-family attached dwellings within a multi-family structure with only one (1) dwelling from ground to roof, each with individual outside access. No more than two (2) parallel walls of each dwelling are in common with other such dwellings.

Mid-Rise Apartment - A multi-family structure containing from four (4) to seven (7) stories.

Multiplex - Attached dwellings within a three to five (3-5) dwelling structure with each dwelling side-by-side, and/or back-to-back with another dwelling such that each has two (2) non-parallel walls in common with adjacent dwelling units and open space on two (2) non-parallel sides. Each has independent outside access.

Garden Apartment - (including group care facility) - A two (2) or three (3) story structure containing three (3) or more units separated by party walls, and which may have more than one (1) unit from ground to roof and a range of from eight (8) to sixteen (16) dwelling units. Individual units share a common access and common yard. Such structures shall not exceed three (3) stories in height.

EASEMENT - A nonpossessory interest in land; a grant of one (1) or more property rights by the property owner to and for the use by the public, a corporation or another person or entity within which no permanent building may be erected, the use of which shall not be inconsistent with the rights of the grantee.

EMERGENCY - A condition that (1) constitutes a clear and immediate danger to the health, welfare, or safety of the public, or (2) has caused or is likely to cause facilities

in the rights-of-way to be unusable and result in loss of the services provided. Township Council President or Vice President are responsible for declaring emergencies. (Amended 7/14/2015, Ordinance No. 1294)

ENGINEER - A professional engineer registered in the Commonwealth of Pennsylvania.

ESSENTIAL SERVICES - The erection, construction, alteration or maintenance by public utilities or municipal or other governmental agencies of underground sewage, gas, electrical, steam or water treatment transmission or distribution storage systems, collection, communication, supply or disposal systems, and overhead electrical and electronic systems, including poles, wires, mains, drains, sewers, pipes, conduit cables, fire-alarm boxes, police call boxes, traffic signals, hydrants and other similar equipment and accessories in connection therewith; reasonably necessary for the furnishing of adequate service by such public utilities or municipal or other governmental agencies or for the public health or safety or general welfare, but not including office buildings or maintenance depots.

EXTENDED FAMILY LIVING AREA – A separate living area in a home attached to the main home through a common door. The area may be used to house individuals related to the homeowner by marriage, blood or adoption. The space may not be rented out under any circumstances.

FAMILY - One (1) or more persons related by blood, marriage, partnership, adoption or foster care; or a group of unrelated persons living together in a dwelling unit and maintaining a common household. Family shall not include persons living together under the supervision of a public or non-profit agency which shall be permitted only in a “Group Home,” “Group Care Facility,” or “Personal Care Boarding Home” as defined herein.

FCC – Federal Communications Commission (Amended 7/14/2015, Ordinance No. 1294)

FINANCIAL INSTITUTIONS - Banks, Credit Unions, Savings and Loan Associations and similar PA licensed or regulated institutions that lend money or are engaged in a finance-related business.

FIRE AND EMERGENCY MEDICAL EQUIPMENT FACILITIES - A building or other structure used to house fire and ambulance vehicles and related and ancillary equipment for use by either a governmental body or volunteer organization (i) which

volunteer organization has been officially recognized by the Township as providing a governmental type service to Township residents by means of a resolution or by means of receipt of funding from the Township, and (ii) whose members are considered to be employees of the Township for purposes of the Workers Compensation Law at 77 P.S. §1031.

FLOODPLAIN - Areas adjoining any waterway, stream or body of water which are subject to a one hundred (100) year recurrence interval flood as delineated by the Township Flood Hazard Maps. Where no flood insurance maps or studies have defined the boundary of the one hundred (100) year flood, the floodplain shall be as determined by a qualified professional hydrologist or engineer.

FOREST - Areas, groves or stands of mature or largely mature trees (i.e., greater than six inches [6"] caliper [diameter] at a height of fourteen inches [14"] above the ground) covering an area greater than one-quarter (.25) of acre; or groves of mature trees (greater than twelve inches [12"] caliper [diameter] at a height of fourteen inches [14"] above ground) consisting of more than ten (10) individual trees.

FORESTER - A person with a degree in forestry from a college or university accredited by the Society of American Foresters who has experience in wood lot management.

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.

FRONTAGE OF A LOT - The distance across the front of a lot between side lot lines where they intersect the street to which the lot has its principal access, and following the street right-of-way line.

GAS - Natural gas, methane gas, coal bed methane gas, propane, butane and/or any other constituents or similar substances that are produced by drilling a well of any depth into, through or below the surface of the earth as defined in the Pennsylvania Municipalities Planning Code, Section 606. (Amended 3/8/2011, Ordinance No. 1239)

GAS RESOURCES DEVELOPMENT - The well site preparation, well site construction, drilling, hydraulic fracturing, and/or site restoration associated with a gas well of any depth; water and other fluid storage impoundment and transportation used for such activities; and the installation and use of all associated equipment, including tanks, meters, compressor stations, impoundments, gas processing facilities and other

equipment and structures whether permanent or temporary; and the site preparation, construction, installation, maintenance and repair of gas pipelines and associated equipment and other equipment and activities associated with the exploration for, production of and transportation of gas. (Amended 10/18/2018, Ordinance No. 1337)

GAS RESOURCES DEVELOPMENT SITE – A site that consists of the area occupied by the facilities, structures, materials and equipment (whether temporary or permanent) necessary for or incidental to the drilling for, production of or operation of a gas well. (Amended 2/8/2011, Ordinance No. 1239)

GEOHERMAL ENERGY FACILITY – A generating facility capable of capturing and converting hydrothermal energy into hydronic or electrical energy sources. (Amended 5/9/2017, Ordinance No. 1324)

GROSS FLOOR AREA - The sum of the gross areas of the several floors of a building or buildings, measured from the exterior faces of exterior walls or from the center lines of walls separating two buildings. Gross floor area shall not include: underground areas, parking areas or driveways, uncovered steps, or exterior balconies, decks or porches. (Amended 3/20/2014, Ordinance No. 1280)

GROUP CARE FACILITY - A facility which provides room and board and specialized services for eight (8) or more residents who may be mentally or physically handicapped and may or may not require the services of an intermediate or skilled nursing facility, and may require assistance or supervision in matters such as bathing, dressing, diet, financial management, emergency evacuation procedures and self-administered medication; or any number of permanent residents who are dependent on public assistance; or any number of mentally ill persons of any age who are in need of supervision and staff qualified by the sponsoring agency who may or may not reside at the facility and who provide health, social and/or rehabilitative services to the residents under the supervision of a governmental agency, its licensed or certified agents or any other responsible nonprofit social services corporation.

GROUP HOME - A dwelling unit where room and board is provided to not more than eight (8) permanent residents who are handicapped as defined in the Fair Housing Act, who are in need of supervision and specialized services and no more than two (2) supervisors on any shift who may or may not reside in the dwelling and who provide health, social and/or rehabilitative services to the residents under the supervision of a governmental agency, its licensed or certified agents, or any other responsible nonprofit social services corporation. A group home shall be considered a single family

dwelling and shall be authorized wherever a single family dwelling is permitted subject to the requirements of the District applicable to single family dwellings, to be considered a group home, the persons residing in the group home must also be the functional equivalent of a traditional family, maintaining a non-transient common household with single cooking and dining facilities and sharing a permanent unity of social life.

HEIGHT, BUILDING - The vertical distance measured from the average elevation of the proposed finished grade at the front of the building to the highest point of the roof for flat roofs; to the deck line for mansard roofs; to the mean height between eaves and ridge for gable, hip, and gambrel roofs; and to the highest point of any other type of roof. Chimneys, spires, masts, elevator shafts, mechanical equipment, and similar projections shall not be included in the height, provided that any such projection shall not have an aggregate area greater than twenty-five percent (25%) of the roof area.

HEIGHT, TOWER-BASED WCF – The vertical distance measured from the ground level, including any base pad, to the highest point on a Tower-Based WCF, including antennae mounted on the tower and any other appurtenances. (Amended 7/14/2015, Ordinance No. 1294)

HISTORIC SITE OR LANDMARK - Any local, state or federal site or structure identified as historic by the state, federal or Township of O'Hara government and officially recognized by the O'Hara Township Council through ordinance or resolution.

HOME BASED BUSINESS PERMIT - A written agreement between the Township of O'Hara and a resident who wishes to establish a no impact home based business at his/her residence. Said permit shall establish the extent and duration of the home based business, as well as grant permission for the proposed use. In addition, the home based business permit will establish conditions of approval and procedures for revocation and renewal. The term "no impact home based business" is included as a home based business.

HOMEOWNERS' ASSOCIATION - An organization formed to manage the common open space and common facilities within a development plan that are not to be publicly owned and maintained. Membership in, and financial support of such organization is mandatory for all owners of private property in the plan.

HORTICULTURE - Any growing of trees or plants for commercial purposes or conservation.

HOSPITAL - A building used for the diagnosis, treatment or other care of human ailments, with room and board, unless otherwise specified.

HOTEL – An establishment that provides paid lodging and other services on a short-term basis, having interior entrances to rooms.

ICE THROW – Any ice gathered on the rotating blades of a wind turbine that detaches and is thrown.

IMPERVIOUS SURFACE - Material which is impenetrable and unable to absorb water, including but not limited to building structures, and paved areas (driveways, parking lots, etc.)

IMPERVIOUS SURFACE COVERING - A measure of the intensity of use of a piece of land, calculated by dividing the total area of all impervious surfaces by the gross tract acreage or total lot area.

IMPROVEMENT BOND - Surety, in a form acceptable to the Township Solicitor, in the form of cash, a certified check or irrevocable letter of credit from a federal or commonwealth-chartered lending institution, a corporate performance bond or a labor-and-material payment bond from a surety company authorized to conduct business in the commonwealth, which guarantees the satisfactory completion of improvements required by this Ordinance.

INDEPENDENT LIVING FACILITY - A facility designed to provide individual dwelling units for persons who are independently mobile and not in need of supervision, but which includes certain design features and services associated with the needs of the individuals which are not customarily in the construction of conventional dwelling units, such as emergency call systems, common dining facilities, common laundry facilities, minimal housekeeping services, common leisure and recreational facilities, transportation services and similar supporting services for the convenience of the residents.

INFILTRATION BASIN – A storm water BMP that is constructed within highly permeable soils that provides temporary storage of storm water runoff. An infiltration basin does not normally have a structural outlet to discharge runoff from the storm water quality design storm. Instead, outflow from an infiltration basin is through the surrounding soil. (Amended 3/20/2014, Ordinance No. 1280)

INFILTRATION BERM – An Infiltration Berm is a storm water BMP consisting of a mound of compacted earth with sloping sides that is usually located along a contour

on relatively gently sloping sites. Berms can also be created through excavation/removal of upslope material, effectively creating a Berm with the original grade. Berms may serve various storm water drainage functions including: creating a barrier to flow, retaining flow for volume control, and directing flows. Grading may be designed in some cases to prevent rather than promote storm water flows, through creation of “saucers” or “lips” in site yard areas where temporary retention of storm water does not interfere with use. (Amended 3/20/2014, Ordinance No. 1280)

INFILTRATION TRENCH – A storm water BMP consisting of a “leaky” pipe in a stone-filled trench with a level bottom. An Infiltration Trench may be used as part of a larger storm sewer system, such as a relatively flat section of storm sewer. Or it may serve as a storm water system for a small area, such as a portion of a roof or a single catch basin. In all cases, an Infiltration Trench must be designed with a positive overflow. (Amended 3/20/2014. Ordinance No. 1280)

JUNK VEHICLE - A vehicle which is inoperative and/or unable to meet the vehicle registration and inspection standards under Part IV (4101 et seq.) of the Pennsylvania Motor Vehicle Code. The term does not include a vehicle which qualifies as an antique or classic vehicle except for its lack of restoration or maintenance.

KENNEL (Commercial) - A facility designed to provide enclosed shelter and care for three (3) or more domestic animals, six (6) months or older, on a permanent or temporary basis on a minimum five (5) acre lot.

KENNEL (Private) - An enclosed shelter for domestic pets.

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 proprietary interest in the land.

LANDSLIDE HAZARD AREA - Areas naturally prone to landslides due to rock types, rock layering, fracturing, poor drainage, steep slopes and other factors, as identified by the “Landslide Hazard Maps,” Squaw Run Area Watershed Association, most current edition.

LANDSCAPING PLAN - A plan prepared by a registered landscape architect or certified nurseryman identifying each tree and shrub by size, type and scientific name, the location of each, including a planting diagram and such other diagrams or reports as are necessary to show the method of planting, staking and mulching, grass seeding specifications and mixtures and existing trees to be preserved.

LEED CERTIFIED BUILDING – A building certified under the Leadership in Energy and Environmental Design (LEED) program of the United States Green Building Council that meets LEED standards for either New Construction and Major Renovation Projects or Core and Shell Projects. (Amended 3/20/2014, Ordinance No. 1280)

LIGHT INDUSTRY - Industrial uses which meet or exceed all minimum established performance standards through the utilization of current technology, which meet bulk or lot coverage ratios for output structures and which generate lower volumes of traffic in relation to production. Uses in this category include, but are not limited to, printing and binding plants, research laboratories, packaging plants, food processing, small appliance manufacturing, optical products manufacturing and data processing operations.

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

LOT AREA - The total horizontal land area within the lot lines, excluding any area of any easement or public right-of-way which would interfere with the proposed use.

LOT AVERAGING - A means of developing single-family detached dwellings on lots where the average lot size is that of the base zoning district, but where in response to site conditions some of the lots are smaller and some larger. Smaller lots on the more developable portions of a site permit larger lots elsewhere that are more protective of natural features. The entire tract shall be laid out in individual lots; no areas of common space are created.

LOT, CORNER - A lot at the junction of two (2) or more intersecting streets and having frontage on two (2) or more such streets.

LOT DEPTH - The mean horizontal distance between the front lot line and the rear lot line of the lot measured within the lot boundaries.

LOT, INTERIOR - A lot other than a corner lot with only one (1) frontage on a street other than an alley.

LOT OF RECORD - An area of land designated as a lot on a plat of subdivision or described on a deed duly recorded or registered, pursuant to statute with the Allegheny County Department of Real Estate.

LOT, THROUGH - An interior lot having frontage on two (2) parallel or approximately parallel streets.

LOT WIDTH - The distance between straight lines connecting front and rear lot lines at each side of the lot, measured across the rear of the required front yard; provided, however, that the width between side lot lines at their foremost points (where they intersect with street lines) shall not be less than eighty percent (80%) of the required lot width, except in the case of lots on the turning circle of cul-de-sacs, where the minimum shall be two-thirds (2/3) of the required frontage.

LUMBERING – See Forestry.

MAJOR OUTDOOR SEATING - an outdoor area adjacent to an operating existing restaurant or other food establishment which sells food and beverage for immediate consumption. The area is surrounded by a barrier separating the seating area from the restaurant and from other outdoor areas outside of the seating area.

MANUFACTURING - Establishments engaged in the mechanical or chemical transformation of materials or substances into new products, through the assembling of component parts, the creation of products and the blending of materials, such as lubricating oils, plastics, resins or liquors. Examples of uses in this category include, but are not limited to, tool and dye production, paper manufacturing, metal fabricating, printing, extruded plastic manufacturing, electronic parts manufacturing, and rubber goods manufacturing.

MARINA, COMMERCIAL - Boat basin or docks with facilities for berthing, securing, sale and servicing all types of recreational watercraft, as well as providing adequate supplies, provisions and fueling facilities.

MARINA COMPLEX - A mixed use facility for the berthing, securing and servicing of boats and recreation watercraft in conjunction with commercial or transient residential uses.

MARINA, NONCOMMERCIAL - Boat basin or docks with facilities for the berthing or securing of up to four (4) privately owned boats or recreational watercraft for no monetary consideration.

MAUSOLEUM – An external free-standing building or structure constructed as a monument enclosing the interment space or burial chamber of a deceased person or people.

MEDIATION - A voluntary negotiating process in which parties in a dispute mutually select a neutral mediator to assist them in jointly exploring and settling their differences,

culminating in a written agreement which the parties themselves create and consider acceptable.

MEDICAL CENTER - A building for doctors' offices, laboratories and drugstores but not housing patients overnight.

MEDICAL MARIJUANA DISPENSARY - An establishment which holds a permit issued by the Pennsylvania Department of Health to dispense medical marijuana under the Pennsylvania Medical Marijuana Act. The term does not include a "health care medical marijuana organization" under Chapter 19 of the Pennsylvania Medical Marijuana Act.

MEDICAL MARIJUANA GROWER/PROCESSOR FACILITY – An establishment which holds a permit issued by the Pennsylvania Department of Health to grow and process medical marijuana under the Pennsylvania Medical Marijuana Act. The term does not include a "health care medical marijuana organization" under Chapter 19 of the Pennsylvania Medical Marijuana Act.

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.

MINOR OUTDOOR SEATING - an outdoor area operated by an existing restaurant or other food establishment which sells food or beverage for immediate consumption, located on a sidewalk.

MOBILE HOME - A transportable single-family dwelling which may be towed on its own running gear and which may be temporarily or permanently affixed to real estate, used for non-transient residential purposes and constructed with the same or similar electrical, plumbing and sanitary facilities as immobile homes.

MODEL FARM – A small farm located on a lot of at least 10 acres, which is operated for pleasure or supplemental income rather than for primary income and which lot is also the primary residence of the model farm owner.

MONOPOLE – A WCF or site which consists of a single pole structure, designed and erected on the ground or on top of a structure, to support communications antennae and connecting appurtenances. (Amended 7/14/2015, Ordinance No. 1294)

MOTEL – a hotel designed for motorists with exterior entrances to rooms.

MOTORIZED VEHICLE DEALERSHIP - Sale or rental of new motor vehicles by agreement or arrangement with the manufacturers. The servicing of new or used motor vehicles and the sale of used vehicles may be an accessory use but shall not be a principal use.

MOTORIZED VEHICLE REPAIR, MAJOR - Engine rebuilding or major reconditioning of worn or damaged motor vehicles or mobile homes; collision service, including body, frame or fender straightening or repair; overall painting of vehicles.

MOTORIZED VEHICLE SERVICE STATION - A retail place of business, engaged primarily in the sale of motor fuels or supplying goods and services generally required in the operation and maintenance of motor vehicles and fulfilling of motorist's needs, including one (1) or more of the following: The sale of petroleum products; sale and service of tires, batteries, automotive accessories and replacement items; washing and lubrication services; the supplying of other incidental automotive customer services and products; and the performing of automotive maintenance and repair, including state inspection, are activities associated with this use. A service station may also include the operation of a convenience store, as defined herein.

MPC OR MUNICIPALITIES PLANNING CODE - The Pennsylvania Municipalities Planning Code, Act 247 of 1968, as reenacted and amended (P.L. 805, et seq.).

MULTIPLE USE OR TENANT FACILITY - A commercial structure designed for use by two (2) or more businesses as owners or lessees of the premises.

MULTI-USE/PURPOSE TRAIL – A way designed for and used by a variety of pedestrians and cyclists using non-motorized bicycles. (Amended 3/20/2014, Ordinance No. 1280)

MUNICIPAL AUTHORITY - A body politic and corporate created pursuant to the Act of June 19, 2001 (P.L. 287, No. 22) known as the "Municipality Authorities Act."

NATURAL AREA – Areas left in its natural state, including but not limited to, unusual or unique environmental features, such as floodplains, steep slopes, habitats for unique or endangered flora or fauna, fossil sites, or similar areas which warrant protection and preservation for their benefit to the ecosystem or their scientific or educational value.

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 requirements of Section 72-14.22.

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 which does not comply with all of the applicable dimensional standards which prevents its use 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.

NON-TOWER WIRELESS COMMUNICATIONS FACILITY (Non-Tower WCF) - All Non-Tower Wireless Communications Facilities, including but not limited to, antennae and related equipment attached to an existing structure. Non-Tower WCF shall not include support structures for antennae or any related equipment that is mounted to the ground or at ground-level. (Amended 7/14/2015, Ordinance No. 1294)

NURSERY SCHOOL - A facility licensed by the Commonwealth of Pennsylvania, designed to provide daytime care and education instruction for compensation.

NURSING HOME - A facility licensed to operate as such by the Commonwealth of Pennsylvania for the purpose of providing skilled or intermediate nursing care and related medical or other health services.

OCCUPANCY PERMIT - A statement, based on an inspection, signed by the Zoning Officer, setting forth either that a building or structure complies with this Zoning Ordinance, or that a building, structure, parcel or lot of land may lawfully be employed for specified use or both, prior to the use and/or occupancy of any land or structure.

OFFICES, BUSINESS AND PROFESSIONAL - Any office of recognized professions such as doctors, lawyers, architects, engineers, real estate brokers, insurance agents, and others who, through training, are qualified to perform services of a professional nature and other offices used primarily for accounting, corresponding, research, editing or other administrative functions, but not including banks or other financial institutions.

OFFSTREET PARKING - An area of a size specified by this Ordinance for public or private use located entirely outside any public street right of way which has direct access via a driveway or access aisle to a public street.

OPEN SPACE - An unoccupied space, open to the sky on the same lot with the building or area intended for use by all owners of individual building lots within the perimeter of a Planned Residential Development, or that open space provided for within a Riverfront Unit Development, a portion of which provides pedestrian access and or active recreation opportunities, but does not include private or public parking areas.

ORDINANCE - The Zoning Ordinance of O'Hara Township, as amended.

PA DEP - The Pennsylvania Department of Environmental Protection.

PARCEL – A lot or tract in single ownership or under single control.

PARK – A non-Township owned open area of ground set aside for public use with recreational facilities, playgrounds and structures or left in a natural state, and owned and operated by a nonprofit association for the benefit of the public or the residents of the Township, as in density transfer. It may not include a miniature golf course or driving range. Amusement parks or any predominantly commercial enterprise shall not be considered a park.

PARK, MUNICIPAL - Any land owned by the Township or authorized by the Township to be designated as a Municipal Park or open space, whether or not developed.

PARKING AREA, PRIVATE - An open off-street area other than a private road or way (with adequate means of access), used exclusively for the parking of automobiles of occupants of the premises.

PARKING AREA, PUBLIC (Parking Lot, Public) - An open off-street area other than a driveway, private road or way (with adequate means of access), available to the general public for the parking of motor vehicles.

PARKING GARAGE, PUBLIC - A structure for the parking of motor vehicles and available to the general public.

PARKING SPACE - The area required for parking one (1) automobile, minimum dimensions of which are nine (9) feet wide and twenty (20) feet long, and the minimum area per parking space shall be one hundred eighty (180) square feet exclusive of aisle-ways and pedestrian passageways.

PARKING SPACE, HANDICAPPED - An area designated for the parking of a vehicle with handicapped license plates or placards and meeting the design criteria established by the Americans with Disabilities Act.

PATIO - A paved, at-grade open area without covering, no part of which is more than three (3) feet above the surrounding ground level.

PAVED - To cover the subbase with cobblestone, brick, concrete or bituminous surfacing adequate for the intended traffic load and wear.

PENNDOT - The Pennsylvania Department of Transportation.

PERIMETER SETBACK - A line parallel to the exterior property lines which form the boundary of the site of a Planned Residential Development the depth of which is the required distance specified by this Ordinance and in which area no structures, streets or parking are permitted, but which may include landscaping, buffer yards and common open space, as per the provisions of Article XIV.

PERMITTED USE - A use authorized in a Zoning District which is subject to review and approval by the Zoning Officer for compliance with all applicable requirements of the Zoning District in which it is located.

PERMITTED USE, PRINCIPAL - A use allowed by right under the terms of this Ordinance to occur on a lot because of the lot's location in a particular zoning district. Principal permitted uses are listed for each zone district and imply that all other activity on the lot is, or will be secondary to the principal use. Such uses may be approved directly by the Zoning Officer, and construction may commence following review and approval of all submitted drawings and plats.

PERSONAL SERVICES - Establishments primarily engaged in producing services involving the care of a person or his or her personal goods or apparel including, but not limited to laundry and dry-cleaning facilities, beauty and barber shops, funeral services, health clubs, clothing and locker rentals and domestic cleaning services.

PLANNED DEVELOPMENT USES - Land developments designed and constructed as a unified site with common points of access, similar use characteristics or architectural themes.

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.

PLANNING COMMISSION - O'Hara Township Planning Commission.

PLAT - The map or plan of a land development, whether preliminary or final.

POOL HOUSE – An accessory structure containing equipment used for a swimming pool which may include a bathroom and changing area ~~May~~ and shall not be used for habitation.

PORCH - A permanent structure attached to a principal building which is covered by a roof, but which is not enclosed by complete side walls.

POSTING - The placement of a notice upon a signboard or upon a building or structure on a property calling public attention to proposed changes in the zoning status of the property, or to a request for a variance or conditional use approval, and indicating the date, time and place of the hearing and the matter that will be heard.

PREMISES - Any lot or tract of land and any building constructed thereon.

PRIME AGRICULTURAL LAND - Land used for agricultural purposes that contains soils of the first, second or third class as defined by the United States Department of Agriculture Natural Resource and Conservation Services County Soil Survey.

PRINCIPAL STRUCTURE - The structure or structures in which the principal use or uses are conducted.

PRIVATE GARAGE – An area of a dwelling or detached structure accessory to the dwelling used for the storage of vehicles owned and used by the occupant of the dwelling. (Amended 4/12/2005, Ordinance No. 1134)

PRIVATE IMPROVEMENTS - All improvements to be owned, maintained or operated by a private entity such as an individual, corporation or homeowners' association, including roads, streets, walkways, parking lots, gutters, curbs, waterlines, sewers, storm water management facilities, landscaping, lighting, traffic control devices and other facilities for which plans and specifications must comply with the minimum

requirements of the Township Zoning Ordinance and/or conditional use approval, including temporary erosion and sedimentation control and storm water management, control methods undertaken during construction.

PRIVATE STABLE - The keeping of horses and/or ponies for the personal use of the residents of a lot, not including any profit-making activities.

PROFESSIONAL SERVICES - For the purposes of this Ordinance professional services shall include but not to be limited to the activities of a licensed medical doctor, attorney-at-law, dentist, registered professional engineer, psychologist or certified public accountant.

PUBLIC HEARING - A formal meeting held pursuant to public notice by the Township Council or Planning Commission or Zoning Hearing Board, intended to inform and obtain public comment, prior to taking action in accordance with the Pennsylvania Municipalities Planning Code, Act 247 of 1968, as amended.

PUBLIC IMPROVEMENTS - All roads, streets, walkways, gutters, curbs, sewers, waterlines, storm water management facilities, landscaping, street lighting, traffic control devices and other facilities to be dedicated to or maintained by the Township for which plans and specifications must comply with the standards and specifications of the Township.

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

PUBLIC NOTICE - A notice published once each week for two (2) successive weeks in a newspaper of general circulation in the municipality and on the official Township website. Such notice shall state the time and place of the hearing and the particular nature of the matter to be considered at the hearing. The first publication shall not be more than thirty (30) days and the second publication shall not be less than seven (7) days from the date of the hearing.

PUBLIC PARKING FACILITIES - An open, paved area, excluding a street or other public way, or a structure used for the parking of automobiles and available to the public, whether for free or for compensation.

PUBLIC UTILITY - Any person, corporation, government or authority which is considered as a public utility under the Pennsylvania Public Utility Code and which is subject to the jurisdiction of the Pennsylvania Public Utility Commission. Public Utility also includes any municipal authority or other governmental entity which supplies water or sewage service to Township residents.

PUBLIC UTILITY FACILITIES - All of the buildings, wells, dams, reservoirs, plant and equipment of a public utility, including all tangible and intangible real and personal property without limitation, and any and all means and instrumentalities in any manner owned, operated, leased, licensed, used, controlled, furnished or supply for, by or in connection with the business of any public utility.

PWBCA – Pennsylvania Wireless Broadband Collocation Act (53 P.S. §11702.1 *et. seq.*) (Amended 7/14/2015, Ordinance No. 1294)

RADIO ANTENNA - An apparatus for sending or receiving electromagnetic waves.

RAIN GARDEN - A Rain Garden (also called Bio-retention) is a storm water BMP consisting of an excavated shallow surface depression planted with specially selected native vegetation to treat and capture runoff and underlain by a sand or, if needed, gravel infiltration bed. (Amended 3/20/2014, Ordinance No. 1280)

REAR YARD (EXTERIOR) - The distance between the rear property line and a permanent structure on a new lot that abuts private property or roads outside the development boundaries, applicable where lot averaging is used.

REAR YARD (INTERIOR) - The distance between the rear property line and a permanent structure on a lot that only abuts private property or roads within the development boundaries, applicable where lot averaging is used.

RECREATION, COMMERCIAL - An enterprise operated by other than a public entity for profit for the indoor or outdoor pursuit of sports, recreation and leisure activities, including, but not limited to, such establishments as miniature golf, golf or batting practice facilities, ice or roller rinks, playing fields, racquet clubs, swimming pools, amusement parks, arenas, stadium, amphitheaters, racetracks and similar facilities.

RECREATION, NONCOMMERCIAL - An enterprise operated by an individual, association or corporation, other than a public entity, whether or not for profit and whether or not the facilities are advertised to the general public, including either indoor or outdoor facilities for the pursuit of sports, recreation and leisure activities, the use of which is limited to members and their guests, including, but not limited to, such establishments as country clubs, golf courses, sportsmen's clubs, golf practice facilities, playing fields, tennis or racquet clubs, fitness clubs, swimming pools and similar facilities.

RECREATION, PUBLIC - An enterprise operated by a public entity, available to the general public, whether or not an admission fee is charged, including either indoor or

outdoor facilities for the pursuit of sports, recreation or leisure activities, including but not limited to, parks, playgrounds, playing fields, golf courses, golf or batting practice facilities, ice rinks, tennis courts, swimming pools and similar facilities.

RECREATIONAL BOAT – A watercraft used for pleasure.

RECREATIONAL TRAILER - A road vehicle, usually two-wheeled, towed by a motor vehicle, used for transporting boats, dirt bikes, jet skis, snow mobiles, all-terrain vehicles, motorcycles, cars, etc.

RECREATIONAL VEHICLES - A wheeled vehicle equipped for habitation and used for travel, recreation or camping.

RELATED EQUIPMENT – Any piece of equipment related to, incidental to, or necessary for, the operation of a Tower-Based WCF or Non-Tower WCF. By way of illustration, not limitation, Related Equipment includes generators and base stations. (Amended 7/14/2015, Ordinance No. 1294)

RELATED SITE IMPROVEMENT - The landscaping and development of a site with driveways, sidewalks, lighting and other improvements which are incidental to the principal use of the land.

REPORT - Any letter, review, memorandum, compilation or similar writing made by anybody, board, officer or consultant other than a Solicitor to any other body, board, officer or consultant for the purpose of assisting the recipient of such report in the rendering of any decision or determination. All reports shall be deemed recommendatory and advisory only and shall not be binding upon the recipient, board, officer, body or agency, nor shall any appeal lie therefrom. Any report used, received or considered by the body, board, officer or agency rendering a determination or decision shall be made available for inspection to the applicant and all other parties to any proceeding upon request, and copies thereof shall be provided at cost of reproduction.

REQUIRED PARKING - The number of off-street parking spaces specified by this Ordinance to be provided to accommodate the specific use of the property.

RESEARCH LABORATORY - Offices used for the investigation and refinement of scientific knowledge, including the engineering and industrial application of such knowledge, but not including the mass production of products thus engineered.

RESTAURANT - An establishment where meals are served to customers, and where, if licensed by the Liquor Control Board, alcoholic beverages may be dispensed. The sale of liquor is only an accessory use to the principal use as a restaurant and shall not become the principal use. Take out and catering services may be offered.

RESTRICTIVE COVENANT - An agreement between a developer and purchasers of lots or units in a plan restricting the use of the lots or units, applying uniformly to all lots, recorded with the plan, capable of being modified only upon approval of the parties to the agreement and not enforceable by the Township.

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

RETAIL WAREHOUSE OUTLET: Retail operation from a warehouse as a permitted accessory use to the principal warehouse use.

RIGHT-OF-WAY - A) **Township Road:** Land set aside for use as a street, alley or other means of travel, as accepted by O'Hara Township. The entire width shall be owned and controlled by the municipality; (B) **Future Right-of-Way:** The right-of-way deemed necessary to provide adequate width for future street improvements; (C) **Right-of-Way Maintenance:** Maintenance outside of the cartway shall be the responsibility of the abutting property owners; and (D) **Structures in Right-of-Way:** Fences, walls and other structures, including but not limited to basketball goal assemblies, shall not be permitted within the right-of-way.

RIVER - The Allegheny River. (Amended 3/20/2014, Ordinance No. 1280)

RIVERFRONT DEVELOPMENT – Any land development that occurs within the Riverfront Overlay. For the purposes of this Article, Riverfront Development shall be classified as either a Riverfront Infill Development or a Riverfront Planned Development. (Amended 3/20/2014, Ordinance No. 1280)

RIVERFRONT DEVELOPMENT PLAN – The provisions for Riverfront Development, including a Riverfront Planned Development or Riverfront Infill 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 Riverfront Development Plan” when used in this act shall mean the written and graphic materials referred to in this Article. (Amended 3/20/2014, Ordinance No. 1280)

RIVERFRONT INFILL DEVELOPMENT – All Riverfront Developments that are not Planned Riverfront Developments. A Riverfront Infill Development shall not exceed five (5) acres and shall have one developer only.

RIVERFRONT PLANNED DEVELOPMENT – An area of land, controlled by a landowner, to be developed as a single entity for a single use or a combination of uses of five (5) acres or more, 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 the Township Zoning Ordinance. (Amended 3/20/2014, Ordinance No. 1280)

RIVERFRONT PLANNED DEVELOPMENT PLAN - A graphic and written presentation of a Riverfront Planned Development meeting the requirements of this Ordinance, including a plat of subdivision, and all provisions relating to use, location, and bulk of structures, intensity of development, streets, ways and parking facilities, common open space, private facilities and utilities, and public facilities and utilities.

RIVERFRONT PLANNED UNIT DEVELOPMENT - A development which maximizes the use and benefit of its proximity to the river, which is planned and built as a single unified entity for a mixture of specified uses appropriate to the enjoyment of the riverfront, on a lot or parcel not less than ten (10) acres in area which shall not include land beyond the shoreline of the Allegheny River and which is controlled by a landowner or a group of landowners acting as a single entity. It is recognized that the Riverfront Unit Development Plan for a Riverfront Planned Unit Development may not correspond in lot size, use, bulk or type of buildings, density, lot coverage and required open space to the regulations established by the Zoning Ordinance for the zoning districts where the development may be located.

ROAD - The entire right-of-way of a public or private street or highway.

SANITARY SEWER SYSTEM, PUBLIC - An off-site system for the treatment and disposal of sewage in which sewage is conveyed by interceptor to a publicly operated treatment plant and disposed of through means approved by the Pennsylvania Department of Environmental Protection.

SATELLITE DISH, RESIDENTIAL - A dish-shaped reflector, used by consumers most commonly to receive direct broadcast television from a direct broadcast satellite.

SCENIC RESOURCE - Visual amenities, such as rolling farmland, woodlands, river corridors, stream valleys, trails, vistas, overlooks, waterfalls, outcroppings, and other features.

SCHEDULE OF FEES - The list of charges adopted by resolution of the Township Council, and not a part of this Ordinance, to cover the costs of administering the review, decision and/or appeal processes required for a development proposal, such costs to be borne by the developer, paid in advance, and subject to periodic revision by the Board.

SCHOOL - An educational institution which has been licensed by the Department of Public Instruction.

SCREEN PLANTING - A vegetative material of sufficient height and density to conceal from the view of property owners in adjoining residential districts the structures and uses on the premises on which the screen planting is located. (See Article XIV)

SECTION OR STAGE - A geographical area or tract that is part of a proposed land development which will be developed in accordance with a timetable for development over a period of years which is included by the applicant in the development plan.

SELECTION METHOD - A method of selectively removing trees from a wooded area either singly or in small groups according to age and size with provision being made for natural or artificial revegetation.

SELF-SERVICE STORAGE FACILITY - A structure containing separate, individual and private storage spaces of varying sizes leased or rented through individual leases for varying periods of time.

SETBACK - The minimum distance a building or structure must be removed from an adjacent lot line, as required by this Ordinance in the various zone districts. Distance between lot line and building shall be measured along a line at right angles to the lot line or where the property is recorded to the centerline of a right-of-way, distance shall be measured from the edge of the right-of-way line.

SEWAGE ENFORCEMENT OFFICER - An individual or agency certified by the Commonwealth of Pennsylvania and retained by the Township to evaluate the ability of a lot proposed for development, but lacking public sewer connections, to absorb sewage effluent, and to decide on the appropriate type of disposal system, under the circumstances, to serve the lot, if an alternative is feasible. The Allegheny County Health Department acts as the Township's Sewage Enforcement Officer ("SEO").

SEWER - (A) Public Sewer: A “public sewer” is any municipal or privately owned sewer system in which sewage is collected from more than one lot and piped to an approved sewage disposal plant or central septic tank disposal system. It may also be referred to as an “off-lot” or “off-site” sewer. This shall include capped sewers when installed to Township specifications; (B) Private Sewer: An “on-lot” disposal system providing for disposal of effluent for one (1) building and its accessory building on a single lot of at least one (1) acre or a private low pressure force main and grinder pump system that connects to a public sewer.

SHORELINE - The edge of any body of water at normal pool level as delineated on U.S. Geodetic Maps.

SHORT-TERM RENTAL - Any Dwelling Unit in a residential building rented or leased for the purpose of overnight lodging for a period of thirty (30) days or less. Short-Term Rentals shall not include Bed and Breakfasts as defined herein.

SIDEWALK SALE -The temporary sale of items outside the established business or office building, not to exceed one (1) week (seven consecutive days) per month for four (4) events per calendar year for which a temporary permit must be issued.

SIGN - A name, identification, description, display or illustration which is affixed to or painted or represented directly or indicated upon a building, structure or piece of land which directs attention to an object, product, place, activity, person, institution, organization or business. The terms “sign” does not apply to a religious, patriotic, fraternal, national or cultural symbol, if unaccompanied by lettering, when applied to the cornice, wall, tower or spire of a place of worship.

SITE - The original tract of land which exists prior to any subdivision activity and which is the subject of a preliminary application for development, as defined by the Township Subdivision and Land Development Ordinance.

SKILLED NURSING FACILITY - A facility which provides nursing care and related medical or other health services for a period of twenty-four (24) hours or more for two (2) or more individuals not in need of hospitalization but who, because of age, illness or other infirmity, require high-intensity comprehensive planned nursing care, as defined in current state licensure requirements.

SLASH - All debris resulting from logging operations, including stems, limbs, and parts thereof.

SMALL WIND TURBINE DEVICE – Shall mean and include small wind turbine devices, wind generators and systems producing from 1 to 100 kWh of electricity and which are designed to be attached to the principal or an accessory structure, and used solely to generate power to serve structure(s) located on the same lot.

SOLAR ENERGY FACILITY – An electric generating facility, with the purpose of generating electricity, or providing hot water heat, consisting of one or more, but not limited to solar panels, shingles, free-standing arrays or smart-flowers and other ancillary associated buildings and structures, including sub-stations, meteorological towers, electrical infrastructure, transmission lines, and other appurtenant structures and facilities. (Amended 5/9/2017, Ordinance No. 1324)

SOLAR FLOWER (smart-flowers) – A flower-shaped solar panel array that attracts the sun and is completely portable.

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 of 1968, as amended.

STEALTH TECHNOLOGY - Camouflaging methods applied to wireless communications towers, antennae and other facilities which render them more visually appealing or blend the proposed facility into the existing structure or visual backdrop in such a manner as to render it minimally visible to the casual observer. Such methods include, but are not limited to, architecturally screened roof-mounted antennae, building-mounted antennae painted to match the existing structure and facilities constructed to resemble trees, shrubs, and light poles. (Amended 7/14/2015, Ordinance No. 1294)

STENOGRAPHIC RECORD - A transcription of testimony taken at a public hearing by a professional stenographer.

STOOP - A covered or uncovered area at a front, side or rear door not exceeding four (4) feet by five (5) feet or twenty (20) square feet in area.

STORM WATER MANAGEMENT - The collecting, conveyance, channeling, holding, retaining, detaining, infiltrating, diverting, treating, or filtering of surface water, ground water, and/or runoff, together with applicable managerial (nonstructural) measures. (Amended 3/20/2014, Ordinance No. 1280)

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 be no floor above it, then the space between any floor and the ceiling next above it.

STREET CENTERLINE - A line parallel to the street right-of-way edges and equidistant from the edges on each side of the street, or equidistant from the edges of the paved road surface if the right-of-way edges cannot be located.

STREET, PRIVATE - A street, including the entire private right of way, which is privately owned and maintained through private agreement and is intended for private use of the adjoining property owners and their customers and/or invited guests, but has not been accepted for dedication by the Township. See also "Unadopted Road".

STREET, PUBLIC - A street intended to be used for travel by the public, improved for such purpose and accepted by Allegheny County, the Commonwealth of Pennsylvania or O'Hara Township for perpetual maintenance.

STREET, REGIONAL - Street providing for traffic movements between traffic generation areas.

STREET TYPE - For purposes of this Article, streets are generally classified as follows in accordance with the "O'Hara Township Official Highway Classification Map," a copy of which is attached hereto and incorporated by reference.

Arterial - Those streets serving large volumes of primarily through traffic at comparatively high-speeds, including facilities classified as "main highways" and "secondary highways" by the Pennsylvania Department of Transportation.

Collector - Streets designed to collect traffic from local streets and then to convey it to the major arterials.

Local - Streets designed to serve only the traffic needs of and to provide access to a limited area or neighborhood.

STRUCTURAL ALTERATION - Any change in the support members of a building such as bearing walls, columns, beams, or girders; changes in the means of ingress and/or egress; enlargement of floor area or height of a structure; or relocation of a structure from one position to another.

STRUCTURE - Any man-made object having an ascertainable stationary location on the ground or water, whether or not affixed to the land. "STRUCTURE" includes, but is not limited to, buildings, garages, carports, fences, signs, swimming pools, play sets, swing sets, walls, satellite dish antennas, radio towers for "ham" radio operators only, tennis courts, sport courts, all inflatable enclosures of ground space, etc.

SUBDIVISION AND LAND DEVELOPMENT ORDINANCE - The Subdivision and Land Development Ordinance of the Township O'Hara.

SUBSTANTIALLY CHANGE or SUBSTANTIAL CHANGE - (1) Any increase in the height of a Wireless Support Structure by more than 10%, or by the height of one additional antenna array with separation from the nearest existing antenna not to exceed twenty (20) feet, whichever is greater, except that the mounting of the proposed wireless communications facility may exceed the size limits set forth herein if necessary to avoid interference with existing antennae; or (2) any further increase in the height of a Wireless Support Structure which has already been extended by more than 10% of its originally approved height or by the height of one additional antenna array. (Amended 7/14/2015, Ordinance No. 1294)

SUBSURFACE INFILTRATION BED - A storm water BMP characterized by the temporary storage and infiltration of storm water runoff accomplished by placing an infiltration bed of varying types beneath an engineered layer of soil and vegetation. (Amended 3/20/2014, Ordinance No. 1280)

SWIMMING POOL - An accessory structure, any pool-like or open tank constructed for swimming or used for swimming, and not located within a completely enclosed building, and containing or normally capable of containing water to a depth at any point greater than one and one-half feet (1 ½').

TAVERN - An establishment which serves alcoholic beverages for consumption on premises and which is licensed by the Pennsylvania Liquor Control Board and which is not a Restaurant.

TEMPORARY OUTDOOR ACTIVITY - Any activity conducted outdoors or within or about tents or other such contrivances within any special, commercial or residential districts in the municipality, including but not limited to carnivals, outdoor displays of merchandise, vehicles or manufactured products, promotions, amusements, gatherings of people and similar activities. (All "temporary outdoor activity" shall be considered temporary uses.)

TEMPORARY STRUCTURE - Any structure without a permanent foundation or footings which is intended to be removed after expiration of a designated time period authorized for its installation.

TEMPORARY USE - Any activity of limited duration, other than a household garage sale, established for a period of at least one (1) day, or portion thereof, and for no

more than fifteen (15) days, with the intent to discontinue the use after the expiration of that time period, whether or not a temporary structure is required.

TIMBER HARVESTING - The planning harvest and reforestation; cutting trees and moving them to a landing; processing, sorting and loading; and transporting materials.

TIMBERING – Cutting of trees in order to convert timber into marketable wood.

TOPS - That part of a felled tree which is left above the part of the tree to be utilized by the logger.

TOWER-BASED WIRELESS COMMUNICATIONS FACILITY (Tower-Based WCF) - Any structure that is used for the purpose of supporting one or more antennae, including, but not limited to, self-supporting lattice towers, guy towers and monopoles, utility poles and light poles. DAS hub facilities are considered to be Tower-Based WCF. (Amended 7/14/2015, Ordinance No. 1294)

TOWNSHIP - Township of O'Hara, a home rule municipality in Allegheny County, Pennsylvania.

TOWNSHIP ENGINEER -A professional engineer licensed as such in the Commonwealth of Pennsylvania, with training and experience in civil engineering, duly appointed by the Township Council to serve as the engineer for the Township.

TRAFFIC STUDY – A detailed examination and analysis of a transportation system supported by data collection.

TRAILER - An unpowered vehicle towed by a powered vehicle, commonly used for the transport of materials, goods or cargo.

TRAILER PARK - An area where one (1) or more trailers, trailer coaches or mobile homes can be or are intended to be parked or stationed, designed or intended to be used as temporary living or semi-permanent living facilities of one (1) or more families and are intended primarily for automobile transients.

TRAVEL TRAILER —See Recreational Vehicle.

TURBINE HEIGHT – The distance measured from the surface of the tower foundation to the highest point of the turbine rotor pane.

UNADOPTED ROAD – A road that provides a means for local access from a public road or public street or other thoroughfare serving three or more residential structures

that is built to Township standards as outlined in the Township Subdivision and Land Development Ordinance, owned and maintained by property owner(s) in accordance with a recorded maintenance agreement between owners.

UNCONVENTIONAL FORMATION - A geological shale formation existing below the base of the Elk Sandstone Shale Formation or its geologic equivalent stratigraphic interval where natural gas generally cannot be produced at economic flow rates or in economic volumes except by vertical or horizontal well bores stimulated by hydraulic fracture treatments or by using multilateral well bores or other techniques to expose more of the formation to the well bore. (Amended 10/18/2018, Ordinance No. 1337)

UNCONVENTIONAL GAS WELL - A bore hole drilled or being drilled for the purpose of or to be used for the production of natural gas from an unconventional formation. (Amended 10/18/2018, Ordinance No. 1337)

UNIFIED SHOPPING CENTER - A commercial development of independent and distinct retail uses in which a minimum of ten (10) businesses are located in a single structure or in several structures and are held under single ownership, agreement or lease, and trading under one (1) shopping center name. The structure or structures shall be designed and constructed as a unit or unified development and in compliance with approved building and site plans.

USABLE OPEN SPACE - An area of undeveloped land within a Planned Residential Development or a Riverfront Planned Unit Development which is included as common open space but which is designed and developed for recreational use by the occupants or patrons of the development only.

USE - Any activity, business or purpose for which any lot or structure is utilized.

USE, ACCESSORY - A use customarily incidental and subordinate to the principal use or building and located on the same lot with such principal use or building.

USE, PRINCIPAL - The main use of land or buildings, as distinguished from a subordinate or accessory use.

VARIANCE - Relief granted pursuant to the provisions of Article VI and IX of the Pennsylvania Municipalities Planning Code, Act 247 of 1968, as amended.

VEGETATED SWALE – A Vegetated Swale is a storm water BMP consisting of a broad, shallow, trapezoidal or parabolic channel, densely planted with a variety of trees, shrubs, and/or grasses. It is designed to attenuate and, in some cases infiltrate

runoff volume from adjacent impervious surfaces, allowing some pollutants to settle out in the process. In steeper slope situations, check dams are used to further enhance attenuation of infiltration opportunities.

WALL - An upright structure of wood, stone or other materials erected to enclose a court, screen or hide outdoor storage areas, divide special use areas, retain embankments or serve as a part of a building for functional or aesthetic purposes.

WALL, RETAINING - A wall designed by a registered professional engineer to hold an earth embankment from slipping.

WAREHOUSING - Storage of bulk materials in a structure or in open storage areas screened and protected by walls or fences from public view and trespass.

WAREHOUSING AND DISTRIBUTION CENTER - An establishment engaged in the receipt, storage and distribution of wholesale goods, products, cargo and materials.

WATER SERVICE, PUBLIC - A publicly owned and operated system in which water is conveyed from a publicly operated water plant located off site.

WETLANDS - Areas where water covers the soil, or is present either at or near the surface of the soil all year or for varying periods of time during the year, including during the growing season. Water saturation (hydrology) largely determines how the soil develops and the types of plant and animal communities living in and on the soil. Wetlands may support both aquatic and terrestrial species. The prolonged presence of water creates conditions that favor the growth of specially adapted plants (hydrophytes) and promote the development of characteristic wetland (hydric) soils. Wetlands generally include swamps, marshes, bogs and similar areas such as sloughs, potholes, wet meadows, river overflow, mudflats and natural ponds.

WHOLESALE BUSINESS - A business primarily engaged in selling merchandise to retailers, institutional, commercial or professional business customers or other wholesalers, rather than to the general public which includes the warehousing of merchandise and which may include distribution of such merchandise on the site of the principal business.

WIND ENERGY FACILITY – An electric generating facility, with the purpose of electricity supply, consisting of one or more wind turbines and other ancillary associated buildings and structures, including sub-stations, meteorological towers, electrical infrastructure, transmission lines, and other appurtenant structures and facilities. (Amended 5/9/2017, Ordinance No. 1324)

WIND TURBINE – A wind energy system that converts wind energy into electricity through the use of a wind turbine generator, and includes the nacelle, rotor, tower and pad transformer, if any.

WIRELESS – Transmissions through the airwaves including, but not limited to, infrared line of sight, cellular, PCS, microwave, satellite, or radio signals. (Amended 7/14/2015, Ordinance No. 1294)

WIRELESS COMMUNICATIONS FACILITY (WCF) - The antennae, nodes, control boxes, towers, poles, conduits, ducts, pedestals, electronics and other equipment used for the purpose of transmitting, receiving, distributing, providing, or accommodating wireless communications services. (Amended 7/14/2015, Ordinance No. 1294)

WIRELESS COMMUNICATIONS FACILITY APPLICANT (WCF APPLICANT) - Any person that applies for a wireless communication facility building permit, zoning approval and/or permission to use the public right-of-way (ROW) or other Township owned land or property. (Amended 7/14/2015, Ordinance No. 1294)

WIRELESS SUPPORT STRUCTURE - A freestanding structure, such as a Tower-Based wireless communications facility or any other support structure that could support the placement or installation of a wireless communications facility if approved by the Township. These may include buildings, telephone poles, and other types of man-made structures. (Amended 7/14/2015, Ordinance No. 1294)

YARD - An open space at grade between a building and the adjoining lot lines, unoccupied and unobstructed by any portion of a structure from the ground upward, except as otherwise provided herein.

YARD, FRONT - A yard extending across the full width of the lot and abutting the front lot line. The required minimum depth of the front yard shall be the horizontal distance between the front lot line and a line parallel to the front lot line at the point of the building setback. On corner lots, both yards with street frontage shall be established as front yards, and shall also comply with the minimum depth of the front yard.

YARD, REAR - A yard extending between the side yards of the lot and abutting the rear lot line. The required minimum depth of the rear yard shall be the horizontal distance between the rear lot line and a line parallel thereto known as the rear line of the buildable area of the lot. The rear yard shall be that yard which is opposite the yard from which primary entrance to a structure is gained, including on corner lots which shall have one rear yard.

YARD, SIDE - A yard extending between the rear line of the front yard and the rear lot line and abutting the side lot line. The required minimum width of the side yard shall be the horizontal distance between the side lot line and line parallel thereto known as the side line of the buildable area of the lot on corner lots only one side yard shall be provided.

ZONING - Is a legal and administrative process whereby a municipality divides its territory into Districts and applies to each District a number of regulations to control the use of land, the height and bulk of buildings, and the area of ground built upon.

ZONING CLASSIFICATION - The controls imposed by this Ordinance that define the uses of land and buildings and the intensity of such uses that may occur within a zoning district, such controls to be applied uniformly throughout the district.

ZONING DISTRICT - A section of the municipality for which uniform regulations governing the use, height, area and intensity of use of buildings and land and open spaces about buildings are herein established.

ZONING DISTRICT BOUNDARY - The perimeter line completely enclosing a zoning district.

ZONING HEARING BOARD - The Zoning Hearing Board of the O'Hara Township, as duly constituted by and established pursuant to this Ordinance.

ZONING MAP, OFFICIAL - The official plan of zoning districts in O'Hara Township, a part of this Ordinance, showing precisely the boundaries and title of each district.

ZONING OFFICER - The individual authorized by the municipality to be the administrator of the daily application of the provisions contained in these Zoning Standards. The Zoning Officer shall hold no elective office in O'Hara Township, have a working knowledge of zoning and meet the qualifications established for the position by the municipality.

ZONING ORDINANCE - A body of legislation adopted by a municipality establishing districts throughout the municipality within each of which uniform land use regulations apply.

ARTICLE III

ZONING DISTRICTS

Section 72-3.1 Zoning Map

The O'Hara Township Zoning Map shall be kept on file and available for examination at the Township Municipal Building.

Section 72-3.2 Zoning Districts

In order to carry out the intent of this Ordinance, the area of the Township is divided into the following districts, as shown by the district boundaries on the Zoning Map. The general land use classifications are:

- R-1 Special Residential District
- R-2 Suburban Residential District
- R-3 Urban Residential District
- R-4 Special Moderate Density Residential District
- CD-1 Slopes and Forests
- CD-2 Conservation District, Water
- C Commercial District
- SM Suburban Manufacturing District

Section 72-3.3 District Boundaries

District boundaries shown within the lines of streets, streams and transportation rights-of-way shall be deemed to follow their centerlines. The vacation of streets shall not affect the location of such district boundaries. When the Zoning Officer cannot definitely determine the location of a district boundary by such centerlines, by the scale or dimensions stated on the Zoning Map or by the fact that it clearly coincides with a property line shown on the Zoning Map, he shall deny the application, and the Board, upon appeal, shall interpret the location of the district boundary with reference to the scale of the Zoning Map and the intentions and purposes set forth in all relevant provisions of this Ordinance. Boundaries of the Conservation District shall extend to the center of any river, or between the upper and lower limits of any slope area which exceeds a grade of twenty-five percent (25%).

ARTICLE IV

R-1 SPECIAL RESIDENTIAL DISTRICT

Section 72-4.1 Purpose

The R-1 Special Residential District is hereby established in order to provide for low density residential and appropriate accessory uses. In addition, this classification of land provides for agricultural and public recreation opportunities and other compatible nonresidential uses, where conditions are met.

Refer to Section XIV, Supplemental Regulations, for review of additional regulations which may pertain to the proposed use.

Section 72-4.2 Permitted Uses

A lot or parcel may be used and a building or structure may be erected and used for any of the following purposes:

A. Principal Uses:

1. Agricultural Operations (See Section 72-14.10)
2. Single-Family Detached Dwellings
3. Municipal Parks
4. Group Home, as defined
5. Forestry

B. Accessory Uses: (See Section 72-14.19)

1. Private Garages
2. Garden or Storage Sheds and Shelters
3. Essential Services, as defined
4. Satellite Dishes, Dish and Radio Antennae (See Section 72-14.29)
5. Swimming Pools
6. Signs (See Article XVI)
7. Fences, Walls and Retaining Walls (See Section 72-14.12)
8. No Impact Home Based Business (See Section 72-14.22)

9. Amateur Radio Communications Towers (See Section 72-14.40)
10. Solar Energy Facility (See Section 72-14.36) (Amended 5/9/2017, Ordinance No. 1324)
11. Wind Energy Facility (See Section 72-14.37) (Amended 5/9/2017, Ordinance No. 1324)
12. Small Wind Energy Facility (See Section 72-14.38) (Amended 5/9/2017, Ordinance No. 1324)
13. Geothermal Energy Facility (See Section 72-14.39) (Amended 5/9/2017, Ordinance No. 1324)
 - a. Geothermal energy facilities shall meet the accessory structure setbacks that may apply in the zoning district within which the facility is constructed and where no such setback is specified, the facility shall be no closer than (10) ten feet from any property line.
14. Extended Family Living Area
15. Pool houses
16. Model Farms (See Section 72-14.11)

Section 72-4.3 Conditional Uses

A lot or parcel may be used and a building or structure may be erected and used for any of the following purposes, subject to the granting of a conditional use pursuant to procedures established by this Ordinance.

- A. Fire and Emergency Medical Equipment Facilities
- B. Churches (See Section 72-14.28)
- C. Schools (See Section 72-14.28)
- D. Hospitals (See Section 72-14.28)
- E. Public utility facilities
- F. Parks (public recreation) (See Section 72-14.31)

Section 72-4.4 Planned Development Uses in R-1:

A lot or parcel may be used and a building or structure may be erected and used subject to the granting of tentative and final approval of a Planned Development pursuant to the procedures established by this Ordinance.

- A. Lot averaging “LA Developments (See Article XII)

Section 72-4.5 Parking Requirements

All uses requiring off-street parking shall comply with the provisions of Article XV applicable to that use.

Section 72-4.6 Lot Area, Yard and Height Requirements:

The minimum lot areas, minimum lot width, minimum front yard, minimum width of each side yard and the maximum height for permitted principal uses shall be as follows:

- A. Minimum lot area 40,000 sq. ft.
- B. Minimum lot width 150 ft.
- C. Minimum depth front yard 40 ft.
- D. Minimum depth rear yard 40 ft.
- E. Minimum width side yard 20 ft.
- F. Maximum height of structure 30 ft.
- G. Bulk: Maximum building coverage 15%
- H. Permitted accessory structures shall be located no closer than ten feet (10') to the side or rear property line.
- I. Conditional uses shall be situated on lots in compliance with the minimum area, dimensions and setbacks, established for permitted uses.

Section 72-4.7 Performance Standards

All permitted, conditional and accessory uses shall comply with the performance standard provisions of Article XVIII, applicable to that use.

A traffic study shall be required for all nonresidential uses or developments which generate fifty (50) or more a.m. or p.m. peak hour trips and for all residential uses or developments which generate one hundred (100) or more average weekday vehicle trip ends, in accordance with Section 72-18.2.

Section 72-4.8 Permits

A Zoning/Building permit shall be required prior to the erection, construction or alteration of any structure proposed in relation to those uses enumerated in this Article.

ARTICLE V

R-2 SUBURBAN RESIDENTIAL DISTRICT

Section 72-5.1 Purpose

The R-2 Suburban Residential District is hereby established in order to provide for moderate density residential and appropriate accessory uses. In addition, this classification of land provides for compatible nonresidential uses which supplement or support those permitted uses, where conditions are met.

Refer to Section XIV, Supplemental Regulations, for review of additional regulations which may pertain to the proposed use.

Section 72-5.2 Permitted Uses

A lot or parcel may be used and a building or structure may be erected and used for any of the following purposes:

A. **Principal Uses:**

1. Single-Family Detached Dwellings
2. Municipal Parks
3. Agricultural Operations (See Section 72-14.10)
4. Planned Residential Development (See Article XI)
5. Group Home, as defined
6. Forestry

B. **Accessory Uses:** (Section 72-14.19)

1. Private Garages
2. Garden or Storage Sheds and Shelters
3. Essential Services, as defined
4. Satellite Dishes, Dish and Radio Antennae (See Section 72-14.29)
5. Swimming Pools
6. Signs (See Article XVI)
7. Fences, Walls and Retaining Walls (See Section 72-14.12)

8. No-Impact Home Based Business (See Section 72-14.22)
9. Amateur Radio Communications Towers (by Special Exception – See Section 72-14.40)
10. Solar Energy Facility (See Section 72-14.36) (Amended 5/9/2017, Ordinance No. 1324)
11. Small Wind Energy Facility (See Section 72-14.38) (Amended 5/9/2017, Ordinance No. 1324)
12. Geothermal Energy Facility (See Section 72-14.39) (Amended 5/9/2017, Ordinance No. 1324)
 - a. Geothermal energy facilities shall meet the accessory structure setbacks that may apply in the zoning district within which the facility is constructed and where no such setback is specified, the facility shall be no closer than ten (10) feet from any property line.
13. Extended Family Living Area
14. Pool Houses
15. Model Farms (See Section 72-14.11)

Section 72-5.3 Conditional Uses

A lot or parcel may be used and a building or structure may be erected and used for any of the following purposes, subject to the granting of a conditional use pursuant to procedures established by this Ordinance, Article XIV.

- A. Churches (See Section 72-14.28)
- B. Schools (See Section 72-14.28)
- C. Fire and Emergency Medical Equipment Facilities
- D. Hospitals (See Section 72-14.28)
- E. Public Utility Facilities
- F. Parks (public recreation) (See Section 72-14.31)

Section 72-5.4 Planned Development Uses in R-2:

A lot or parcel may be used and a building or structure may be erected and used subject to the granting of tentative and final approval of a Planned Development pursuant to the procedures established by this Ordinance.

- A. Lot Averaging “LA” Developments (See Article XII)
- B. Planned Residential “PRD” Developments) (See Article XI)

Section 72-5.5 Parking Requirements

All uses requiring off-street parking shall comply with the provisions of Article XV applicable to that use.

Section 72-5.6 Lot Area, Yard and Height Requirements:

The minimum lot areas, minimum lot width, minimum front yard, minimum width of each side yard and the maximum height for permitted principal uses shall be as follows:

- A. Minimum lot area 20,000 sq. ft.
- B. Minimum lot width 90 ft.
- C. Minimum depth front yard 40 ft.
- D. Minimum depth rear yard 40 ft.
- E. Minimum width side yard 15 ft.
- F. Maximum height of structure 30 ft.
- G. Bulk: Maximum building coverage 20%
- H. Permitted accessory structures shall be located no closer than ten feet (10’) to the side or rear property line.
- I. Conditional uses shall be permitted when situated on lots in compliance with the minimum area, dimensions and setbacks, established for permitted uses.

Section 72-5.7 Performance Standards

All permitted, conditional and accessory uses shall comply with the performance standard provisions of Article XVIII, applicable to that use.

A traffic study shall be required for all nonresidential uses or developments which generate fifty (50) or more a.m. or p.m. peak hour trips and for all residential uses or developments which generate one hundred (100) or more average weekday vehicle trip ends, in accordance with Section 72-18.2.

Section 72-5.8 Permits

A Zoning/Building Permit shall be required prior to the erection, construction or alteration of any structure proposed in relation to those uses enumerated in this Article.

ARTICLE VI

R-3 URBAN RESIDENTIAL DISTRICT

Section 72-6.1 Purpose

The R-3 Urban Residential District is hereby established in order to provide for a variety of moderate and high density residential and appropriate accessory uses. In addition, this classification of land provides for compatible nonresidential uses which supplement or support those permitted uses, where conditions are met.

Refer to Section XIV, Supplemental Regulations, for review of additional regulations which may pertain to the proposed use.

Section 72-6.2 Permitted Uses

A lot or parcel may be used and a building or structure may be erected and used for any of the following purposes:

A. Principal Uses:

1. Single-Family Dwellings
2. Municipal Parks
3. Planned Residential Development (See Article XI)
4. Group Home, as defined
5. Forestry

B. Accessory Uses:

1. Private Garages
2. Garden or Storage Sheds and Shelters
3. Essential Services, as defined
4. Satellite Dishes, Dish and Radio Antennae (See Section 72-14.29)
5. Swimming Pools
6. Signs (See Article XVI)
7. Fences, Walls and Retaining Walls (See Section 72-14.12)
8. No Impact Home Based Business (See Section 72-14.22)

9. Amateur Radio Communications Towers (by Special Exception - See Section 72-14.40)
10. Solar Energy Facility (See Section 72-14.36) (Amended 5/9/2017, Ordinance No. 1324)
11. Geothermal Energy Facility (See Section 72-14.39) (Amended 5/9/2017, Ordinance No. 1324)
 - a. Geothermal energy facilities shall meet the accessory structure setbacks that may apply in the zoning district within which the facility is constructed and where no such setback is specified, the facility shall be no closer than (10) ten feet from any property line.
12. Small Wind Energy Facility (See Section 72-14.38) (Amended 5/9/2017, Ordinance No. 1324)
13. Extended Family Living Area
14. Pool House
15. Model Farm (See Section 72-14.11)

Section 72-6.3 Conditional Uses

A lot or parcel may be used and a building or structure may be erected and used for any of the following purposes, subject to the granting of a conditional use pursuant to procedures established by this Ordinance.

- A. Churches (See Section 72-14.28)
- B. Schools (See Section 72-14.28)
- C. Fire and Emergency Medical Equipment Facilities
- D. Clubs
 1. Off-street parking areas shall be screened from abutting residential uses by a buffer yard as provided for in Article XV, Section 1.J.1.k.
 2. Exterior pole lighting fixtures shall be of the sharp cut-off luminaries type.
- E. Duplex, Triplex or Quadraplex
 1. Access to multiple family dwelling lots shall be limited to one point of ingress and one point of egress.

2. Interior units in attached multiple family structures shall be permitted zero side yards.
 3. Where four (4) or more contiguous lots in single ownership are proposed for multiple family uses, a temporary erosion and sedimentation control plan shall be submitted.
- F. Public Utility Facilities.
 - G. Group Care Facility.
 - H. Parks (public recreation) (See Section 72-14.31)

Section 72-6.4 Planned Development Uses in R-3:

A lot or parcel may be used and a building or structure may be erected and used subject to the granting of tentative and final approval of a Planned Development pursuant to the procedures established by this Ordinance.

- A. Planned Residential “PRD” Developments (See Article XI)

Section 72-6.5 Parking Requirements

All uses requiring off-street parking shall comply with the provisions of Article XV applicable to that use.

Section 72-6.6 Lot Area, Yard and Height Requirements:

The minimum lot areas, minimum lot width, minimum front yard, minimum width of each side yard and the maximum height for permitted principal uses shall be as follows:

- | | | |
|----|--|--|
| A. | Minimum lot area | 10,000 sq. ft. (Single family dwelling) 5,000 sq. ft. (Per dwelling unit for multiple family uses) |
| B. | Minimum lot width | 50 ft. |
| C. | Minimum depth front yard | 20 ft. |
| D. | Minimum depth rear yard | 20 ft. |
| E. | Minimum width side yard | 9 ft. |
| F. | Maximum height of structure | 30 ft. |
| G. | Bulk: Maximum building coverage | 30% |
| H. | Permitted accessory structures shall be located no closer than five feet (5') to the side or rear property line. | |

- I. Conditional uses shall be situated on lots in compliance with the minimum area, dimensions and setbacks, established for permitted uses.

Section 72-6.7 Performance Standards

All permitted, conditional and accessory uses shall comply with the performance standard provisions of Article XVIII, applicable to that use.

A traffic study shall be required for all nonresidential uses or developments which generate fifty (50) or more a.m. or p.m. peak hour trips and for all residential uses or developments which generate one hundred (100) or more average weekday vehicle trip ends, in accordance with Section 72-18.2.

Section 72-6.8 Permits

A Zoning/Building Permit shall be required prior to the erection, construction or alteration of any structure proposed in relation to those uses enumerated in this Article.

ARTICLE VII

R-4 SPECIAL MODERATE RESIDENTIAL DISTRICT

Section 72-7.1 Purpose

The R-4 Special Moderate Density Residential District is hereby established in order to provide for moderate residential, compatible nonresidential uses, agricultural, public recreation, and appropriate accessory uses while protecting environmentally sensitive areas of land and streams without significant intrusion. The R-4 Zoning District shall include land exhibiting steep slopes, high landslide risk, as well as land in close proximity to natural watercourses. In addition, this classification of land provides for agricultural and public recreation opportunities and other compatible nonresidential uses, where conditions are met.

Refer to Section XIV, Supplemental Regulations, for review of additional regulations which may pertain to the proposed use.

Section 72-7.2 Permitted Uses

A lot or parcel may be used and a building or structure may be erected and used for any of the following purposes:

A. Principal Uses:

1. Agricultural Operations (See Section 72-14.10)
2. Single-Family Dwellings
3. Municipal Parks
4. Group Home, as defined

B. Accessory Use: (See Section 72-14.19)

1. Private Garages
2. Garden or Storage Sheds and Shelters
3. Essential Services, as defined
4. Satellite Dishes, Dish and Radio Antennae (See Section 72-14.29)
5. Swimming Pools
6. Signs (See Article XVI)
7. Fences, Walls and Retaining Walls (See Section 72-14.12)

8. No Impact Home Based Business (See Section 72-14.22)
9. Amateur Radio Communications Towers (by Special Exception - See Section 72-14.40)
10. Solar Energy Facility (See Section 72-14.36) (Amended 5/9/2017, Ordinance No. 1324)
11. Wind Energy Facility (See Section 72-14.37) Amended 5/9/2017, Ordinance No. 1324
12. Geothermal Energy Facility (See Section 72-14.39) (Amended 5/9/2017, Ordinance No. 1324)
13. Extended Family Living Area
14. Pool House
15. Model Farms (See Section 72-14.11)

Section 72-7.3 Conditional Uses

A lot or parcel may be used and a building or structure may be erected and used for any of the following purposes, subject to the granting of a conditional use pursuant to procedures established by this Ordinance.

- A. Fire and Emergency Medical Equipment Facilities
- B. Public Utility Facilities
- C. Parks (public recreation) (See Section 72-14.31)

Section 72-7.4 Planned Development Uses in R-4

A lot or parcel may be used and a building or structure may be erected and used subject to the granting of tentative and final approval of a Planned Development pursuant to the procedures established by this Ordinance.

- A. Lot Averaging "LA" Developments (See Article XII)

Section 72-7.5 Parking Requirements

All uses requiring off-street parking shall comply with the provisions of Article XV applicable to that use.

Section 72-7.6 Lot Area, Yard and Height Requirements

The minimum lot areas, minimum lot width, minimum front yard, minimum width of each side yard and the maximum height for permitted principal uses shall be as follows:

- | | | |
|----|--|----------------|
| A. | Minimum lot area | 30,000 sq. ft. |
| B. | Minimum lot width | 125 ft. |
| C. | Minimum depth front yard | 40 ft. |
| D. | Minimum depth rear yard | 40 ft. |
| E. | Minimum width side yard | 20 ft. |
| F. | Maximum height of structure | 30 ft. |
| G. | Bulk: Maximum building coverage | 20% |
| H. | Permitted accessory structures shall be located no closer than ten feet (10') to the side or rear property line. | |
| I. | Conditional uses shall be situated on lots in compliance with the minimum area, dimensions and setbacks, established for permitted uses. | |

Section 72-7.7 Performance Standards

All permitted, conditional and accessory uses shall comply with the performance standard provisions of Article XVIII, applicable to that use.

A traffic study shall be required for all nonresidential uses or developments which generate fifty (50) or more a.m. or p.m. peak hour trips and for all residential uses or developments which generate one hundred (100) or more average weekday vehicle trip ends.

The study shall be prepared pursuant to the provisions of Section 72-18.2.

Section 72-7.8 Permits

A Zoning/Building permit shall be required prior to the erection, construction or alteration of any structure proposed in relation to those uses enumerated in this Article.

ARTICLE VIII

CD-1 AND CD-2 CONSERVATION DISTRICTS

Section 72-8.1 Purpose

The CD-1 Conservation District and CD-2 Conservation District are hereby established in order to protect environmentally sensitive areas of land while providing for certain uses which, due to their nature can be introduced without significant intrusion on the environment. The CD-1 Zoning District shall include land exhibiting steep slopes with mature stands of trees. The CD-2 Zoning District shall include land in close proximity to natural watercourses.

Section 72-8.2 Permitted Uses

A lot or parcel may be used and a building or structure may be erected and used for any of the following purposes:

A. **Principal Uses CD-1 District:**

1. Municipal Parks
2. Public Buildings
3. Single-Family Detached Dwellings
4. Agricultural Operations (See Section 72-14.10)
5. Forestry

B. **Principal Uses CD-2 District:**

1. Municipal Parks
2. Public Buildings
3. Marina, Noncommercial
4. Single-Family Detached Dwellings
5. Agricultural Operations (See Section 72-14.10)
6. Forestry

C. **Accessory Uses:**

1. Private Garages
2. Garden or Storage Sheds and Shelters
3. Essential Services as defined

4. Satellite Dishes, Dish and Radio Antennae (See Section 72-14.29)
5. Swimming Pools
6. Signs (See Article XVI)
7. Fences, Walls and Retaining Walls (See Section 72-14.12)
8. No Impact Home Based Business (See Section 72-14.22)
9. Amateur Radio Communication Towers (By Special Exception - See Section 72-14.38)
10. Solar Energy Facility (See Section 72-14.34) (Amended 5/9/2017, Ordinance No. 1324)
11. Geothermal Energy Facility (See Section 72-14.37) (Amended 5/9/2017, Ordinance No. 1324)
 - a. Geothermal energy facilities shall meet the accessory structure setbacks that may apply in the zoning district within which the facility is constructed and where no such setback is specified, the facility shall be no closer than (10) ten feet from any property line.
12. Wind Energy Facility (See Section 72-14.35) (Amended 5/9/2017, Ordinance No. 1324)
13. Small Wind Energy Facility (See Section 72-14.36) (Amended 5/9/2017, Ordinance No. 1324)

Section 72-8.3 Conditional Uses CD-1

A lot or parcel may be used and a building or structure may be erected and used subject to the granting of a conditional use pursuant to the procedures established by this Ordinance.

- A. Day Care Home as defined
- B. Schools
- C. Parks (public or noncommercial recreation), as defined
- D. Public Utility Facilities
- E. Cemeteries and Mausoleums, as defined
- F. Fire and Emergency Medical Equipment Facilities (Amended 11/9/2005, Ordinance. No. 1142)

- G. Geothermal Energy Facility (See Section 72-14.37) (Amended 5/9/2017, Ordinance. No. 1324)
- H. Solar Energy Facility (See Section 72-14.34) (Amended 5/9/2017, Ordinance. No. 1324)
- I. Wind Energy Facility (See Section 72-14.35) (Amended 5/9/2017, Ordinance. No. 1324)

Section 72-8.4 Conditional Uses CD-2

A lot or parcel may be used and a building or structure may be erected and used subject to the granting of a conditional use pursuant to the provisions of Article XIII, Riverfront Unit Developments.

- A. Commercial Marina
- B. Marina Complex
- C. Parks (public or noncommercial recreation)
- D. Geothermal Energy Facility (See Section 72-14.37) (Amended 5/9/2017, Ordinance. No. 1324)
- E. Solar Energy Facility (See Section 72-14.34) (Amended 5/9/2017, Ordinance. No. 1324)
- F. Wind Energy Facility (See Section 72-14.35) (Amended 5/9/2017, Ordinance. No. 1324)

Section 72-8.5 Planned Development Uses in CD-2

A lot or parcel may be used and a building or structure may be erected and used subject to the granting of tentative and final approval of a Planned Development pursuant to the procedures established by this Ordinance.

- A. Riverfront Planned Unit Development (See Article XIII)

Section 72-8.6 Parking Requirements

All uses requiring off-street parking shall comply with the provisions of Article XV applicable to that use.

Section 72-8.7 Lot Area, Yard and Height Requirements

The minimum lot areas, minimum lot width, minimum front yard, minimum width of each side yard and the maximum height for permitted principal uses shall be as follows:

- | | | |
|----|--------------------------|----------------|
| A. | Minimum lot area | 80,000 sq. ft. |
| B. | Minimum lot width | 200 ft. |
| C. | Minimum depth front yard | 75 ft. |
| D. | Minimum depth rear yard | 75 ft. |
| E. | Minimum width side yard | 20 ft. |

Rear and side yards shall be a minimum of one hundred feet (100') where a perimeter lot abuts a residential district in O'Hara Township or Fox Chapel Borough. A roadway may be included in this one hundred foot [100'] setback. A minimum twenty foot [20'] side and rear yard shall be provided on interior lots.

A special exception to encroach into the front yard setback may be granted by the Zoning Hearing Board pursuant to Section 72-19.8 if a development is restricted by steep slopes.

- F. Maximum height of structure 30 ft.
- G. Bulk: Maximum building coverage 33 1/3%
- H. Permitted accessory structures shall be located no closer than twenty feet (20') to the side or rear property line
- I. Conditional uses in the CD-2 Conservation District shall be situated on lots in compliance with the minimum area, dimensions and setbacks, established for permitted uses

Section 72-8.8 Performance Standards

All permitted, conditional and accessory uses shall comply with the performance standard provisions of Article XVIII, applicable to that use.

A traffic study shall be required for all nonresidential uses or developments which generate fifty (50) or more a.m. or p.m. peak hour trips and for all residential uses or developments which generate one hundred (100) or more average weekday vehicle trip ends, in accordance with Section 72-18.2.

Section 72-8.9 Permits

A Zoning/Building permit shall be required prior to the erection, construction or alteration of any structure proposed in relation to those uses enumerated in this Article.

ARTICLE IX

C COMMERCIAL DISTRICT

Section 72-9.1 Purpose

The C Commercial District is hereby established in order to provide for a variety of community scaled nonresidential and compatible residential uses, where conditions are met, with both retail and service characters in areas with adequate infrastructure.

Refer to Section XIV, Supplemental Regulations, for review of additional regulations which may pertain to the proposed use.

Section 72-9.2 Permitted Uses

A lot or parcel may be used and a building or structure may be erected and used for any of the following purposes:

A. Principal Uses

1. Retail Businesses
2. Offices
3. Personal Services
4. Business Services
5. Public Buildings
6. Public Utility Facilities
7. Medical Center
8. Research Laboratories
9. Fire and Emergency Medical Equipment Facilities
10. Restaurants
11. Day Care Center
12. Nursery School
13. Group Care Facility
14. Forestry
15. Medical Marijuana Dispensary

B. Accessory Uses

1. Satellite Dishes (See Section 72-14.29)
2. Signs (See Article XVI)
3. Essential Services as defined
4. Sidewalk Sales or Special Events
5. Fences, Walls and Retaining Walls (See Section 72-14.12)
6. Solar Energy Facility (See Section 72-14.34) (Amended 5/9/2017, Ordinance No. 1324)
7. Wind Energy Facility (See Section 72-14.35) (Amended 5/9/2017, Ordinance No. 1324)
8. Geothermal Energy Facility (See Section 72-14.37) (Amended 5/9/2017, Ordinance No. 1324)
 - a. Geothermal energy facilities shall meet the accessory structure setbacks that may apply in the zoning district within which the facility is constructed and where no such setback is specified, the facility shall be no closer than (10) ten feet from any property line.
9. Short-Term Rentals (See Section 72-14.42)

Section 72-9.3 Conditional Uses

A lot or parcel may be used and a building or structure may be erected and used for any of the following purposes, subject to the granting of a conditional use pursuant to procedures established by this Ordinance.

- A. Motorized Vehicle Dealership (See Section 72-14.27)
- B. Motorized Vehicle Service Stations (See Section 72-14.27)
- C. Warehousing and Distribution
 1. Loading and unloading facilities shall be located at the side or rear of the structure.
 2. Exterior pole lighting shall be of the sharp cut-off luminaire type.
 3. Where fifty (50) or more p.m. peak hour vehicle trips are projected, a traffic impact analysis shall be submitted.

- D. Light Industry
 - 1. Said use shall be accommodated in a single structure or a group of structures not to exceed thirty-five percent (35%) maximum building coverage.
 - 2. Where the subject lot exceeds one acre in area, a traffic impact analysis shall be prepared which includes the following:
 - a. Total traffic volumes anticipated;
 - b. Impact on adjacent intersections; and
 - c. Identification of a.m. and p.m. peak hours.
- E. Hospitals (See Section 72-14.28)
- F. Wholesale Business
- G. Motels, Hotels, Bed and Breakfast (See Section 72-14.26)
- H. Mobile Home Parks (See Section 72-14.25)
- I. Other Retail Businesses with Similar Characteristics
- J. Clubs:
 - 1. Off-street parking areas shall be screened from abutting residential uses by a buffer yard as provided for in Section 72-15.1.J.1.k.
 - 2. Exterior pole lighting fixtures shall be of the sharp cut-off luminaire type.
- K. Public Parking Area
- L. Adult Businesses:
 - 1. Adult businesses shall not be located within one thousand (1,000) linear feet of any property which is zoned residential.
 - 2. Adult businesses shall not be located within five hundred feet (500') of the property boundary line of the following uses:
 - a. Public or Private School (existing)
 - b. Day Care Center
 - c. Hospital
 - d. Group Care Facility
 - e. Nursery School

- f. Public Park or Playground
 - g. Church (place of worship)
 - h. Establishment licensed to serve or sell alcoholic beverages
3. No adult business shall be located within one thousand (1,000) linear feet of any other existing or proposed adult business.
 4. Any adult business which exhibits on the premises, film, video cassette, DVD, Blue Ray or other method of image production which depicts nudity or sexual conduct shall comply with the following:
 - a. At least one (1) employee shall be on duty at all times that any patron is on the premises.
 - b. Where viewing rooms are located on the premises, an unobstructed view of access to all such rooms shall be available to the employee on duty.
 - c. No viewing room shall be occupied by more than one (1) person at any time.
 - d. No connections or openings to adjoining viewing rooms shall be permitted.
 - e. A minimum of one (1) foot candle of illumination measured at floor level, shall be provided in every area where patrons are permitted access.
 - f. Where live performances are given, separate stage and viewing areas shall be provided with separate access to each and no connecting access between the areas.
 - g. Alcoholic beverages shall not be sold on the premises of an adult business.
 - h. An annual Occupancy Permit issued by the Zoning Officer shall be secured prior to the operation of any adult business.
- M. Intermediate Care Facility, as defined
 - N. Commercial Kennel
 1. Areas open to animals shall be completely surrounded by an opaque or chain link fence capable of containing the animals being boarded.

2. Fencing shall not be located closer than one hundred feet (100') from any property or street right-of-way line.
 3. Any property to be used for such a facility shall be a minimum of five (5) acres in area.
 4. Buildings housing animals shall be located not closer than one hundred feet (100') to any property or street line.
 5. Dogs shall be kept within a completely enclosed structure between the hours of 9 p.m. and 8 a.m.
 6. Fenced-in areas shall be located as far away as possible from neighboring dwellings and drainage-ways, and run-off from such areas shall be directed away from nearby homes.
 7. No burial of dead animals shall occur on the property.
- O. Self-Service Storage Facilities (See Section 72-14.14)
- P. Major Motorized Vehicle Repair
- Q. Tavern
1. No Tavern shall be located within 500 feet of the property boundary of a church, cathedral, synagogue, hospital, elementary or secondary school, day care, municipal park, public recreation center, or drug and alcohol rehabilitation center.
 2. In addition to the foregoing, the following standards shall apply to Taverns and the application for conditional use status:
 - a. In granting the use, Council may attach reasonable conditions warranted to protect the public health, safety and welfare, including, but not limited to, location, fencing, screening and increased setbacks.
 - b. Conditional Approval under this section shall automatically lapse if not used for six (6) continuous months.
 - c. All approvals will be only for the specific facilities and use set forth in the application. No additions or alterations thereto will be permitted without a new application
 3. If applicable, a plan showing compliance with the buffer yard provisions hereof shall be submitted with the application.
- R. Gas Resources Development (not including compressor stations and gas processing facilities) (See Section 72-14.13.B)

- S. Geothermal Energy Facility (See Section 72-14.37) (Amended 5/9/2017, Ordinance No. 1324)
- T. Solar Energy Facility (See Section 72-14.34) (Amended 5/9/2017, Ordinance No. 1324)
- U. Wind Energy Facility (See Section 72-14.35) (Amended 5/9/2017, Ordinance No. 1324)
- V. Major Outside Seating (See Section 72-14.25)
- W. Minor Outside Seating (See Section 72-14.26)

Section 72-9.4 Parking Requirements

All uses requiring off-street parking shall comply with the provisions of Article XV applicable to that use.

Section 72-9.5 Lot Area, Yard and Height Requirements

The minimum lot areas, minimum lot width, minimum front yard, minimum width of each side yard and the maximum height for permitted uses shall be as follows:

- A. Minimum Lot Area 5,000 sq. ft.
- B. Minimum Lot Width 50 ft.
- C. Minimum Depth Front Yard 40 ft.
Fifty feet (50') minimum if parking is proposed in front yard. See Article XV.
- D. Minimum Depth Rear Yard 10 ft.
Fifty-foot (50') where abutting a residential district, within which a minimum twenty-five foot (25') wide planted buffer yard shall be provided.
- E. Minimum Width Side Yard 10 ft.
Fifty feet (50') where abutting a residential district, within which a minimum twenty-five foot (25') wide planted buffer yard shall be provided.
- F. Maximum Height of Structure 30 ft.
- G. Bulk: Maximum Building Coverage 40% (except as otherwise indicated)
- H. Permitted accessory structures shall be located no closer than twenty feet (20') to the side or rear property line.
- I. Conditional uses shall be situated on lots in compliance with the minimum area, dimensions and setbacks established for permitted uses.

Section 72-9.6 Performance Standards

All permitted, conditional and accessory uses shall comply with the performance standard provisions of Article XVIII, applicable to that use. In addition, the following information shall be provided:

A traffic study shall be required for all nonresidential uses or developments which generate fifty (50) or more a.m. or p.m. peak hour trips and for all residential uses or developments which generate one hundred (100) or more average weekday vehicle trip ends, in accordance with Section 72-18.2.

Section 72-9.7 Permits

A Zoning/Building permit shall be required prior to the erection, construction or alteration of any structure proposed in relation to those uses enumerated in this Article.

ARTICLE X

SM SUBURBAN MANUFACTURING DISTRICT

Section 72-10.1 Purpose

The SM Suburban Manufacturing District is hereby established in order to provide for a variety of manufacturing and commercial uses in areas with adequate infrastructure to support said uses.

Refer to Section XIV, Supplemental Regulations, for review of additional regulations which may pertain to the proposed use.

Section 72-10.2 Permitted Uses

A lot or parcel may be used and a building or structure may be erected and used for any of the following purposes:

A. Principal Uses:

1. Offices
2. Research Laboratories
3. Warehousing and Distribution Center
4. Light Industry
 - a. Said use shall be accommodated in a single structure or a group of structures not to exceed thirty-five percent (35%) maximum building coverage.
 - b. Where the subject lot or parcel exceeds one acre in area, a traffic impact analysis shall be prepared which includes the following:
 - (1) Total traffic volumes anticipated;
 - (2) Impact on adjacent intersections; and
 - (3) Identification of a.m. and p.m. peak hours.
5. Public Utility Facilities
6. Business Services
7. Day Care Center
8. Warehousing
9. Medical Marijuana Grower/Processor Facility

B. Accessory Uses:

1. Storage Buildings
2. Satellite Dishes (See Section 72-14.29)
3. Essential Services, as defined
4. Signs (See Article XVI)
5. Retail Warehouse Outlet
6. Day Care Center, when limited to children of employees of the principal use.
7. Fences, Walls and Retaining Walls (See Section 72-14.12)
8. Solar Energy Facility (See Section 72-14.36) (Amended 5/9/2017, Ordinance No. 1324)
9. Wind Energy Facility (See Section 72-14.37) (Amended 5/9/2017, Ordinance No. 1324)
10. Small Wind Energy Facility (See Section 72-14.38) (Amended 5/9/2017, Ordinance No. 1324)
11. Geothermal Energy Facility (See Section 72-14.39) (Amended 5/9/2017, Ordinance No. 1324)
 - a. Geothermal energy facilities shall meet the accessory structure setbacks that may apply in the zoning district within which the facility is constructed and where no such setback is specified, the facility shall be no closer than (10) ten feet from any property line.
12. Short-Term Rentals (See Section 72-14.42)

Section 72-10.3 Conditional Uses

A lot or parcel may be used and a building or structure may be erected and used for any of the following purposes, subject to the granting of a conditional use pursuant to procedures established by this Ordinance.

- A. Manufacturing - uses not located in an Industrial Park shall provide appropriate traffic control at the main access driveway when warranted by the volume of traffic being generated by said use, as determined by the Township Engineer.
- B. Bank

- C. Restaurant
- D. Medical Center
- E. Motels, Hotels, and Bed and Breakfasts. (See Section 72-14.28)
- F. Public Parking Area
- G. Wireless Communications Facilities (See Section 72-14.40) (Amended 7/14/2015, Ordinance No. 1294)
- H. Satellite Dishes, C or KU bands, maximum 3.7 meters in diameter (See Section 72-14.31)
- I. Self-Service Storage Facility (See Section 72-114.14)
- J. Geothermal Energy Facility (See Section 72-14.39) (Amended 5/9/2017, Ordinance No. 1324)
- K. Solar Energy Facility (See Section 72-14.36) (Amended 5/9/2017, Ordinance No. 1324)
- L. Wind Energy Facility (See Section 72-14.37) (Amended 5/9/2017, Ordinance No. 1324)
- M. Gas Resources Development, including compressor stations and gas processing facility (See Section 72-14.13.B)
- N. Major Outside Seating (See Section 72-14.25)
- O. Minor Outside Seating (See Section 72-14.26)

Section 72-10.4 Planned Development Uses in SM District:

A lot or parcel may be used and a building or structure may be erected and used subject to the granting of tentative and final approval of a Planned Development pursuant to the procedures established by this Ordinance.

- A. Riverfront Planned Unit Development (See Article XIII)

Section 72-10.5 Parking Requirements

All uses requiring off-street parking shall comply with the provisions of Article XV applicable to that use.

Section 72-10.6 Lot Area, Yard and Height Requirements:

The minimum lot areas, minimum lot width, minimum front yard, minimum width of each side yard and the maximum height for permitted principal uses shall be as follows:

- A. Minimum lot area 40,000 sq. ft.
- B. Minimum lot width 150 ft.
- C. Minimum depth front yard 50 ft.
- D. Minimum depth rear yard 50 ft.
- E. Minimum width side yard 20 ft.

Rear and side yards shall be a minimum of one hundred feet (100') where a perimeter lot abuts a residential district in O'Hara Township or Fox Chapel Borough. A roadway may be included in this one hundred foot [100'] setback. A minimum twenty foot [20'] side and rear yard shall be provided on interior lots.

- F. Maximum height of structure 40 ft. (except as otherwise provided)

The maximum height of buildings and other structures erected or enlarged in this district shall be forty feet (40'), except that such height may be increased to a maximum of seventy-five feet (75'), provided that for every four feet (4') of height in excess of thirty-five feet (35') there shall be added to each side and rear yard requirement one (1) linear foot and, to front yard requirements, five (5) linear feet of width or depth.

- G. Bulk: Maximum building coverage 33 1/3%

Original coverage and expansion may be permitted up to sixty-six and two-thirds percent (66 2/3%) after favorable review by the Planning Commission and administrative relief by the Zoning Hearing Board.

- H. Permitted accessory structures shall be located no closer than twenty feet (20') to the side or rear property line.
- I. Conditional uses shall be situated on lots in compliance with the minimum area, dimensions and setbacks, established for permitted uses.

Section 72-10.7 Performance Standards

All permitted, conditional and accessory uses shall comply with the performance standard provisions of Article XVIII, applicable to that use. In addition, the following information shall be provided:

- A. A traffic study shall be required for all nonresidential uses or developments which generate fifty (50) or more a.m. or p.m. peak hour trips and for all residential uses or developments which generate one hundred (100) or more average weekday vehicle trip ends, in accordance with Section 72-18.2.
- B. In addition, the provisions of Article XIII, Riverfront Unit Developments, shall dictate review and approval procedures and establish minimum performance and design standards applicable to those uses identified.
- C. Residential Property Owners with property located within one hundred fifty (150) linear feet of the property line of the lot containing the development shall be notified by the Township via regular mail of proposed land development in the SM Zoning District.

Section 72-10.8 Permits

A Zoning/Building permit shall be required prior to the erection, construction or alteration of any structure proposed in relation to those uses enumerated in this Article.

ARTICLE XI

PLANNED RESIDENTIAL DEVELOPMENTS

Section 72-11.1 Purpose

The purpose of this Ordinance and the Township of O'Hara 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.

Refer to Section XIV, Supplemental Regulations, for review of additional regulations which may pertain to the proposed use.

Section 72-11.2 Conditions for Planned Residential Development

- A. This Article hereby establishes two (2) types of planned residential developments (PRD): PRD-2 and PRD-3. Subject to the restrictions, qualifications, and provisions of this Article, PRD-2 shall be permitted in R-2 Districts; and PRD-3 shall be permitted in R-3 Districts.
- B. The minimum site requirement shall be twenty (20) contiguous acres for PRD-2 and ten (10) contiguous acres for PRD-3.
- C. The proposed development shall be consistent with the Comprehensive Plan, as amended, for the Township of O'Hara.
- D. The planned residential development shall be entirely within one (1) zoning district unless the parcel is split by multiple zoning districts and the proposed use is transitional to bridge the gap between the different classes of land 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 responsibility.
- F. Principal (primary) access to a PRD-2 or -3 site shall be from either an arterial or collector street, as designated on the O'Hara Township Official Highway Classification Map, subject to the provisions of this Article. Planned residential developments of sixty (60) dwellings or more shall provide one (1) or more secondary accesses also to an arterial or collector street as determined necessary during the development plan review.
- G. The proposed planned residential development shall be served by a central 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 other appropriate supplying municipal authority, Commonwealth or federal agency.

Section 72-11.3 Types of Permitted Uses and Permitted Mixes of Uses

- A. The following subsections list the uses permitted in each type of PRD (PRD-2 and PRD-3), 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. Council may allow increases of up to ten percent (10%) in the prescribed mix standards where it deems reasonable based on individual site characteristics (e.g., slopes, soil conditions) or current housing market demands, provided the PRD still meets all other requirements of this Article.
- C. PRD-2
 - 1. Permitted Uses:
 - a. Single-family, detached, except mobile homes.
 - b. Single-family, lot line, except mobile homes.
 - c. Patio and/or atrium houses, except mobile homes.
 - d. Atrium houses, except mobile homes.
 - e. Two-family, detached, except mobile homes.
 - f. Townhouse dwellings.
 - g. Multiplex dwellings.
 - h. 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 Council for incorporated into the design of the development.
 - i. Customary residential accessory uses, such as garages, carports, private swimming pools, garden sheds, components of energy systems and similar uses.
 - j. Signs, as permitted by Article XVI.
 - k. Essential services, as defined by Article II of the Zoning Ordinance.

l. Solar Energy Facility (See Section 72-14.36) (Amended 5/9/2017, Ordinance No. 1324)

m. Geothermal Energy Facility (See Section 72-14.39) (Amended 5/9/2017, Ordinance No. 1324)

n. Small Wind Energy Facility (See Section 72-14.38) (Amended 5/9/2017, Ordinance No. 1324)

2. Permitted Mix of Uses:

a. A PRD-2 shall contain a minimum of two (2) different types of dwelling units (e.g., single-family detached and townhouses or patio houses and multiplexes), but no single type shall exceed sixty percent (60%) of total dwelling units.

b. This minimum mix does not apply to single-family dwelling which are permitted to a maximum of one hundred percent (100%).

c. Geothermal Energy Facility (See Section 72-14.39) (Amended 5/9/2017, Ordinance No. 1324)

d. Solar Energy Facility (See Section 72-14.36) (Amended 5/9/2017, Ordinance No. 1324)

e. Small Wind Energy Facility (See Section 72-14.38) (Amended 5/9/2017, Ordinance No. 1324)

D. PRD-3

1. Permitted Uses:

a. Patio houses.

b. Atrium houses.

c. Two-Family, detached dwellings.

d. Townhouse dwellings.

e. Multiplex dwellings.

f. Garden apartments.

g. 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 Council for incorporation into the design of the development.

- h. Solar Energy Facility (See Section 72-14.36) (Amended 5/9/2017, Ordinance No. 1324)
 - i. Geothermal Energy Facility (See Section 72-14.39) (Amended 5/9/2017, Ordinance No. 1324)
 - j. Small Wind Energy Facility (See Section 72-14.38) (Amended 5/9/2017, Ordinance No. 1324)
2. Permitted Mix of Uses:
- a. There shall be no prescribed dwelling mix standards for PRD-3's.
 - b. Geothermal Energy Facility (See Section 72-14.39) (Amended 5/9/2017, Ordinance No. 1324)
 - c. Solar Energy Facility (See Section 72-14.36) (Amended 5/9/2017, Ordinance No. 1324)
 - d. Small Wind Energy Facility (See Section 72-14.38) (Amended 5/9/2017, Ordinance No. 1324)

Section 72-11.4 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-2 - 6.0 units/buildable acre
 - b. PRD-3 - 9.5 units/buildable acre
- 2. The maximum average net density by type of PRD shall not exceed 1.25 times the allowable density as specified by minimum lot size per zoning district, except as otherwise permitted. Calculation of average net density shall include buildable acreage.
 - 3. 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 County Planning Department, and other appropriate resource persons from whom Council 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 the adequacy of schools and other public facilities which serve, or are proposed to serve, the planned development.

4. 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 contained in this Article.

B. Calculation of Buildable Area

1. Buildable area is determined by subtracting all or portions of the land in the following categories:

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

2. Density by type of PRD, times total buildable acres equals the allowable average NET density; however, this density may not exceed 1.25 times the allowable density as defined previously. This formula is used for calculation of density only.

Section 72-11.5 Planned Residential Development Standards

A. General Site Design:

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

B. Conservation of Trees and Natural Features

1. The development shall be designed and programmed so as to minimize earthmoving, 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 six inches (6") 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. Developers shall make all possible efforts to harmonize their plans with the preservation of existing trees.

b. When effectuation 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 for retention of clearing:

- 1) Aesthetic values (autumn coloration, type of flowers and fruit, bark and crown characteristics, amount of dieback present).
- 2) Susceptibility of tree to insect and disease attack and to air pollution.
- 3) Species longevity.
- 4) Wind firmness and the characteristic of soil to hold trees to withstand wind.
- 5) Wildlife values (e.g., oak, hickory, pine, walnut, and dogwood have high food value).
- 6) Comfort to surroundings (e.g., hardwoods reduce summer temperatures to surroundings more effectively than pines or cedars).
- 7) Existence of disease, rot, or other damage to the tree.
- 8) Protection of buildings (i.e., dead and large limbs hanging over buildings should be removed).
- 9) The size of the tree at maturity.

c. Developers shall exercise care to protect remaining trees from damage during construction. The following procedures shall be followed in order to protect remaining trees:

- 1) Where existing ground levels are raised, drainage tile shall be placed at the old soil level and open into a well built around the base of the tree. Such well may be left open or can be filled with coarse stones or gravel. Tiles may be installed in a radiating pattern or laid in parallel lines. No fill shall be placed against any part of the tree trunk.
- 2) Trees within twenty-five feet (25') of a building site or bordering entrances or exits to building sites shall be protected by wiring, wooden slats, or snow fencing around such trees.

- 3) No boards or other material shall be nailed to trees during construction.
- 4) Heavy equipment operators shall be warned to avoid damaging existing tree trunks and roots. Feeder roots shall not be cut closer than the tree's drip line.
- 5) Tree trunks and exposed roots damaged during construction shall be protected from further damage by being treated immediately removing the damaged tissue with a clean sharp knife or shear.
- 6) Tree limbs damaged during construction shall be sawed flush to tree trunks and treated immediately by removing the damaged tissue with a clean sharp knife or shear.
- 7) The operation of heavy equipment over root systems of such trees shall be minimized in order to prevent soil compaction.
- 8) Non-dormant trees shall be given a heavy application of fertilizer to aid in their recovery from possible damage caused by construction operations.
- 9) Construction debris shall not be disposed of near or around the bases of such trees, except for mulched vegetative matter used to prevent soil compaction.

3. Floodplains:

- a. All floodplains, as defined by this Article, shall remain as permanent open space in a PRD. Only the following uses shall be permitted in the floodplain:
 - 1) Recreational uses not requiring permanent or temporary structures, such as picnic areas, fishing sites, trails, and similar uses.
 - 2) Most essential road and utility facilities, such as bridges, transmission lines, sewage treatment plant outlets and similar facilities, which cannot be placed elsewhere on the site outside the floodplain, provided all necessary approvals and permits have been obtained from the Pennsylvania Department of Environmental Protection.

b. Any use or facility in a floodplain shall comply with all applicable provisions of the O'Hara Township's Floodplain Ordinance, No. 1025 and Ordinance No. 1282.

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, Council 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-2: Twenty-five percent (25%)
 - b. In PRD-3: Thirty percent (30%)
2. Common open space in any PRD shall be dedicated to common or 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 five percent (5%) of the common open space shall be in active recreation facilities, such as playfields, playgrounds, courts, community buildings and similar uses. The specific type and amount of such facilities shall be determined by the needs of the residents of the proposed development. Documentation of the projected characteristics (i.e., age, sex, income) of the PRD residents, which the developer used for selected the types and quantities of active recreation facilities for the PRD, shall be submitted with the tentative application.
4. The open space shall be laid out in accordance with the highest standards and principles of site design, shall be consistent with the Township's open space plan, and shall be located and designed as areas easily accessible to residents and preserving natural features. At least fifty percent (50%) of the open space areas shall be located in an area not subject to flooding or on slopes in excess of forty percent (40%).
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 to ensure a neat and tidy appearance.
 - 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, shuffle board, playfields, and tot lots. Such areas shall be located and maintained in such manner as not to create a hazard of nuisance and shall perpetuate the proposed use.

D. Area and Dimensional Requirement for Dwelling Units

1. Area and dimensional standards for permitted dwellings in PRD's-2 and 3 shall be as set forth in this Section.
2. Building height shall be measured from mean finished grade as defined in Article II of this Ordinance. No building shall contain more than three (3) stories, exclusive of attic and basement, or exceed thirty-five feet (35') in height.
3. All structures or recreational facilities shall be situated at least one hundred feet (100') from the development's perimeter property line in PRD-2 and fifty feet (50') of the perimeter in PRD-3.

E. Storm Water Management

1. Standards: Any landowner and any person engaged in the alteration or development of land which may affect storm water runoff characteristics shall implement such measures as Council determines are necessary to prevent injury to health, safety, or other property. Such measures shall include such action as are required:
 - a. To assure that the maximum rate of storm water runoff (from any storm described in this Section, is not greater after development than prior to development activities; or
 - b. To manage the quantity, velocity, and direction of resulting storm water runoff in a manner which otherwise adequately protects health and property from possible injury; and
 - c. If the development site is located within a watershed for which a Storm Water Management Plan has been adopted by the Township, then any proposed storm water control measures shall be consistent with the watershed plan. In preparing the Storm Water Management Plan for the site, the applicant shall utilize information and recommendations contained in the Allegheny County Act 167 Storm water Management Plan of 2015 or any

other study or document, which is supplied by the Township and for sites otherwise located. 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 storm water management controls, the applicant must document the difference or deviation to the satisfaction of the Township Engineer and Township Council.

2. Site Storm Water Management Plans:

a. All Storm Water Management Plans for the proposed PRD shall be prepared and sealed by a registered professional engineer with expertise and training in hydrology/hydraulics, who is acceptable to the Township Engineer and Township Council. Calculations of pre- and post-development hydrographs and discharges shall be prepared for the 2-, 10-, and 100-year storms, using the U.S. Soil Conservation Soil Cover Complex Methods (S.C.S. Publication TR-55).

b. Any storage facilities (on or off-site) must be designed to control post-development discharged for the 2-, 10-, and 100-year design storms, unless otherwise specified by the Township Engineer and approved by Township Council. Proposed design of the facility and the design computations shall be approved by the Township Engineer.

c. Where the site's Storm Water Management Plan proposes to tie into existing storm sewer or drainage systems, the developer must demonstrate that there is sufficient storm sewer capacity, as well as channel capacity from the point where the storm sewer outlets into the natural drainage system and downstream to the base of the watershed. All storm sewer and/or other drainage structures shall be designed in accordance with the Township's Construction Standards, Ordinance No. 1340, as amended.

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 Grading Ordinance (Ord. No. 1242). A proposed E/S plan shall be submitted with the tentative application and the Township shall

forward it to the 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 tree, topsoil or vegetative cover shall take place, and no grading permit issued, until the E/S plan for the development has been approved by Council.

G. Landslide Hazard Areas

1. The planned residential development applicant shall identify any areas on the site with potential landslide hazards, as identified on the Squaw Run Area Watershed Association, Landslide Hazard Maps, dated 1978, which are available in the Township offices.
2. If the site contains any areas identified by the developer or Township 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 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 the highest degree of geotechnical training and experience, applicable in this subject area of engineering and be satisfactory to the Township Engineer, and the developer 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 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 deficiencies with the additional traffic generated by the PRD, the developer must submit proposed solutions to the problems along with cost estimates, and the proposed methods of financing, and actions/approval required by the Township, Allegheny County or

Penn DOT. A plan approved by the Township Engineer for correcting or eliminating any identified street capacity and/or safety problems shall be a condition of approval for the PRD application.

c. The cost of all on-site traffic improvements shall be borne by the developer. A proportional share of the cost of any off-site improvements shall be paid by the developer. The proportional share shall be based on need created by, and the benefits received by, the proposed development. Such costs shall be determined during the review of the application and included in the Development Agreement, in accordance with this 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 access 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.

f. Principal (primary) access to a PRD-2 or -3 site shall be from either an arterial or collector street, as designated on the O’Hara Street Classification Map, subject to the provisions of this Section. Planned residential development of sixty (60) dwellings or more shall provide one (1) or more secondary accesses, also from an arterial or collector street, as determined necessary during the development plan review.

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 walkway 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, Township Council 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 and that such modifications are not inconsistent with the interests of the entire Township.

4. Parking:

a. There shall be a minimum of two and one half (2.5) off-street parking spaces for each dwelling unit.

b. A conventional parking space shall measure a minimum of nine feet (9') by twenty feet (20'), 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:

Parking Angle	Aisle Width
90 ⁰	24 ft.
60 ⁰	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 Article.

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. Each parking area shall contain a maximum of forty (40) parking spaces.

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

i. 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%). If parking spaces are provided in areas which exceed five percent (5%) slope, all stalls shall be parallel to the contour lines of the area.

j. Parking for service vehicles may be required for garden dwellings or other residential clusters, as specified by Council.

I. Sanitary Sewage Disposal

1. All planned residential developments shall be provided with public sanitary sewage treatment by the Allegheny County Sanitary Authority (ALCOSAN). Proposed connections to the existing municipal sewer system shall be approved by the Township, ALCOSAN, 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. In addition, where appropriate, Township Council may require an equitable capital contribution to the Township for future off-site improvements to the sanitary system (collection and/or treatment) serving the development. These funds shall be set aside in a special escrow account until such time as the improvement is undertaken. The contribution amount shall be

3. determined based on the development's proportional use of and benefit from the sewer system improvement. Such costs shall be determined during the review of the PRD application and include in the Development agreement, in accordance with this Section.
4. 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 the ALCOSAN system, then the developer may submit a plan for interim sewage treatment and disposal until such time as the connection to ALCOSAN 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 Township Council, Allegheny County Health Department, ALCOSAN, 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 the highest quality of 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 dedicated to the Township. 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 ten (10) year period or 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 public central 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), Allegheny County Plumbing Code, Insurance Services Office, and local municipal water supplier (if applicable). Fire hydrants shall be provided as required by the Township Fire Marshall.
- K. Street Lighting
 - 1. Lighting facilities shall be designed and located so as not to shine directly into residential buildings, private yards or streets, and lighting standards shall not exceed twelve feet (12') in height.
 - 2. All common parking areas, steps, ramps, walkways of high pedestrian use, and directional signs shall be adequately lighted. In off-street parking areas, the lighting system shall furnish minimally an average of one-foot candles during hours of operation, and lighting standards shall be located not more than eighty feet (80') apart.
 - 3. Township Council may require lighting in other areas for reasons of public safety.
- L. Landscaping and Buffers (Also see Section 72-14.20 and 72-14.21)
 - 1. All parking areas shall be landscaped with trees and shrubs of varying species. At least one (1) shade tree of minimum two inch (2") caliper and six foot (6') height shall be provided within the interior of each parking lot for every five (5) parking spaces.
 - 2. Shade trees of varying species shall be planted along all streets within the street right-of-way. At least one (1) tree of minimum two inch (2") caliper and six foot (6') height on each side of the street shall be provided for each twenty-five feet (25') of street length, or fraction thereof.
 - 3. The entire perimeter of the tract undergoing development shall be provided with a twenty foot (20') minimum planted buffer, based upon the following:

- a. All existing trees more than six inches (6") 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. The planting strip shall be of sufficient density and contain sufficient evergreen material to effectively screen the portions of the PRD from surrounding properties for which the privacy is desired. In other areas, particularly 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. No plantings shall be placed with their center closer than five feet (5') from a property line of the tract.
 - d. Plantings shall be permanently maintained and replaced in event of death, if necessary, to maintain an effective screen.
 - e. Planting species shall be mixed; generally, a minimum of twenty-five percent (25%) shall be evergreen and ten percent (10%) flowering material.
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. 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 XVI.
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 flood 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.

Section 72-11.6 Standards for Location and Management of Common Open Space and Facilities

- A. **Applicability:** Provisions for the continuing operation, administration and maintenance of all common open spaces and facilities shall be set forth in the "Common Open Space and Facilities Management Plan" for the PRD, which shall be approved by Township Council. The Management Plan shall cover all common areas or facilities, such as undeveloped open space, recreation areas, streets, utilities or storm water control facilities. The plan may provide for either public or private ownership and maintenance, or a combination of both.
- B. **Ownership:** Any of the following methods may be used, either individually or together, to preserve, own, and maintained common open space and

facilities: condominium, homeowner's association, dedication in fee simple, conveyance of development rights or easements, and transfer of fee simple title or development rights and easements to a private conservation organization. Such land or facility shall not be eligible for transfer to another party except for transfer to another method of ownership permitted under this Section, and then only where there is no change in the open space ratio or with each of the various methods:

1. Condominium: The common areas may be controlled through the use of condominium agreements. Such agreement shall be in conformance with the Uniform Condominium Act of 1980 (68 PA CSA, 3101-3414), as amended. All open space land and/or common facilities shall be held as "common element."
2. Homeowner's Association: Common areas may be held in common ownership by a homeowner's association. This method shall be in conformance with the Uniform Condominium Act of 1980 (68 PA CSA, 3101-3414), as amended.
3. Fee Simple Dedication: The Township may, but shall not be required to, accept any portion or portions of the common open space or facilities, provided:
 - a. Such land is accessible to the residents of the Township;
 - b. There is no cost of acquisition (other than any costs incident to the transfer of ownership such as title insurance); and
 - c. The Township agrees to and has access to maintain such lands.
4. Dedication of Development Rights or Easements: The Township may, but shall not be required to, accept easements for public use of, and/or development rights to, any portion or portions of common areas, title of which is to remain in ownership by condominium or homeowner's associations, provided:
 - a. Such land is accessible to the residents of the Township;
 - b. There is no cost of acquisition (Other than any costs incident to the transfer of ownership, such as title insurance); and
 - c. A satisfactory maintenance agreement is reached between the developer and the Township.

5. Transfer to a Private Conservation Organization: With permission of the Township, an owner may transfer either the fee simple title, with appropriate deed restrictions running in favor of the Township, or the development rights or easements, to a private, nonprofit organization, among whose purposes is to conserve open space land and/or natural resources, provided that:
 - a. The organization is acceptable to the Township, and is a bona fide conservation organization with perpetual existence;
 - b. The Conveyance contains appropriate provision for proper reverter or retransfer in the event that the organization becomes unwilling or unable to continue carrying out its functions; and
 - c. A maintenance agreement acceptable to the Township is entered into by the developer and the organization which provides that the Township shall be a third party beneficiary to said agreement.
- C. Specific Requirements for Homeowner's Associations: If a homeowner's association is formed, it shall be governed according to the following regulations:
1. The developers shall provide to the Township a description of the organization, including its by-laws and methods for maintaining the open space.
 2. The organization shall be established by the developers and shall be operating (with financial subsidization by the developers, if necessary) before the sale or lease of any lots or units within the development.
 3. Membership in the organization is mandatory for all purchasers of property therein and their successors.
 4. The organization shall be responsible for maintenance of and insurance and taxes on common open space and facilities.
 5. The members of the organization shall share equitably the costs of maintaining and developing common open space and facilities in accordance with the procedures established by them.
 6. In the event of any proposed transfer of common open space land by the homeowner's association within the methods here permitted, or of the assumption of maintenance of common open

space or facilities by the Township as hereinafter provided; notice of such action shall be given to all property owners within the planned residential development.

7. The organization shall have or hire adequate staff to administer and maintain common facilities and open space.
8. The property owners' organization may lease back open space lands to the developer, his heirs or assigns, or to any other qualified person or corporation for operation and maintenance of such areas, but such a lease agreement shall provide:
 - a. That the residents of the planned residential development shall at all times have access to the common open space lands or facilities contained therein;
 - b. That the common area(s) to be leased shall be maintained for the purposes set forth in this Ordinance;
 - c. That the operation of area or facility may be either for the benefit of the residents only or open to the residents of the Township.
9. The lease shall be subject to the approval of the Township and any transfer or assignment of the lease shall be further subject to the approval of Council. Lease agreements so entered upon shall be recorded with the Recorder of Deeds of Allegheny County within thirty (30) days of their execution and a copy of the recorded lease shall be filed with the Manager of the Township.

D. Maintenance

1. In the event that the organization established to own and maintain a common open space and/or facilities (i.e., common area) or any successor organization, shall at any time after establishment of the planned residential development fail to maintain such areas in accordance with the development plan, the Township may serve written notice upon such organization or upon the residents and owners of the planned residential development, setting forth the manner in which the organization has failed to maintain the common areas. This notice shall include a demand that such deficiencies of maintenance be cured within thirty (30) days thereof, and shall state the date and place of a hearing thereon

which shall be held within fourteen (14) days of the notice. At such hearing the Township may modify the terms of the original notice as to the deficiencies and/or may give an extension of time within which they must be corrected.

a. If the deficiencies set forth in the original notice or in the modifications thereof are not corrected within thirty (30) days or any extension thereof, the Township, in order to preserve the taxable values of the properties within the planned residential development and to prevent the common areas from becoming a public nuisance, may enter upon said common area and maintain the same for a period of one (1) year.

b. Such entry and maintenance shall not constitute a taking of said common area and shall not vest in the public any rights to use the common area except when the same is voluntarily dedicated to the public by the residents and owners and such dedication is acceptable to the Township. Before the expiration of said year, the Township shall, upon its initiative or upon the request of the organization previously responsible for the maintenance of the common area call a public hearing upon notice to such organization, or to the residents and owners of the planned residential development, to be held by the Township. At this hearing such organization or the residents and owners of the planned residential development shall show cause why such maintenance by the Township shall not, at the election of the Township, continue for a succeeding year.

c. If the Township shall determine that such organization is ready and able to maintain said common area in reasonable condition, the Township shall cease to maintain said common area at the end of the said year. If the Township shall determine such organization is not ready and able to maintain said common open space in a reasonable condition, the Township may, in its discretion, continue to maintain said common area during the next succeeding year and subject to a similar hearing and determination in each year thereafter. The decision of the Township in any case shall constitute a final administrative decision subject to judicial review.

2. The cost of such maintenance and enforcement proceedings by the Township shall be assessed ratably against the properties

within the planned residential development that have a right of enjoyment of the common area, and if said costs are not recovered then they shall become a lien on said properties. The Township, at the time of entering upon such said common area for the purpose of maintenance, shall file such a notice of such lien, in the Office of the Allegheny County Department of Court Records, upon the properties affected by such lien within the planned residential development.

Section 72-11.7 Development in Stages

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

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

Section 72-11.8 Application Procedure

A. General

1. The procedures for application and approval of a PRD shall be in accordance with Article VII of the Municipalities Planning Code and the Township of O'Hara Subdivision and Land Development Ordinance.
2. Applications for approval of a PRD are encourage to include an initial sketch plan review, but must include a tentative and final application phase.
3. All applications shall be submitted to the Township Manager in the form and within the time limits specified by this Ordinance. 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 Ordinance. Within ten (10) days of submission, the Township shall notify the applicant by certified letter of any deficiencies in the application documents or that the application has been accepted.
4. All plans and documents submitted as part of either a tentative or final application shall be prepared by a registered professional architect, engineer, or landscape architect as determined by the Township. All property surveys shall be prepared by a registered professional surveyor. All documents submitted as part of the tentative or final application shall become the property of the Township.
 - a. The Township reserves the right to require additional or further engineering or professional studies when it determines that the information or documentation submitted is unsatisfactory or insufficient for the purposes intended.

B. Sketch Plan Review (Optional)

1. Developers are encouraged to submit a sketch plan of the proposed PRD to the Planning Commission for an informal review. The Planning Commission's comments and suggestions will be advisory only and will not constitute any legally binding action by the Planning Commission or Township. Time deadlines applicable to tentative or final approval do not apply to sketch plans.

2. It is recommended that the sketch plan be submitted early in the planning stages of the PRD but at least sixty (60) days in advance of the tentative application.
3. There is no prescribed form for the submission of the sketch plan; however, it must include sufficient information to describe the location and size of the proposed PRD, dwelling unit types and approximate densities, natural site characteristics (slope, soils, etc.), plans for providing transportation access and internal circulation, sewer and water service, recreation and other common facilities, and provisions for common open space. The sketch plan should identify natural, unique or environmentally sensitive features of the site, along with the potential effect of the proposed development on these areas.
4. Upon submission of the sketch plan, the Township will schedule a meeting with the Planning Commission and other appropriate Township officials. Township Council will 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.
5. Developers are encouraged to review topography, geologic, landslide hazard, etc., information available at the Township offices.

C. Tentative Application (Required)

1. Content and form of the Application: The landowner, or agents acting in his/her behalf, shall submit the tentative application with documentation illustrating compliance with the requirements of this 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.
2. The tentative application shall include the following items:
 - a. Legal description of the proposed PRD site and names and addresses of all owners of the site.

b. A vicinity map at a scale of one inch equals eight hundred feet (1" = 800') showing the location and size of the proposed site, existing land use and zoning of land surrounding the site within one-half (1/2) mile radius, and the relationship of the site to adjacent properties, streets, and major public facilities (school, parks, etc.).

c. A PRD site plan of the development shall include the following information:

1) Location, boundaries of site and location of any municipal boundaries at or near the site.

2) Total acreage of the site and 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 defined by this Ordinance, located on the PRD site or within two hundred feet (200') of the site boundaries.

6) All existing and proposed structures, including buildings (identified by use type), parking areas, fences, walls and similar structures.

7) Number, type, and density per types of dwelling units; total proposed units; and average gross residential density for the PRD.

8) Percentage and square footage of building coverage.

9) Maximum height of all structures.

10) Existing and proposed rights-of-way and easements (show location, boundaries and purpose).

11) Common open space and recreation areas/facilities (show location, type of use or facility, area in acres and square feet).

d. A utility plan at the same scale as the PRD site plan showing proposed sewage collection and disposal, water supply and distribution, gas, electric, cable TV, and telephone service, fire hydrants, and solid waste disposal. The plan shall show location, type, and size of all lines and facilities. If the PRD is to be served by existing systems, the plan shall show the proposed connections and include documentation of the adequacy of the system to handle the additional capacity from the appropriate operating agency.

1) Interim facilities must be located for access to ultimate ALCOSAN 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.

e. A circulation plan showing vehicular and pedestrian circulation including streets, driveways, paths, sidewalks, bikeways, parking and loading areas (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 five (5) and twenty (20) year forecasts of the average daily vehicle trips generated by the proposed development and distributed and assign these trips to the most reasonable travel paths over the adjacent street system surrounding the PRD.
- 5) 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 must submit the proposed solutions, estimated costs, financing methods, and actions/approvals required by the existing street owners.
- 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 Council 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 "O'Hara Transportation Problems Inventory" (available from Township Engineer), on the streets adjacent to and serving the development.
- 8) If the developer proposed any improvements to off-site traffic problems, preliminary plans shall be submitted,

along with preliminary costs, proposed method of financing and cost sharing (if applicable) and time schedule for completing the improvement.

f. A preliminary drainage plan for providing storm water management for the PRD, in accordance with the standards of this Article. 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 drainage ways, dry gullies, diversion ditches, etc. which may be incorporated in the storm water management system for the PRD.

4) All proposed outlet points for storm drainage from the site, including the name of the drainage way (if appropriate).

5) Downstream conditions of any problems or restrictions which have been identified by local storm water studies/plans or by the developer.

6) If the developer proposed to construct or improve any off-site drainage structure or facility, the plan shall identify the nature of the improvement, the existing owner, any proposed cost-sharing with the owner, time schedule for completing the improvement, and the method for assuring permanent availability of the drainage facility (e.g. covenants).

g. A preliminary grading and erosion/sedimentation plan in accordance with the Township, Grading Ordinance, Subdivision and Land Development Ordinance, and this Article.

h. Preliminary architectural elevations of all building sufficient to convey the basic architectural intent of the proposed improvements.

i. A preliminary landscaping, lighting, and signing plan indicating the treatment of materials used for private and common open spaces and parking areas, including existing trees and vegetation to be preserved by size and species 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 lighting for streets and common areas and proposed signage within the PRD (identification, directional, street signs, etc.). Standards are established in this Article.

j. A plan for energy conservation and/or the use of renewable energy sources, such as solar, wind or geothermal energy, if any such techniques or methods are proposed for all or portions of the PRD.

k. Any documents or reports, such as geotechnical investigations, recreation needs assessments or similar studies, prepared in compliance with the requirements of this Article or which provide pertinent background information to the PRD application.

l. A development schedule indicating the approximate date when the final application for each stage will be filed with the Township; the time each stage can be expected to begin and to be completed; and the phasing of the construction of public improvements, recreational and common open space areas. A site plan illustrating the phasing shall be submitted.

m. The substance of covenants, grants of easements, or other restrictions to be imposed upon the use of land, buildings, and structures within the PRD, including proposed grants and/or easements for public utilities.

n. A common open space and facilities management plan for the ownership and maintenance of all common open spaces, facilities and/or buildings, in accordance with this Article.

o. A listing of township, county, state or federal approvals and/or permits required by the proposed development, based on the tentative development plans.

p. A state of planning activities 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 Comprehensive Plan (2013), as amended.

3. Review of the Tentative Applications:

a. Upon acceptance of a complete application, the Zoning Officer shall refer the application to the Planning Commission and the Allegheny County Department of Economic Development (“County Planning Agency”) for study and recommendation. The County Planning Agency shall submit its report to the Township within thirty (30) days or forfeit the right to review.

b. The Planning Commission shall assemble the reviews and comments of the Township Engineer, Fire Marshal, Parks and Recreation Commission, Director of Public Services and other Township staff and any outside experts from whom the Commission has sought advice, and it shall submit its report to Council at least ten (10) days prior to the public hearing. Copies of this report shall be available to the applicant and public.

c. Within sixty (60) days after receipt of the tentative application, Council shall have a public hearing pursuant to public notice in a manner prescribed by the Municipalities Planning Code. Council may continue the hearing from time to time and may refer the plan back to the Planning Commission for additional study. However, the public hearing shall be concluded within sixty (60) days after the date of the first public hearing. The conduct of the public hearing shall be in accordance with the Pennsylvania Municipalities Planning Code.

d. Within sixty (60) days following the conclusion of the public hearing, or within 180 days after the date of filing of the application, whichever occurs first, Council shall make a written report by certified mail to the applicant. This report shall either grant tentative approval of the development plan as submitted or grant tentative approval subject to specified conditions not included in the development plan, or deny tentative approval to the plan. Failure to act within the sixty (60) day period shall be deemed to be a grant of tentative approval of the development plan as submitted.

e. If tentative approval is granted subject to conditions, the landowner may, within thirty (30) days after receiving a copy of the official written report, notify Council of his/her refusal to accept all said conditions. In this case, Council shall be deemed to have denied tentative approval of the development plan. If the landowner does not, within said period, notify Council of his/her refusal to accept all said conditions, tentative approval of the development plan, with said conditions, shall stand as granted.

f. The granting or denial of tentative approval by official written communications shall include conclusions and findings of fact related to the proposal and the reasons for the grant, with or without conditions, or the denial. Also contained in the communication shall be a statement of the respects in which the development plan is or is not in the public interest, including, but not limited to, findings of fact and conclusions on the following:

- 1) In those respects in which the development plan is or is not consistent with the Township's stated community development objectives and/or other pertinent plans for the development of the Township.
- 2) The extent to which the development plan departs from zoning regulations otherwise applicable to the subject property, including, but not limited to, density, bulk, and use and the reasons why such departures are or are not deemed to be in the public interest.
- 3) The purpose, location and amount of the common open space in the PRD; the reliability of the proposals for maintenance and conservation of the common open space; and the adequacy or inadequacy of the amount and purpose of the common open space as related to the proposed density and type of residential development.
- 4) The physical design of the development plan and the manner in which said design does or does not make adequate provisions for public services; provide adequate control over vehicular traffic; and further amenities of light and air, recreation and visual enjoyment.
- 5) The relationship, beneficial or adverse, or the proposed PRD to the neighborhood in which it is proposed to be established.

6) In the case of a development plan which proposes development over a period of years, the sufficiency of the terms and conditions intended to protect the interest of the public and of the residents of the PRD in the integrity of the development plan.

4. Status of the Plan After Tentative Approval

a. The official written communication shall be certified by the Township Manager and filed in his/her office. Where tentative approval has been granted, the same shall be noted in the Township Zoning Map. Tentative approval shall not qualify a plat of the PRD for recording, development or the issuance of any zoning/building permits. A plan which has received tentative approval shall not be modified, revoked or otherwise impaired by action of the Township without consent of the applicant, provided the application(s) for final approval(s) are being submitted within the specified time period in the written communication granting approval and the developer has not defaulted or violated any conditions of the tentative approval.

b. In the event tentative approval was granted, but prior to final approval, the applicant elects to abandon said plan and notifies Council in writing or fails to file for final approval within the specified times, the tentative approval shall be deemed to be revoked. All the area in the development plan which has not received final approval shall be subject to the ordinance otherwise applicable thereto and the same shall be noted on the Township Zoning Map and in the records of the Township.

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

1. Scope of the Application: The application for final approval of the PRD plan may be:

a. For all the land included in the plan, or

b. To the extent set forth in the tentative approval, for a section thereof. The final application shall be made to Council within the times specified by the communication granting tentative approval.

2. Content and form of the Final Application:
 - a. The final site plan, at a scale of not less than one inch equals one hundred feet (1" = 100'), shall show the following:
 - 1) Existing natural profiles along the centerline of each proposed street and, if the slope within cartway area exceeds five percent (5%), along both cartway edges;
 - 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 and pavement edges;
 - 3) The length and function of all vertical curves;
 - 4) Location and profile of all existing and proposed sanitary sewer mains and manholes, storm sewers mains, inlet, manholes and culverts, and water mains and fire hydrants;
 - 5) Typical cross sections of all roads, culverts, manholes, and other improvements;
 - 6) Final design drawings for the improvement of the existing streets, such as intersection modifications, street realignment or traffic signalization.
 - b. Architectural drawings illustrating exterior and interior designs of typical residential buildings of each type and of each nonresidential structure to be constructed, including statements and illustrations of materials to be used in construction.
 - c. Final drafts of all offers of dedication, covenants, easements, deed restrictions and maintenance agreements to be imposed upon the use of land, buildings and structures, and pertaining to the ownership, use and maintenance of all common open space areas and any other common facilities hereof and including proposed grades and/or easements for such utilities.
 - d. Landscaping plan and schedule, including but not limited to the following:
 - 1) A landscape plan indicating the treatment of exterior spaces. The design objective of the plan must be clear and supported by a detailed written statement. The plan must

provide an ample quantity and variety of ornamental plant species which are regarded as suitable for this climate. Landscape treatment must be balanced with both evergreen and deciduous plant material with sufficient use of upright species for vertical control. Plant material selection will be reviewed for adaptability to physical conditions indicated by site plan locations. The landscaping plan shall include the following:

- a) Extent and location of all plant materials and other landscape features. Plant material must be identified by direct labeling on the plan or by a clearly understandable legend.
- b) Flower and shrub bed definition must be clear and drawn to scale with dimensions.
- c) Proposed plant material should be indicated at mature sizes and in appropriate relation to scale.
- d) Species and size of existing plant materials.
- e) Proposed treatment of all ground surfaces must be clearly indicated (paving, turf, gravel, grading, etc.)
- f) Location of water outlets. If areas of planting are extensive, plans for an underground sprinkler system will be required.
- g) 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	3" to 4" caliper
Small ornamental and flower trees	2" to 3" caliper
Evergreen trees	6' to 8' in height
Shrubs	Adequate size to be consistent with design insert as determined by the Township

All plant material must meet specifications of the American Association of Nurserymen (AAN) for No. 1 grade. All trees must be balled and roots wrapped in burlap, or equivalent.

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

e. 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/building permit shall be issued until all permits have been obtained.

3. Review Procedure:

a. A public hearing on an application for final approval of the development plan or part thereof shall not be required, provided to the development plan or part thereof submitted for final approval is in full or strict compliance with the development plan given tentative approval and with any specific conditions attached thereto.

b. When the final application has been filed, together with all drawings, specifications and other documents in support thereof, and as required by the official written communication of tentative approval, Council shall, within forty-five (45) days of such filing, grant final approval to said plan.

c. When the final application contains variations from the plan given tentative approval, Council may refuse to grant final approval and shall, within forty-five (45) days of the filing, so advise the applicant of said refusal, setting forth the reasons why one or more of the variations is not in the public interest.

d. When a final application is refused, the applicant may either:

- (1) Refile his application without objected variations, or
- (2) Request a public hearing on his application for final approval. Either action shall be taken within the time which

the applicant was entitled to apply for final approval or within thirty (30) additional days if the same time already passed when the applicant was advised of the denial.

e. If no action is taken by the applicant, the plan is deemed to have been abandoned. If a public hearing is requested, it shall be conducted in the same manner prescribed for tentative approval. Within thirty (30) days after the hearing, Council shall, by written communication, either grant or deny final approval in the form and content required for an application for tentative approval.

4. Status of the Plan After Final Approval

a. A PRD plan or any part thereof which has received final approval shall be certified by Council and filed by the landowner within ninety (90) days with the Allegheny County Department of Real Estate. Should the plan not be recorded within such period, the action of Council shall become null and void. No development plan shall take place until the plan has been recorded, and from that point of time, no modification of the provisions of said plan or part thereof as finally approved shall be made without the consent of the landowner.

b. In the event a plan or section thereof has been given final approval and the landowner decides to abandon said plan or section and so notifies Council or fails to develop the plan according to Council's annually updated schedule, no development shall take place on the property included in the plan until the said property is re-subdivided and reclassified by enactment of an amendment to the Township zoning ordinance.

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 Municipalities Planning Code.

Section 72-11.9 Administration

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

1. It is the intention of the Township Council that all provisions in this PRD Article shall be consistent at all times with the authorities and requirements of the Municipalities Planning Code. Wherever there is an inconsistency between the Planning Code and this Article, the Planning Code shall take precedence.
 2. 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 or other applicable ordinance of the Township, the provision of this Article shall apply.
 3. Upon enactment of this Article by Township Council, 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 for where noted in this Article or where said provisions or requirements conflict with this Article.
- B. Modification of Provisions of this Article: For any particular development, Council shall not act to modify the maximum average residential densities, common open space ratios and permitted use requirements of this Article.
- C. Development Agreement: Following the approval of the final PRD application, but prior to the issuance of any building, grading or other Township permit, the developer and Township Council 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 prescribed by the Township Subdivision and Land Development Ordinance and acceptable to Council and Township Solicitor.
- D. Performance Guarantee:
1. Prior to the release of the approved final plan for recording, the developer shall guarantee the installation of all required improvements by posting a performance guarantee, in accordance with Pennsylvania Law. The amount shall be one hundred and ten percent (110%) of the cost of all improvements for that portion of the development for which final plan approval

has been granted. The costs shall be based on bona fide bid(s) by the contractor(s) chosen by the developer to complete the improvement.

2. The performance guarantee may be either a performance bond with a corporate surety, an escrow deposit, or other security acceptable to the Township. The performance guarantee shall be submitted in a form and with a surety approved by the Township Solicitor guaranteeing the construction and installation of all improvements within one (1) year of the date fixed in the final approval.
3. The amount of performance guarantee may be reduced as and when portions of the required improvements have been installed, and shall be released upon satisfactory completion of all improvements.

E. Dedication and Maintenance Guarantee:

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

F. Permits

1. Issuance of permits, and all matter pertaining to administration of the plan as finally approved, shall be the responsibility of the Township Zoning Officer, Building Official or Township Engineer, as appropriate.
2. Upon application of the landowner showing compliance with the requirements of final approval, the Building Official shall issue permits for construction pursuant to the plan, or any section thereof.
3. The provisions of Article XIX of the O'Hara 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 Building Official shall review the progress and status of construction of the plan and render monthly reports thereon to the Council in order to assure compliance with the provisions of this Article and the conditions of final approval.

G. Fees: The O'Hara Council 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.

H. Homeowners Association: If a Homeowners Association is required for any development located within the PRD, it shall adhere to the requirements set forth in Section 72-14.39.

ARTICLE XII

LOT AVERAGING DEVELOPMENTS

Section 72-12.1 Intent and Application

- A. **Intent:** To protect existing and potential residents of the site and surrounding areas from adverse conditions in the development of the site, while maintaining dwelling densities and other standards generally consistent with the surrounding neighborhoods and the zoning district of the site; and to provide flexibility in lot sizes to protect sensitive environmental areas.
- B. **Application:** No increase in density over that permitted in the zoning district for traditional subdivision can occur under lot averaging. The minimum lot size required of single-family units on individual lots may be reduced as specified under the provisions of this Ordinance.

Section 72-12.2 Conditions for Lot-Averaging Development

- A. This Article hereby establishes the option of lot-averaging developments subject to the restrictions, qualifications, and provisions of this Article. LA-1 shall be permitted in the R-1 District; LA-2 shall be permitted in the R-2 District; and LA-4 shall be permitted in the R-4 District.
- B. The minimum site requirement shall be five (5) contiguous acres for LA-1, LA-2 and LA-4.
- C. **Maximum Number of Lots** - The maximum number of lots that may be created in a tract utilizing lot-averaging shall be determined in accordance with the provisions of the existing zoning in that zoning district. In any event, the average size of all developed lots under this Ordinance shall be at least forty thousand (40,000) square feet in LA-1; twenty thousand (20,000) square feet in LA-2; and thirty thousand (30,000) square feet in LA-4.
- D. **Area Regulations** -The following minimum area regulations shall be applicable subdivisions utilizing the lot-averaging option:

	R-1	R-2	R-4
Lot Size	25,000 s.f.	15,000 s.f.	20,000 s.f.
Lot width at setback line	115 ft.	90 ft.	100 ft.
Front yard (15% of the total number of lots can be 30' in R-1)*	40 ft.	30 ft.	35 ft.
Side yards: aggregate	40 ft.	40 ft.	40 ft.
Side yards: individual	20 ft.	20 ft.	20 ft.
Rear yard: (interior)	40 ft.	40 ft.	40 ft.
Rear yard: (exterior)	60 ft.	50 ft.	60 ft.
Impervious surface	20%	20%	20%
Lot Depth	150 ft.	120 ft.	135 ft.

- * Additional percentage (%) can be recommended by the Planning Commission if they deem it to be in the best interest of the development to protect the environment.

E. General Controls:

1. No lot of such size as to be capable of further subdivision under the district regulations shall be included in determining the average lot area unless the possibility of such further subdivision is eliminated by a deed restriction or agreement in form acceptable to the Township and duly recorded in the Office of the Recorder of Deeds of Allegheny County.
2. For the purposes of determining the average lot size in a subdivision created pursuant to this Section, the maximum lot size is one hundred thousand (100,000) square feet in R-1; fifty thousand (50,000) square feet in R-2; and seventy-five thousand (75,000) square feet in R-4. Nothing greater can be used to average other lots.
3. The tract of land to be developed shall be in one (1) ownership or shall be the subject of an application filed jointly that the tract shall be developed within five (5) years' time under a single direction and entirely in the manner approved.
4. Each lot shall front on a public street; only corner lots may have property lines abutting more than one (1) public street unless such lot shall have at least a one hundred foot (100') rear yard depth and a deed restriction limiting access to only one (1) street.

5. The site shall be suitable for development in the manner proposed without hazards to persons or property, on or off the site, due to flooding, erosion, subsidence or movement of the soil, or other dangers or inconveniences. Conditions of soil, groundwater level, drainage, and topography shall be compatible with proposed site design.
 6. Areas of over forty percent (40%) slope, floodplains, lakes, ponds, wetlands, or land which is otherwise environmentally sensitive shall be placed under deed restriction in favor of the Township and landowners in the LA, or be placed under a protection easement within the individual deeds, and cannot be altered from their natural state by the developer except as part of a Township approved Storm Water Management Plan.
- F. All other provisions applicable in the Township zoning and subdivision and land development ordinance shall remain in full force and effect.

Section 72-12.3 Lot Averaging Development Standards

- A. General Site Design
1. Variation in setbacks shall be permitted to avoid the development of all units along the minimum setback where necessary to create a more pleasing layout.
 2. Housing and other facilities near the periphery of the lot-averaged development shall be designed so as to be harmonious with neighboring areas. The proposed location and arrangement of structures shall not be detrimental to existing or prospective adjacent structures or to existing or prospective development of the neighborhood.
 3. A disclosure statement shall be included in all deeds which notifies the buyer that the property has been developed in accordance with lot-averaged regulations and ordinance of the Township of O'Hara.
 4. No more than two (2) lots in a row can be of the minimum square footage for that district, and the average lot area of any three (3) consecutive lots shall equal at least seventy-five percent (75%) of the standard lot size in R-1; at least eighty-five percent (85%) of the standard lot size in R-2; and at least eighty percent (80%) of the standard lot size in R-4.

B. Conservation of Trees and Natural Features

1. The development shall be designed and programmed so as to minimize earthmoving, 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 six inches (6") 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. Developers shall make all possible efforts to harmonize their plans with the preservation of existing trees.
 - b. When effectuation of a proposed lot-averaged 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 for retention of clearing:
 - 1) Aesthetic values (autumn coloration, type of flowers and fruit, bark and crown characteristics, amount of dieback present).
 - 2) Susceptibility of tree to insect and disease attack and to air pollution.
 - 3) Species longevity.
 - 4) Wind firmness and the characteristic of soil to hold trees to withstand wind.
 - 5) Wildlife values (e.g. oak, hickory, pine, walnut, and dogwood have high food value).
 - 6) Comfort to surroundings (e.g., hardwoods reduce summer temperatures to surroundings more effectively than pines or cedars).
 - 7) Existence of disease, rot, or other damage to the tree.
 - 8) Protection of buildings (i.e., dead and large limbs hanging over buildings should be removed).
 - 9) The size of the tree at maturity.

c. Developers shall exercise care to protect remaining trees from damage during construction. The following procedures shall be followed in order to protect remaining trees:

1) Where existing ground levels are raised, drainage tile shall be placed at the old soil level and open into a well built around the base of the tree. Such well may be left open or can be filled with coarse stones or gravel. Tiles may be installed in a radiating pattern or laid in parallel lines. No fill shall be placed against any part of the tree trunk.

2) Trees within twenty-five feet (25') of a building site or bordering entrances or exits to building sites shall be protected by wiring, wooden slats, or snow fencing around such trees.

3) No boards or other material shall be nailed to trees during construction.

4) Heavy equipment operators shall be warned to avoid damaging existing tree trunks and roots. Feeder roots shall not be cut closer than the tree's drip line.

5) Tree trunks and exposed roots damaged during construction shall be protected from further damage by being treated immediately removing the damaged tissue with a clean sharp knife or shear.

6) Tree limbs damaged during construction shall be sawed flush to tree trunks and treated immediately by removing the damaged tissue with a clean sharp knife or shear.

7) The operation of heavy equipment over root systems of such trees shall be minimized in order to prevent soil compaction.

8) Non-dormant trees shall be given a heavy application of fertilizer to aid in their recovery from possible damage caused by construction operations.

9) Construction debris shall not be disposed of near or around the bases of such trees, except for mulched vegetative matter used to prevent soil compaction.

10) If a tree dies within 18 months of completion of the project and an arborist hired by the Township determines the cause of death was construction related, the developer must remove and replace the tree at their expense.

3. Floodplains:

a. All floodplains, as defined by this Article, shall remain as permanent open space in a PRD. Only the following uses shall be permitted in the floodplain:

1) Recreational uses not requiring permanent or temporary structures, such as picnic areas, fishing sites, trails and similar uses.

2) Most essential road and utility facilities, such as bridges, transmission lines, sewage treatment plant outlets and similar facilities, which cannot be placed elsewhere on the site outside the floodplain, provided all necessary approvals and permits have been obtained from the Pennsylvania Department of Environmental Protection.

b. Any use or facility in a floodplain shall comply with all applicable provisions of the O'Hara Township's Floodplain Ordinance, No. 1282, as hereinafter may be amended.

4. Ponds, Wetlands, Watercourses:

a. These areas shall remain as permanent open space.

b. No realignment, development, filling, piping, 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, road, etc.).

b. In areas with slopes between twenty-five 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, Council 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 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. Storm Water Management:

1. Standards: Any landowner and any person engaged in the alteration or development of land which may affect storm water runoff characteristics shall implement such measures as Council determines are necessary to prevent injury to health, safety or other property. Such measures shall include such action as are required:

a. To assure that the maximum rate of storm water runoff (from any storm described based on allowable impervious surface area), is not greater after development than prior to development activities; or

b. To manage the quantity, velocity, and direction of resulting storm water runoff in a manner which otherwise adequately protects health and property from possible injury; and

c. If the development site is located within a watershed for which a Storm Water Management Plan has been adopted by the Township, then any proposed storm water control measures shall be consistent with the watershed plan for the site. The applicant shall utilize information and recommendations contained in the Allegheny County Act 167 Storm Water Management Plan or the current Township Storm Water Ordinance, or any other study or document, which is supplied by the Township and for sites otherwise located. All calculations shall be based on full and

maximum development of all sites within 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 proposed alternative storm water management controls, the applicant must document the difference or deviation to the satisfaction of the Township Engineer and Township Council.

2. Site Storm Water Management Plans

a. All Storm Water Management Plans for the proposed LA shall be prepared and sealed by a registered professional engineer with expertise and training in hydrology/hydraulics, who is acceptable to the Township Engineer and Township Council. Calculations of pre- and post-development hydrographs and discharges shall be prepared for the two (2), ten (10) and one hundred (100) year storms, using the U.S. Soil Conservation Soil Cover Complex Methods. (SCS Publication TR-55).

b. Any storage facilities on or off-site) must be designed to control post-development discharges for the two (2), ten (10) and one hundred (100) year design storms, unless otherwise specified by the Township Engineer and approved by Township Council. Proposed design of the facility and the design computations shall be approved by the Township Engineer.

c. Where the site's Storm Water Management Plan proposes to connect with existing storm sewer or drainage systems, the developer must demonstrate that there is sufficient storm sewer capacity, as well as channel capacity from the point where the storm sewer outlets into the natural drainage system and downstream to the base of the watershed. All storm sewer and/or other drainage structures shall be designed in accordance with the Township's Construction Standards, Ordinance No. 1119, as amended.

D. Soil Erosion and Sedimentation

1. Measures to control erosion/sedimentation (E/S), both during and after construction, shall be in accordance with the Township Grading Ordinance (Ord. No. 1242). A proposed E/S plan shall be submitted with the tentative application and the Township shall

forward it to the 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 shall be issued until the E/S plan for the development has been approved by Council.

E. Landslide Hazard Areas

1. The lot-averaging development applicant shall identify any areas on the site with potential landslide hazards, as identified on the Squaw Run Area Watershed Association, Landslide Hazard Maps, dated 1978, which are available in the Township offices.
2. If the site contains any areas identified by the developer or Township as moderate to high-landslide risk, the developer shall submit a detailed geo-technical 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 appropriate geotechnical training and experience in this subject area of engineering and must be satisfactory to the Township Engineer; the developer shall pay the full cost of the investigation.

F. Traffic Access and Circulation

1. Traffic Access:
 - a. The entrances/exits to the LA 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-maintained road, a copy of the required access permit must be submitted to the Township prior to final approval of the LA.
 - b. Entrances/exits for the LA shall not be located within one hundred and fifty feet (150') of any other street intersection. No application shall be approved for any LA unless all entrances/exits

meet the minimum acceptable sight distance requirements contained in the most current PENNDOT regulations.

c. Principal (primary) access to a LA-1, LA-2, or LA-4 site shall be from either an arterial or collector street, as designated on the O'Hara Street Classification Map, subject to the provisions of this Article. Lot-averaged development of forty (40) dwellings or more shall provide one (1) or more secondary accesses, also from an arterial or collector street, as determined necessary during the development plan review.

2. Construction Standards: The construction of streets shall conform to Township specifications and regulations. However, Township Council may waive or modify certain standards where the Township finds that such specifications are not consistent with the LA development site or overall design and that such modifications are not inconsistent with the interests of the entire Township.

G. Sanitary Sewage Disposal

1. All lot-averaging developments shall be served, if possible, by sanitary sewage treatment by the Allegheny County Sanitary Authority (ALCOSAN). Proposed connections to the existing municipal sewer system shall be approved by the Township, ALCOSAN, and other applicable government 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. In addition, where appropriate, Township Council may require an equitable capital contribution to the Township for future off-site improvements to the sanitary system (collection and/or treatment) serving the development. These funds shall be set aside in a special escrow account until such time as the improvement is undertaken. The contribution amount shall be determined based on the development's proportional use of and benefit from the sewer system improvement. Such costs shall be determined during the review of the LA application and included in the development agreement, in accordance with the provisions of this Article.
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 service by the ALCOSAN system, then the

developer may submit a plan for interim sewage treatment and disposal until such time as the connection to ALCOSAN 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 Township Council, Allegheny County Health Department, ALCOSAN, and Pennsylvania Department of Environmental Protection. 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 Article.

b. The developer shall provide the highest quality of sanitary sewage disposal facility consistent with existing physical, geographical and geological conditions and in conformance with all applicable Township ordinance 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 dedicated to the Township. The maintenance plan shall identify sources, such as, homeowner's fees or assessments for funding to cover annual operation, maintenance and replacement costs.

H. Water Supply: The development shall be served by a public central 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), Allegheny County Plumbing Code, Insurance Services Office, and local municipal water supplier (if applicable). Fire hydrants shall be provided as required by the Township Fire Marshal.

- I. Street Lighting:
 - 1. Lighting facilities shall be designed and located so as not to shine directly into residential buildings, private yards, and lighting standards shall not exceed twelve feet (12') in height.
 - 2. Township Council may require lighting in other areas for reasons of public safety.

J. Landscaping and Buffers (Also see Sections 72-14.20 and 72-14.21):

The following landscaping requirements shall be met:

- 1. Disturbed topsoil shall be stockpiled, protected from erosion, and redistributed after construction.
 - 2. 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.
- K. Utilities: All utilities shall be placed underground within the LA and all transformers shall be located on public rights-of-way.
- L. Signs:
 - 1. An identification sign for the LA 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. The sign must be set back a minimum of ten feet (10') from the street right-of-way. The sign shall be screened from adjacent properties by land forms and/or shrubbery, but sign and screening must be clear of sight line of intersection.
 - 2. All other real estate signs advertising the sale or lease of dwelling units and/or temporary construction signs shall be in accordance with Article XVI of this Ordinance.
 - 3. Provisions for maintenance of all private signs within the LA shall be included in the deed or lease agreement of an individual property.

4. Unless otherwise specified here, all signs in the LA shall comply with the requirements applicable to the zoning district in which the LA is located.
- M. Renewable Energy Generating Structures/Facilities:
1. Geothermal Energy Facility (See Section 72-14.37) (Amended 5/9/2017, Ordinance No. 1324)
 2. Solar Energy Facility (See Section 72-14.34) (Amended 5/9/2017, Ordinance No. 1324)
 3. Small Wind Energy Facility (See Section 72-14.36) (Amended 5/9/2017, Ordinance No. 1324)

Section 72-12.4 Development in Stages

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

- A. The application for tentative approval must cover the entire lot averaging 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 Manager on the anniversary of the approval of the tentative application, until such time as the LA is completed and accepted.
- B. At least fifteen percent (15%) of the total dwelling units in the LA plan given tentative approval must be included in the first stage and any subsequent stage.
- C. Each phase must be capable of being served adequately and economically by all necessary community facilities and services, such as, streets and sanitary sewers, water supply, storm drainage, and recreation, in accordance with the approved tentative application.

Section 72-12.5 Application Procedure

- A. General
 1. The procedures for application and approval of a LA shall be in accordance with Article VII of the Pennsylvania Municipalities Planning Code and the Township of O'Hara Subdivision and Land Development Ordinances.

2. Applications for approval of a LA are encouraged to include an initial sketch plan review, but must include a tentative and final application phase.
3. All applications shall be submitted to the Township Manager in the form and within the time limits specified by this Ordinance. No tentative or final application shall be deemed accepted or duly filed until the Zoning Officer determines that all plans and documents have been submitted in accordance with the requirements of this Ordinance. Within ten (10) days of submission, the Township shall notify the applicant by certified letter of any deficiencies in the application documents or that the application has been accepted.
4. All plans and documents submitted as part of either a tentative or final application shall be prepared by a registered professional architect, engineer or landscape architect as determined by the Township. All property surveys shall be prepared by a registered professional surveyor. All documents submitted as part of the tentative or final application shall become the property of the Township.

B. Sketch Plan Review (optional)

1. Developers are encouraged to submit a sketch plan of the proposed LA to the Planning Commission for an informal review. The Planning Commission's comments and suggestions will be advisory only and will not constitute any legally binding action by the Planning Commission or Township. Time deadlines applicable to tentative or final approval do not apply to sketch plans.
2. It is recommended that the sketch plan be submitted early in the planning stages of the LA but at least sixty (60) days in advance of the tentative application.
3. There is no prescribed form for the submission of the sketch plan; however, it must include sufficient information to describe the location and size of the proposed LA, natural site characteristics (slope, soils, etc.), plans for providing transportation access and internal circulation, sewer and water service, recreation and other common facilities. The sketch plan should identify natural, unique or environmentally sensitive features of the site, along with the potential effect of the proposed development on these areas.

4. Upon submission of the sketch plan, the Township will schedule a meeting with the Planning Commission and other appropriate Township officials. Township Council will 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 a part of the sketch plan shall become the property of the Township.
5. Developers are encouraged to review topographic, geologic, landslide hazard, etc., information available at the Township offices.

C. Tentative Application (Required)

1. Content and form of the Application: The landowner, or agents acting in their 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 a twenty-four by thirty-six inch (24" x 36") plan sheets. All sheets shall contain the name by which the LA is to be identified, a scale, north arrow and date of preparation.
2. The tentative application shall include the following items.
 - a. Legal description of the proposed LA site and names and addresses of all owners of the site.
 - b. A vicinity map at a scale of one inch equals eight hundred feet (1" = 800') showing the locations 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, streets, and major public facilities (schools, parks, etc.).
 - c. A LA 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.

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 site or within two hundred feet (200') of the site boundaries.

5) Any natural areas, landslide hazard areas, historic landmarks, and scenic resources, as defined by this Ordinance, located on the site or within two hundred feet (200') of this site boundaries.

6) Existing and proposed rights-of-way and easements (shown location, boundaries and purpose).

d. A utility plan at the same scale as the LA 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 LA 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 appropriate operating agency.

1) Interim facilities must be located for access to ultimate ALCOSAN 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.

e. A circulation plan showing vehicular and pedestrian circulation including streets, driveways, paths, sidewalks, bikeways. 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 LA 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) 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.

f. A preliminary drainage plan for providing storm water management for the LA, in accordance with the standards of this Article. 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 storm water management system for the LA.

4) All proposed outlet points for storm drainage from the site, including the name of the drainageway (if appropriate).

5) Downstream conditions of any problems or restrictions which have been identified by local storm water studies/plans or by the developer.

6) If the developer proposed to construct or improve any off-site drainage structure or facility, the plan shall identify the nature of the improvement, the existing owner, any proposed cost-sharing with the owner, and time schedule for completing the improvement, and the method for assuring permanent availability of the drainage facility (e.g. covenants).

- g. A preliminary grading and erosion/sedimentation plan in accordance with the Township Grading Ordinance, Subdivision and Land Development Ordinance and standards of this Article.
- h. A preliminary landscaping, lighting and signing plan indicating the treatment of materials used for private and common open spaces and parking areas, including existing trees and vegetation to be preserved by size and species 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 lighting for streets and proposed signage within the LA (identification, directional, street signs, etc.). The amenities herein listed shall be installed in compliance with the provisions of Article XIV of this Ordinance.
- i. 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 LA.
- j. 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 application.
- k. 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. A site plan illustrating the phasing shall be submitted.
- l. The substance of covenants, grants of easements, or other restrictions to be imposed upon the use of land, including proposed grants or easements for public utilities.
- m. A listing of township, county, state or federal approvals and/or permits required by the proposed development, based on the tentative development plans.
- n. A statement of planning objectives indicating the reasons that the developers believe the proposed LA is in the public interest and is consistent with the community development

objectives contained in the Township Comprehensive Plan (2013), as amended.

3. Review of the Tentative Application

a. Upon acceptance of a complete application, the Zoning Officer shall refer the application to the Planning Commission and the Allegheny County Planning Agency for study and recommendation. The County Planning Agency shall submit its report to the Township within forty-five (45) days or forfeit the right to review. (Section 704(b) MPC)

b. The Planning Commission shall assemble the reviews and comments of the Township Engineer, Fire Marshal, Park and Recreation Commission, County Planning Agency, Director of Public Services and other township staff and any outside experts from whom the commission has sought advice; and it shall submit its report to Council at least ten (10) days prior to the public hearing. Copies of this report shall be available to the applicant and public.

c. Within sixty (60) days after the receipt of the tentative application, Council shall have a public hearing pursuant to public notice in a manner prescribed by the Municipalities Planning Code. Council may continue the hearing from time to time and may refer the plan back to the Planning Commission for additional study. However, the public hearing shall be concluded within sixty (60) days after the date of the first public hearing. The conduct of the public hearing shall be in accordance with the Pennsylvania Municipalities Planning Code.

d. Within sixty (60) days following the conclusion of the public hearing, or within 180 days of the filing of the application, whichever occurs first, Council shall make a written report by certified mail 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 applicable period shall be deemed to be a grant of tentative approval of the development plan as submitted.

e. If tentative approval is granted subject to conditions, the landowner may, within thirty (30) days after receiving a copy of the

official written report, notify Council of his/her refusal to accept all said conditions. In this case, Council shall be deemed to have denied tentative approval of the development plan. If the landowner does not, within said period, notify Council of his/her refusal to accept all said conditions, tentative approval of the development plan, with said conditions shall stand as granted.

f. The granting or denial of tentative approval by official written communications shall include conclusions and findings of fact related to the proposal and the reasons for the grant, with or without conditions, or the denial. Also contained in the communication shall be a statement of the respects in which the development plan is or is not in the public interest, including, but not limited to, findings of fact and conclusions on the following:

- 1) In those respect 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 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.
- 4) The relationship, beneficial or adverse, of the proposed LA to the neighborhood in which it is proposed to be established.
- 5) In the case of a development plan which proposed 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 LA in the integrity of the development plan.

4. Status of the Plan Following Tentative Approval

a. The official written communication shall be certified by the Township Manager and filed in their office. Where tentative approval has been granted, the same shall be noted in the Township Zoning Map. Tentative approval shall not qualify a plat of the LA for recording, development or the issuance of any zoning/building permits. A plan which has received tentative approval shall not be modified, revoked or otherwise impaired by action of the Township without consent of the applicant, provided the application(s) for final approval(s) are being submitted within the specified time period in the written communication granting approval and the developer has not defaulted or violated any conditions of the tentative approval.

b. In the event tentative approval was granted, but prior to final approval, the applicant elects to abandon said plan and notifies Council in writing or fails to file for final approval within the specified times, the tentative approval shall be deemed to be revoked. All the area in the development plan which has not received final approval shall be subject to the ordinance otherwise applicable thereto and the same shall be noted on the Township Zoning Map and in the records of the Township.

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

1. Scope of the Application.

a. The final site plan, at a scale of not less than one inch equals one hundred feet (1" = 100'), shall show the following:

- 1) Existing natural profiles along the centerline of each proposed street and, if the slope within cartway area exceeds five percent (5%), along both cartway edges;
- 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 functions of all vertical curves;
- 4) Location and profile of all existing and proposed water mains, valves, and fire hydrants, sanitary sewer mains, inlets, manholes (and if appropriate, valve and/or

pump stations), and storm sewers mains, inlets, manholes, culverts, and related structures, as well as service or maintenance roads;

5) Typical cross-sections of roads, culverts, manholes, and other improvements;

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

b. 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 hereof and including proposed grades and/or easements for such utilities.

c. Copies of all local, county, state and/or federal approvals and 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 application, 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/building permit shall be issued until all permits have been obtained.

2. Review Procedure

a. A public hearing on an application for final approval of the development or part thereof shall not be required, provided the development plan or part thereof submitted for final approval is in full or strict compliance with the development plan given tentative approval and with any specific conditions attached thereto.

b. When the final application has been filed, together with all drawings, specifications and other documents in support thereof, and as required by the official written communication of tentative approval, Council shall, as specified in Section 711 of MPC, grant final approval to said plan.

c. When the final application contains variations from the plan given tentative approval, Council may refuse to grant final approval and shall, within forty-five (45) days of the filing, so

advise the applicant of said refusal, setting forth the reasons why one or more of the variations is not in the public interest.

d. When a final application is refused, the applicant may either:

- 1) Refile his application without objected variations, or
- 2) Request a public hearing on his application for final approval.

Either action shall be taken within the time which the applicant was entitled to apply for final approval or within thirty (30) additional days if the said time already passed when the applicant was advised of the denial.

e. If no action is taken by the applicant, the plan is deemed to have been abandoned. If a public hearing is requested pursuant to this Section, it shall be conducted in the same manner prescribed for tentative approval. Within thirty (30) days after the hearing, Council shall, by written communication, either grant or deny final approval in the form and content required for an application for tentative approval.

3. Status of the Plan Following Final Approval

a. A LA plan or any part thereof which has received final approval shall be certified by Council and filed by the landowner within ninety (90) days with the Allegheny County Recorder of Deeds. Should the plan not be recorded within such period, the action of Council shall become null and void. No development plan shall take place until the plan has been recorded, and from that point of time, no modification of the provisions of said plan or part thereof as finally approved shall be made without the consent of the landowner.

b. In the event a plan or section thereof has been given final approval, and the landowner decides to abandon said plan or section and so notifies Council or fails to develop the plan according to an annually updated schedule submitted to Township Council, no development shall take place on the property included in the plan until the said property is re-subdivided and reclassified by enactment of an amendment to the Township Zoning Ordinance.

To further mutual interest of the residents of the lot-averaged 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 LA in changes that would adversely affect the public interest, the enforcement and modification of the provisions of the development plans 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.

Section 72-12.6 Administration

- A. Relationship of this Article to the MPC and other Township Ordinances
 - 1. It is the intention of the Township Council that all provisions in this LA Article shall be consistent at all times with the authorities and requirements of the Pennsylvania Municipalities Planning Code. Wherever there is an inconsistency between the Planning Code and this Article, the Planning Code shall take precedence.
 - 2. 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 regulation shall apply. Where any provision or requirement of this Article is in conflict with any requirement or specification of the Subdivision and Land Development or other applicable ordinance of the Township, the provision of this Article shall apply.
 - 3. Upon enactment of this Article by Township Council, 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 as otherwise noted in this Article or except as to provisions or requirements in conflict with the Zoning Ordinance.
- B. Modification of Provisions of this Article: For any particular development, Council shall not act to modify the maximum average residential densities, area regulations, general controls, and permitted use requirements of this Article.
- C. Development Agreement: Following the approval of the final LA application, but prior to the issuance of any building, grading or other

Township permit, the developer and Township Council 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 LA plan approvals. The Development Agreements shall be in the form and content prescribed by the Township Subdivision and Land Development Ordinance and acceptable to Council.

D. Performance Guarantees

1. Prior to the release of the approved final plan for recording, the developer shall guarantee the installation of all required improvements by posting a performance guarantee, in accordance with Pennsylvania law. The amount shall be ten percent (10%) of the cost of all improvements for that portion of the development for which final approval has been granted. The costs shall be based on bona fide bid(s) by the contractor(s) chosen by the developer to complete the improvement.
2. The performance guarantee may be either a performance bond with a corporate surety, an escrow deposit, or other security acceptable to the Township. The performance guarantee shall be submitted in a form and with a surety approved by the Township Solicitor guaranteeing the construction and installation of all improvements within one (1) year of the date fixed in the final approval.
3. The amount of performance guarantee may be reduced as, and when, portions of the required improvements have been installed, and shall be released upon satisfactory completion of all improvements.

E. Dedication and Maintenance Guarantee

1. All streets, recreational facilities, surface drainage, water and sewer facilities, and other improvements shown on the final plan shall be privately owned until such time as they have been offered for dedication to the Township and accepted by ordinance by Township Council.
2. Before accepting any such offer of dedication, the Township shall require the developer to file a maintenance guarantee in an amount not less than fifteen percent (15%) of the actual cost of

the installation of the improvements. Such maintenance guarantee shall be in a form and with a surety approved by the Township Solicitor, guaranteeing that the developer shall maintain all such improvements in good condition for a period of eighteen (18) months after the date of acceptance of dedication.

3. At the end of the said period, if the improvements shall be in good condition, the Township shall release the maintenance bond. Prior to such release, the Township may require any needed items of maintenance to be completely and satisfactorily performed.
4. Before the Township accepts dedication of any improvements, the developer shall submit two (2) copies of an "as built" plan. The "as built" plan shall show the location, dimension elevation of all deviations from the previously approved final plan and drawings.

F. Permits

1. Issuance of permits, and all matters pertaining to administration of the plan as finally approved, shall be the responsibility of the Township Zoning Officer, Building Official or Township Engineer, as appropriate.
2. Upon application of the landowner showing compliance with the requirements of final approval, the Building Official shall issue permits for construction pursuant to the plan, or any section thereof.
3. The provisions of Article XIX of the O'Hara 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 Building Official shall review the progress and status of construction of the plan and render monthly reports thereon to the Council in order to assure compliance with the provisions of this Article and the conditions of final approval.

G. Fees: The O'Hara Council 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.

H. Homeowners Association: If a Homeowners Association is required for any development located within the LA Development it shall adhere to the requirements set forth in Section 72-14.39

ARTICLE XIII
RIVERFRONT UNIT DEVELOPMENTS
AND
RIVERFRONT GREEN OVERLAY DISTRICT

Section 72-13.1 General Provisions for Riverfront Unit Developments

- A. Purpose: This article is enacted to further the policy of the Township of O'Hara that land having access to river frontage should utilize and enhance the amenities of the river and maintain, preserve and make these natural assets accessible to the general public; and to permit certain, limited commercial and appropriate residential development in planned projects where the developer provides access to the riverfront for the general public, and installs appropriate amenities and improvements including, but not limited to walkways, planting, benches, lights, landscaping, marinas, picnicking and sports areas, bicycle trails, fishing access, and promenades along the river. Riverfront Unit Developments shall be permitted as planned development uses in the SM Suburban Manufacturing District and the CD-2 Conservation District, pursuant to this Article and Article VII of the Pennsylvania Municipalities Planning Code, as amended. Specific improvements are to be provided which may differ from standards in other areas of the Township because of the development's exceptional location along the riverfront. Flexibility is provided to encourage and promote ingenuity and creativity in the design of the development. Any Riverfront Planned Unit Development near Squaw Run shall be designed and developed so as to maintain Squaw Run as a 1-A stream in the Pennsylvania Scenic River Inventory.
- B. Compliance: No Riverfront Planned Unit Development may be finally approved, no lot shall be sold in any Riverfront Planned Unit Development nor any structure built, altered, moved or enlarged in any Riverfront Planned Unit Development, unless and until the improvements required in connection therewith have either been constructed or their construction guaranteed, as herein provided.
- C. Applicability: The provisions of this Article for approval of a Riverfront Development Plan shall be in lieu of the procedures and provisions for approvals required in the Zoning Ordinance the Subdivision and Land Development Ordinance. Failure to comply with the provisions of this

Article with respect to a Riverfront Development Plan shall be deemed to constitute a violation of the Zoning and Subdivision and Land Development Ordinances. Where expressed standards, procedures or planning objectives of this Ordinance or the Subdivision and Land Development Ordinance, in effect appear to conflict with the provisions of this Article, the provisions of this Article will apply. Otherwise the standards, procedures and planning objective so stated will apply.

Section 72-13.2 General Provisions for Riverfront Green Overlay (Amended 3/11/2014, Ord. No. 1280)

- A. Purpose: Be developed in consistency with the Township Comprehensive Plan and *Allegheny Places*, the Allegheny County Comprehensive Plan.
- B. Authorized Uses: Riverfront Unit Development (as defined herein) shall be an authorized use in the Township Riverfront Overlay, pursuant to this Article and Article VII of the Pennsylvania Municipalities Planning Code, as amended. Riverfront Infill Developments (as defined herein) shall be authorized by conditional use in the Riverfront Overlay.
- C. Location of Overlay: The Riverfront Overlay is located and bounded as shown on the "O'Hara Riverfront Overlay Map" on file in the Township office.
- D. Concept: The Riverfront Overlay shall be deemed to be an overlay on any existing or future zoning districts enacted to regulate the use of land in the Township.
- E. Applicability: Where this article conflicts with Chapter 72, Zoning Ordinance or Subdivision and Land Development Ordinance this Article shall apply. Failure to comply with the provisions of this Article with respect to a Riverfront Development shall be deemed a violation of the Zoning Ordinance.

Section 72-13.3 Procedures for Review and Approval

- A. Procedures for Riverfront Planned Unit Developments:
 - 1. Riverfront Planned Unit Developments shall require submission, review and approval of a preliminary application and of a final application in accordance with the following procedures and requirements:

2. All applications, preliminary and final, shall be submitted to the Zoning Officer in the form specified by this Article. No preliminary 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. No application shall be placed on the agenda of the next regular meeting of the Planning Commission unless it is received and accepted by the Zoning Officer at least thirty (30) days prior to such meeting.
3. All applications for preliminary and final approval will include a cash deposit for review fees. Review fees will be assessed the applicant for all reasonable and necessary charges for the Township's Engineer or professional consultants, including but not limited to: architects; traffic, soils and other engineers; and lawyers. The review fees will be charged for the review and report on the application. The amount of the fee will be the rate or cost charged by the engineer or consultant to the municipality when fees are not reimbursed or otherwise imposed on applicants. The procedures relating to billing contained in the Municipalities Planning Code at 53 P.S. § 10503 are incorporated herein by reference.

B. Concept Plan:

1. Prior to submission of a preliminary application, the developer is encouraged to present a schematic plan of the proposed development to the Planning Commission to assure mutual agreement on the location, extent, functioning, public orientation and goals of the proposed Riverfront Planned Unit Development; but such agreement shall not be legally binding. Time deadlines applicable to tentative or final approval shall not apply to concept plans.
2. In the case of a Planned Riverfront Unit Development which proposed development of only a portion of the lot owned or controlled by the developer, the developer shall provide a concept plan which clearly delineates the proposed future development of all remaining portions of such parcel. This concept plan may be submitted as a part of the preliminary application.

- C. Preliminary Application: The preliminary application shall include a Location Map, Site Analysis Study, Site Map, Proposed Riverfront Development Plan, Traffic Study, and Engineering Report. The plan shall be prepared by a registered engineer, architect or landscape architect. The application shall be submitted to the Zoning Officer with not less than twenty (20) copies, and shall be accompanied by a fee as established by Council.
1. A Location Map shall clearly show the location, area and zoning of the tract proposed for development, the area and zoning of adjacent properties and the location and relative distance to existing adjacent streets.
 2. A Site Analysis Study, shall include review and analysis of natural and geotechnical features, existing and potential scenic views, and structures or features of an archeological or historic interest.
 3. A Site Map shall cover the entire tract and all lands within one hundred feet (100') of its boundaries and shall clearly and accurately show the following data:
 - a. Property lines and total acreage of the tract;
 - b. The location of any existing bodies of water or watercourses using normal pool level as defined by the U.S. Army Corps of Engineer data;
 - c. All existing streets, rights-of-way, and easements related to the development;
 - d. The location of existing driveways on adjacent properties;
 - e. The location of relevant natural features, including, but not limited to, streams or other natural watercourses and adjacent lands which are subject to flooding, and significant stands of existing trees;
 - f. The location of existing structures, including structures located on abutting property if within fifty feet (50') of the common property line;
 - g. Required front, side and rear yard lines, and any required building line;
 - h. Contour lines at two foot (2') intervals where average slope is ten percent (10%) or less, and five foot (5') intervals where

average slope exceeds ten percent (10%), and twenty foot (20') intervals where average slope exceeds twenty-five percent (25%);

i. Location, dimensions, total square footage and ground floor plans of proposed structures, walkways, driveways, entrances, parking facilities, loading spaces, landscaping, signs, lighting facilities, fences or walls, fire hydrants and fire lanes and other site improvements or amenities;

j. Contours and sufficient elevations to show proposed grades and data to show gradient of access drives, parking facilities and surface water run-off;

k. Location and approximate size of utilities to serve the development;

l. Schematic elevations at an appropriate architectural scale;

m. Surface water runoff controls;

n. Title block giving name of development, property owner, developer, north point, date and scale (minimum, 1" = 50'); and

o. Such other information as may be required by the Zoning Officer to facilitate review and understanding of the plan.

4. The proposed Riverfront Development Plan shall comprise such maps, at a scale no smaller than one inch equals fifty feet (1" = 50'), and text needed to clearly show the following:

a. The name of the proposed development and names and addresses of the developer and the persons who prepared the plan;

b. The proposed street pattern, including the names, paving widths, and rights-of-way of all streets, and the widths and locations of easements;

c. The layout of lots or parcels, where appropriate, including dimensions, number, and building lines;

d. The location, use, height, bulk, and number of families to be housed for every structure proposed;

e. The location of all off-street parking spaces and the total number of spaces to be provided;

- f. The location, calculated requirements, size, and kind of improvements proposed for all common open space, together with proposed ownership and maintenance arrangements for such open space;
 - g. The location, and design for all landscaping and screening proposed showing the height and type of screening;
 - h. The location and width of walks, sidewalks and trails, and the use of trails where they are not limited to pedestrian use;
 - i. The substance of covenants, grants, easements, or other restrictions proposed;
 - j. A listing of Township, county, state or federal approvals and permits required by the proposed development;
 - k. Sanitary sewer drawings
 - l. Road improvements
5. The Engineering Report shall be prepared by a registered engineer and shall include the following data wherever pertinent:
- a. Profiles, cross-sections and specifications for proposed street improvements.
 - b. Profiles and other explanatory data concerning installation of water distribution systems, storm water management facilities and sanitary sewers.
 - c. A report on the feasibility of connection to existing sanitary sewerage system, including distances to the nearest public sewer, service load of the subdivision and the capacity of the treatment plant.
6. The Traffic Study shall be prepared by a registered traffic engineer and shall show with specificity the amount of traffic which will be generated by the proposed development and the feasibility of accommodating such traffic on adjacent streets. The study shall:
- a. Detail the short term and long term impact of the proposed Riverfront Planned Unit Development on the street system within a transportation impact area which area shall be determined by the Township Engineer, based on the categories of land use, scale of the development, number and location of points of access and levels of service of existing intersections in close proximity to the development site.

- b. Include data on existing street conditions in the impact area, including roadway width, condition, traffic volume and flow, projected levels of service, operating speeds, land use conflicts and safety.
 - c. Provide a ten (10) year forecast of the average daily vehicle trips which will be generated by the proposed Riverfront Unit Development Plan, including the time of completion of development and occupancy of uses proposed; distribute and assign these trips to the most probable travel paths over the adjacent street system; and provide relevant peak hour volumes.
 - d. Identify measures needed to safely accommodate the anticipated volumes of traffic and the means for implementation of such measures, including measures for providing safe and adequate railroad crossings.
 - e. Include all data, computations and information pertinent to the Traffic Study, and such supplementary information and projections as Council or the Township Engineer may require to clarify or justify the findings of the Traffic Study.
- D. Review of Preliminary Plan: The Township Engineer shall forward one (1) copy each of the preliminary application to the Planning Commission, the Zoning Officer, the County Health Department, and the County Planning Agency. Council shall not approve the preliminary application until reports from each of these agencies have been received, or until the expiration of thirty (30) days from the date the copies of the application for development were forwarded to said agencies.
- E. Council Action on Preliminary Plan: Council shall hold a public hearing pursuant to required public notice within sixty (60) days of the filing of such preliminary application. Council may continue such hearing, or refer the application back to the Planning Commission, but shall complete the hearing within sixty (60) days of the initial hearing. Council shall render its decision and provide official written communication of its decision to the developer not later than sixty (60) days after the conclusion of the public hearing, or within 180 days after the filing of the application, whichever occurs first.
 - 1. Council shall:
 - a. Grant tentative approval of the Riverfront Unit Development Plan as submitted; or

- b. Grant tentative approval of the Riverfront Unit Development Plan subject to specified conditions not included in the Riverfront Unit Development Plan as submitted; or
 - c. Deny tentative approval to the Riverfront Unit Development Plan.
 - 2. Council shall give tentative approval to a Proposed Riverfront Unit Development Plan if, and only if, it is found to meet the criteria set forth in this Article.
- F. Grant or Denial of Tentative Approval: The grant or denial of tentative approval shall include findings of fact related to the Proposed Riverfront Unit Development Plan as submitted for approval, and the reasons for the decision shall be set forth with particularity in what respect the Proposed Riverfront Unit Development Plan would or would not be in the public interest as set forth in this Article and including, but not limited to, each of the cited criteria:
 - 1. In the event a Riverfront Unit Development Plan is granted tentative approval, with or without conditions, Council may set forth in the official written communication the time within which an application for final approval of the Riverfront Unit Development Plan shall be filed or, in the case of a Riverfront Unit Development Plan which provides for development over a period of years, the periods of time within which application for final approval of each part thereof shall be filed.
 - 2. The decision of Council shall be in writing and shall be given to the developer personally, or mailed to him at his last known address, not later than five (5) working days following the decision.
 - 3. If the developer chooses to reject any conditions attached to the grant of tentative approval and so notifies Council within thirty (30) days of the date he receives the official written communication, it shall be deemed that the application for tentative approval was denied.
 - 4. The grant of tentative approval may be revoked by Council if it is notified by the developer of his intention to abandon the proposed Riverfront Unit Development Plan. The grant of tentative approval shall be deemed to be revoked if the developer does not submit an application for final approval within the time limits required by this Article.

5. The grant of tentative approval shall be promptly indicated on the O'Hara Township Zoning Map, and shall constitute an amendment to the Zoning Map to the effect that the provision of the underlying district shall no longer apply to the area granted tentative approval.
- G. Application for Final Approval:
1. An application for final approval may be for all the land included in a Riverfront Unit Development Plan or, to the extent set forth in the tentative approval, for a section thereof. Application for final approval of each phase shall be filed with the Zoning Officer not later than twelve (12) months following the grant of tentative approval, unless otherwise specified by Council, provided that Council may approve an extension of this time period on written request of the developer.
 2. The application shall be at the same scale and in the same format as the preliminary plan and shall be comprised of one (1) reproducible copy and twelve (12) prints of the Riverfront Unit Development Plan for the phase, including a site plan and supplementary data, a development agreement, and a certificate of completion of improvement or a guarantee of improvements as required by this Article, as well as any conditions set forth in the official written communication at the time of tentative approval.
- H. Final Approval: A public hearing on an application for final approval of the Riverfront Unit Development Plan, or part thereof, shall not be required provided the Riverfront Unit Development Plan, or the part thereof, submitted for final approval, is in compliance with the Riverfront Unit Development Plan theretofore given tentative approval and with any specified conditions attached thereto.
1. 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 the Article and the official written communication of tentative approval, Council shall, within sixty (60) days of such filing, grant such Riverfront Unit Development Plan final approval.
 2. In the event the Riverfront Unit Development Plan as submitted contains variations from the Riverfront Unit Development Plan given tentative approval, Council may refuse to grant final

approval and shall, within forty-five (45) days from the filing of the application for final approval, so advise the developer in writing of said refusal, setting forth the reasons why one (1) or more of said variations are not in the public interest. In the event of such refusal, the developer may either:

a. Refile his application for final approval without the variations objected; or

b. File a written request with the governing body that it hold a public hearing on his application for final approval. If the developer 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 was advised that the Riverfront Unit Development Plan was not in substantial compliance. In the event the developer shall fail to take either of these alternate actions within said time, he shall be deemed to have abandoned the Riverfront Unit Development Plan.

3. Any such public hearing requested by the developer shall be held within thirty (30) days after the request for the hearing is made by the developer. Within thirty (30) days after the conclusion of the hearing, Council shall be official written communication either grant final approval of the Riverfront Unit Development Plan or deny final approval. The grant or denial of final approval of the Riverfront Unit Development Plan shall, in cases arising under this Section, be in the form and contain the findings required for an application for tentative approval.

I. Recording: A Riverfront Unit Development Plan, or any part thereof, which has been given final approval shall be so certified without delay by Council and shall be filed of record forthwith by the developer in the office of the Recorder of Deeds of Allegheny County before any development shall take place in accordance therewith. Upon the filing of record of the Riverfront Unit Development Plan the zoning and subdivision and land development regulations otherwise applicable to the land included in such reasonable time of said Riverfront Unit Development or of that part thereof, as the case may be, that has been finally approved, no modification of the provisions of said Riverfront Unit Development Plan or part thereof, as finally approved, shall be made except with the consent of the Township.

- J. Abandonment of Plan: In the event that a Riverfront Unit Development Plan or a section thereof, is given final approval and thereafter the developer shall abandon such plan or the section thereof that has been finally approved, and shall so notify Council in writing; or, in the event that the developer shall fail to commence and carry out the Riverfront Unit Development with such reasonable period of time as may be specified in the development agreement, no development or further development shall take place on the property included in the Riverfront Unit Development Plan until a new subdivision or development plan has received final approval from Council.

Section 72-13.4 Criteria for Approval

- A. Criteria for Approval: Riverfront Planned Unit Developments may be allowed or denied by Council after recommendation by the Planning Commission in accordance with the procedures set forth in this Article.
- B. Findings of Fact: A Riverfront Unit Development Plan for a Riverfront Planned Unit Development shall be approved if, and only if, it is found to meet the following criteria:
 - 1. Riverfront: The proposed Riverfront Unit Development Plan incorporates plans and means for improving public access to, use of, and enjoyment of the scenic and other assets of the Allegheny River, and furthers the goals of the Township relative to the use and preservation of riverfront property.
 - 2. Comprehensive Plan: The proposed Riverfront Unit Development Plan preserves the community development objectives of this Article, and is consistent with the Comprehensive Plan.
 - 3. Comparable Departure: Where the proposed Riverfront Unit Development Plan departs from Zoning and Subdivision and Land Development Regulations otherwise applicable to the subject property, such departures must be shown to be in the public interest and promote the health, safety, and general welfare of the public.
 - 4. Open Space: The proposals for the maintenance and conservation of any proposed common open space are reliable, and the amount and extent of improvements of such open space is adequate with respect to the purpose, use, and type of development proposed.

5. Infrastructure: The physical design of the proposed Riverfront Unit Development Plan adequately provides for public services, pedestrian and vehicle traffic facilities and parking, light, air, recreation and visual enjoyment.
6. Neighborhood: The total environment of the proposed Riverfront Unit Development Plan is harmonious and consistent with the neighborhood in which it is located, and that the long term development of any unused portion of the land owned or controlled by the developer will be harmonious and consistent with the portion of the land proposed for approval.
7. Environment: The proposed Riverfront Unit Development Plan will afford a greater degree of protection of natural watercourses, topsoil, trees, and other features of the natural environment, and prevention of erosion, landslides, siltation and flooding than if subject property were development in accordance with the provisions of the Zoning and Subdivision and Land Development Ordinances which otherwise apply.
8. The Riverfront Unit Development Plan will provide for a reasonable balance between commercial and residential uses, and the residential area will be of adequate size and design to provide a long term assurance of a sound residential environment for its population. Notwithstanding the foregoing, total residential or nonresidential development would be acceptable. The following development ratios and minimum open space shall be used in the preparation of an R.U.D. plan:

PERCENTAGE OF LAND CATEGORIES PROPOSED		MINIMUM PERCENTAGE OF LAND AREA DESIGNATED AS OPEN SPACE
COMMERCIAL	RESIDENTIAL	
100%	0%	40%
90%	10%	38%
80%	20%	36%
70%	30%	34%

PERCENTAGE OF LAND CATEGORIES PROPOSED		MINIMUM PERCENTAGE OF LAND AREA DESIGNATED AS OPEN SPACE
60%	40%	32%
50%	50%	30%
40%	60%	28%
30%	70%	26%
20%	80%	24%
10%	90%	22%
0%	100%	20%

9. Safety: No use or design feature in the proposed Riverfront Planned Unit Development shall involve any element or cause any condition or traffic hazard that may be dangerous, injurious, or noxious to any other property or persons. Consideration of potential traffic hazards shall include, but not be limited to, the effect of the Riverfront Unit Development Plan on traffic congestion on the roads, streets, and highways affected by the Riverfront Planned Unit Development.
10. Timing: In the case of a Riverfront Unit Development Plan which proposes development over a period of years, the Riverfront Unit Development Plan will provide at each stage of development a sufficient proportion of open space, planned facilities and amenities, and other improvements and conditions as required in this Article and as intended to protect the interests of the public and of the residents of the Riverfront Planned Unit Development and the integrity of the Riverfront Unit Development Plan.

C. Modifications

1. Modifications may be allowed only by Council approval when the modifications are minor, do not negatively impact the Plan and are in the public interest.

2. The procedures followed for modifications will be those for Final Approval with variations, as set forth in Section 72-13.3, Subsection H, paragraphs 2 and 3.

Section 72-13.5 Standards for Riverfront Unit Development Plans

- A. Riverfront Planned Unit Developments: Riverfront Planned Unit Developments may be approved under provisions of this Article if, and only if, they comply with the following standards and provisions.
- B. Ownership: The entire site for the Riverfront Planned Unit Development shall be owned or controlled by the developer.
- C. Minimum Size: The site shall not be less than ten (10) acres, provided, however, that smaller parcels may be considered if the parcel is adjacent to and is a logical expansion of an approved Riverfront Planned Unit Development. A Riverfront Unit Development Plan shall not be approved without an agreement by the developer that any portion of the parcel owned or controlled by the developer, his heirs, successors and assigns, but not included in the proposed Riverfront Unit Development Plan, will not be developed in the future except as a Riverfront Planned Unit Development.
- D. River Frontage: The site shall either have frontage on the Allegheny River, or shall be contiguous with an existing Riverfront Planned Unit Development through which accessibility to the river frontage is assured.
- E. Highway Access:
 1. The site must provide for access from an arterial street to ensure convenient and safe access which will not cause undue congestion or safety hazards on local streets. The Council may approve access using a service road to connect to an arterial street where there is a finding of fact and recommendation by the Planning Commission that such service road meets the goals of this Section. The minimum frontage abutting on a public right-of-way shall not be less than one hundred feet (100').
 2. Where the Traffic Study indicates that the traffic to be generated by the proposed Riverfront Unit Development Plan shall not be approved except (a) in phases which correspond to the provision of such required capacity and safety improvements designed to mitigate such hazard, and (b) only when the hazard has been

mitigated. A hazard to safety shall be deemed to occur when traffic at any part of any intersection required to be included in the Traffic Study during a twenty-four (24) hour period or at the peak periods would exceed the following service levels (as defined by the Transportation Research Board Highway Capacity Manual, most recent edition);

Type of Intersection	Required Minimum Service Level
New	C
Existing, Rated C or better*	C
Existing, Rated D*	D
Existing, Lower than D	D

*All existing intersections shall be permitted to be degraded to a level of service D in the future when compared to future base conditions. If an existing intersection has a projected future base level of service of E or lower under future base conditions, the pre-development level of service shall be maintained or improved.

3. Notwithstanding subsection (2) above, the Township Engineer may recommend a waiver for intersections not meeting the aforementioned service levels. This recommendation will be made only when it is demonstrated by the applicant that no mitigating action is feasible for the particular intersection, with this determination to be based on cost, additional volumes of traffic contributed by the proposed development, type of movements, number of unacceptable movements, type of development, existing volumes of traffic and other appropriate factors.
4. Where the Riverfront Unit Development Plan includes an aggregate of development sites or parcels under single control, and the land use or uses proposed will generate a total of eight thousand (8,000) Average Weekday Trips or more, grade separated crossing shall be required at the points of intersecting

streets or roadways deemed by the Township Engineer to constitute a hazard to safety. Such hazard may be the result of design deficiency, capacity deficiency or a combination of those characteristics which because of the introduction of additional traffic volumes results in a hazard to safety. "Grade separated crossing" refers to having traffic cross any railroad track either above or below the track (i.e., tunnel or bridge) but not directly over it.

- F. Safety: The development and the site shall be of such a character so as to avoid danger to health or peril from fire, flood, or other hazard. Land containing or providing hazards to life, health and property, such as quarries, open ditches, land subject to flooding, subsidence, landslide prone, or underground fires shall not be subdivided until such hazards have been eliminated or adequate safeguards are provided under the Riverfront Unit Development Plan.
- G. Permitted Uses: The following uses, and only the following uses, are permitted in a Riverfront Planned Unit Development provided their design, arrangement, landscaping, relationship to adjacent properties and uses, and construction form a compatible and harmonious group of uses, afford reasonable protection to adjacent development, and otherwise meet all requirements set forth in this Article.
 - 1. Marina, including appropriate accessory uses such as boat sales and service, restaurants, and recreational facilities;
 - 2. Public recreation, exclusive of public boat launching;
 - 3. Townhouses, and attached single-family dwellings;
 - 4. Garden apartments;
 - 5. Mid-rise apartments;
 - 6. Retail stores including, but not limited to, such businesses as book, periodical and stationery stores, florists, hardware stores and music stores;
 - 7. Personal service shops, including but not limited to, barber and beauty shops; dressmaker, tailor and milliner shops; laundries, shoe repair shops and travel agencies;
 - 8. Business service shops, including but not limited to, real estate and insurance sales and travel agencies;

9. Banks, financial institutions;
10. Business and professional offices;
11. Specialty or convenience food markets having no more than five thousand (5,000) square feet gross floor area;
12. Theaters having no more than one thousand eight hundred (1,800) seats;
13. Restaurants;
14. Motels on sites meeting the standards of Section 72-14.26, and having not less than twelve hundred (1,200) square feet of lot area per sleeping unit;
15. Health or fitness clubs;
16. Private clubs;
17. Museums, galleries or similar cultural facilities;
18. Commercial recreation uses, as appropriate to the riverfront location, including walkways, overlooks, excursion boat landings;
19. Public parking facilities;
20. Accessory uses; and
21. Essential services.
22. Commercial riverboat gambling establishments, if and when authorized by all applicable laws including riverboats, docking of riverboats, and related parking and ancillary facilities;
23. Group care facility;
24. Independent living facility;
 - a. All applications for zoning/building permits shall include a narrative outlining daily operational activities and characteristics. A list of tenants shall be filed with the Township by January 31st of each year.
25. Geothermal Energy Facility
26. Solar Energy Facility

H. Prohibited Uses: Permitted uses shall in no way be interpreted to include the following:

1. Marine equipment sales and services except as an accessory use;

2. Sales and/or service of vehicles, vehicular parts or accessories;
3. Gasoline stations;
4. Drive-in establishments;
5. Retail business uses over five thousand (5,000) square feet in gross floor area;
6. Nursery retail outlets, greenhouse, or garden supplies sales;
7. Sales or showrooms for building, plumbing, heating or similar supplies;
8. Wholesale merchandising;
9. Hospital, medical laboratory or clinic;
10. Veterinary office, animal hospital or kennel;
11. Beverage distributor;
12. Second-hand merchandising other than arts and antiques;
13. Boat launching facilities except as an accessory use; and
14. Landing area for helicopters or any other aircraft.

- I. Density of Development Limits: The maximum number of dwelling units for residential uses shall not exceed eighteen (18) units per gross acre of land assigned to residential usage, and shall conform to the following schedule:

Maximum Density	Units per Acre
Detached Single Family	10
Townhouses	16
Garden Apartments	18
Mid-rise Apartments	18

1. Land assigned to residential usage shall include street rights-of-way, buffers and that portion of the required open space serving the residential areas. Land area located underwater and beyond the shoreline of the river shall not contribute to lot area for density calculations nor to open space calculations.
2. Density for residential units located within a structure containing stores, shops or offices shall count every one thousand (1,000) square feet of gross commercial area within the structure as a dwelling unit.

3. The maximum building coverage for development shall not be greater than forty percent (40%) of the total lot area exclusive of streets assigned to such use.
- J. Open Space Requirements: Public access throughout the riverfront shall be ensured through the provision of common open space along such frontage. Not less than twenty percent (20%) of the total site area shall be set aside for common open space. At least fifty percent (50%) of the required common open space shall be developed to a degree commensurate with its location and probable usage, including marinas, walkways, bike trails, landscaping and appropriate recreational facilities. The common open space shall be so dedicated or otherwise preserved and maintained so as to always remain open and available for use by the users and occupants of the Riverfront Development. The common open space, including all improvements and facilities, shall be either:
1. Dedicated for public use to a public body which agrees to operate and maintain the dedicated land and facilities; however, no public body is obliged by this Article to accept such dedication, or
 2. Deeded to an organization representing the property owners of the development, which organization shall covenant to operate and maintain land and facilities. Such organization may not be dissolved nor dispose of the common open space unless the maintenance of the common open space is otherwise guaranteed to the Township's satisfaction.
- K. Common Open Space Maintenance:
1. If the organization established to own and maintain common open space, or any successor organization, fails to maintain such common open space in reasonable order and condition in accordance with the Riverfront Planned Unit Development, the Township may serve written notice upon such organization or upon the residents of the Riverfront Planned Unit Development setting forth the maintenance deficiencies, requiring correction of deficiencies within thirty (30) days, and stating the date and place of a hearing thereon which shall be held within fourteen (14) days of the notice. At such hearing the Township may modify the terms of the original notice as to the deficiencies and may give an extension of time within which they shall be corrected. If the deficiencies so set forth shall not be corrected within the specified

time limit, the Township, in order to preserve the taxable values of the properties within the Riverfront Unit Development and to prevent the common open space from becoming a public nuisance, may enter upon and maintain the common open space for one (1) year. This maintenance shall not constitute a taking nor vest in the public any rights to use the common open space. Before the expiration of the year, the Council shall set a public hearing where such organization or residents of the Riverfront Unit Development may show cause why maintenance by the Township should not continue for another year. If Council determines that such organization is ready and able to maintain said common open space in reasonable condition, the Township shall cease to maintain said common open space at the end of said year. If the Council shall determine that 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 open space during the next succeeding year and, subject to a similar hearing and determination, in each year thereafter.

2. The cost of such maintenance by the Township shall be assessed ratably against the properties within the Riverfront Unit Development that have a right of enjoyment of the common open space, and shall become a lien on said properties. The Township at the time of entering upon said common open space for the purpose of maintenance shall file with the County a notice of lien upon properties affected. The Township may take any other steps, at law or in equity, to recover the cost of such maintenance from the owners of the properties within the Riverfront Unit Development.
- L. Minimum Building Setback: No structure shall be located closer than fifty feet (50') to any boundary of the site nor to the shoreline of the Allegheny River, provided however that not more than twenty percent (20%) of the length of all buildings fronting on the river may be extended into this required setback and be located on or near the river's shore. Any structure exceeding thirty-five feet (35') in height shall be set back one (1) additional foot for every two feet (2') of height exceed thirty-five feet (35'). No structure shall be located closer to Squaw Run than fifty feet (50').

M. Screening:

1. A planted visual barrier, or landscape screen shall be provided and maintained by the developer on every yard between any contiguous commercial and residential uses. This screen shall be not less than ten feet (10') in depths and composed of both evergreen and deciduous plants and trees arranged to form both a low level and a high level screen. The high level screen shall consist of trees planted with specimens having a minimum caliper no less than three and one-half inches (3½"), and planted at intervals that will assure a visual screen within two (2) years of planting which blocks not less than fifty percent (50%) of the structures and facilities on the commercial site. The low level screen shall consist of shrubs or hedges planted at an initial height of not less than two feet (2'), placed in alternating rows to produce a dense visual barrier. Any plant not surviving three (3) years after planting shall be replaced.
2. A masonry wall or earth mound not less than five feet (5') in height and a landscape screen shall be provided and maintained by the developer on every yard between any contiguous industrial and residential uses and adjacent to every railroad right-of-way. The screen shall not be less than fifty-five feet (55') in depth with the composition and management pursuant to Section 72-14.21.

N. Building Spacing: The requirements determining the spacing of buildings shall be flexible so as to encourage imaginative site design. The spaces between buildings shall guarantee adequate light, air and emergency access. The distance between residential and nonresidential uses shall be not less than fifty feet (50'). The distance between the nearest points of any exterior building walls shall be not less than thirty feet (30'), provided however, that the minimum distance between adjacent spandrel walls on townhouses may be reduced to twenty feet (20').

O. Maximum Height of Structure:

1. It is the stated objective of O'Hara Township to preserve, through certain height limitations, a viewshed of the riverfront area, within which reasonable opportunities to develop have been provided.
2. No principal use structure shall have a height greater than three (3) stories, or thirty-five feet (35'), except as provided for herein.

Chimneys, spires, towers, tanks, or similar projections may exceed the prescribed height limitation by not more than ten feet (10').

3. Structures not to exceed a maximum height of seventy-five feet (75') may be authorized by Council if there is a finding of fact that the taller structure will not negatively affect views from surrounding areas, if the average floor area of such structure is no greater than fifteen thousand (15,000) square feet, and if there is no more than one (1) such structure for every ten (10) acres of site area in the Riverfront Planned Unit Development.
4. FIRE EQUIPMENT SUBSTATIONS: For new and existing buildings five (5) stories or higher or fifty feet (50') or higher shall provide the following fire equipment and fire substation storage area.
 - a. At least three (3) self-contained units of breathing apparatus as set forth by standards of the Municipal Fire Services in the municipality.
 - b. At least two (2) pick-head fire axes as set forth by the standards of the municipal fire service in the municipality.
 - c. At least two hundred feet (200') of double jacket rubber lined fire hose as set forth by the standards of the municipal fire service.
 - d. At least two (2) combination fog nozzles 2 ½-inch diameter as set forth by the standards of the municipal fire service.
 - e. At least three (3) fire service hand lanterns as set forth by the standards of the municipal fire service.
 - f. At least one (1) forcible entry device as set forth by the standards of the municipal fire service.
 - g. All new or existing buildings five (5) stories or higher or fifty (50) feet or higher shall provide fire equipment and fire substation storage areas at the rate of one (1) fire substation for every three (3) stories over four (4) stories. All fire equipment substations shall be located as to give access to stairway doors.
- P. Building Groupings: Structures used for dwelling units shall be oriented so as to ensure adequate light and air exposures for walls containing main window exposures or main entrances. Each structure shall be so

arranged so as to avoid undue exposure to concentrated loading or parking facilities.

- Q. Building Size: No residential structure shall have a length greater than two hundred feet (200') or a building footprint greater than seventeen thousand five hundred square feet (17,500). Residential and nonresidential structures shall be of a size and scale relative to the other structures of the Planned Riverfront Unit Development which promotes and enhances the view of the river, the appearance of a village environment and which is consistent with the safety, convenience and comfort of pedestrians enjoying the riverfront setting. As a guideline, the gross floor area of retail stores shall be no greater than five thousand (5,000) square feet. Council may approve larger retail stores and large structures where the structure is designed and sited to appear as a part of a village environment, and when the developer provides additional amenities in the design features of the structure and its surroundings.
- R. Signs: No sign shall be permitted in a Planned Riverfront Development except in strict conformance with Article XVI of the Zoning Ordinance, provided further however, that signs for residential uses in such plan shall conform to the regulations applicable to residential zoning districts, and signs for commercial uses shall comply with regulations applicable to commercial zoning districts.
- S. Staged Development: The density of development within various portions of the Riverfront Unit Development may vary, provided that at every point during construction the completed portion of the Riverfront Development Plan will meet all requirements of this Article. It is further required that programs for the construction of areas of greater density concentration than permitted on the entire tract will be offset by site improvements which, because of their size or cost, are in proportion to the number of dwelling units and commercial uses to be constructed in each stage. As an alternative to part of all of the site improvements required to offset development densities in excess of the overall permitted density, the Township may require the reservation of open space by grant, easement, or covenant in favor of the Township in an amount and location necessary to balance the excess development density of each stage.

Section 72-13.6 Required Improvements

- A. Required Improvements: The following improvements shall be completed in connection with every Riverfront Planned Unit

Development, and such improvements will be in conformance with such standards as may be specified and required in the Subdivision and Land Development Ordinance or other Township, county or state law.

1. Off-street parking spaces and off-street loading spaces shall be provided in accordance with the provisions of the O'Hara Township Zoning Ordinance. Council may approve alternate design standards for off-street parking in response to specific site conditions such as attendant parking, indoor parking, interaction between different abutting uses, or a clearly documented difference between expected parking load and required parking spaces. Where underground parking is provided for motels, Council may reduce the lot area required by three hundred (300) square feet for each parking space so provided.
2. Parking Lots having an area of four thousand (4,000) square feet or more shall be landscaped with trees, shrubs and other plantings, appropriate in hardiness to their location, in accordance with the following:
 - a. The lot's perimeter shall be bordered with a landscaped border not less than five feet (5') in width, and the lot shall be screened from every adjacent residential use.
 - b. A landscaped island of not less than one hundred (100) square feet shall be installed to separate long rows of parking stalls into groups of ten (10) or less stalls. Each island shall contain at least two (2) three and one-half inch (3.5") caliper trees and shall be planted in grass or other groundcover.
 - c. Parking areas which abut a street, structure or open space may be required to provide a landscaped hedgerow, low wall, or similar landscaping device to adequately screen parked cars from view of the street or adjacent use.
3. Street Lights shall be provided by the developer throughout the Riverfront Planned Unit Development. Lighting standards for pedestrian areas and walkways shall not be higher than twelve feet (12') above ground level; lighting standards for parking areas and streets shall not be higher than eighteen feet (18') above ground level; and the level of illumination shall conform to Township requirements. Street lights shall be located to ensure

adequate illumination in order to protect the safety of the visitors and residents of the Riverfront Planned Unit Development.

4. Streets shall be related to street plans or parts thereof as have been officially adopted by the Township. Proposed streets shall conform to the requirements herein as well and as to any other plans, statute, ordinance, law or regulation applicable thereto. Streets shall be logically related to the topography in order that usable sites and reasonable grades shall be produced. Provisions will be required to accommodate traffic from adjacent areas, but minor streets should be laid out so as to discourage through traffic.
5. Where a Planned Development abuts or contains an existing or proposed major traffic street, Council may require marginal access streets, rear service alleys, reverse frontage lots or such other treatment as will provide protection for abutting properties, reduction in the number of intersections with major streets, and separation of local and through traffic.
6. Drainage Structures, culverts, storm sewers, ditches and related installations shall be provided to ensure adequate drainage of all points along the streets.
7. Concrete Monuments shall be set at the intersection of all lines forming angles in the boundary of the Riverfront Planned Unit Development. Iron or steel markers shall be set at the beginning and ending of all curves along street property lines, at all points where lot lines intersection curves, either front or rear, and at all angles and property lines of lots and at all other lot corners.
8. Pedestrian Walks shall be required where necessary to assist circulation or provide access throughout the development and its open space, along the riverfront and to community facilities. Walkways shall either be provided between the river and any structure located beside the river or in a convenient and attractive location around the building. Such interior walks shall have a paved width of not less than four feet (4') and be so improved as to assure accessibility to handicapped persons.
9. Bikeways, where provided, shall meet the requirements of the Pennsylvania Department of Transportation.
10. Erosion and Sedimentation Control: When topsoil has been removed from the surface on a slope where erosion may cause a

displacement of loose material, the area shall be seeded or otherwise treated as soon as possible to prevent damage to adjacent property or streets.

11. Utilities located within a Planned Development shall all be located underground.

B. Guarantee of Improvements:

1. No Riverfront Development Plan shall be finally approved unless all public and private improvements required by this Article have been installed in strict accordance with this Article or a guarantee that the improvements will subsequently be installed by the developer, in the form of a bond, letter of credit or deposit of funds or securities in escrow which are acceptable to the Council and are in an amount equal to one hundred and ten percent (110%) of the estimated cost of all required improvements. The performance guarantee shall also ensure completion of amenities which include, but are not limited to, to the installation of trees, shrubbery, and other plant materials, installation of sidewalks, fences or other landscape materials, the provision of driveways, pathways or other related remedy to circulation, and the demolition and removal of any structure or nonconforming signs as required by this Article or which the developer has agreed as a condition of approval, to provide and install. Such bond or other security shall provide for, and secure to the public, the completion of all declared improvements within a period of three (3) years from the date of final approval of the plan. A performance guarantee will not be required from the developer for improvements which have been mandated to be bonded separately by other review agencies, authorities or divisions of government.
2. Surety bonds to ensure satisfactory completion of required public and private improvements and maintenance, inspection procedures and acceptable of any public rights-of-way shall conform to the requirements of the Subdivision and Land Development Ordinance of the Township.

- C. Release of Improvement Bond: The Council shall promptly release the developer from any improvement bond if, and only if, the Township Engineer certifies in writing that all improvements have been completed

in accordance with all agreements set forth as a condition of the required zoning approval. Council may authorize partial release of the improvement bond after certification of proportionate completion of required improvements.

- D. **Developer's Agreement:** At the time of final approval, the developer shall sign a Development Agreement in accordance with the form and content required by the Subdivision and Land Development Ordinance, the terms of the approval, and the terms hereof, which agreement will be prepared by the Township Solicitor. Such agreement shall be recorded to run with the deed to the subject property.

Section 72.13.7 Infill Development (Amended 3/11/2014, Ord. No. 1280)

- A. **Procedure:** Riverfront Infill Developments (as defined herein) are authorized in the Township Riverfront Overlay. All Riverfront Infill Developments shall follow the procedure for conditional use in the Township Zoning Ordinance.
- B. **Authorized Uses.** The following uses, and only the following uses, are authorized in a Riverfront Infill Development provided their design, arrangement, landscaping, relationship to adjacent properties and uses, and construction form a compatible and harmonious group of uses, afford reasonable protection to adjacent development, and otherwise meet all requirements set forth in this Article.
 - 1. **Residential Uses:**
 - a. Single-Family Dwellings
 - b. Townhouses
 - c. Attached Single-Family Dwellings
 - d. Garden Apartments
 - e. Mid-Rise Apartments
 - 2. **Commercial and Office Uses:**
 - a. Retail stores having no more than five thousand (5,000) square feet of gross floor area
 - b. Personal service shops
 - c. Business and professional offices including, but not limited to, real estate and insurance sales, and travel agencies

- d. Restaurants
- e. Commercial recreation uses, as appropriate to the riverfront location that may offer riverfront access including walkways, overlooks, excursion boat landings
- f. Public parking facilities
- g. Marina, including appropriate accessory uses such as boat sales and service, restaurants, and recreational facilities
- h. Public and Commercial recreation uses, as appropriate to a riverfront location and exclusive of public boat launching
- i. Banks, financial institutions
- j. Specialty or convenience food markets having no more than five thousand (5,000) square feet gross floor area
- k. Theaters having no more than one thousand eight hundred (1,800) seats
- l. Motels on sites meeting the standards of O'Hara Zoning Code Section 72-14.26, and having not less than one thousand two hundred (1,200) square feet of lot area per sleeping unit
- m. Health or fitness clubs
- n. Private clubs
- o. Museums, galleries or similar cultural facilities
- p. Accessory uses
- q. Essential services
- r. Group care facility
- s. Independent living facility
 - 1) All applications for zoning/building permits shall include a narrative outlining daily operational activities and characteristics. A list of tenants shall be filed with the Township by January 31st of each year

3. Conditional Uses:

- a. Uses not otherwise specified will be considered conditional uses

C. Prohibited Uses:

Authorized uses shall in no way be interpreted to include the following:

1. Sales and/or service of vehicles, vehicular parts or accessories
2. Gasoline stations
3. Drive-in establishments
4. Retail uses over five thousand (5,000) square feet in gross floor area
5. Nursery retail outlets, greenhouse, or garden supplies sales
6. Sales or showrooms for building, plumbing, heating or similar supplies
7. Wholesale merchandising
8. Hospital, medical laboratory or clinic
9. Veterinary office, animal hospital or kennel
10. Beverage distributor
11. Second-hand merchandising other than arts and antiques
12. Boat launching facilities except as an accessory use
13. Landing area for helicopters or any other aircraft
14. Marine equipment sales and services except as an accessory use

D. Area and bulk requirements: Riverfront Infill Developments shall adhere to the following:

1. The number of dwelling units for residential uses shall not exceed eighteen (18) units per gross acre of land assigned to residential usage
2. Nonresidential uses shall not exceed ten thousand (10,000) square feet of gross floor area per acre
3. Mixed use structures shall not exceed ten (10) units per acre. Nonresidential uses shall count every one thousand (1,000) square feet of gross floor area dedicated to nonresidential use as one dwelling unit
4. The maximum building coverage for development shall not be greater than forty percent (40%) of the total lot area

- E. Required Improvements: The following improvements shall be completed in connection with every Riverfront Infill Development, and such improvements will be in conformance with such standards as may be specified and required in the Subdivision and Land Development Ordinance or other Township, county or state law.
1. Off-street parking spaces and off-street loading spaces shall be provided in accordance with the provisions of the O'Hara Township Zoning Ordinance. Council may approve alternate design standards for off-street parking in response to specific site conditions such as attendant parking, indoor parking, interaction between abutting uses, accessibility to mass transit, bike and pedestrian systems, river transportation, or a clearly documented difference between expected parking load and required parking spaces.
 2. Parking lots having an area of four thousand (4,000) square feet or more shall be landscaped with trees, shrubs and other plantings appropriate in hardiness to their location in accordance with the following:
 - a. The lot's perimeter shall be bordered with a landscaped border not less than five feet (5') in width, and the lot shall be screened from every adjacent residential use
 - b. A landscaped island of not less than one hundred (100) square feet shall be installed to separate long rows of parking stalls into groups of ten (10) or less stalls. Each island shall contain at least two (2) three and one-half inch (3.5") caliper trees and shall be planted in grass or other groundcover
 - c. Parking areas which abut a street, structure or open space may be required to provide a landscaped hedgerow, low wall, or similar landscaping device to adequately screen parked cars from view of the street or adjacent use.
 3. Street lights shall be provided by the developer throughout the Riverfront Infill Development. Lighting standards for pedestrian areas and walkways shall not be higher than twelve feet (12') above ground level; lighting standards for parking areas and streets shall not be higher than eighteen feet (18') above ground level; all lighting shall conform to Section 72-15.1.G. Street lights shall be located to ensure adequate illumination in order to protect

the safety of the visitors and residents of the Riverfront Development.

4. Streets shall be related to street plans or parts thereof as have been officially adopted by the Township. Proposed streets shall conform to the requirements herein as well and as to any other plans, statute, ordinance, law or regulation applicable thereto. Streets shall be logically related to the topography in order that usable sites and reasonable grades shall be produced. Provisions will be required to accommodate traffic from adjacent areas, but minor streets should be laid out so as to best accommodate infrastructure and manage traffic flow appropriately.
5. Where a Riverfront Development abuts or contains an existing or proposed major street, Council may require marginal access streets, rear service alleys, reverse frontage lots or such other treatment as will provide protection for abutting properties, reduction in the number of intersections with major streets, and separation of local and through traffic.
6. Drainage structures, culverts, storm sewers, ditches and related installations shall be provided to ensure adequate drainage of all points along the streets.
7. Storm water management facilities should be installed according to the Pennsylvania Storm Water Best Management Practices (BMP) Manual.
8. Pedestrian walks shall be required to assist circulation or provide access throughout the development and its open space, along the riverfront and to community facilities. Walkways shall either be provided between the river and any structure located beside the river or in a convenient and attractive location around the building. Walkways shall have a paved width of not less than four feet (4 ') and be so improved as to assure accessibility to handicapped persons.
9. A multi-use/purpose trail shall be provided along the riverfront. This trail shall connect with adjacent trails and form a continuous trail along the riverfront.
10. Bikeways, where provided, shall meet the requirements of the Pennsylvania Department of Transportation's Highway Design Manual (Publication 13M, Chapter 16).

11. Erosion and Sedimentation Control: When topsoil has been removed from the surface on a slope where erosion may cause a displacement or loose material, the area shall be seeded or otherwise treated as soon as possible to prevent damage to adjacent property or streets.
12. Utilities located within a Riverfront Development shall all be located underground.

ARTICLE XIV

SUPPLEMENTAL REGULATIONS

Section 72-14.1 Application of Yard Regulations

- A. Lots which have frontage on more than one (1) street shall provide the required front yard setback along each street.
- B. All structures as defined in Article II, whether attached to the principal structure or not, and whether open or closed, including porches, garages, carports, balconies or platforms above normal grade level, shall not project into any minimum front yard, side yard or rear yard.

Section 72-14.2 Screening of Exterior Storage

- A. No exterior storage of material or equipment shall be permitted in connection with an industrial or commercial use unless such storage is effectively screened from sight by trees, landscaped earth forms, fencing, compact hedges or a combination of these that is acceptable to the Township.
- B. Dumpsters shall be located on a concrete pad at the side or rear of the manufacturing or commercial facility and shall be screened from view by compact planting or an opaque fence. (See Section 72-14.12).

Section 72-14.3 Outdoor Storage of Equipment and Materials

In a Commercial or Suburban Manufacturing District, all uses shall be conducted only within an enclosed building except as herein and after excepted. Outdoor storage of equipment and materials essential to the normal operation of the business shall be effectively screened from sight by trees, landscaped earth forms, fencing, compact hedges or a combination of these.

Section 72-14.4 Removal of Topsoil, Gravel and Slag

It shall be unlawful for the owner of land or for any other person to strip, dig or otherwise remove soil, dirt, slag, sand, gravel or other ground from premises for the purposes of sale or for other commercial purposes. The foregoing shall not prohibit the disposition and sale of excess material excavated from premises upon which a zoning/building permit has been issued and a building is being constructed pursuant to Township ordinance, or where a developer, pursuant to a plan approved by the Township and under a permit for grading issued by the Township, must dispose of excess material.

Section 72-14.5 Temporary Outdoor Activities

- A. No person shall conduct or allow to be conducted any temporary outdoor activity as defined in Article II (including those specifically listed herein) without first obtaining a temporary use permit therefore, where required, in compliance with the terms of this Article.
- B. A signed application on a form furnished by the municipality shall be filed with the Zoning Officer ten (10) working days prior to the commencement of the temporary outdoor activity.
- C. All temporary outdoor activities shall require review and approval by the Zoning Officer and issuance of a Temporary Use Permit including the following:
 - 1. Seasonal sale of produce whether from a portable stand or sectional display unit wherein items are displayed;
 - 2. The sale of trees or shrubbery for seasonal events;
 - 3. The periodic sale of crafts such as leather goods, furniture or art from a vehicle;
 - 4. The sale of special event T-shirts, clothing items, or sports related items from a vehicle;
 - 5. Multi-day, multi-family yard sales, estate sales and auctions;
 - 6. Sidewalk sales and other similar activities, which shall be permitted (a) only in commercially zoned areas and (b) only for a maximum of seven consecutive days, limited to three (3) per year;
 - 7. Temporary structures and construction trailers, including, but not limited to Pods (See Subsection G of this Section);
 - 8. Organized charitable events
 - 9. Organized promotional events
 - 10. Carnivals;
 - 11. Circuses;
 - 12. Assemblies;
 - 13. Marathons, bicycle races or road rallies;
 - 14. Antique car shows
 - 15. Still or Motion pictures

- D. Conditions for All Temporary Use Permits:
1. All temporary uses shall be compatible with other uses permitted in the zoning district in which the use is proposed. Yard sales in residential zoning district shall be considered compatible only when the activity is conducted so as to minimize its impact on surrounding properties.
 2. The temporary use shall not involve the construction or alteration of any permanent structure.
 3. If the use involves the construction or placement of a temporary structure, the structure shall be removed within forty-eight (48) hours of the expiration of the designated time period for the approved temporary use or upon the completion of the construction project for which it is erected, but not to exceed 60 days.
 4. The temporary use shall not involve the creation of any nuisance to adjoining properties or public or private road, including excessive noise, odors, glare or vibrations. Items which will be considered in making this determination will be: projected hours of operations; volume of traffic; available parking, projected traffic patterns; and type of activity.
 5. No person shall, in order to promote the sale or promotion of any goods, wares, merchandise or services, or in connection with any trade or business operate from any premises, building, vehicle, or on any street any horn, bell, chimes, loudspeaker or any other sound device. No applicant shall permit the following on the permitted premises:
 - a. Excessive shouting or crying out.
 - b. Activity or conduct in violation of any municipal, state or federal laws or duly enacted ordinances or regulations.
- E. Except for sidewalk sales and temporary structures and construction trailers, the temporary use permit shall be issued for a period of twenty-one (21) days. Any temporary use permit may contain conditions which the Zoning Officer may deem necessary to minimize inconvenience to the public. Such conditions may include, but are not limited to, the hours during which the temporary outdoor activity may operate and the duration of said activity and traffic safety measures. Further, the Zoning Officer

may require the applicant to make arrangements with the Police Department of the municipality for traffic and crowd control. All costs for said control measures shall be borne entirely by the applicant. Violation of the conditions of the permit shall render the permit null and void, constitute a violation of this Article and subject the applicant to the penalties provided for in this Ordinance.

- F. Upon application, the Zoning Officer may renew and extend the permit for a period of not more than seven (7) days. One (1) temporary use permit and one (1) renewal may be issued in any one (1) twelve (12) month period, except as otherwise specified. No extension is permitted for a sidewalk sale. The permit shall be maintained on the property where the subject temporary outdoor activity is conducted at all times and shall be available on demand for inspection and review by any municipal official, representative or employee.
- G. Temporary Structures and Construction Trailers: The Zoning Officer shall issue a temporary use permit for occupancy of temporary structures only when they are incidental to permitted nonresidential uses, such as outdoor display or sales areas, or construction trailers, sales offices or other temporary business offices to be maintained during construction of any permanent structure or structures for which a zoning/building permit has been issued, provided that all of the following requirements have been met:
 - 1. Temporary use permits for temporary structures as herein defined shall be granted for a period of not to exceed twelve (12) months.
 - 2. The temporary use permit for temporary structures shall be canceled upon written notice by the Zoning Officer or a designated agent of O'Hara Township, if construction of the permanent structure is not diligently pursued or if the existing use is discontinued.
 - 3. All temporary structures shall be located at least eighteen feet (18') from any property lines.
 - 4. All temporary structures which are proposed to be accessible to the public shall be located at least one hundred feet (100') from any construction entrance or from the foundation of any structures which is under construction.
 - 5. Vehicular access to all temporary structures which are proposed to be accessible to the public shall be designed to ensure pedestrian safety.

6. The construction of said temporary structure shall comply with the Township's Building Code.

Section 72-14.6 Certain Vehicles Prohibited in Residential District

A. Commercial Vehicles

1. No commercial vehicle shall be parked on any street, vacant residential lot or right-of-way for any length of time within any residential district, except while loading or unloading a transient delivery.
2. Commercial vehicles must be parked in the rear yard of a developed lot not visible from the street, or in an enclosed structure. Setback requirements must be met for the zoning district for which the parcel is located. Nonconforming parcels shall not be made more nonconforming.
3. Any commercial vehicle so parked in the rear yard of a developed lot must be properly registered, inspected, in proper working order and in active use.
4. Private commercial vehicles designated by the Pennsylvania Motor Vehicle Code as an automobile or a Class P and Class SU vehicle that are used daily to travel to and from a work location by a resident of the premises, and have less than 10% of its surface area covered by a corporate logo are not considered a commercial vehicle and shall not have its parking restricted by this provision.

B. Commercial Trailers

1. The parking of commercial trailers is prohibited on any street, in the front or on the side of a developed residential lot, vacant residential lot or right-of-way for any length of time within any residential district, except while loading or unloading a transient delivery.
2. One (1) commercial trailer may be parked in the rear yard on pavement or prepared area and not be visible from the street, or in an enclosed structure.
3. Any commercial trailer parked in the rear yard of a developed residential lot must be properly registered, inspected, in proper working order and in active use.

C. Mobile Homes, Motor Homes, Recreational Vehicles, Recreational Boat and Recreational Trailer

1. **At no time** may a mobile home, motor home, recreational vehicle, recreational boats and recreational trailers (all referred to as “recreational vehicles” in this provision) be parked **on any residential street for any length of time.**
2. **At all times of the year, recreational vehicles may be parked/stored** on a paved or prepared area **in the rear yard**, in the buildable area behind the principal structure, between the rear setback line and the rear face of the principal structure, regardless of size. The recreational vehicle must be properly registered, licensed, and in good working order at all times.
3. **During certain times of the year**, an individual who presently resides in a dwelling **may apply for a Recreational Vehicle Permit (“permit”) to park one recreational vehicle 25-feet or less in length, in the dwelling’s driveway, or on a paved or prepared area on the buildable area of the property** pursuant to the following conditions:
 - a. A permit may be issued for periods from the Sunday before Memorial Day and may not extend beyond the Saturday after Labor Day.
 - b. The permit shall be valid beginning at the time the permit is issued. The permit shall be valid regardless of whether the vehicle may be in use and not parked at the dwelling during the permit time period.
 - c. The one (1) recreational vehicle registered under the permit must be properly registered, licensed, in good working order and in active use in order to qualify for the Recreational Vehicle Permit.
4. Any line of sight obstruction or other sight obstruction for safe travel of vehicles or pedestrians out of adjacent driveways or along roadways caused by the parked recreational vehicle shall result in (i) the required relocation of the recreational vehicle to a safe location in the driveway or (ii) required removal from the driveway, and revocation of the Recreational Vehicle Permit.
 - a. The determination of sight obstruction is at the Township’s sole discretion.

- b. If found to constitute a sight obstruction by the Township, the recreational vehicle must be relocated within forty-eight (48) hours of receiving written notice from the Township or the Recreational Vehicle Permit may be revoked.
5. **At no time** may a recreational vehicle be used as an accessory structure, whether inhabited or not, to the principal structure. This prohibition includes, but is not limited to, storing of material, storing of debris or refuse, living quarters for any living creature, or living quarters for humans.

Section 72-14.7 Disabled Motor Vehicles

- A. No vehicle which is disabled, from which the wheels or engine have been removed, which is not in operating condition or which does not have a current motor vehicle safety sticker attached shall be placed, parked, stored or repaired on any street, right-of-way or in any yard in any district, nor shall any owner or occupant of property in any district permit said property to be used for the parking, storage or repair of said motor vehicles. The foregoing shall not prohibit the use of rental space in a private or public garage or permitted public parking lot or repairs in a permitted garage in a Commercial or Manufacturing District. In addition, the above regulations shall not apply to the temporary repair of a vehicle by an owner or occupant of property for a period not to exceed forty-eight (48) hours in any one (1) month.

Section 72-14.8 Temporary Occupancy

Temporary residence in a basement or foundation structure or any portion of a structure before completion of the total structure and issuance of an occupancy permit shall not be permitted. In addition, temporary occupancy in a recreation vehicle or motor home being stored or parked within the Township shall be considered a violation of this Section.

Section 72-14.9 Swimming Pools

Any facility for water recreation such as private swimming pools, wading pools, swimming clubs, shall comply with the following regulations:

- A. The facility must meet the setback requirements.
- B. The facility must be enclosed by a fence no less than four feet (4') high to prevent uncontrolled access by small children.

- C. Before a permit for construction or occupancy shall be issued to the operator or owner of the facility, a plan shall show the size of facility, proposed use, parking arrangement and use of buildings on site, surrounding properties and their usage, and any other pertinent information.
- D. Disposal of Water to Sanitary Sewer
 - 1. Neutralize pool backwash water, pool cleaning waste water and standing water before discharging to the sanitary sewer system by following these steps:
 - a. Prior to disposal of pool water to a sanitary sewer, shut off the chlorination system, if there is one, or stop adding chlorine.
 - b. Hold the water in the pool or hot tub for at least two weeks to allow the chlorine to dissipate.
 - c. Measure the chlorine level in the pool or hot tub prior to discharging the water. The water should not show any detectable levels of chlorine. A longer holding period may be necessary if chlorine levels continue to remain at detectable levels at the end of two weeks. Chlorine measurements can be made with a chlorine test kit (colorimetric).
 - 2. Plan discharge for low-use times of sewer flow such as afternoon or late night hours.
 - 3. Use small volume pump and control discharge so it does not spill out. (<800 gallons per minute)
 - 4. Discharge with hose into access “cap” of the private property sewer cleanout. DO NOT use public manholes or cleanouts.
 - 5. Care should be taken to make sure the discharge goes into a sanitary sewer and not a storm sewer, which would discharge to a stream. If sanitary sewers are not in the immediate area, the waste water should be hauled off-site for disposal at an approved treatment facility.
 - 6. Water from backwashing pool filters should not be discharged to a stream, ditch, or storm sewer. Backwash from pool filters must be discharged to the sanitary sewer, on-site septic tank and drain field system (if properly designed and adequately sized), or a seepage pit.

E. Discharge of Water

1. If the discharge of water to a sanitary sewer is not feasible, then the following guidelines must be followed before discharging the water:
 - a. Prior to disposing or using the water for irrigation, shut off the chlorination system if there is one, or stop adding chlorine.
 - b. Hold water in the pool or hot tub for two weeks to reduce the chlorine level.
 - c. Discharge or use the water for irrigation in an area where the water will not flow into a stream or storm sewer.
 - d. Discharge or use the water for irrigating the property and ensure that it does not flow off the property.
 - e. Discharge or use the water for irrigation in a manner that will prevent nuisance conditions (such as creation of odors, and fly and mosquito breeding conditions). Nuisance conditions occur when water is held in the pool for a prolonged period.
2. The discharge should be at a rate which prevents erosion and optimizes filtration. In no event should pool water be directly discharged to waters of the commonwealth.

F. Standing water or accumulated rain and/or pool water from the previous season should be pumped from the top so as not to disturb settled solids. Solids on the pool bottom should not be discharged. After the water has been pumped, solids should be cleaned out manually. The discharge should not raise stream temperatures by more than 2 degrees Fahrenheit in a one-hour period or a total of 5 degrees Fahrenheit. The pH should be between six and nine standard units and total chlorine residual should be 0.0 mg/l.

G. Cleaning waste waters that contain muriatic acid or chlorine that is used in cleaning pool surfaces should be treated prior to discharge. Muriatic acid waste water should be neutralized to a pH between six and nine standard units. Chlorine rinses should stand for a period of 10 days to allow chlorine degradation prior to discharge. Total chlorine residual of the waste water discharge should be less than 0.5 mg/l. Temperature should be monitored as described above (standing water). Chlorine rinse water pH should be between six and nine standard units.

Section 72-14.10 Agricultural Operations

Agricultural Operation uses shall comply with the following supplemental regulations:

- A. No farm building other than a dwelling may be erected within three hundred feet (300') of a neighboring property.
- B. Intensively used facilities for animal raising and care, including but not limited to such facilities as feed lots, runs and pens shall not be constructed within five hundred feet (500') of a neighboring property.
- C. Roadside stands for sale of agricultural products shall be permitted, provided:
 - 1. They are erected at least fifty feet (50') back from the nearest edge of roadway surface.
 - 2. Parking spaces are provided off the road right-of-way.
 - 3. They shall be used exclusively for the sale of agricultural products grown on the site by the owner of the site.
- D. The keeping, raising and housing of farm animals on residential sites shall not be permitted, except that household pets shall not be prohibited. Ponies, horses and kennels, provided they are not for commercial use, shall be permitted on premises containing five (5) acres or more, providing said animals shall be housed and maintained in such manner as not to cause any disturbance or nuisance to neighboring properties.
- E. No commercial agriculture shall be conducted on property containing less than ten (10) acres in area.

Section 72-14.11 Model Farm

Model Farm uses shall comply with the following supplemental regulations:

- A. No farm building other than a dwelling may be erected within one hundred feet (100') of an adjoining lot line.
- B. Intensively used facilities for animal raising and care, including but not limited to such facilities as feed lots, runs and pens shall not be constructed within two hundred feet (200') of an adjoining lot line.
- C. The lot on which a Model Farm is located shall have no less than ten (10) acres in lot area.
- D. The owner of the Model Farm must reside in a residence located on the lot on which the Model Farm is located.

Section 72-14.12 Fences, Walls and Retaining Walls

- A. An approved fence may be erected and maintained at any point on any lot in any district. Notwithstanding the foregoing, no fence shall be built upon, interfere with, or project over or on to any public right-of-way or interfere with any sight distances at intersections of streets or from driveways on the owner's lot or any other lot. In the SM Suburban Manufacturing District, a fence may be erected up to ten feet (10') in height. Retaining walls and fences must comply with the Township Building Code.
- B. Wire fencing or woven wire fencing shall not be permitted in front yards or residential areas other than small non-enclosing, decorative or corner fences for shrubs. Wire fencing or woven wire fencing shall be permitted in farm areas or larger areas for the purpose of enclosing animals in pastures or fields. Wire fencing or woven wire fencing shall be permitted in the rear yard areas of residentially zoning properties only where they are effectively screened from public streets or surrounding property by shrubbery, land grades or other approved fencing materials. Chain link fencing is not permitted in any front yard. Construction fences are permitted on a temporary basis, not to exceed six (6) months without a permit, provided that an associated building or grading permit has been issued for the site and a request is made in writing setting forth all pertinent detail. The Township reserves the right to require the fence to be earth tone colors (i.e., green, brown or beige) if the installation is in a residential neighborhood.
- C. Prohibitions
 - 1. Barbed wire fencing is prohibited within the Township of O'Hara on any lot in or abutting a residential zone.
 - 2. Razor wire and razor ribbon fencing are prohibited within the Township of O'Hara on any lot in or abutting a residential zone.
 - 3. Subject to all other applicable restrictions, electric wire fencing or any other electrified fencing is permitted within the Township of O'Hara only if the following conditions are met:
 - a. The electric fence controller (the device which puts the voltage on the wire or wires of the fence, usually containing a positive and negative terminal) must be approved by Underwriters Laboratories (UL).

- b. The approved electric fence controller may not be modified.
 - c. The following safety standards must be met:
 - 1) continuous current or an alternating sixty (60) Hz current in the fence is not permitted;
 - 2) the voltage on the wire must be pulsed, with at least one (1) second between each pulse; and
 - 3) the enclosure must be designed and maintained so that there is no risk of shock, fire, injury or other hazards to person or property.
 - d. The same requirements of UL Standard 69, as the same is modified, amended, supplemented or replaced from time to time, shall be met on each day the fence is maintained.
 - e. Warning signs shall be placed along the fence sufficient to warn persons of the location and nature of the fence. In particular, such signs shall be designed to convey a message of danger to small children who may be unable to read.
 - f. The electrical fence must be installed in accordance with the National Electric Code and must be inspected by an independent electrical agency approved by the Township, and a copy of the electrical inspection report must be filed with the Township.
- D. No fence, wall or other like divisional construction shall be erected, constructed, replaced or moved until a permit has been received from the Zoning Officer. The application for said permit shall be on a form provided by the Township, and shall require such information as is needed to demonstrate compliance with the applicable provisions of the Zoning Ordinance. A fee may be charged in an amount determined from time to time by Council by resolution.
- E. Nothing contained herein shall be interpreted to prohibit fences consisting of underground electrical wiring, commonly referred to as “silent” or “invisible” fences.
- F. All fences, walls and other like divisional construction shall be maintained in good repair at all times. Fences failing to meet this standard must be repaired or taken down. Fences constituting a nuisance may be repaired or taken down by the Township after notice to, and at the expense of the

owner in accordance with applicable law. This remedy is cumulative and in addition to those provided under this Ordinance or at law or equity.

- G. A permitted retaining wall shall be at least four (4) feet high, but not greater than ten (10) feet in one continuous face or sixteen (16) feet where interrupted with a terrace. Any other wall of lesser height or supporting only itself shall be considered a decorative wall.
- H. Wall height shall be measured from the finish grade at the front face of the wall to the top of the wall. In the case of terraces, the total height of the wall shall be the accumulative sum of the walls unless the upper walls are not structurally dependent or founded on the lower wall or walls.
- I. Walls and retaining walls four (4) ft. in height or less shall be setback consistent with setbacks established for fences. Walls and retaining walls in excess of four (4) ft. in height shall be setback consistent with setbacks established for principle structures.

Section 72-14.13 Mining and Drilling

No drilling of oil and gas wells or surface mining of coal or other minerals shall be permitted in any residential or conservation district. No digging, mining, excavating or removal of any material of the earth's crust, such as coal, sand, gravel, soil, rock or minerals whatsoever, may be carried on in such a way as to cause or threaten to cause movement or subsidence of the surface of the land so that such subsidence might break, rupture or put under strain any gas, water or sewer lines whatever, including those owned by the public and those privately owned as, but not limited to, those in any building, dwelling, factory, commercial structure or any structure whatever in which more than two (2) persons might congregate, or to cause movement or subsidence of the surface of any public or private roads, ways, walks, paths or driveways or to cause or threaten to cause movement of any electrical or other public utility.

- A. Mine buildings, facilities and equipment as, but not limited to, ventilation facilities (as fans, shafts, etc.), bathhouses, mine electrical facilities (as conversion equipment), hoisting facilities, mine offices, rock-dust handling facilities, mine-supply storage or facilities, power shovels, dozers, draglines and haulage facilities, as conveyors, trucks, shuttle cars, tractors and trailers, tracks, switches, mine cars, locomotives and all other appurtenances directly or indirectly associated with or pertaining to a mining operation, either strip, open pit or deep mining, shall not be used, operated, stored or repaired in R-1, R-2, R-3, R-4, CD or C Districts.

B. Gas Resource Development: (Amended 10/9/2018, Ord. No. 1337)

1. Gas Resources Development shall constitute a Land Development subject to the Township Subdivision and Land Development Ordinance. In addition, all provisions of any applicable Township ordinances shall apply to Gas Resources Development in the Township, except as preempted by State or Federal law.
2. The applicant shall submit an application to the Township and provide a description of plans for the transportation of materials and equipment to construct, operate and maintain the Gas Resources Development facility. Such description shall include a map showing the planned vehicular access route to the Gas Resources Development Site indicating all state, county and local roads and transportation infrastructure that may be used. The proposed routes must be designed to minimize the impact on streets within the Township. The Township reserves the right to designate reasonable required truck hauling routes consistent with Township Ordinances, rules and regulations, as well as the Pennsylvania Motor Vehicle Code and Pennsylvania Department of Transportation. Upon approval of said application, applicable permits shall be issued by the Township and applicable fees paid to Township. Such fees to be established by Council from time to time.
3. Prior to the commencement of any activity on the Gas Resources Development Site, the applicant shall enter into a Township Roadway Maintenance and Repair agreement. Such agreement will be in a form acceptable to the Township and will require the posting of a bond at the paved highway rate in favor of the Township prior to beginning any work at a Gas Resources Development Site. The bond is to guarantee restoration of Township Roads damaged as a result of hauling and any other activity associated with the Gas Resources Development.
4. The applicant shall reimburse the Township for an inventory analysis and evaluation of existing road conditions on Township roads along the proposed transportation route identified by the Township including photography, video and core boring as determined to be necessary by the Township Engineer. The Township Roadway Maintenance and Repair agreement will

identify the responsibilities of the applicant to prepare, maintain and repair Township roads before, during and immediately after drilling and other operations associated with the Gas Resources Development. The applicant shall take all necessary corrective action and measures as directed by the Township pursuant to the agreement to ensure the roadways are repaired and maintained during and immediately after drilling and other operations associated with the Gas Resources Development.

5. The applicant shall take the necessary safeguards to ensure that the Township roads utilized remain free of dirt, mud and debris resulting from Development activities and/or shall ensure such roads are promptly swept or cleaned if dirt, mud and debris occur.
6. Beginning with its intersection with a public street, any access road or driveway for the development or drill site shall be paved with an impervious material for the first fifty feet (50') and consist of the following material:

Compacted subgrade

PADOT Class 4 Geotextile Fabric

8" AASHTO #2 Crushed Aggregate Base Course

2" PADOT 2A Aggregate (Choke material)

4" Compacted – Superpave 25mm Binder Course

The remainder of the driveway to the well pad shall be constructed with the following material:

Compacted Subgrade

8" AASHTO #2 Crushed Aggregate Base Course

2" PADOT 2A Aggregate (Choke material)

7. An off-street area within the development site for vehicles to stand while gaining access to the gas well site shall be provided so that the normal flow of traffic on the public street is undisturbed.
8. The applicant shall take all necessary precautions to ensure the safety of persons in areas established for road crossing and/or adjacent to roadways. During periods of anticipated heavy or frequent truck traffic associated with the development, the applicant will provide flagmen to ensure the safety of motorists

and pedestrians and take measures that may include adequate signs and/or other warning measures for truck and vehicular traffic.

9. No use in any district which by the nature of its use, operation or activity produces noise of objectionable character or volume as noted will be permitted in accordance with Section 72-18.12 of the Township Zoning Ordinance as follows:
 - a. Adjacent to Residential Uses: In excess of sixty (60) dba for two (2) hour duration.
 - b. Adjacent to Commercial Uses: In excess of sixty-five (65) dba for more than eight (8) hours during a twenty-four (24) hour period.
 - c. Adjacent to Industrial Uses: In excess of seventy-five (75) dba for eight (8) hours during a twenty-four (24) hour period.

All noise measurements shall apply and be measured at the property line of the subject property.

10. The applicant shall have obtained permits from the appropriate regulatory agencies or authorities issued in accordance with all applicable laws and regulations for the proposed use. The applicant shall provide the Township with copies of each such permit application and permit, with copies of all supporting documentation. All permits must be maintained during the use of the Gas Resources Development. Any suspension or revocation of a required permit shall void any conditional use approval and require a new application.
11. Prior to development, the applicant shall provide to the Township a PA DEP approved Preparedness, Prevention and Contingency CTPC Plan that clearly outlines and describes all emergency planning associated with the Gas Resources Development.
12. Upon request of the Township Emergency Management Coordinator, the applicant will, prior to drilling its first gas well in the Township, make available with at least 30-day's notice (at the applicant's sole cost and expense) one appropriate group training program for emergency responders. Such training shall be made available at least annually during any year that drilling activities take place at the Gas Resources Development Site.

13. Any equipment or material stored outside or in an enclosed structure being used 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 from any adjacent property or public road. All drill site pads and impoundment ponds shall be secured with a temporary fence with secured gates as follows:
 - a. The fence shall be a minimum of 6 ft. in height, and shall be chain link with green/black/brown fabric mesh.
 - b. The fencing shall be in place throughout the drilling operation and until the impoundment pond is removed.
 - c. The chain link fence shall have a minimum thickness of eleven gauge.
14. The applicant shall provide certification that a bond is held by the Pennsylvania Department of Environmental Protection (DEP) to ensure proper plugging when the well is classified as inactive by the DEP.
15. All drilling operations shall be conducted in such a manner as to minimize dust, vibration or noxious odors and shall be consistent with the best accepted practices incident to drilling for oil or gas in urban/suburban areas, and shall also be in compliance with the Zoning Ordinance. All equipment used shall be constructed and operated so that vibrations, dust, odor or other harmful or annoying effects are minimized by the operations carried on at the drill site. Structures on the drilling site shall not be permitted to become dilapidated, unsightly or unsafe. Proven technological improvements in industry standards of drilling shall be adopted as they become available if capable of reducing factors of dust, vibration and odor. Watering, wetting or other methods or materials must be used to control dust adjacent to occupied properties.
16. No operation of heavy equipment, trucks, or drilling or pumping apparatus shall be conducted between the hours of 7 p.m. and 7 a.m. daily, or on Sundays or holidays, except by special permission issued by the Township Manager in accordance with Article III of Ordinance 1320.

17. Temporary structures on the Gas Resource Development Site shall be limited to construction trailers, field office and any structure directly ancillary to the drilling operation. Temporary housing, dormitories and sleeping facilities shall be strictly prohibited. A Temporary Use Permit shall be acquired from the Township prior to placement of any Temporary Structure in accordance with Article XIV Section 5.G and valid for a period not to exceed twelve (12) months.
18. Conventional gas wells may not be drilled within 200 feet, or, in the case of an unconventional gas well, 500 feet, measured horizontally from the vertical well bore to a building or water well without written consent of the owner of the building or water well.
19. Notwithstanding any lesser setback requirement contained elsewhere in this Zoning Ordinance, gas well pads, compressor stations, gas, impoundments and gas processing facilities shall be set back at least one hundred (100) feet from any existing non-residential property line and three hundred (300) feet from any existing residential property line. In addition, such facilities may not be constructed on steep slopes of 25% or more.
20. Notwithstanding any lesser minimum lot size requirement contained elsewhere in this Zoning Ordinance, the minimum lot size for a gas well pad, compressor station, impoundment or gas processing facility shall be ten (10) acres. Contiguous lot owners may not combine the acreage of their lands to satisfy this requirement. This restriction applies even if two contiguous lots are owned by the same person, unless such person obtains proper lot consolidation approval for the contiguous lots from the Township.

Section 72-14.14 Self-Service Storage Facilities

- A. Said facility shall be provided with a minimum asphalt surface to provide ingress and egress.
- B. A landscaping screen shall be provided around the perimeter of said use in conformance with Section 72-14.2.
- C. The following activities are prohibited in conjunction with this use:
 1. Garage sales.

2. Motor vehicle or small engine repair or service.
 3. Operation of welding or wood working equipment.
 4. Transfer and storage businesses.
- D. Construction materials shall be compatible with those in use within the surrounding area.

Section 72-14.15 Retail Warehouse Outlet

- A. The retail establishment is accessory to and incidental to the principal warehouse use;
- B. The maximum area within the warehouse that can be used for retail sales shall not exceed five percent (5%) of the gross floor area or one thousand (1,000) square feet, whichever is less;
- C. The hours of operation are coincident with warehouse operations;
- D. The items on sale in the retail establishment are actually part of the stock of the warehouse; and
- E. Required parking shall be provided for both the accessory retail use and the principal warehouse use at the prescribed ratio.

Section 72-14.16 River Frontage in the Suburban Manufacturing (SM) District

Light manufacturing uses located within a Suburban Manufacturing District which have abutting river frontage may use said river frontage in connection with the light manufacturing use. Only as much of the river frontage as shall be necessary and essential for the light manufacturing operation shall be considered as an appropriate use. Said uses shall include but not be limited to, wharves, docks, loading and unloading facilities and water intake and outlet pipes and facilities. The balance of river frontage not necessary and essential to the light manufacturing use shall remain subject to the uses permitted or conditional in the CD-2 Conservation District. Within any F.E.M.A. delineated floodway, the Council in its sole discretion may deny an application to erect any building or structure.

Section 72-14.17 Approval of Development in C Commercial or SM Suburban Manufacturing Districts

All commercial and industrial building construction, excluding interior renovations not affecting the overall coverage or layout of the building, must be reviewed by the

Planning Commission and approved by Council before issuance of a zoning/building permit. All applications for approval of development in the C Commercial or SM Suburban manufacturing district shall include the following information:

- A. Recorded plat
- B. Location map
- C. Site analysis study
- D. Site map or plan
- E. Proposed commercial or industrial building plan
- F. Engineering report
- G. Storm Water Management Plan
- H. Parking plan and lot layout
- I. Grading plan
- J. Presentation letter (request for review)
- K. Buffer area plan, if needed
- L. Building elevation plan

Permit applications for commercial and industrial development which increases the average trip rate for the a.m. or p.m. peak hour of the generator by fifty (50) or more trips, except as otherwise provided for, shall also include a Traffic Study. Said Traffic Study shall comply with the provisions of Section 72-18.2, and be prepared in conformance with the O'Hara Township guidelines for traffic studies. The plan shall be prepared by a registered engineer, architect or landscape architect. The application shall be submitted to the Township Engineer with not less than ten (10) copies and shall be accompanied by a fee as established by Council. A drawing of all structures prepared by a registered architect or registered engineer must be presented for review and meet the following requirements:

- A. All structures shall be designed and detailed so as to suit the site, the surrounding area and the purposes for which the structures are designed to serve.
- B. The Township Fire Code Official shall approve all hydrant locations, fire department connections and fire lanes.
- C. The plans must meet the provisions of the State Department of Labor and Industry and, if abutting a state highway, a Pennsylvania Department of Transportation Highway Occupancy permit for access must be obtained.

- D. Exterior site improvements, including but not limited to expansions of parking areas, additional lighting and landscaping shall be reviewed by the Planning Commission.
- E. No commercial structure, used as the main address or place of business, shall be smaller than six hundred (600) square feet. The aggregate lot coverage by all structures on a commercially zoned lot shall not exceed forty percent (40%) of total lot area (see Section 72-9.5).
- F. Plan review by a Pennsylvania State Certified Plan Reviewer shall be completed prior to permit issuance.
- G. Any application for a zoning/building permit to erect a commercial or industrial building shall also be accompanied by a plan showing the proposed landscaping, if any, of the premises, in addition to the other items required to be submitted with the application for a zoning/building permit.
- H. The plan shall show existing trees of at least a six inch (6"0 diameter at a point four feet (4') from the ground and proposed improvements and landscaping which are to be added on the property. As a minimum requirement, a ground cover of grass, plants or artificial materials on the portion of the premises not occupied by any building, shall be shown. Landscaping along or near driveways or parking areas, or any portion of the premises left in its natural wooded state and not disturbed during construction shall be identified, and shall be kept free of junk, debris, dangerous, objectionable or noxious matter.

Section 72-14.18 Change of Use

- A. A legally nonconforming use may be changed to a use which is less nonconforming by virtue of its decreased size, intensity of use, shortened hours of operation or a diminution of the nonconforming characteristics of the use, upon review and approval by the Zoning Hearing Board. A completed zoning/building application form shall be submitted prior to such change of use following approval.
- B. Where a change of use is proposed which would result in increased traffic as determined by the Township Engineer, due to the nature of the proposed use, a traffic impact analysis shall accompany the zoning/building permit application form. Said traffic impact analysis shall provide information regarding the impact on intersections in close

proximity to the subject parcel where transportation improvements may be warranted due to increased traffic volumes being generated by the proposed use.

- C. The Planning Commission shall review and make recommendation to Council for changes of use which, while permitted in the district where proposed, because of the characteristics of the use, exhibit the potential for adverse impact on the surrounding properties. Adverse characteristics may include but are not limited to increased traffic, expanded hours of operation, expansion of parking areas, or the installation of exterior site improvements including exterior lighting.

Section 72-14.19 Accessory Structures (Accommodating Accessory Uses)

- A. No permanent accessory building or structure shall be constructed on any lot prior to the time of construction of the principal structure to which it is accessory.
- B. No detached accessory structure or structures shall occupy more than twenty-five percent (25%) of the area of a required rear yard.
- C. No detached accessory structure shall exceed fifteen feet (15') in height above the average level of the ground upon which it stands.
- D. No accessory structure in a residential district shall be located in any front yard.
- E. On corner lots, in addition to the above requirements, no accessory structure in a side yard shall be nearer a street than the least depth of any front yard required along such street.
- F. A structure attached to the principal structure by a covered passageway, or by having a wall or a part of a wall in common with it shall be considered an integral part of the principal structure and not an accessory structure.
- G. No accessory structure in the rear of a principal structure and on the same non-through lot shall be used in whole or in part as a dwelling.

Section 72-14.20 Landscaping

- A. The minimum requirements for permanent landscaping, either grass or ground cover, shall be completed and growing within one (1) year after completion of the building. All plants must come with a one-year warranty. Any dead or dying plants identified within the one-year period must be replaced.

- B. The owner or lessee of property, whether occupied or vacant, in any recorded plan of lots or highly developed neighborhood shall maintain such premises so that weeds shall be cut or removed and grass cut prior to their growing to such a height as they will go to seed.

Section 72-14.21 Buffer Areas

- A. Width of Buffer (C District): Where land in the C Commercial Zoning District abuts residentially zoned properties, a permanent buffer of twenty-five feet (25') minimum width shall be provided which separates the uses in the C Commercial Zoning District for the abutting residentially zoned properties. The abutting residentially zoned property shall observe a five foot (5') buffer where the property is contiguous with the site of a land development. No structures, paving or lighting standards shall be permitted within the designated buffer areas. Maintenance of all buffer areas shall be the responsibility of the property owner, and existing vegetation may be used to provide the screening characteristics of said buffer area.
- B. Width of Buffer (SM District): Where land in the Suburban Manufacturing Zoning District abuts residentially zoned properties, a permanent buffer of fifty-five feet (55') minimum width shall be provided which separates the uses in the Suburban Manufacturing District from the abutting residentially zoned property. The abutting residentially zoned property shall observe a ten foot (10') buffer in the R-2 Zone, five feet (5') in the R-3 Zone, and twenty feet (20') in the R-4 Zone where the property is contiguous with the site of a Planned Suburban Manufacturing land development. No structures, paving or lighting standards shall be permitted within the designated buffer areas. The buffer area must be planted with, but not limited to, a mixture of hardwoods, softwoods, low level screening, high level screening, landscape and landscape mounds. The buffer must provide for both short term and long term screening. The buffer design must be submitted to and approved by the Township. Maintenance of all buffer areas shall be the responsibility of the property owner, and existing vegetation may be used to provide the screening characteristics of said buffer area.
- C. Surface drainage on land developments in the Suburban Manufacturing Zoning District shall be directed by grass swales or pipe to natural drainage channels or detention areas for controlled discharge. Structures and parking areas on land developments in the Suburban Manufacturing

Zoning District shall be adequately screened from residentially zoned properties. Construction of land forms for screening shall be permitted within buffer areas. Where utility easements are within buffer areas, no planting or regrading shall be permitted without approval of the utility company with facilities thereon or therein.

- D. Landscaping Plan: To assist the Township Planning Commission in determining the need, extent and adequacy of screening, all proposed land developments in the Suburban Manufacturing Zoning District abutting residentially zoned property must present a landscaping plan which identifies the location of structures, parking areas, grades, tree plantings, groundcover, grading, landscaping, mounding and all methods of providing an adequate visual screen.
1. Residential property owners with property located within three hundred (300) linear feet of the property line of the subject parcel shall be notified by the Township in writing via regular mail, as to the time and date of the Planning Commission meeting at which a proposal affecting them is to be reviewed. The applicant shall pay for all costs associated with said notice.
 2. The Landscape Architect or consultant representing the owner of the land proposed for development in the Suburban Manufacturing Zoning and C Commercial Districts shall present typical cross-sections a minimum of one hundred feet (100') into the abutting property, and of sufficient distance into the Suburban Manufacturing Zoning District to reflect improvements being proposed. Sections shall be at true scale, without vertical exaggeration, and depict:
 - a. Existing profile of site.
 - b. Profile as changed for improvements.
 - c. Location, ground elevation and height of proposed structure(s).
 - d. Proposed method of achieving effective screen within buffer area depending on topography.
 - e. Planting plan and list of selected plant materials.
 - f. Sections are to show relationship of existing residential structures with proposed improvements.

3. Height of Structures:
- a. Where existing residential structures exceed the height of the proposed structures and improvements on a land development in the Suburban Manufacturing or C Commercial Districts, evergreens, with a minimum height of six to eight feet (6-8') and deciduous trees with two and one-half inches (2 ½") minimum caliper shall be used in a fifty percent-fifty percent (50%-50%) mix along the perimeter of the buffer. It is not necessary that the screen be solid, but that it breaks up the visible mass of structures, parking areas or miscellaneous improvements.
 - b. Where existing residential structures are lower than or level with the proposed structures and improvements on a land development plan in the Suburban Manufacturing Zoning or the C Commercial Districts, the nonresidential sites shall provide an elevated screen which shall be accomplished with a mix of plant materials selected from the recommended list, included herein. The extent of mounding shall be determined by comparing the existing

profile of the terrain with the proposed finished grade at the property line, parking areas and the closest point of the principle structure.
 - c. Mounds are to be natural in character with no rigid contours and small blend as much as possible with existing topography. The following shall apply:
 - 1) Rough form basic mounds from soils on site.
 - 2) Cover mound with minimum of six inch (6") of approved topsoil over 'rough form'.
 - 3) Mounds to be shaped to meet profile of mounding detail to permit mowing.
4. Grading and Seeding:
- a. If buffer areas are disturbed for any reason, they shall be improved by regrading, placing topsoil, and seeding.
 - b. Grass seed shall be fresh, clean and new crop seed, recommended for the area to be seeded. Seed shall be mixed by dealer in following proportions:

- 1) Kentucky 31 Tall Fescue 40 - 50%
- 2) Kentucky Bluegrass 20 - 30%
- 3) Red Fescue (Pa.) 20 - 30%

c. Seeds shall be applied uniformly at the rate of 5# per one thousand (1,000) square feet. Alternate mixes and rate of application of grass seed of equal or better quality may be approved.

d. After all areas have been seeded, seed shall be worked into a depth of approximately one eighth of an inch (1/8"). The seeded area shall be mulched with weed-free hay or straw, spread to a minimum depth of two inches (2") and anchored to prevent wind displacement.

5. Planting within utility easements:

a. In buffer areas where Utility Easements are also located, the mounding and planting shall be reviewed by the utility companies with facilities on site, and placed so as to permit adequate access for service vehicles.

b. Within utility easements in buffer areas, trees shall be placed so that the trunk is no closer than fifteen feet (15') from a line on the ground directly beneath an overhead wire or conduit.

6. Selection of plant materials: native Pennsylvania, non-invasive plants are recommended. The following list is limited to native Pennsylvania deciduous and evergreen trees only. All plant materials shall be mature nursery stock. Minimum size of evergreens - six to eight feet (6-8') in height. Deciduous trees not less than one and one half to two inch (1 ½ - 2") caliper.

a. Recommended Native Pennsylvania Deciduous Trees

		Ultimate <u>Height</u>
Fagus grandifolia	American Beech	60'
Castanea dentata	American Chestnut	100'
Ulmus americana	American Elm	100'
Laris laricina	American Larch	60'

<i>Tilia americana</i>	Basswood/American Linden	100'
<i>Populus tremuloides</i>	Quaking Aspen	60'
<i>Populus grandidentata</i>	Bigtooth Aspen	70'
<i>Carya cordiformis</i>	Bitternut Hickory	75'
<i>Nyssa sylvatica</i>	Black Gum	80'
<i>Quercus velutina</i>	Black Oak	100'
<i>Juglans nigra</i>	Black Walnut	130'
<i>Salix nigra</i>	Black Willow	60'
<i>Juglans cinerea</i>	Butternut	60'
<i>Quercus montana</i>	Chestnut Oak	80'
<i>Celtis occidentalis</i>	Common Hackberry	35'
<i>Magnolia acuminata</i>	Cucumber-Tree	90'
<i>Gleditsia triacanthos</i>	Honey Locust	100'
<i>Ostrya virginiana</i>	Hophornbeam	60'
<i>Carya tomentosa</i>	Mockernut Hickory	75'
<i>Quercus rubra</i>	Northern Red Oak	100'
<i>Betula papyrifera</i>	Paper Birch	75'
<i>Carya glabra</i>	Pignut Hickory	90'
<i>Quercus palustris</i>	Pin Oak	75'
<i>Acer rebrum</i>	Red Maple	60'
<i>Morus rubra</i>	Red Mulberry	50'
<i>Sassafras albidum</i>	Sassafras	60'
<i>Quercus coccinea</i>	Scarlet Oak	80'
<i>Carya ovata</i>	Shagbark Hickory	80'
<i>Carya laciniosa</i>	Shellbark Hickory	120'
<i>Acer saccharinum</i>	Silver Maple	100'
<i>Ulmus rubra</i>	Slippery Elm	75'
<i>Acer saccharum</i>	Sugar Maple	90'
<i>Betula lenta</i>	Sweet Birch	60'

Platanus occidentalis	Sycamore	125'
Liriodendron tulipifera	Tulip Tree	140'
Fraxinus americana	White Ash	80'
Quercus alba	White Oak	100'
Betula alleghaniensis	Yellow Birch	75'

b. Recommended Native Pennsylvania Evergreen Trees

		<u>Ultimate Height</u>
Tsuga canadensis	Eastern Hemlock	140'
Juniperus virginiana	Eastern Red Cedar	40'
Pinus rigida	Pitch Pine	60'
Pinus resinosa	Red Pine	110'
Pinus pungens	Table Mountain Pine	40'
Pinus virginiana	Virginia Pine	50'
Pinus strobus	White Pine	90'

c. Native Pennsylvania Deciduous Trees for Under Overhead Power Transmission Lines

		<u>Ultimate Height</u>
Carpinus caroliniana	American Hornbeam	30'
Cornus florida	Flowering Dogwood	30'
Crataegus	Hawthorn	30'
Acer spicatum	Mountain Maple	30'
Cercis canadensis	Redbud	20'
Acer pensylvanicum	Striped Maple	25'
Hamamelis	Witch-Hazel	25'

7. Other Non-Native Acceptable Plant Materials

a. Deciduous Trees

<i>Fagus sylvatica</i>	European Beech	75'
<i>Quercus borealis</i>	Red Oak	75'
<i>Tilia cordata</i>	Littleleaf Linden	75'

b. Evergreen Trees

<i>Abies concolor</i>	White Fir	100'
<i>Tsuga canadensis</i>	Canada Hemlock	90'
<i>Picea abies excels</i>	Norway Spruce	100'
<i>Pinus nigra</i>	Austrian Pine	60'
<i>Pinus sylvestris</i>	Scotch Pine	50'
<i>Pseudotsuga menziesii</i>	Douglas Fir	150'
<i>Picea pungens glauca</i>	Colorado Blue Spruce	65'

c. Deciduous Trees for Under Overhead Power Transmission Lines

<i>Acer negundo</i>	Boxelder	30'
<i>Aesculus glabra</i>	Ohio Buckeye	25'
<i>Amelanchier canadensis</i>	Serviceberry	30'
<i>Carpinus betulus</i>	European Hornbeam	25'
<i>Cornus mas</i>	Cornelian Cherry	25'
<i>Crataegus crusgalli</i>	Cockspur Thorn	25'
<i>Cragaegus oxyacantha pauli</i>	Paul's Scarlet Hawthorn	20'
<i>Ilex opaca</i>	American Holly	25'
<i>Malus</i>	Any flowering Crabs	
<i>Malus sargentii</i>	Sargent Crab	20'
<i>Malus scheideckeri</i>	Scheidecker Crab	20'
<i>Magnolia stellata</i>	Star Magnolia	20'
<i>Prunus</i>	Cherry	20'

d. Evergreen Trees for Under Overhead Power Transmission Lines

<i>Ilex pendunculosa</i>	Longstock Holly	25'
<i>Junipers chinensis keteleeri</i>	Kateleer Juniper	15'
<i>Pinus montana</i>	Mountain Pine	35'
<i>Taxus baccata fastigiata</i>	Irish Yew	35'
<i>Thuja occidentalis pyramidalis</i>	Pyramidal Arborvitae	25'
<i>Tsuga canadensis</i>	Canada Hemlock	Prune

- E. Buffer Yards: Buffer yards, as required, shall be provided by the developer or applicant/owner of the subject parcel during the initial phase of construction where a project is developed in phases, and maintained throughout the development period until occupancy occurs.
1. The buffer yard shall be measured from the zoning district boundary line or from the near street line where a street serves as the district boundary line.
 2. The buffer yard may be coterminous with required front, side or rear yards and in case of conflict, the larger yard requirements shall apply.
 3. In all buffer yards, a fifteen foot (15') width shall be maintained and kept clean of all debris, rubbish, weeds and tall grass. Buffer yard widths may be averaged with the narrowest portion of the yard being seventy percent (70%) of the minimum established width or ten point five feet (10.5') where physical constraints prevent the provision of the standard width.
 4. No structure, manufacturing activity or storage of materials shall be permitted in the buffer yard.
 5. All buffer yards, except PRD's and except as provided for in this Section hereunder, shall include a dense screen planting of trees, shrubs or other plant materials, or both, to the full length of the lot line to serve as a barrier to visibility, airborne particles and glare. Such screen planting shall be in accordance with the following requirements:

- a. Plant materials used in the screen planting shall be a minimum of fifty percent (50%) evergreen and of such other species and initial heights as will produce a dense visual screen at least eight feet (8') high within five (5) years.
 - b. The screen planting shall be maintained permanently and any plant material which does not live shall be replaced within one (1) year.
6. In PRD's, the following minimum standards shall apply to buffer yards (See also Section 72-11.5.L):
- a. Existing deciduous and coniferous trees above two inches (2") caliper and/or six feet (6') in height shall be preserved in the buffer yard except where clearance is required to ensure adequate sight distances. Any removal should, where feasible, involve relocation rather than clearing.
 - b. Buffer width and planting material shall be laid out to respect existing or proposed off-site uses. The minimum width may be used where compatible single-family uses adjoin or where the property abuts non-buildable land. The object of the planting shall be defined in the plan as visual screening or to prevent access to hazardous areas.
 - c. Generally, a minimum of twenty-five percent (25%) of plant material shall be evergreen, ten percent (10%) deciduous. Planting shall be adequate in quantity to fully cover the twenty-five foot (25') minimum foot buffer, but may be clumped or grouped for maximum efficiency.
 - 1) Where glare from exterior lighting is a problem, fifty percent (50%) of the planting shall be evergreen.
 - 2) Where potential conflicts between vehicular and pedestrian traffic occur, hedge row planting should be designated to discourage multiple access points.
 - 3) Where visual screening is most important in intensely developed areas, evergreens and flowering trees should be increased to fifty percent (50%) of the total.
 - d. Self-maintaining groundcover or grass shall be planted to the edge of the buffer.

e. Prior to the issuance of any zoning approval, complete landscaping plans showing the arrangement of all buffer yards, the placement, species and size of all plant materials, as recommended by this Section, and the placement, size, materials and types of fencing to be placed in such buffer yards shall be reviewed to ascertain that the plans are in conformance with the terms of this Article.

Section 72-14.22 No Impact Home Based Business

A. Intent and Purpose

1. The Township of O'Hara recognizes the need for some citizens to use their place of residence for limited nonresidential activities. However, the Township believes that the need to protect the integrity of its residential areas is of paramount concern. A "No Impact Home Based Business Permit" is the method used to allow and to regulate nonresidential activity within the Township's residential districts.
2. The objective of a "No Impact Home Based Business Permit" is to allow a limited commercial-type activity in a residential area only to an extent that no neighbors or passersby will be aware, by outward appearance, of the activity. A "No Impact Home Based Business Permit" gives the permittee the legal right to use his/her residence for a business telephone and business mailing address but not to the extent that pedestrian and vehicular traffic are generated.
3. Permitted no impact home based businesses shall include, but not be limited to the professions of engineer, computer programmer, architect, artist, clergyman, musician, writer and teacher, where no more than two (2) persons receive instruction at any one time, data processing, draftsman, sales representatives and general clerical services. Because of the nature of medical services, home based business status is not appropriate.
4. Prohibited no impact home based businesses shall include, but not be limited to, automobile repairs and inspections, bakeries, day care centers, landscaping operations and kennels or other animal breeding.

B. Performance Criteria

1. Excessive noise, odors, vibration, glare, fumes, electronic or electrical interference are not permitted. "Excessive" shall include the use of equipment or processes which are detectable within the neighborhood.
2. Applications for a No Impact Home Based Business Permit shall be evaluated and investigations conducted using the following criteria, which shall be incorporated as minimum conditions of approval.
 - a. The activity is one that is not inconsistent with the use of the premises as a dwelling, and no more than 25% of the habitable floor area of the dwelling may be used for the conduct of the no impact home based business.
 - b. There shall be no exterior evidence of the conduct of a no impact home based business including parking areas, signage or exterior lighting.
 - c. No impact home based businesses shall not be permitted out-of-doors.
 - d. Electrical or mechanical equipment that creates visible or audible interference in radio or television receivers or causes fluctuations in line voltage outside the dwelling unit or that creates noise not normally associated with residential uses shall be prohibited.
 - e. Only the actual residents of the dwelling unit shall engage in the no impact home based business.
 - f. No on-site sales of goods or services shall engage in the no impact home based business.
 - g. The conduct of any no impact home based business shall not reduce or render unusable areas provided for the required off-street parking or prevent the number of cars intended to be parked in a garage from doing so.
 - h. A no impact home based business shall not create significant additional vehicular or pedestrian traffic to the residence.

- i. Outside storage or display of materials, goods, supplies, or equipment related to the operation of a no impact home based business is prohibited, except that samples of goods sold or job-related materials may be carried in vehicles used for business purposes.
 - j. The storage of any material classified as hazardous or dangerous shall be prohibited.
 - k. No advertising is permitted on site, including business signs on vehicles.
 - l. On-site sales or training promotion shall not be permitted.
 - m. No home based business shall generate or discharge waste materials classified as noxious or hazardous by the PA Department of Environmental Protection.
3. Persons with demonstrated physical handicaps may be permitted special consideration by the Zoning Hearing Board. The applicant may request waiver of a portion or all of one or more of the foregoing requirements by submitting an application for special exception approval to the Zoning Hearing Board. This special request shall be considered by the Zoning Hearing Board, at a public hearing, after notice to property owners within three hundred feet (300') of the subject property. The Zoning Hearing Board may only grant waivers on the basis of applicant's physical inability to function within said requirements.

C. Procedure:

- 1. Application: Application for a No Impact Home Based Business Permit shall be made to the Zoning Officer on a form provided by the Township and shall be accompanied by the prevailing filing fee as established by resolution by Township Council. The Zoning Officer will make a decision and notify the applicant in writing within fifteen (15) calendar days of the date the application is received.
- 2. Scope: In cases where the Zoning Officer considers the application not within the scope of the no impact home based business criteria, the application will be denied.
- 3. Time Limit: All No Impact Home Based Business Permits shall be valid for a period of one (1) year from initial date of approval.

4. Voiding of Permit: The Zoning Officer may void any No Impact Home Based Business Permit for noncompliance with the criteria set forth in this chapter. Revocation may take place at any time prior to the expiration date of the permit. If the permit is revoked or is not renewed, it becomes null and void, and said use shall be terminated.
5. Appeal to Zoning Hearing Board: The decision of the Zoning Officer concerning approval, denial or revocation of a No Impact Home Based Business Permit shall be final unless a written appeal is filed with the Zoning Hearing Board within thirty (30) calendar days of the decision. An appeal may only be filed by the applicant or persons residing within three hundred feet (300') of the subject property.
6. Inspection: no impact home based business applicants shall permit a reasonable inspection of the premises by the Zoning Officer to determine compliance with this chapter.
7. Renewal: No Impact Home Based Business Permits may be renewed annually provided there has not been any violation of the provisions of this chapter. Requests for renewals shall be submitted to the Zoning Officer in writing, accompanied by the prevailing renewal fee, as established by Township Council resolution, one (1) month prior to expiration of the permit.

D. Enforcement Procedures:

1. Any aggrieved person believing that a violation or violations of this chapter is occurring and who desires that action be taken by the Township shall notify the Zoning Officer in writing of such alleged violation(s). Within thirty (30) calendar days after receipt by the Zoning Officer of such written allegation(s), the Zoning Officer shall complete an investigation of the alleged allegation(s) to determine the merits thereof. Within ten (10) calendar days after the Zoning Officer has completed the investigation, they shall notify in writing the following persons:
 - a. If the Zoning Officer determines that no violation as alleged or otherwise is occurring, then notification of that decision shall be given to the complaining person or a spokesperson for complaining person by certified mail return receipt requested.

- b. If the Zoning Officer determines that a violation is occurring or has occurred as alleged, then notification of that decision and a time for compliance shall be sent by certified mail return receipt requested to both the violator and complaining person or a spokesperson for complaining person. The notification shall also state what action, if any, will be taken if compliance is not timely effected.
2. Any person feeling aggrieved by a decision of the Zoning Officer may appeal that decision to the Zoning Hearing Board pursuant to the provisions of Section 72-19.11.

Section 72-14.23 Tree Removal

- A. Purpose: These standards are in full effect in order to protect a valuable natural resource from being exploited to the detriment of residents of O'Hara Township. The presence of living trees in O'Hara Township is important and desirable from an economic, ecologic, environmental, and aesthetic standpoint.
- B. General Provisions:
 1. Except as otherwise herein provided or provided for in the Subdivision and Land Development Ordinance of O'Hara Township, it shall be unlawful for anyone to cut down or destroy any tree in any zoning district in O'Hara Township which is eight inches (8") or more in diameter measured at a point four and one half feet (4½') above ground level.
 2. It shall be lawful to cut down such trees eight inches (8") or more in diameter if the tree is sick, infected, damaged, dead, is in such position or condition that it constitutes a danger to neighboring property or to the public generally, or is located within the legal right-of-way of a public street.
 3. It shall be lawful in any calendar year for the owner of any undeveloped tract of land or developed lot to cut down on said tract of land or lot up to six (6) trees eight inches (8") or more in diameter not of the type referred to in Subsection B-2 for any private or commercial purpose.
 4. When a zoning/building permit is issued for a building, structure or use it shall be lawful to cut down any trees which exist in the space to be occupied by such building, structure, or use, any

space within fifteen feet (15') of any such building or structure, and any space to be occupied by, and all space within ten feet (10') of all sides of any driveway, parking area, water system, or sewage disposal system.

5. The removal or trimming of trees within delineated utility easements and/or recorded rights-of-way shall be permitted for the purpose of maintaining said easement or right-of-way. Utility companies, authorities, agencies or private contractors responsible for the removal or trimming of trees shall perform such work in conformance with any formal or informal agreement or contract and shall attempt to notify the owners of abutting property as to the scheduling of such work in advance.
6. Timber harvesting shall be permitted in any zoning district, in accordance with the provisions of this Section, and all other provisions of the Zoning Ordinance:
 - a. Timber harvesting shall be done only in accordance with a forest management plan prepared by a forester. A copy of the plan shall be filed with the Township Engineer at least thirty (30) days prior to the next Planning Commission regular meeting, at which time the plan will be reviewed. All forest management plans and the actual timber harvesting operations must comply with the following requirements: (Amended 4/12/2005, Ord. No. 1134)
 - 1) Prior to the clearing of any trees, an Environmental Impact Study shall be submitted to the Township.
 - 2) The timber harvesting shall be by the selection method. Clear cutting is prohibited.
 - 3) An erosion and sedimentation control plan during and after the timber harvesting operation shall be submitted at the same time the forest management plan if filed.
 - 4) No timber harvesting will be permitted on slopes of 40% and greater unless a tree is presenting a danger to a structure or roadway.
 - 5) All cutting, removing, skidding and transporting of trees shall be planned and performed in such manner as to minimize the disturbance of or damage to other trees and vegetation and the land itself.

- 6) Where possible, stream crossings shall be avoided, but where deemed necessary, stream crossings shall be made at a right angle across suitable culverts or bridges. Department of Environmental Protection permits will be required prior to the issuance of any timber harvesting permits.
- 7) Buffer zones of fifty feet (50') shall be maintained on the property on which the timber harvesting operation is being conducted along all streets and abutting properties.
- 8) Felling or skidding on or across property of others is prohibited without the express written consent of the owners of such property. Felling or skidding on or across any public street is prohibited without the express written consent of the Township in the case of Township streets, Allegheny County in the case of County roads, or the Pennsylvania Department of Transportation in the case of State highways.
- 9) The stumps of all felled trees shall be permitted to remain in the soil for stabilization purposes. If limbs are to remain on site, they must be cut and spread out and not left in a pile.
- 10) During periods of fire danger or drought, as determined by the Emergency Management Coordinator of O'Hara Township, the Township shall have the right to order a suspension of timber harvesting operations until the danger subsides.
- 11) Littering is prohibited during and upon completion of a timber harvesting operation. All cans, bottles, paper, garbage and other litter of any type shall be removed from the property.
- 12) No toxic materials shall be stored within one hundred feet (100') of a buffer zone including petroleum based and/or derived products.
- 13) No more than fifty percent (50%) of the existing trees on any given site shall be removed during any timber harvesting operation.

14) All tree removal activities shall also comply with the Environmental Performance Standards outlined in Article XVIII.

15) In addition, standards for grading and sedimentation and erosion control from the Township Subdivision and Land Development Ordinance shall also apply.

b. Before the timber harvesting operation begins, all trees which are to be felled in connection therewith shall be clearly marked on the trunk and the stump so that the same may be easily identified both before and after a tree has been felled. No tree shall be felled which has not been designated for removal on the forest management plan as finally approved by the Township Council.

c. The holder of a permit to conduct a timber harvesting operation shall notify the Township at least forty-eight (48) hours before the cutting of trees for removal from the site is to begin.

d. The holder of a permit to conduct a timber harvesting operation shall notify the Township at least one (1) week in advance of the expected completion date of the timber harvesting operation, and shall notify the Township immediately upon said operation's completion.

e. After a permit for a timber harvesting operation has been issued, the Township shall have the right, by its own personnel or by outside persons hired for the purpose, to go upon the site before, during and after the timber harvesting operation to insure and require compliance with the plans for said operation as finally approved and all of the terms and provisions of this Ordinance.

Section 72-14.24 Requirements for Conditional Uses

The following requirements must be met for the granting of a conditional use:

- A. The conditional use must be found to be beneficial to the public at the proposed location.
- B. The conditional use is more suitable at the proposed location than on other properties in the same zone because of the size, shape, topography, surroundings and physical condition of the proposed location.

- C. The conditional use shall not involve any element or cause any condition that may be dangerous, injurious or noxious to any other property or persons and shall comply with the performance standards of Article XVIII.
- D. The conditional use shall be sited, oriented and landscaped to produce a harmonious relationship of buildings and grounds to adjacent buildings and properties.
- E. The conditional use shall be referred to and a report received from the Planning Commission. The report shall include a statement that the proposed use is not in conflict with the Comprehensive Development Plan of the Township, together with any recommendations.
- F. The conditional use must be approved or denied, in writing, by the Township Council following a public hearing with appropriate public notice, within forty-five (45) days of the date of the last hearing. Said hearings for a conditional use shall be commenced, conducted and completed as provided in Section 908, Subsection 1.2 of the Pennsylvania Municipalities Planning Code as amended. In approving a conditional use, Council may attach reasonable safe guards and conditions, in addition to those in the ordinance as Council deems necessary to implement the purposes of the ordinance and the Pennsylvania Municipalities Planning Code.
- G. All appeals of conditional use decisions rendered shall be taken to the Court of Common Pleas of the Judicial District wherein the land is located and shall be filed within 30 days after entry of the decision in accordance with the Pennsylvania Municipalities Planning Code.
- H. The conditional use must also meet any supplemental regulations or conditions, where they are set forth, for a particular conditional use.
- I. Traffic: In a residential district, for approval of a conditional use, the use must abut a regional street or a collector street, except where the applicant agrees to pave and widen existing roads as required by the Planning Commission. In commercial and manufacturing districts, all uses shall abut regional streets or collector streets.
- J. The conditional use shall provide for adequate vehicular access and parking to minimize traffic congestion in the neighborhood.
- K. The conditional use shall be substantially completed and occupied within two (2) years of the issuance of conditional use approval or said approval shall lapse.

- L. All residential properties located within 150-feet of the property lines of the conditional use must be notified by the Township via regular mail of the Public Hearing related to the conditional use application.

Section 72-14.25 Major Outside Seating

A major outdoor seating permit must be obtained for this category of outside seating along with any other permits that are required for the construction of a patio, deck or other surface for the seating area. The appropriate permit application must be completed and drawing of seating area and placement of tables, chairs, benches, planters, etc. must be included on the drawing and submitted to the Township for review. The seating configuration and layout must strictly comply all with Federal, State or local laws, rules and regulations relating to accessibility, including, but not limited to the Americans with Disabilities Act and the most current Township adopted Building Code.

- A. Outdoor dining that is an accessory use and contiguous to a legally established restaurant or other eating or drinking establishment. Outdoor dining will be limited to an area created and designated for outside seating.
- B. All seating must be placed to ensure accessibility and pedestrian circulation. It is the responsibility of the business owner and/or building owner to ensure that the accessibility and pedestrian circulation area is maintained at all times.
- C. Outdoor seating may not be placed within 2 feet of building ingress and egress locations.
- D. No elements of the outdoor seating area may be placed in the accessibility and pedestrian circulation area, including, but not limited to, benches, planters, barriers, signs, heaters or umbrellas.
- E. Umbrellas shall be fully functional and visually appealing. Umbrellas should be suitable for outside use. No advertisements may be on the umbrellas.
- F. No loud speaker or television may be in an outside seating area.
- G. Barriers must be used to separate the outdoor seating area from other outdoor areas. The barriers must be 3 feet in height and made out of sturdy material. The barrier can not infringe on accessibility and pedestrian circulation areas.

- H. Hours of operation are limited to the establishments hours of operation. The outside seating area may not have different hours of operation than the interior restaurant.
- I. It is the business owner and/or building owners responsibility to ensure that patrons in the outside seating area behave in an appropriate manner. Loud, boisterous, profane, lewd, discriminatory, crude, or other similar behavior will not be tolerated in any manner what so ever.
- J. The restaurant/building owner are responsible for maintaining a trash and litter free environment at all times. In the event litter or trash travels into other locations outside the storefront and/or business limits, it is the responsibility of the business owner and/or building owner to collect and dispose of litter/trash in a timely manner. Dishes, cups, glasses napkins and food scraps must be removed from tables in a timely manner.
- K. Food and beverages may only be served to individuals seated in the outdoor eating area. It is the responsibility of the business owner and/or building owner to ensure that only food and beverages prepared in the restaurant are served in the outdoor seating area.
- L. Temporary, mobile or freestanding food service providers or vendors are not eligible for outdoor seating.
- M. An establishment that serve alcohol must comply with all applicable Federal, State and local laws including but not limited to the Pennsylvania Liquor Control Board. Individuals shall not be visibly intoxicated in the outdoor seating area.
- N. Outdoor seating requiring a major outdoor seating permit must comply with all parking requirements set forth in the Township Zoning Ordinance Section 72-15.

Section 72-14.26 Minor Outside Seating

A minor outdoor seating permit must be obtained for this category of outside seating. The appropriate permit application must be completed and drawing of seating area and placement of tables, chairs, benches planters etc. must be included on the drawing and submitted to the Township for review. The seating configuration and layout must strictly comply all with Federal, State or local laws, rules and regulations relating to accessibility, including, but not limited to the Americans with Disabilities Act and the most current Township adopted Building Code.

- A. Outdoor dining that is an accessory use and contiguous to a legally established restaurant or other eating or drinking establishment. Outdoor dining will be limited to the sidewalk in front of the business within the confines of the business store front and/or business limits.
- B. All seating must be 5 feet from the edge of the sidewalk to ensure accessibility and pedestrian circulation. It is the responsibility of the business owner and/or building owner to ensure that the 5 feet accessibility and pedestrian circulation area is maintained at all times.
- C. Outdoor seating may not be placed within 2 feet of building ingress and egress locations.
- D. No elements of the outdoor seating area may be placed in the 5 feet accessibility area including but not limited to benches, planters, barriers, signs, heaters or umbrellas.
- E. Umbrellas shall be fully functional and visually appealing, umbrellas should be suitable for outside use. No advertisements may be on the umbrellas.
- F. No loud speaker or television may be in an outside seating area.
- G. If barriers are used to separate the outdoor seating area from the accessibility and pedestrian circulation area the barrier should be 3 feet in height and made out of sturdy material. The barrier can not infringe into the 5 feet accessibility and pedestrian circulation area.
- H. Hours of operation are limited to the establishments hours of operation. The outside seating area may not have different hours of operation then the interior restaurant.
- I. It is the business owner and/or building owners responsibility to ensure that patrons in the outside seating area behave in an appropriate manner. Loud, boisterous, profane, lewd, discriminatory, crude, or other similar behavior will not be tolerated in any manner what so ever.
- J. The restaurant/building owner are responsible for maintain a trash and litter free environment at all times. In the event litter or trash travels into other locations outside the storefront and/or business limits, it is the responsibility of the business owner and/or building owner to collect and dispose of litter/trash in a timely manner. Dishes, cups, glasses napkins and food scraps must be removed from tables in a timely manner.

- K. Food and beverages may only be served to individuals seated in the outdoor eating area. It is the responsibility of the business owner and/or building owner to ensure that only food and beverages prepared in the restaurant are served in the outdoor seating area.
- L. Temporary, mobile or freestanding food service providers or vendors are not eligible for outdoor seating.
- M. Establishment that serve alcohol must comply with all applicable Federal, State and local laws including but not limited to the Pennsylvania Liquor Control Board. Individuals shall not be visibly intoxicated in the outdoor seating area.
- N. Outdoor seating limited to existing sidewalk and the store front and/or business limits will not require additional parking.

Section 72-14.27 Mobile Home Parks

Mobile homes, whether the wheels are attached or not, shall be permitted only in mobile home parks which meet the requirements of this Section. Occupied travel trailers, as defined by the Ordinance, shall meet all of the requirements specified for mobile homes.

- A. No mobile home park shall have an area of less than ten (10) acres.
- B. Each mobile home site within the park shall have an area of five thousand (5,000) square feet.
- C. No mobile home shall be closer than thirty-five feet (35') to any adjacent property or other mobile home.
- D. Not less than ten percent (10%) of the gross area of the park must be improved for recreational activities of the residents of the park.
- E. The park shall be appropriately landscaped and screened from adjacent properties. No mobile homes or mobile home site shall abut any public street.
- F. The park shall include paved streets, sanitary sewers, water and all utilities in accordance with Township requirements for subdivision improvements.

Section 72-14.28 Motels, Hotels, Bed and Breakfasts and Similar Businesses

Motels, hotels, bed and breakfasts and similar businesses shall be permitted as a conditional use in Commercial and SM Suburban Manufacturing Districts, provided:

- A. No building or part of building shall exceed the permitted building height in the zoning district where the property is located. Motels may or may not include an integral restaurant, providing for dining facilities to patrons seated at tables and adequate to serve at least the overnight guests of the motel.
- B. No more than forty percent (40%) of the ground area of the lot on which the motel is erected shall be occupied by buildings, and the lot shall be completely landscaped and planted with ornamental trees and shrubs.
- C. No building shall be set nearer than fifty feet (50') feet to the front, side and rear lot lines.
- D. There shall be not less than one thousand five hundred (1,500) square feet of lot area for each sleeping unit. The minimum lot area for a motel shall be one (1) acre.
- E. At least one (1) off-street parking space of not less than two hundred (200) square feet shall be provided on the same lot for each sleeping unit. Access driveways shall be not less than twenty feet (20') wide. All driveways and parking areas shall be paved.
- F. At least one-half (1/2) of the sleeping units shall contain a bedroom and bath having a floor area of not less than two hundred and fifty (250) square feet and the remaining one-half (1/2) of the sleeping units with a bedroom and bath of not less than three hundred (300) square feet.
- G. If the lot upon which a motel is erected abuts a residential zone, the motel shall be screened by well-maintained landscaping not less than six feet (6') in height nor more than ten feet (10') in height or with ornamental fencing within the same height limitations, the ratio of the solid portion to the open portion of which shall not exceed three to one (3:1).
- H. The review and approval procedures outlined in the O'Hara Township Subdivision and Land Development Ordinance for land developments shall dictate the provision of required information.
- I. In addition to the provisions of Section 72-14.17 the provisions contained in this Article shall also apply to all proposed motels.

Section 72-14.29 Motorized Vehicle Service Stations, Motorized Vehicle Repair and Motorized Vehicle Dealerships

Gasoline stations, garages and motorized vehicle dealerships shall be permitted as conditional uses in the C District, provided:

- A. In the case of a gasoline station, all repairs shall be conducted in an enclosed building and any and all odors must be contained within the building.
- B. All driveways and parking areas must be paved.
- C. There is no parking of motor vehicles, trucks, tractors or trailers except for the purpose of being serviced and for minor repairs, limited to a period of eight (8) hours, unless garaged.
- D. Convenience retail uses when provided in conjunction with automotive service shall accommodate, on site, parking in compliance with the ratios for general retail uses.
- E. Location, entrances, exits and design of buildings and structures are approved by the Planning Commission and entrances and exits are approved by the Pennsylvania Department of Transportation if on a state owned and maintained roadway.
- F. No permit shall be issued for the erection or structural alteration of any such building or for the conversion of any premises for such purposes unless it is within the proper use district and the plans for such building have been approved by the Township Council. The Township Council shall not approve plans for such uses that, in its judgment, will produce excessive noise (See Section 72-18.12) or endanger public safety or that are located within two hundred feet (200') of any entrance to a public park or playground or the nearest point of any building in which there is established or maintained a school, hospital, church, theater or public library.
- G. No such building, pumps or equipment shall be located within fifteen feet (15') of any street line or within twenty-five feet (25') of an adjacent property line. The Township Council, in passing upon the request of approval, may consider the type of machinery and equipment to be used and the methods of operation employed and may require changes in relation to yards, location of pumps and buildings and construction of buildings as it may deem best suited to ensure safety, to minimize traffic difficulties and to safeguard adjacent properties.

Section 72-14.30 Hospitals, Churches and Schools

- A. Total lot area shall be not less than five (5) acres for churches, nor less than ten (10) acres for hospitals and schools.

- B. Not more than twenty percent (20%) of the lot area shall be covered by buildings.
- C. No building shall be erected nearer than sixty feet (60') from any street right-of-way or one hundred feet (100') from any property line.
- D. No hospital, church or school may be erected on any property which does not abut either an arterial street or a collector street.
- E. No building shall exceed three (3) stories in height above ground level.

Section 72-14.31 Satellite Dish Antennae (i.e. DIRECTV, Dish Network, etc.)

- A. Location: All satellite dish antennae must be located in the rear yard. All satellite dish antennae must comply with the setback requirements for structures as set forth in this Ordinance. Only one (1) satellite dish antennae of three feet (3') in diameter is permitted on a lot.
- B. Screening: All satellite dish antennae must be screened so that the satellite dish antennae structure is not visible from adjacent public roads and lots.
- C. Footer Design: All satellite dish antennae must be properly anchored. Installation of satellite dishes over three feet (3') in diameter on the roofs of buildings or on foundations or other structures exceeding three feet (3') in height is strictly prohibited.
- D. Wind Resistance: All satellite dish antennae must be designed and installed to withstand a wind force of one hundred (100) miles per hour.
- E. Code Compliance: All satellite dish antennae shall meet the requirements of the current Township Building Code. All wiring and cabling shall not be visible to adjacent properties or from the public road. No satellite dishes shall be installed without first obtaining a building permit from the Township.
- F. A building permit will not be required for the installation of satellite dish antennae thirty-six inches (36") or less in diameter.

Section 72-14.32 Cemetery or Mausoleum

- A. Expansion and/or establishment of cemeteries must be in conjunction with and adjacent to existing cemeteries or religious facilities.

- B. Adequately funded programs and provisions which meet the approval of the Solicitor shall be provided to guarantee perpetual care of all cemetery grounds. This provision shall apply to existing cemeteries for which expansions are proposed.
- C. All garages, equipment shelters, offices and similar structures shall be screened from adjacent and/or residential properties by appropriate planting or fences approved by the Township on the basis of design, aesthetic quality and general adequacy.
- D. All equipment shall be properly stored when not in use.

Section 72-14.33 Parks, (non-township public or noncommercial recreation)

- A. There shall be provided adequate off-street parking for the anticipated maximum attendance at any event.
- B. Containers and facilities for rubbish collection and removal shall be provided.
- C. Adequate screening, buffer area, or landscape provisions shall be built, planted, or maintained, to protect adjacent residences from adverse noise, light, dust, smoke, and visual impact.
- D. The proposed use shall not create a traffic hazard.

Section 72-14.34 Colocation of Communications Antennae

- A. Building-mounted Communications Antennae shall be permitted to exceed the height limitations of the applicable Zoning District by no more than ten (10) feet.
- B. Omni directional or whip Communications Antennae shall not exceed ten (10) feet in height and seven (7) inches in diameter.
- C. Directional or panel Communications Antennae shall not exceed eight (8) feet in height and two (2) feet in width.
- D. Any applicant proposing a Communications Antenna to be mounted on a building or other structure shall submit evidence from a Pennsylvania registered structural engineering certifying that the proposed installation will not exceed the structural capacity of the Building or other Structure, considering wind and other loads associated with the antenna location.
- E. Any applicant proposing a Communications Antenna to be mounted on a Building or other Structure shall submit evidence of agreements and/or easements necessary to provide access to the Building or Structure

on which the antennas are to be mounted so that installation and maintenance of the antennas and Communications Equipment can be accomplished.

- F. Communications Antennae shall comply with all applicable standards established by the Federal Communications Commission governing human exposure to electromagnetic radiation.
- G. Communications Antennae shall not cause radio frequency interference with other communications facilities located in the Township.
- H. A Communications Equipment Building shall be subject to the height and setback requirements of the applicable Zoning District for an accessory structure.

Section 72-14.35 Bus Shelters (Amended 4/12/2005, Ord. No. 1134)

- A. Bus shelters shall be permitted in all zoning districts, subject to compliance with the requirements of this section and any other applicable law.
- B. Before commencing or continuing a Bus Shelter use, an applicant must apply for and receive a permit from the Zoning Officer. The Zoning Officer is authorized to prepare an application form that must be used by an applicant. The application must demonstrate compliance with the standards set forth in Subsection C.
- C. Each Bus shelter must comply with the following:
 - 1. It must be no larger than the following: eight feet (8') high; six feet (6') deep; and thirteen feet (13') wide.
 - 2. Applicant must have permission from the following persons (as applicable) to install and maintain a shelter: property owner, transit authority, and right-of-way owner. Nothing in this ordinance shall be deemed to restrict or limit the Township's ability to regulate the use of its right-of-way.
 - 3. All shelters must be maintained in good condition and must be kept clean and free of debris and garbage. Covenants for maintenance and cleaning of the Bus Shelter, and a definitive plan (including subcontracts where appropriate) for periodic maintenance and cleaning should be part of the application and should be in place at all times.

4. The construction materials for a shelter cannot contain Plexiglas, and must include safety glass.
5. Ancillary advertising may be included as part of the shelter, provided the total signage does not exceed twenty-four (24) square feet per face. Each shelter is limited to a single double-faced advertising panel on one side. The Panel, if “V” shaped, must not have an angle greater than thirty degrees (30°). Bus shelters located within residential, conservation or overlay zoning districts are not permitted to include ancillary advertising. (Amended 11/9/2005, Ord. No. 1142)
6. The Bus Shelter cannot be closer to the cartway than is permitted by PENNDOT, Allegheny County, Township of O’Hara and/or the Port Authority of Allegheny County and must comply with the Americans with Disabilities (ADA) requirements.
7. A minimum distance of three feet (3') must be provided between the shelter and any side or front property lines in order to provide adequate room for maintenance without the need to trespass on private property.
8. The Bus Shelter cannot create any traffic hazard, and cannot interfere with any lines of sight at an intersection.

Section 72-14.36 Solar Energy Facility

A. Principal Use

1. The applicant shall demonstrate through project planning and proposed mitigation that a proposed facility’s impacts will be minimized for surrounding properties and the community. This may include, but not be limited to information regarding site selection, facility design or appearance, buffering, and screening of ground mounted electrical control equipment.
2. Where the installation of the facility constitutes a land development, all provisions of applicable ordinances shall be met.
3. Noise from any solar energy facility shall not exceed fifteen decibels at the lot line, unless all affected adjacent property owners shall have executed a non-disturbance easement, covenant, or consent which has been recorded in the Office of the Recorder of Deeds of Allegheny County. Methods for measuring

and reporting acoustic emissions from the facility shall be equal to or exceed the minimum standards for precision described in AWEA Standard 2.1 – 1989 titled Procedures for the Measurement and Reporting of Acoustic Emissions from Wind Turbine Generation Systems Volume I: First Tier.

4. Construction of any solar energy facility shall comply with all applicable rules, laws and regulations of the United States Federal Aviation Administration, documentation of compliance shall be provided to Township.
5. To the extent applicable, all solar energy facilities shall comply with the Pennsylvania Uniform Construction Code and regulations promulgated by the Pennsylvania Department of Labor and Industry.
6. All electrical components of solar energy facilities shall conform to relevant and applicable local, State and National Codes, and relevant and applicable international standards.
7. Solar energy facilities shall not be artificially lighted, except to the extent required by the Federal Aviation Administration or other applicable authority that regulates air safety.
8. Solar energy facilities shall not display advertising, except for reasonable identification nameplate of the facility manufacturer, not greater than one square foot in size.
9. Transmission and power lines shall be placed underground or out of sight.
10. The following project information shall be submitted to the Township for every proposed solar energy facility:
 - a. Project narrative including the following: an overview of the project, project location, the approximate generating capacity, the number, representative types and heights of facilities to be constructed, including their generating capacity, dimensions, and respective manufacturers, and description of any ancillary facilities to the solar energy system.
 - b. An affidavit or similar evidence of agreement between the property owner and the solar energy facility owner or operator, demonstrating permission to apply for necessary permits for construction and operation of a solar energy facility.

- c. Identification of the properties on which the proposed facility will be located and the properties adjacent to the proposed location.
 - d. A site plan showing the planned location of each proposed solar energy facility, property lines, setback lines, access roads, and the location of any ancillary structures, including equipment, cabling, buildings, structures, transmission lines, and substations.
 - e. A viewshed impact analysis, illustrating views of the proposed facility from multiple angles.
 - f. A design certification by a certified engineer, consisting of the proposed foundation design and analysis of soil conditions.
11. Solar Energy Facilities shall not exceed a maximum height of 15 feet, measured from the ground to the tallest point on the facility.
 12. Preliminary and Final Land Development approvals are required for the construction of any solar energy facility when it is the principal use on a site or lot.
 13. All solar energy facilities and any associated equipment shall comply with all area, dimensional, and yard setbacks for the zoning district in which the facility is located, as well as any other zoning provisions that apply, including buffering and landscaping.
 - a. Required landscape buffering may be modified so that tall tree species may be replaced with lower-growing tree species where the required tree species may interfere with the functioning of the solar energy facility, only where the required landscape buffer is adjacent to property where non-residential uses are permitted.
 14. Secure perimeter fencing shall be installed around the solar energy facility. The fencing shall not be constructed within any required landscape buffer or setback. The fencing shall be chain link construction with rubberized coating in neutral earth tone colors such as black or brown.
- B. Accessory Use (Amended 5/9/2017, Ord. No. 1324 and 6/11/2019, Ord. No. 1349)
1. Township zoning approval is required for the construction of any solar energy facility that is an accessory use on any site or lot.

- a. The Zoning Permit Application shall indicate the location of the proposed facility, including the percentage of roof coverage, if the facility is mounted on a building.
2. The applicant shall demonstrate through project planning and proposed mitigation that a proposed facility's impact will be minimized for surrounding properties and the community. This may include, but not be limited to, information regarding site selection, facility design or appearance, buffering, and screening of ground mounted electrical control equipment.
3. Noise from any solar energy facility shall not exceed 45 decibels at the lot line. A sound level meter, dosimeter, or similar device may be used for measuring and reporting acoustic emissions from the solar energy facility.
4. Construction of any solar energy facility shall comply with all applicable rules, laws and regulations of the United States Federal Aviation Administration, documentation of compliance shall be provided to Township.
5. To the extent applicable, all solar energy facilities shall comply with the Pennsylvania Uniform Construction Code and regulations promulgated by the Pennsylvania Department of Labor and Industry.
6. All electrical components of solar energy facilities shall conform to relevant and applicable local, State and National Codes, and relevant and applicable international standards.
7. Solar energy facilities shall not be artificially lighted, except to the extent required by the Federal Aviation Administration or other applicable authority that regulates air safety.
8. Solar energy facilities shall not display advertising, except for reasonable identification nameplate of the facility manufacturer, not greater than 6" x 6" in size.
9. Transmission and power lines shall be placed underground or out of sight.
10. Where installed on the roof of a building, no solar panel shall be installed such that more than 75% of the roof area is covered by the panels. Solar panel shall be set back 3' from all edges of the roof.

11. Where solar roofing shingles are installed on the roof of a building, the shingles shall be installed such that 100% of the visible roof from the street shall be covered by the solar roofing shingles, whether active or not. Identical non-solar shingles must be used for the first row of shingles around the edge of the roof. This edge must be at least six inches (6") in depth. The solar shingles on the roof must meet the underwriter's laboratory safe touch definition per branch or bundle, and the Township of O'Hara Building Code.
12. Any solar energy facility installed on a roof of a building shall comply with the height requirements of the zoning district in which the property is located.
13. No solar energy facility or facilities may exceed in total 30% of the total site and in no case shall exceed the maximum lot coverage for the district in which the property is located.
14. Solar energy facilities shall meet the accessory structure setbacks and other regulations that may apply in the zoning district in which the facility is constructed and where no such setback is specified, the facility shall be no closer than (15') fifteen feet from any property line.
15. No solar energy facilities shall be located in the front yard.
16. No facility shall be attached to a tree or any other natural object or structure not intended to support such a facility.
17. No facility shall be installed closer than ten feet (10') to a swimming pool or other open body of water.

C. Conditional Use

1. The applicant shall demonstrate through project planning and proposed mitigation that a proposed facility's impacts will be minimized for surrounding properties and the community. This may include, but not be limited to information regarding site selection, facility design or appearance, buffering, and screening of ground mounted electrical control equipment.
2. Where the installation of the facility constitutes a land development, all provisions of applicable ordinances shall be met.
3. Noise from any solar energy facility shall not exceed 45 decibels at the lot line. A sound level meter, dosimeter or other similar

device may be used for measuring and reporting acoustic emissions from a solar energy facility.

4. Construction of any solar energy facility shall comply with all applicable rules, laws and regulations of the United States Federal Aviation Administration, documentation of compliance shall be provided to Township.
5. To the extent applicable, all solar energy facilities shall comply with the Pennsylvania Uniform Construction Code and regulations promulgated by the Pennsylvania Department of Labor and Industry.
6. All electrical components of solar energy facilities shall conform to relevant and applicable local, State and National Codes, and relevant and applicable international standards.
7. Solar energy facilities shall not be artificially lighted, except to the extent required by the Federal Aviation Administration or other applicable authority that regulates air safety.
8. Solar energy facilities shall not display advertising, except for reasonable identification nameplate of the facility manufacturer, not greater than 6" x 6" in size.
9. The following project information shall be submitted to the Township for every proposed solar energy facility:
 - a. Project narrative including the following: an overview of the project, project location, the approximate generating capacity, the number, representative types and heights of facilities to be constructed, including their generating capacity, dimensions, and respective manufacturers, and description of any ancillary facilities to the solar energy system.
 - b. An affidavit or similar evidence of agreement between the property owner and the solar energy facility owner or operator, demonstrating permission to apply for necessary permits for construction and operation of a solar energy facility.
 - c. Identification of the properties on which the proposed facility will be located and the properties adjacent to the proposed location.
 - d. A site plan showing the planned location of each proposed solar energy facility, property lines, setback lines, access roads,

and the location of any ancillary structures, including equipment, cabling, buildings, structures, transmission lines, and substations.

- e. A viewshed impact analysis, illustrating views of the proposed facility from multiple angles.
 - f. A design certification by a certified engineer, consisting of the proposed foundation design and analysis of soil conditions.
- 10. Solar Energy Facilities shall not exceed a maximum height of 15 feet, measured from the ground to the tallest point of the facility.
 - 11. Preliminary and Final Land Development approvals are required for the construction of any solar energy facility when it is the principal use on a site or lot.
 - 12. All solar energy facilities and any associated equipment shall comply with all area, dimensional, and yard setbacks for the zoning district in which the facility is located, as well as any other zoning provisions that apply, including buffering and landscaping.
 - a. Required landscape buffering may be modified so that tall tree species may be replaced with lower-growing tree species where the required tree species may interfere with the functioning of the solar energy facility, only where the required landscape buffer is adjacent to property where non-residential uses are permitted.
 - 13. Secure perimeter fencing shall be installed around the solar energy facility. The fencing shall not be constructed within any required landscape buffer or setback. The fencing shall be chain link construction with rubberized coating in neutral earth tone colors such as black or brown.

Section 72-14.37 Wind Energy Facility (Stand-alone wind turbine) (Amended 5/9/2017, Ord. No. 1324)

A. Principal Use

- 1. The applicant shall demonstrate through project planning and proposed mitigation that a proposed facility's impacts will be minimized for surrounding properties and the community. This may include, but not be limited to information regarding site selection, facility design or appearance, buffering, and screening of ground mounted electrical control equipment.

2. Where the installation of the facility constitutes a land development, all provisions of applicable ordinances shall be met.
3. Noise from any facility shall not exceed 50 decibels at the lot line adjacent to any lot in a non-residential zoning district and 15 decibels at the lot line adjacent to any lot in a residential zoning district, unless the adjacent property owner shall have executed a non-disturbance easement, covenant, or consent which has been recorded in the Office of the Recorder of Deeds of Allegheny County. The decibel measurement shall be taken at the exterior of any occupied structure on any property other than that occupied by the facility. Methods for measuring acoustic emissions from the facility shall be equal to or exceed the minimum standards for precision described in AWEA Standard 2.1 – 1989 titled Procedures for the Measurement and Reporting of Acoustic Emissions from Wind Turbine Generation Systems Volume I: First Tier.
4. Construction of any wind energy facility shall comply with all rules, laws and regulations of the United States Federal Aviation Administration. Documentation of compliance shall be provided to the Township.
5. To the extent applicable, all wind energy facilities shall comply with the Pennsylvania Uniform Construction Code and regulations promulgated by the Pennsylvania Department of Labor and Industry.
6. All electrical components of wind energy facilities shall conform to relevant and applicable local, State and National Codes, and relevant and applicable international standards.
7. Wind energy facilities shall not be artificially lighted, except to the extent required by the Federal Aviation Administration or other applicable authority that regulates air safety.
8. Wind energy facilities shall not display advertising, except for reasonable identification nameplate of the facility manufacturer, not greater than one square foot in size.
9. Transmission and power lines shall be placed underground or out of sight.

10. Preliminary and Final Land Development Approval is required for the construction of any wind energy facility when it is the principal use on a site or lot.
11. Yard/Setback Requirements
 - a. Minimum Lot Area 5 Acres
 - b. Maximum Density 1 Facility/ 5 Acres
 - c. All setbacks shall be measured from the center of any wind energy facility base to the nearest point on the foundation of a building or property line.
 - d. From Off Premises Buildings: 1.5 times the height of the wind energy facility at its tallest point or the setback for the district in which the facility is located, whichever is greater.
 - e. From Property Lines: 1.1 times the height of the wind energy facility at its tallest point or the setback for the district in which the facility is located, whichever is greater.
 - f. From Public Roads: 1.1 times the height of the wind energy facility at its tallest point or the setback for the district in which the facility is located, whichever is greater.
12. The maximum height of any wind energy facility shall not exceed 120 feet, measured from ground level to the tallest point of the facility, measured to the tip of the blade fully extended perpendicular to the ground plane.
13. Any individual wind energy facility shall be separated from any other wind energy facility by a minimum of 1.1 times the height of the facility, measured from the tips of the blades when the blades are parallel with ground level.
14. No moving parts of the wind energy facility shall extend over parking areas, driveways, roads or sidewalks, except access ways necessary to service the facility.
15. The facility coloring shall be solid neutral tones such as white, off-white, or gray. Any alphabetical or numeric characters shall be representative of the facility manufacturer only and shall comprise no more than four square feet.
16. The following project information shall be submitted to the Township for every proposed wind energy facility.

- a. Project narrative including the following: an overview of the project, project location, the approximate generating capacity, the number, representative types and heights of facilities to be constructed, including their generating capacity, dimensions, and respective manufacturers, and description of any ancillary facilities to the wind energy system.
 - b. An affidavit or similar evidence of agreement between the property owner and the wind energy facility owner or operator, demonstrating permission to apply for necessary permits for construction and operation of a wind energy facility.
 - c. Identification of the properties on which the proposed facility will be located and the properties adjacent to the proposed location.
 - d. A site plan showing the planned location of each proposed wind energy facility, property lines, setback lines, access roads, and the location of any ancillary structures, including equipment, cabling, buildings, structures, transmission lines, and substations.
 - e. A viewshed impact analysis, illustrating views of the proposed facility from multiple angles.
 - f. A design certification by a certified engineer, consisting of the proposed foundation design and analysis of soil conditions.
17. Decommissioning Funds shall be posted and maintained with the Township in an account equal to one hundred twenty-five percent of the estimated decommissioning costs, for as long as the facility exists, regardless of change of ownership of the facility or property on which it sits. Decommissioning shall include removal of wind turbines, buildings, cabling, electrical components, roads, foundations and any other associated facilities.
- a. An independent and certified professional engineer shall estimate the total cost of decommissioning without regard to salvage value or the equipment.
 - b. Decommissioning funds shall be deposited into a refundable escrow of same amount with the Township.
 - c. If the wind energy system remains unused for a period of twelve consecutive months, the owner, operator, or property owner shall, at its expense, complete decommissioning of the

system within six months. The wind energy system will be presumed to be at the end of its useful life if no electricity is generated for a continuous period of twenty-four months.

d. If the facility owner, operator, or property owner shall fail to appropriately complete decommissioning, the Township may take such action as necessary to complete the decommissioning. The entry into and submission of evidence of a Participating Landowner Agreement to the Township shall constitute agreement and consent of the parties to the agreement, their respective heirs, successors, and assigns, that the Township may take such action as necessary to implement the decommissioning.

18. There shall be no components attached or integral to the facility that facilitates unauthorized access to the structure, such as ladders or steps.
19. All access doors to wind energy facilities and electrical equipment shall be located or fenced as appropriate, to prevent entry by unauthorized persons.

B. Accessory Use

1. Township Zoning Approval is required prior to the construction of any wind energy facility on any site or lot.
 - a. The Zoning Permit Application shall indicate the location or the proposed facility.
2. The applicant shall demonstrate through project planning and proposed mitigation that a proposed facility's impacts will be minimized for surrounding properties and the community. This may include, but not be limited to information regarding site selection, facility design or appearance, buffering, and screening of ground mounted electrical control equipment.
3. Noise from any wind energy facility shall not exceed 45 decibels at the lot line. A sound level meter, dosimeter, or similar device may be used for measuring and reporting acoustic emissions from the solar energy facility.
4. Construction of any wind energy facility shall comply with all rules, laws and regulations of the United States Federal Aviation Administration. Documentation of compliance shall be provided to the Township.

5. Wind energy facilities shall not be artificially lighted, except to the extent required by the Federal Aviation Administration or other applicable authority that regulates air safety.
6. To the extent applicable, all wind energy facilities shall comply with the Pennsylvania Uniform Construction Code and regulations promulgated by the Pennsylvania Department of Labor and Industry.
7. All electrical components of wind energy facilities shall conform to relevant and applicable local, State and National Codes, and relevant and applicable international standards.
8. Wind energy facilities shall not display advertising, except for reasonable identification nameplate of the facility manufacturer, not greater than 6" x 6" in size.
9. Yard /Setbacks Requirements:
 - a. Minimum lot area 2 Acres
 - b. From buildings: 1.1 times the height of the wind energy facility at its tallest point, measured from the bottom of the facility base to the highest reach of any moveable or immobile part; except where the facility is mounted to a building, the setback shall not be required between the facility and the building to which it is attached or the principal structure setback for the district, whichever is greater.
 - c. From property lines: 1.1 times the height of the wind energy facility at its tallest point, measured from the bottom of the facility base to the highest reach of any moveable or immobile part or the principal structure setback for the district, whichever is greater.
 - d. From public roads: 1.1 times the height of the wind energy facility at its tallest point, measured from the bottom of the facility base to the highest reach of any moveable or immobile part or the principal structure setback for the district, whichever is greater.
 - e. Each vertically oriented wind energy facility mounted on a building shall be separated from any other wind energy facility by 1.1 times the height of the facility, measured from the point at which the facility is mounted to the building, to the highest reach of any moveable or immobile part of the facility.

f. Any wind energy facility that is an accessory structure shall meet the applicable accessory structure setbacks that may apply in the zoning district within which the facility is constructed and where no setback is specified, the facility shall be no closer than 15 feet from the property line or the distance set forth above being 1.1 times the height of the facility, measured from the base to the highest moveable or immobile part, whichever is greater.

10. Maximum height: Where the facility is an independent structure and not mounted to a building, 30 feet maximum height in residential and C- commercial zoning districts and 40 feet maximum height in the SM-Suburban Manufacturing Districts, measured from ground level to the tip of the wind energy facility's blade fully extended perpendicular to the ground plane. Where the facility is mounted to a building, the maximum height at the tallest point on the building shall be 30 feet high.
11. Minimum vertical clearance between ground level and the lowest moveable component of the wind energy facility when at its lowest point: 15 feet; where the facility is mounted to a building, the minimum vertical clearance between the building and the lowest moveable component of the wind energy facility when at its lowest point: 5 feet.
12. Ice throw from rotating wind turbine blades must be limited to within the subject property.
13. The color shall be a neutral and non-reflective tone, such as white, off-white or gray. The facility coloring shall be solid and any alphabetical or numerical characters shall be representative of the facility manufacturer only and shall comprise no more than one square foot in size.
14. No more than two (2) wind turbines shall be permitted on any one (1) property.

C. Conditional Use

1. The applicant shall demonstrate through project planning and proposed mitigation that a proposed facility's impacts will be minimized for surrounding properties and the community. This may include, but not be limited to information regarding site selection, facility design or appearance, buffering, and screening of ground mounted electrical control equipment.

2. Where the installation of the facility constitutes a land development, all provisions of applicable ordinances shall be met.
3. Noise from any wind energy facility shall not exceed 50 decibels at the lot line adjacent to any lot in a nonresidential zoning district, and 45 decibels at the lot line adjacent to any lot in a residential zoning district. A sound level meter, dosimeter, or similar device may be used for measuring and reporting acoustic emissions from the solar energy facility.
4. Construction of any wind energy facility shall comply with all rules, laws and regulations of the United States Federal Aviation Administration. Documentation of compliance shall be provided to the Township.
5. To the extent applicable, all wind energy facilities shall comply with the Pennsylvania Uniform Construction Code and regulations promulgated by the Pennsylvania Department of Labor and Industry.
6. All electrical components of wind energy facilities shall conform to relevant and applicable local, State and National Codes, and relevant and applicable international standards.
7. Wind energy facilities shall not be artificially lighted, except to the extent required by the Federal Aviation Administration or other applicable authority that regulates air safety.
8. Wind energy facilities shall not display advertising, except for reasonable identification nameplate of the facility manufacturer, not greater than 6" x 6" in size.
9. Preliminary and Final Land Development Approval is required for the construction of any wind energy facility when it is the principal use on a site or lot.
10. Yard /Setbacks Requirements:
 - a. Minimum lot area 2 Acres
 - b. Maximum density 1 Facility/ 2 Acres
 - c. All setbacks shall be measured from the center of any wind energy facility base to the nearest point on the foundation of a building or property line.

- d. From off Premises Buildings: 1.5 times the height of the wind energy facility at its tallest point or the setback for the district in which the facility is located, whichever is greater.
 - e. From property lines: 1.1 times the height of the wind energy facility at its tallest point or the setback for the district in which the facility is located, whichever is greater.
 - d. From public roads: 1.1 times the height of the wind energy facility at its tallest point or the setback for the district in which the facility is located, whichever is greater.
- 11. The maximum height of any wind energy facility, measured from ground level to the tip of the blade fully extended perpendicular to the ground plane, shall not exceed the maximum height of any structure as defined in the Township Zoning Ordinance for the applicable zoning district.
- 12. Any individual wind energy facility shall be separated from any other wind energy facility by a minimum of 1.1 times the height of the facility, measured from the tips of the blades when the blades are parallel with ground level.
- 13. No moving parts of the wind energy facility shall extend over parking areas, driveways, roads, sidewalks, or any other publicly accessible area, except access ways necessary to service the facility.
- 14. The facility coloring shall be solid neutral tones such as white, off-white, or gray. Any alphabetical or numeric characters shall be representative of the facility manufacturer only and shall comprise no more than four square feet.
- 15. The following project information shall be submitted to the Township for every proposed wind energy facility.
 - a. Project narrative including the following: an overview of the project, project location, the approximate generating capacity, the number, representative types and heights of facilities to be constructed, including their generating capacity, dimensions, and respective manufacturers, and description of any ancillary facilities to the wind energy system.

- b. An affidavit or similar evidence of agreement between the property owner and the wind energy facility owner or operator, demonstrating permission to apply for necessary permits for construction and operation of a wind energy facility.
 - c. Identification of the properties on which the proposed facility will be located and the properties adjacent to the proposed location.
 - d. A site plan showing the planned location of each proposed wind energy facility, property lines, setback lines, access roads, and the location of any ancillary structures, including equipment, cabling, buildings, structures, transmission lines, and substations.
 - e. A view shed impact analysis, illustrating views of the proposed facility from multiple angles.
 - f. A design certification by a certified engineer, consisting of the proposed foundation design and analysis of soil conditions.
16. Decommissioning Funds shall be posted and maintained with the Township in an account equal to one hundred twenty-five percent of the estimated decommissioning costs, for as long as the facility exists, regardless of change of ownership of the facility or property on which it sits. Decommissioning shall include removal of wind turbines, buildings, cabling, electrical components, roads, foundations and any other associated facilities.
- a. An independent and certified professional engineer shall estimate the total cost of decommissioning without regard to salvage value or the equipment.
 - b. Decommissioning funds shall be deposited into a refundable escrow of same amount with the Township.
 - c. If the wind energy system remains unused for a period of twelve consecutive months, the owner, operator, or property owner shall, at its expense, complete decommissioning of the system within six months. The wind energy system will be presumed to be at the end of its useful life if no electricity is generated for a continuous period of twenty-four months.
 - d. If the facility owner, operator, or property owner shall fail to appropriately complete decommissioning, the Township may take such action as necessary to complete the decommissioning. The

entry into and submission of evidence of a Participating Landowner Agreement to the Township shall constitute agreement and consent of the parties to the agreement, their respective heirs, successors, and assigns, that the Township may take such action as necessary to implement the decommissioning.

17. There shall be no components attached or integral to the facility that facilitates unauthorized access to the structure, such as ladders or steps.
18. All access doors to wind energy facilities and electrical equipment shall be located or fenced as appropriate, to prevent entry by unauthorized persons.

Section 72-14.38 Small Wind Energy Facility (Attached to building)

A. Accessory Use

1. Township approval is required prior to the construction of any small wind energy facility on any site or lot.
2. The applicant shall demonstrate through project planning and proposed mitigation that a proposed facility's impacts will be minimized for surrounding properties and the community. This may include, but not be limited to information regarding site selection, facility design or appearance, buffering, noise and screening of ground mounted electrical control equipment.
3. Noise from any small wind energy facility shall not exceed 45 decibels at the lot line. A sound level meter, dosimeter, or similar device may be used for measuring and reporting acoustic emissions from the solar energy facility.
4. Construction of any small wind energy facility shall comply with all rules, laws and regulations of the United States Federal Aviation Administration. Documentation of compliance shall be provided to the Township.
5. To the extent applicable, all small wind energy facilities shall comply with the Pennsylvania Uniform Construction Code and regulations promulgated by the Pennsylvania Department of Labor and Industry.
6. All electrical components of small wind energy facilities shall conform to relevant and applicable local, State and National Codes, and relevant and applicable international standards.

7. Small wind energy facilities shall not be artificially lighted, except to the extent required by the Federal Aviation Administration or other applicable authority that regulates air safety.
8. Small wind energy facilities shall not display advertising, except for reasonable identification nameplate of the facility manufacturer, not greater than 6" x 6" in size.
9. Yard and Setback Requirements:
 - a. Such devices shall be set back a minimum distance of 1.1 times the total height of the device and all equipment mounted thereon from all adjacent property lines and from public or private street right-of-way lines. The total height shall include the height of any structure that a device is mounted on.
 - b. Such devices shall be set back from any accessory structure(s) on the subject lot not less than 1.1 times the total height of the device. The setback distance shall be measured from the center of the wind turbine base to the nearest point of the foundation of any accessory structure(s).
 - c. Minimum vertical clearance between the building and the exposed lowest moveable component of the wind energy facility when at its lowest point: 5 feet.
 - d. Small Wind Energy Facilities shall not exceed a maximum height of 30 feet measured from the ground to the tallest point on the facility.
10. Ice throw from small wind turbine blades must be limited to within the subject property.
11. The color shall be a neutral and non-reflective tone, such as white, off-white or gray. The facility coloring shall be solid and any alphabetical or numerical characters shall be representative of the facility manufacturer only and shall comprise no more than one square foot in size.
12. No more than two (2) small wind turbines shall be permitted on any one (1) property.

Section 72-14.39 Geothermal Energy Facility

- A. Principal Use (Amended 2/8/2015, Ord. No. 1237)
1. The applicant shall demonstrate through project planning and proposed mitigation that a proposed facility's impacts will be minimized for surrounding properties and the community. This may include, but not be limited to information regarding site selection, facility design or appearance, buffering, and screening of ground mounted electrical control equipment.
 2. Where the installation of the facility constitutes a land development, all provisions of applicable ordinances shall be met.
 3. Noise from any geothermal energy facility shall not exceed fifteen decibels at the lot line, unless all affected adjacent property owners shall have executed a non-disturbance easement, covenant, or consent which has been recorded in the Office of the Recorder of Deeds of Allegheny County. Methods for measuring and reporting acoustic emissions from the facility shall be equal to or exceed the minimum standards for precision described in AWEA Standard 2.1 – 1989 titled Procedures for the Measurement and Reporting of Acoustic Emissions from Wind Turbine Generation Systems Volume I: First Tier.
 4. To the extent applicable, all geothermal energy facilities shall comply with the Pennsylvania Uniform Construction Code and regulations promulgated by the Pennsylvania Department of Labor and Industry.
 5. All electrical components of geothermal energy facilities shall conform to relevant and applicable local, State and National Codes, and relevant and applicable international standards.
 6. Geothermal energy facilities shall not display advertising, except for reasonable identification nameplate of the facility manufacturer, not greater than four square feet in size.
 7. Transmission and power lines shall be placed underground or out of sight.
 8. The following project information shall be submitted to the Township for every proposed geothermal energy facility:

- a. Project narrative including the following: an overview of the project, project location, the approximate generating capacity, the number, representative types and heights of facilities to be constructed, including their generating capacity, dimensions, and respective manufacturers, and description of any ancillary facilities to the geothermal energy system.
 - b. An affidavit or similar evidence of agreement between the property owner and the geothermal energy facility owner or operator, demonstrating permission to apply for necessary permits for construction and operation of a geothermal energy facility.
 - c. Identification of the properties on which the proposed facility will be located and the properties adjacent to the proposed location.
 - d. A site plan showing the planned location of each proposed geothermal energy facility, property lines, setback lines, access roads, and the location of any ancillary structures, including equipment, cabling, buildings, structures, transmission lines, and substations.
 - e. A viewshed impact analysis, illustrating views of the proposed facility from multiple angles.
 - f. A design certification by a certified engineer, consisting of the proposed foundation design and analysis of soil conditions.
9. Preliminary and Final Land Development approval is required for the construction of any geothermal energy facility when it is the principal use on a site or lot.
 10. All geothermal energy facilities and any associated equipment shall comply with all area, dimensional, and yard setbacks for the zoning district in which the facility is located, as well as any other zoning provisions that apply, including buffering and landscaping.
 - a. Required landscape buffering may be modified so that tall tree species may be replaced with lower-growing tree species where the required tree species may interfere with the functioning of the geothermal energy facility, only where the required landscape buffer is adjacent to property where non-residential uses are permitted.

11. Secure perimeter fencing shall be installed around the geothermal energy facility. The fencing shall not be constructed within any required landscape buffer or setback. The fencing shall be chain link construction with rubberized coating in neutral earth tone colors such as black or brown.

B. Accessory Use

1. Township zoning approval is required for the construction of any geothermal energy facility that is an accessory use on any site or lot.
 - a. The Zoning Permit Application shall indicate the location of the proposed facility.
2. The applicant shall demonstrate through project planning and proposed mitigation that a proposed facility's impacts will be minimized for surrounding properties and the community. This may include, but not be limited to, information regarding site selection, facility design or appearance, buffering, and screening of ground mounted electrical control equipment.
3. Noise from any geothermal energy facility shall not exceed 45 decibels at the lot line. A sound level meter, dosimeter or other similar device may be used for measuring and reporting acoustic emissions from the geothermal energy facility.
4. Geothermal energy facilities shall not display advertising, except for reasonable identification nameplate of the facility manufacturer, not greater than 6" x 6" in size.
5. To the extent applicable, all geothermal energy facilities shall comply with the Pennsylvania Uniform Construction Code and regulations promulgated by the Pennsylvania Department of Labor and Industry.
6. All electrical components of geothermal energy facilities shall conform to relevant and applicable local, State and National Codes, and relevant and applicable international standards.
7. Geothermal energy facilities shall meet the accessory structure setbacks that may apply in the zoning district within which the facility is constructed and where no such setback is specified, the facility shall be no closer than ten feet (10') from any property line.

8. No facility shall be installed closer than ten feet (10') to a swimming pool or other open body of water.

C. Conditional Use

1. The applicant shall demonstrate through project planning and proposed mitigation that a proposed facility's impacts will be minimized for surrounding properties and the community. This may include, but not be limited to information regarding site selection, facility design or appearance, buffering, and screening of ground mounted electrical control equipment.
2. Where the installation of the facility constitutes a land development, all provisions of applicable ordinances shall be met.
3. Noise from any geothermal energy facility shall not exceed 45 decibels at the lot line. A sound level meter, dosimeter or other similar device may be used for measuring and reporting acoustic emissions from the geothermal energy facility.
4. To the extent applicable, all geothermal energy facilities shall comply with the Pennsylvania Uniform Construction Code and regulations promulgated by the Pennsylvania Department of Labor and Industry.
5. All electrical components of geothermal energy facilities shall conform to relevant and applicable local, State and National Codes, and relevant and applicable international standards.
6. Geothermal energy facilities shall not display advertising, except for reasonable identification nameplate of the facility manufacturer, not greater than 6" x 6" in size.
7. The following project information shall be submitted to the Township for every proposed geothermal energy facility:
 - a. Project narrative including the following: an overview of the project, project location, the approximate generating capacity, the number, representative types and heights of facilities to be constructed, including their generating capacity, dimensions, and respective manufacturers, and description of any ancillary facilities to the geothermal energy system.
 - b. An affidavit or similar evidence of agreement between the property owner and the geothermal energy facility owner or

operator, demonstrating permission to apply for necessary permits for construction and operation of a geothermal energy facility.

c. Identification of the properties on which the proposed facility will be located and the properties adjacent to the proposed location.

d. A site plan showing the planned location of each proposed geothermal energy facility, property lines, setback lines, access roads, and the location of any ancillary structures, including equipment, cabling, buildings, structures, transmission lines, and substations.

e. A viewshed impact analysis, illustrating views of the proposed facility from multiple angles.

f. A design certification by a certified engineer, consisting of the proposed foundation design and analysis of soil conditions.

8. Preliminary and Final Land Development approval is required for the construction of any geothermal energy facility when it is the principal use on a site or lot.
9. All geothermal energy facilities and any associated equipment shall comply with all area, dimensional, and yard setbacks for the zoning district in which the facility is located, as well as any other zoning provisions that apply, including buffering and landscaping.
 - a. Required landscape buffering may be modified so that tall tree species may be replaced with lower-growing tree species where the required tree species may interfere with the functioning of the geothermal energy facility, only where the required landscape buffer is adjacent to property where non-residential uses are permitted.
10. Secure perimeter fencing shall be installed around the geothermal energy facility. The fencing shall not be constructed within any required landscape buffer or setback. The fencing shall be chain link construction with rubberized coating in neutral earth tone colors such as black or brown.

Section 72-14.40 Wireless Communications Facilities (“WCFs”)

A. Purposes and Findings of Fact

1. The purpose of this section is to establish uniform standards for the site, design, permitting, maintenance, and use of WCFs in Township of O’Hara (referred to herein as the “Township”). While the Township recognizes the importance of WCFs in providing high quality communications service to its residents and businesses, the Township also recognizes that it has an obligation to protect public safety and to minimize the adverse visual effects of such facilities through the standards set forth in the following provisions.
2. By enacting these provisions, the Township intends to:
 - a. Accommodate the need for WCFs while regulating their location and number so as to ensure the provision for necessary services;
 - b. Provide for the managed development of WCFs in a manner that enhances the benefits of wireless communication and accommodates the needs of both Township residents and wireless carriers in accordance with federal and state laws and regulations;
 - c. Establish procedures for the design, site, construction, installation, maintenance and removal of both Tower-Based and Non-Tower based WCFs in the Township, including facilities both inside and outside the public rights-of-way;
 - d. Address new wireless technologies, including but not limited to, distributed antenna systems, data collection units, cable Wi-Fi and other WCFs;
 - e. Minimize the adverse visual effects and the number of such facilities through proper design, site, screening, material, color and finish and by requiring that competing providers of wireless communications services co-locate their commercial communications antennas and related facilities on existing towers;
 - f. Promote the health, safety and welfare of the Township's residents.

B. General Requirements for Non-Tower and Tower-Based Wireless Communication Facilities_("WCFs")

1. Standard of Care. Any Wireless Communication Facility ("WCF") shall be designed, constructed, operated, maintained, repaired, modified and removed in strict compliance with all current applicable technical, safety and safety-related codes, including but not limited to the most recent editions of the American National Standards Institute (ANSI) Code, National Electrical Safety Code, National Electrical Code, International Construction Code and Township Building Code. Any WCF shall at all times be kept and maintained in good condition, order and repair by qualified maintenance and construction personnel, so that the same shall not endanger the life of any person or any property in the Township.
2. Wind. All WCF structures shall be designed to withstand the effects of wind according to the standard designed by the American National Standards Institute as prepared by the engineering departments of the Electronics Industry Association, and Telecommunications Industry Association (ANSI/TIA-222, as amended).
3. Aviation safety. All WCFs shall comply with all federal and state laws and regulations concerning aviation safety.
4. Public safety communications. All WCFs shall not interfere with public safety communications or the reception of broadband, television, radio or other communication services enjoyed by occupants of nearby properties.
5. Radio frequency emissions. Any WCF shall not, by itself or in conjunction with other WCFs, generate radio frequency emissions in excess of the standards and regulations of the FCC, including but not limited to, the FCC Office of Engineering Technology Bulletin 65 entitled "Evaluating Compliance with FCC Guidelines for Human Exposure to Radio Frequency Electromagnetic Fields," as amended.
6. Indemnification. Each person that owns or operates a WCF shall, at its sole cost and expense, indemnify, defend and hold harmless the Township, its elected and appointed officials, employees and agents, at all times against any and all claims for personal injury,

including death, and property damage arising in whole or in part from, caused by or connected with any act or omission of the person, its officers, agents, employees or contractors arising out of, but not limited to, the construction, installation, operation, maintenance or removal of the WCF. Each person that owns or operates a WCF shall defend any actions or proceedings against the Township in which it is claimed that personal injury, including death, or property damage was caused by the construction, installation, operation, maintenance or removal of a WCF. The obligation to indemnify, hold harmless and defend shall include, but not be limited to, the obligation to pay judgments, injuries, liabilities, damages, reasonable attorneys' fees, reasonable expert fees, court costs and all other costs of indemnification.

7. Maintenance. To the extent permitted by law, the following maintenance requirements shall apply:
 - a. All WCFs shall be fully automated and unattended on a daily basis and shall be visited only for maintenance or emergency repair.
 - b. Such maintenance shall be performed to ensure the upkeep of the facility in order to promote the safety and security of the Township's residents and in accordance with all applicable township, state and federal regulations.
 - c. All maintenance activities shall utilize nothing less than the best available technology for preventing failures and accidents.
8. Reservation of rights. In accordance with applicable law and as set forth in more detail in subsequent design and development standards below, the Township reserves the right to deny an application for the construction or placement of any Wireless Communication Facility for numerous factors, which include but are not limited to, visual impact, design, and safety standards.

C. Non-Tower Wireless Communication Facilities

1. Specific Requirements in Addition to General Requirements Listed in Section B of this Subsection:
 - a. Permitted in all zones subject to regulations. Non-Tower WCFs are permitted in all zones subject to the restrictions and conditions prescribed below and subject to applicable permitting by the Township.

b. Non-conforming Wireless Support Structures. Non-Tower WCFs shall be permitted to co-locate upon non-conforming Tower-Based WCFs and other non-conforming structures with Township approval. Co-location of WCFs upon existing Tower-Based WCFs is encouraged even if the Tower-Based WCF is non-conforming as to use within a zoning district.

c. Removal. In the event that use of a Non-Tower WCF is discontinued, the owner shall provide written notice to the Township of its intent to discontinue use and the date when the use shall be discontinued. Unused or abandoned WCFs or portions of WCFs shall be removed as follows:

1) All abandoned or unused WCFs and accessory facilities shall be removed within two (2) months of the cessation of operations at the site unless a time extension is approved by the Township.

2) If the WCF or accessory facility is not removed within two (2) months of the cessation of operations at a site, or within any longer period approved by the Township, the WCF and/or associated facilities and equipment may be removed by the Township and the cost of removal assessed against the owner of the WCF.

d. Timing of approval for applications that fall under the WBCA. **All reviews shall be conducted in accordance with all applicable laws and regulations.**

e. Insurance. Each Person that owns or operates a Non-Tower WCF shall provide the Township with a certificate of insurance evidencing general liability coverage in the minimum amount of \$1,000,000 per occurrence and property damage coverage in the minimum amount of \$1,000,000 per occurrence covering the Non-Tower WCF.

2. Regulations for Non-Tower WCFs that DO NOT SUBSTANTIALLY CHANGE the Physical Dimensions of the Wireless Support Structure to which they are attached and fall under the Pennsylvania Wireless Broadband Collocation Act (“PWBCA”). Determination as to if the Non-Tower WCF does not substantially change the Physical Dimension of the Wireless support structure resides solely with the Township.

- a. Permit required. WCF Applicants proposing the modification of an existing Tower-Based WCF shall obtain a building permit from the Township. In order to be considered for such permit, the WCF Applicant must submit a permit application to the Township in accordance with applicable permit policies and procedures.
 - b. Related Equipment. Ground-mounted Related Equipment greater than three (3) cubic feet shall not be located within fifty (50) feet of a lot in residential use or zoned residential.
 - c. Permit fees. The Township may assess appropriate and reasonable permit fees directly related to the Township's actual costs in reviewing and processing the application for approval of a Non-Tower WCF or \$1,000, whichever is less.
3. Regulations for Non-Tower WCFs that DO SUBSTANTIALLY CHANGE the Physical Dimensions of the Wireless Support Structure to which they are attached and fall under the Pennsylvania Wireless Broadband Collocation Act ("PWBCA"). The determination as to if a Non-Tower WCF do substantially change the Physical Dimensions of the Wireless Support Structure resides solely with the Township.
 - a. Prohibited on Certain Structures. No Non-Tower WCF shall be located on single-family detached residences, single-family attached residences, or any residential accessory structure.
 - b. Conditional Use Authorization Required. Any WCF Applicant proposing the construction of a new Non-Tower WCF, or the modification of an existing Non-Tower WCF, shall first obtain a conditional use authorization from the Township. New constructions, modifications, and replacements that do fall under the PWBCA shall be not be subject to the conditional use process. The conditional use application shall demonstrate that the proposed facility complies with all applicable provisions in the Township of O'Hara Zoning Ordinance.
 - c. Historic Buildings. No Non-Tower WCF may be located upon any property, or on a building or structure that is listed on either the National or Pennsylvania Registers of Historic Places, or is listed on the official historic structures and/or historic districts list maintained by the Township or has been designated by the

Township to be of historical significance or the owner of the building or historical group has filed an application for historic designation with any all of the above mentioned entities.

d. Retention of Experts. The Township may hire any consultant(s) and/or expert(s) necessary to assist the Township in reviewing and evaluating the application for approval of the WCF at its sole discretion and, once approved, in reviewing and evaluating any potential violations of the terms and conditions of these WCF provisions. The WCF Applicant and/or owner of the WCF shall reimburse the Township for all costs of the Township's consultant(s) in providing expert evaluation and consultation in connection with these activities.

e. Permit Fees. The Township may assess appropriate and reasonable permit fees directly related to the Township's actual costs in reviewing and processing the application for approval of a Non-Tower WCF, as well as related inspection, monitoring and related costs.

f. Development Regulations. Non-Tower WCF shall be co-located on existing Wireless Support Structures, such as existing buildings or Tower-Based WCF, subject to the following conditions:

g. The total height of any Wireless Support Structure and mounted WCF shall not exceed 10 feet above the maximum height permitted in the underlying zoning district, unless the WCF Applicant applies for, and subsequently obtains, a variance.

h. In accordance with industry standards, all Non-Tower WCF Applicants must submit documentation to the Township justifying the total height of the Non-Tower WCF. Such documentation shall be analyzed in the context of such justification on an individual basis.

i. If the WCF Applicant proposes to locate the Related Equipment in a separate building, the building shall comply with the minimum requirements for the applicable zoning district.

j. A security fence of not less than eight (8) feet shall surround any separate communications equipment building. Landscaping to the fullest extent possible must be provided as to

screen the fencing from adjoin properties. Vehicular access to the communications equipment building shall not interfere with the parking or vehicular circulations on the site for the principal use.

4. Design Regulations for Non-Tower WCFs that DO SUBSTANTIALLY CHANGE the Physical Dimensions of the Wireless Support Structure to which they are attached and fall under the Pennsylvania Wireless Broadband Collocation Act (“PWBCA.”)

- a. Non-Tower WCF shall employ Stealth Technology and be treated to match the Wireless Support Structure in order to eliminate or improve aesthetic impact. The application of the Stealth Technology chosen by the WCF Applicant shall be subject to the approval of the Township. The Township shall make the final determination as to the type of Stealth Technology applied to the proposed facility.

- b. Non-commercial usage exemption. Township residents utilizing satellite dishes and antennae for the purpose of maintaining television, phone, and/or internet connections at their respective residences shall be exempt from the design regulations enumerated in this section of the Zoning Ordinance.

5. Removal, Replacement and Modification of Non-Tower WCFs that DO SUBSTANTIALLY CHANGE the Physical Dimensions of the Wireless Support Structure to which they are attached and fall under the Pennsylvania Wireless Broadband Collocation Act (“PWBCA”)

- a. The removal and replacement of Non-Tower WCFs and/or accessory equipment for the purpose of upgrading or repairing the WCF is permitted, so long as such repair or upgrade does not substantially change the overall size of the WCF or the numbers of antennae or appearance.

- b. Any material modification to a WCF shall require notice to be provided to the Township, and possible supplemental permit approval to the original permit or authorization.

- c. Inspection. The Township reserves the right to inspect any WCF to ensure compliance with the provisions of the Zoning Ordinance and any other provisions found within the Township Code or state or federal law. The Township and/or its agents shall

have the authority to enter the property upon which a WCF is located at any time, upon reasonable notice to the operator, to ensure such compliance. In the event of an emergency situation, the Township may enter without notice.

6. Regulations for all Non-Tower Wireless Communication Facilities located in Public Rights-of-Way

a. Co-location. Non-Tower WCF in the right-of-way shall be co-located on existing poles, such as existing utility poles or light poles with the Township's approval. If co-location is not technologically feasible, the WCF Applicant shall locate its Non-Tower WCF on existing poles or freestanding structures that do not already act as Wireless Support Structures with the Township's approval.

b. Design Requirements:

1) WCF installations located above the surface grade in the public right-of-way including, but not limited to, those on streetlights and joint utility poles, shall consist of equipment components that are no more than six (6) feet in height and that are compatible in scale and proportion to the structures upon which they are mounted. All equipment shall be the smallest and least visibly intrusive equipment feasible. The Township must approve the design for any such WCF.

2) Antenna and Related Equipment shall be treated to match the supporting structure and may be required to be painted, or otherwise coated, to be visually compatible with the support structure upon which they are mounted. The Township must approve the design for any such Antenna and Related Equipment.

c. Time, Place and Manner. The Township shall determine the time, place and manner of construction, maintenance, repair and/or removal of all Non-Tower WCF in the right-of-way based on public safety, traffic management, physical burden on the right-of-way, aesthetic appearance, and related considerations. For public utilities, the time, place and manner requirements shall be consistent with the police powers of the Township and the requirements of the Public Utility Code.

d. Equipment Location. Non-Tower WCFs and Related Equipment shall be located so as not to cause any physical or visual obstruction to pedestrian or vehicular traffic, or to otherwise create safety hazards to pedestrians and/or motorists or to otherwise inconvenience public use of the right-of-way as determined by the Township. In addition:

1) In no case shall ground-mounted Related Equipment, walls, or landscaping be located within eighteen (18) inches of the face of the curb or within an easement extending onto a privately-owned lot;

2) Ground-mounted Related Equipment that cannot be placed underground shall be screened, to the fullest extent possible, through the use of landscaping or other decorative features to the satisfaction of the Township.

3) Required electrical meter cabinets shall be screened to blend in with the surrounding area to the satisfaction of the Township.

4) Any graffiti on or vandalism of any Wireless Support Structures or any Related Equipment shall be removed at the sole expense of the owner within 24 hours of the Township reporting the graffiti and/or vandalism to the owner. The Township reserves the right to remove graffiti or minimize vandalism if the owner does not address the issue within the required 24 hours and assess the owner for the cost related to the repairs.

5) Any proposed underground vault related to Non-Tower WCF shall be reviewed and approved by the Township.

e. Relocation or Removal of Facilities. Within sixty (60) days following written notice from the Township, or such longer period as the Township determines is reasonably necessary or such shorter period in the case of an emergency, an owner of a WCF in the right-of-way shall, at its own expense, temporarily or permanently remove, relocate, change or alter the position of any WCF when the Township, consistent with its police powers and applicable Public Utility Commission regulations, shall have determined that such removal, relocation, change or alteration is reasonably necessary under the following circumstances:

- 1) The construction, repair, maintenance or installation of any Township or other public improvement in the right-of-way;
- 2) The operations of the Township or other governmental entity in the right-of-way;
- 3) Vacation of a street or road or the release of a utility easement; or
- 4) An emergency as determined by the Township.

D. Tower-Based Wireless Communication Facilities (“WCFs”)

1. Specific Requirements in addition to General Requirements listed in Section B of this Subsection:

a. Standard of Care. In addition to the General Requirements for Non-Tower and Tower-Based WCFs, Tower Based WCF shall also comply with accepted and responsible workmanlike industry practices of the National Association of Tower Erectors.

b. Notice. Upon submission of an application for a Tower-Based WCF and the scheduling of the public hearing upon the application, the WCF Applicant shall mail notice to all owners of every property within five hundred (500) feet of the proposed facility. The WCF Applicant shall provide proof of the notification to the Township and copies of all correspondence to the residents.

c. Conditional Use Authorization Required. Tower-Based WCF are permitted in certain zoning districts by conditional use and at a height necessary to satisfy their function in the WCF Applicant's wireless communications system. No WCF Applicant shall have the right under these regulations to erect a tower to the maximum height specified in this section unless it proves the necessity for such height. The WCF Applicant shall demonstrate that the antenna/tower/pole for the Tower-Based WCF is the minimum height necessary for the service area.

- 1) Prior to Council's approval of a conditional use authorizing the construction and installation of Tower-Based WCF, it shall be incumbent upon the WCF Applicant for such conditional use approval to prove to the reasonable satisfaction of Council that the WCF Applicant cannot adequately extend or infill its communications

system by the use of equipment such as radios, repeaters, antenna(s) and other similar equipment installed on existing structures, such as utility poles or their appurtenances and other available tall structures. The WCF Applicant shall further demonstrate that the proposed Tower-Based WCF must be located where it is proposed in order to serve the WCF Applicant's service area and that no other viable alternative location exists.

2) The conditional use application shall be accompanied by a propagation study evidencing the need for the proposed tower or other communication facilities and equipment, a description of the type and manufacturer of the proposed transmission/radio equipment, the frequency range (megahertz band) assigned to the WCF Applicant, the power in watts at which the WCF Applicant transmits, and any relevant related tests conducted by the WCF Applicant in determining the need for the proposed site and installation.

3) The conditional use application shall also be accompanied by documentation demonstrating that the proposed Tower-Based WCF complies with all state and federal laws and regulations concerning aviation safety.

4) Where the Tower-Based WCF is located on a property with another principal use, the WCF Applicant shall present documentation to Council that the owner of the property has granted an easement for the proposed WCF and that vehicular access will be provided to the facility.

5) The conditional use application shall also be accompanied by documentation demonstrating that the proposed Tower-Based WCF complies with all applicable provisions in this section.

d. Engineer Inspection. Prior to the Township's issuance of a permit authorizing construction and erection of a Tower-Based WCF, a structural engineer registered in Pennsylvania shall issue to the Township a written certification of the proposed WCF's ability to meet the structural standards offered by either the

Electronic Industries Association or the Telecommunication Industry Association and certify the proper construction of the foundation and the erection of the structure. This certification shall be provided during the conditional hearings or at a minimum be made as a condition attached to any approval given such that the certification be provided prior to issuance of any building permits.

e. Visual Appearance and Land Use Compatibility. Tower-Based WCF shall employ Stealth Technology which may include the tower portion to be painted silver or another color approved by Council, or shall have a galvanized finish. All Tower-Based WCF and Related Equipment shall be aesthetically and architecturally compatible with the surrounding environment and shall maximize the use of a like facade to blend with the existing surroundings and neighboring buildings to the greatest extent possible. Council shall consider whether its decision upon the subject application will promote the harmonious and orderly development of the zoning district involved; encourage compatibility with the character and type of development existing in the area; benefit neighboring properties by preventing a negative impact on the aesthetic character of the community; preserve woodlands and trees existing at the site to the greatest possible extent; and encourage sound engineering and land development design and construction principles, practices and techniques.

f. Co-location and site. An application for a new Tower-Based WCF shall demonstrate that the proposed Tower-Based WCF cannot be accommodated on an existing or approved structure or building, or sited on land owned and maintained by Township of O'Hara. Council may deny an application to construct a new Tower-Based WCF if the WCF Applicant has not made a good faith effort to mount the commercial communications antenna(s) on an existing structure. The WCF Applicant shall demonstrate that it contacted the owners of tall structures, buildings, and towers within a one quarter ($\frac{1}{4}$) of a mile radius of the site proposed, sought permission to install an antenna on those structures, buildings, and towers and was denied for one of the following reasons:

1) The proposed antenna and Related Equipment would exceed the structural capacity of the existing building, structure or tower, and its reinforcement cannot be accomplished at a reasonable cost.

2) The proposed antenna and Related Equipment would cause radio frequency interference with other existing equipment for that existing building, structure, or tower and the interference cannot be prevented at a reasonable cost.

3) Such existing buildings, structures, or towers do not have adequate location, space, access, or height to accommodate the proposed equipment or to allow it to perform its intended function.

4) A commercially reasonable agreement could not be reached with the owner of such building, structure, or tower.

g. Permit Required for Modifications. To the extent permissible under applicable state and federal law, any WCF Applicant proposing the modification of an existing Tower-Based WCF, which increases the overall height of such WCF, shall first obtain a permit from the Township. Non-routine modifications shall be prohibited without a permit.

h. Gap in Coverage. A WCF Applicant for a Tower-Based WCF must demonstrate that a significant gap in wireless coverage or capacity exists with respect to all wireless operators in the applicable area and that the type of WCF being proposed is the least intrusive means by which to fill that gap in wireless coverage. The existence or non-existence of a gap in wireless coverage shall be a factor in the Township's decision on an application for approval of Tower-Based WCF.

i. Additional Antennae. As a condition of approval for all Tower-Based WCF, the WCF Applicant shall provide the Township with a written commitment that it will allow other service providers to co-locate antennae on Tower-Based WCF where technically and economically feasible. The owner of a Tower-Based WCF shall not install any additional antennae without obtaining the prior written approval of the Township.

j. Height. Any Tower-Based WCF shall be designed at the minimum functional height. The maximum total height of a Tower-Based WCF, which is not located in the public ROW, shall not exceed (10) feet higher than the height permitted in the appropriate Zoning Classification, as measured vertically from the ground level to the highest point on the structure, including antennae and subsequent alterations.

k. Related Equipment. Either one single-story wireless communications equipment building not exceeding 500 square feet in area or up to five metal boxes placed on a concrete pad not exceeding 10 feet by 20 feet in area housing the receiving and transmitting equipment may be located on the site for each unrelated company sharing commercial communications antenna(e) space on the Tower-Based Wireless Communications Facility.

l. Historic Buildings or Districts. A Tower-Based WCF shall not be located upon a property, and/or on a building or structure that is listed on either the National or Pennsylvania Registers of Historic Places, or eligible to be so listed, or is included in the official historic structures and/or historic districts list maintained by the Township or the owner of the building or historical group has filed an application for historic designation with any all of the above mentioned entities.

m. Signs. All Tower-Based WCFs shall post a sign in a readily visible location identifying the name and phone number of a party to contact in the event of an emergency. The only other signage permitted on the WCF shall be those required by the FCC, or any other federal or state agency.

n. Lighting. No Tower-Based WCF shall be artificially lighted, except as required by law. If lighting is required, the WCF Applicant shall provide a detailed plan for sufficient lighting, demonstrating as unobtrusive and inoffensive an effect as is permissible under state and federal regulations. The WCF Applicant shall promptly report any outage or malfunction of FAA-mandated lighting to the appropriate governmental authorities and to the Township Secretary.

o. Noise. Tower-Based WCF shall be operated and maintained so as not to produce noise in excess of applicable noise standards under state law and the Township Code, except in emergency situations requiring the use of a backup generator, where such noise standards may be exceeded on a temporary basis only.

p. Retention of Experts. The Township may hire any consultant and/or expert necessary to assist the Township in reviewing and evaluating the application for approval of the Tower-Based WCF and, once approved, in reviewing and evaluating any potential violations of the terms and conditions of these provisions. The WCF Applicant and/or owner of the WCF shall reimburse the Township for the actual costs for the Township's consultant(s) in providing expert evaluation and consultation in connection with these activities.

q. Timing of Approval. **All reviews shall be conducted in accordance with all applicable laws and regulations.**

r. Non-Conforming Uses. Non-conforming Tower-Based WCF which are hereafter damaged or destroyed due to any reason or cause may be repaired and restored at their former location, but must otherwise comply with the terms and conditions of this section.

s. Removal. In the event that use of a Tower-Based WCF is planned to be discontinued, the owner shall provide written notice to the Township of its intent to discontinue use and the date when the use shall be discontinued. Unused or abandoned WCF or portions of WCF shall be removed as follows:

1) All unused or abandoned Tower-Based WCFs and accessory facilities shall be removed within ninety (90) days of the cessation of operations at the site unless a time extension is approved by the Township.

2) If the WCF and/or accessory facility is not removed within ninety (90) days of the cessation of operations at a site, or within any longer period approved by the Township, the WCF and accessory facilities and equipment may be removed by the Township and the cost of removal assessed against the owner of the WCF.

3) Any unused portions of Tower-Based WCF, including antennae, shall be removed within ninety (90) days of the time of cessation of operations. The Township must approve all replacements of portions of a Tower-Based WCF previously removed.

t. Permit Fees. The Township may assess appropriate and reasonable permit fees directly related to the Township's actual costs in reviewing and processing the application for approval of a Tower-Based WCF, as well as related inspection, monitoring, and related costs.

u. FCC License. Each person that owns or operates a Tower-Based WCF over forty (40) feet in height shall submit a copy of its current FCC license, including the name, address, and emergency telephone number for the operator of the facility.

v. Insurance. Each person that owns or operates a Tower-Based WCF greater than forty (40) feet in height shall provide the Township with a certificate of insurance evidencing general liability coverage in the minimum amount of \$5,000,000 per occurrence and property damage coverage in the minimum amount of \$5,000,000 per occurrence covering the Tower-Based WCF. Each Person that owns or operates a Tower-Based WCF forty (40) feet or less in height shall provide the Township with a certificate of insurance evidencing general liability coverage in the minimum amount of \$1,000,000 per occurrence and property damage coverage in the minimum amount of \$1,000,000 per occurrence covering each Tower-Based WCF.

w. Engineer signature. All plans and drawings for a Tower-Based WCF shall contain a seal and signature of a professional structural engineer, licensed in the Commonwealth of Pennsylvania.

x. Financial security. Prior to receipt of a zoning permit for the construction or placement of a Tower-Based WCF, the WCF Applicant shall provide to the Township financial security sufficient to guarantee the removal of the Tower-Based WCF. Said financial security shall remain in place until the Tower-Based WCF is removed.

2. Regulations for Tower-Based Wireless Communication Facilities Located OUTSIDE Public Rights-Of-Way

a. Development Regulations.

1) Tower-Based WCF shall not be located in, or within one hundred (100) feet of, and area in which utilities are primarily located underground.

2) Tower-Based WCF greater than ten (10) feet in height above permitted height in the appropriate Zoning classification are permitted outside the public Rights-of-Way in the following zoning districts by conditional use, subject to the above prohibition:

(a) SM Suburban Manufacturing District.

(b) C Commercial District.

3) Sole use on a lot. A Tower-Based WCF shall be permitted as a sole use on a lot, provided that the underlying lot is a minimum of 6,000 square feet. The minimum distance between the base of a Tower-Based WCF and any adjoining property line or street right-of-way line shall equal 33% of the proposed WCF structure height.

4) Combined with another use. A Tower-Based WCF may be permitted on a property with an existing use, or on a vacant parcel in combination with another use, except residential, subject to the following conditions:

a) The existing use on the property may be any permitted use in the applicable district, and need not be affiliated with the WCF.

b) Minimum lot area. The minimum lot shall comply with the requirements for the applicable district and shall be the area needed to accommodate the Tower-Based WCF and guy wires, the equipment building, security fence, and buffer planting if the proposed WCF is greater than forty (40) feet in height.

c) Minimum setbacks. The minimum distance between the base of a Tower-Based WCF and any adjoining property line or street right-of-way line shall equal 33% of the proposed WCF structure

height. Where the site on which a Tower-Based WCF is proposed to be located is contiguous to an educational use, child day-care facility or residential use, the minimum distance between the base of a Tower-Based WCF and any such adjoining uses shall equal 110% of the proposed height of the Tower-Based WCF unless it is demonstrated to the reasonable satisfaction of Council that in the event of failure the WCF is designed to collapse upon itself within a setback area less than the required minimum setback without endangering such adjoining uses and their occupants.

b. Design Regulations.

1) Stealth Technology. The WCF shall employ the most current Stealth Technology available in an effort to appropriately blend into the surrounding environment and eliminate or improve, aesthetic impact. Application of the Stealth Technology chosen by the WCF Applicant shall be subject to the approval of the Township. The Township shall make the final determination as to the type of Stealth Technology applied to the proposed facility.

2) To the extent permissible by law, any height extensions to an existing Tower-Based WCF shall require prior approval of the Township.

3) Any proposed Tower-Based WCF shall be designed structurally, electrically, and in all respects to accommodate both the WCF Applicant's antennae and comparable antennae for future users.

4) Any Tower-Based WCF over forty (40) feet in height shall be equipped with an anti-climbing device, as approved by the manufacturer.

c. Surrounding Environs.

1) The WCF Applicant shall ensure that the existing vegetation, trees and shrubs located within proximity to the WCF structure shall be preserved to the maximum extent possible. The Township reserves the right to require

restoration of existing vegetation if it deems the vegetation was not preserved to the maximum extent possible at the sole cost of the owner.

2) The WCF Applicant shall submit a soil report to the Township complying with the standards of Appendix I: Geotechnical Investigations, ANSI/EIA-222, as amended, to document and verify the design specifications of the foundation of the Tower-Based WCF, and anchors for guy wires, if used.

d. Fence/Screen.

1) A security fence having a minimum height of eight (8) feet shall completely surround any Tower-Based WCF greater than forty (40) feet in height, as well as guy wires, or any building housing WCF equipment.

2) Landscaping shall be required to screen as much of a newly constructed Tower-Based WCF as possible. Council may permit any combination of existing vegetation, topography, walls, decorative fences or other features instead of landscaping, if, in the discretion of Council, they achieve the same degree of screening. Existing vegetation shall be preserved to the maximum extent possible.

e. Accessory Equipment.

1) Ground-mounted Related Equipment associated to, or connected with, a Tower-Based WCF shall be placed underground or screened from public view using Stealth Technologies, as described above.

2) All Related Equipment, utility buildings and accessory structures shall be architecturally designed to blend into the environment in which they are situated and shall meet the minimum setback requirements of the underlying zoning district.

f. Access Road. An access road, turnaround space and parking shall be provided to ensure adequate emergency and service access to Tower-Based WCF. Maximum use of existing roads, whether public or private, shall be made to the extent practicable. Road grades shall closely follow natural contours to

assure minimal visual disturbance and minimize soil erosion. Where applicable, the WCF owner shall present documentation to the Township that the property owner has granted an easement for the proposed facility.

g. Parking. For each Tower-Based WCF greater than forty (40) feet in height, there shall be two off-street parking spaces.

h. Inspection. The Township reserves the right to inspect any Tower-Based WCF to ensure compliance with the Zoning Ordinance and any other provisions found within the Township Code or state or federal law. The Township and/or its agents shall have the authority to enter the property upon which a WCF is located at any time, upon reasonable notice to the operator, to ensure such compliance.

3. Regulations for Tower-Based Wireless Communication Facilities Located IN Public Rights-Of-Way

a. Location and development standards.

1) Tower-Based WCF forty (40) feet or less in height are prohibited in areas in which utilities are located underground.

2) Tower-Based WCF forty (40) feet or less in height shall not be located in the front façade area of any structure.

3) Tower-Based WCF forty (40) feet or less in height shall be permitted along certain collector roads and arterial roads throughout the Township, regardless of the underlying zoning district, provided that they are not situated within fifty (50) feet of an area in which utilities are underground. A map of such permitted roads is kept on file at the Township Zoning Office.

b. Time, Place and Manner. The Township shall determine the time, place and manner of construction, maintenance, repair and/or removal of all Tower-Based WCF in the right-of-way based on public safety, traffic management, physical burden on the right-of-way, and related considerations. For public utilities, the time, place and manner requirements shall be consistent with the police powers of the Township and the requirements of the Public Utility Code.

c. Equipment Location. Tower-Based WCF and Related Equipment shall be located so as not to cause any physical or visual obstruction to pedestrian or vehicular traffic, or to otherwise create safety hazards to pedestrians and/or motorists or to otherwise inconvenience public use of the right-of-way as determined by the Township. In addition:

1) In no case shall ground-mounted Related Equipment, walls, or landscaping be located within 18 inches of the face of the curb.

2) Ground-mounted Related Equipment that cannot be placed underground shall be screened, to the fullest extent possible, through the use of landscaping or other decorative features to the satisfaction of the Township.

3) Required electrical meter cabinets shall be screened to blend in with the surrounding area to the satisfaction of the Township.

4) Any graffiti on the tower or on any Related Equipment shall be removed at the sole expense of the owner

5) Any underground vaults related to Tower-Based WCFs shall be reviewed and approved by the Township.

d. Design regulations.

1) Stealth Technology. The WCF shall employ the most current Stealth Technology available in an effort to appropriately blend into the surrounding environment and minimize aesthetic impact. The application of the Stealth Technology chosen by the WCF Applicant shall be subject to the approval of the Township. The Township shall make the final determination as to the type of Stealth Technology applied to the proposed facility.

2) Tower-Based WCF in the public right-of-way shall not exceed forty (40) feet in height.

3) To the extent permissible under state and federal law, any height extensions to an existing Tower-Based WCF shall require prior approval of the Township, and shall not increase the overall height of the Tower-Based WCF to more than forty (40) feet.

4) Any proposed Tower-Based WCF shall be designed structurally, electrically, and in all respects to accommodate both the WCF Applicant's antennae and comparable antennae for future users.

e. Relocation or Removal of Facilities. Within sixty (60) days following written notice from the Township, or such longer period as the Township determines is reasonably necessary or such shorter period in the case of an Emergency, an owner of Tower-Based WCF in the right-of-way shall, at its own expense, temporarily or permanently remove, relocate, change or alter the position of any WCF when the Township, consistent with its police powers and applicable Public Utility Commission regulations, shall determine that such removal, relocation, change or alteration is reasonably necessary under the following circumstances:

1) The construction, repair, maintenance or installation of any Township or other public improvement in the right-of-way;

2) The operations of the Township or other governmental entity in the right-of-way;

3) Vacation of a street or road or the release of a utility easement; or

4) An emergency as determined by the Township.

f. Reimbursement for right-of-way Use. In addition to permit fees as described in this section, every Tower-Based WCF in the right-of-way is subject to the Township's right to fix annually a fair and reasonable fee to be paid for use and occupancy of the right-of-way. Such compensation for right-of-way use shall be directly related to the Township's actual right-of-way management costs including, but not limited to, the costs of the administration and performance of all reviewing, inspecting, permitting, supervising and other right-of-way management activities by the Township. The owner of each Tower-Based WCF shall pay an annual fee to the Township to compensate the Township for the Township's costs incurred in connection with the activities described above.

Section 72-14.41 Homeowners Association

If a homeowners' association is formed within a residential district it shall be governed according to the following regulations:

- A. The landowner or developer shall provide the Township with the legal framework for the Association indicating its bylaws and methods for maintaining open space, which shall be acceptable to the Township.
- B. The Association is to be organized by the landowner or developers and operating before the sale of any lots within the development.
- C. Membership in the Association is mandatory for all purchasers of dwelling units therein and their successors.
- D. The members of the Association shall share equitably the costs of maintaining the open spaces. If a member fails to pay his pro rata share, then a lien against an individual property may be made in accordance with the provisions for same in the bylaws of the organization.
- E. The Association shall be responsible for maintenance of insurance and taxes on open space.
- F. The Association shall have or hire adequate staff to administer common facilities and maintain the open space to the satisfaction of the Township.
- G. The Association shall have the authority and ability to promptly correct hazardous conditions in the open space.
- H. The Association shall provide annual updates to the Township on changes in the composition or membership of its Board and changes to any of its maintenance agreements, contracts or ability to maintain said development, its grounds and any open space.

Section 72-14.42 Short Term Rentals

Short-Term Rentals shall be subject to the following regulations:

- A. **Permit Required.** Before advertising and renting a dwelling unit for use as a short-term rental, the property owner shall apply for and receive a permit from the Township Manager. The permit application shall include the following:
 - 1. The property owner's name;
 - 2. The number of bedrooms available for rent;
 - 3. The approximate number of days per year the dwelling unit will be available for short-term rental;

4. Confirmation of insurance coverage, as required by Section 72-14.40(H);
 5. The name and contact information of a person whose primary residence is located within ten (10) miles of the Township and who will accept responsibility to respond to complaints raised while the dwelling unit is being utilized as a short-term rental. Said person must also sign the application and agree to be responsible for handling complaints if the owner is not available.
- B. Parking. Each short-term rental shall provide sufficient paved off-street parking to accommodate all vehicles used by the short-term renters.
 - C. Minimum stay. Short-term rentals shall be advertised and rented for a period of at least three (3) consecutive nights.
 - D. Maximum occupancy. No short-term rental may accommodate more than two (2) renters per bedroom contained in the dwelling unit.
 - E. Noise. Short-term rentals shall comply with all noise requirements contained in Section 72-18.12.
 - F. Signage. No signage shall be permitted on the premises that advertises the short-term rental.
 - G. Insurance. Each owner of a dwelling unit used for short-term rentals shall maintain and keep in force commercial liability insurance (including broad form property damage, personal injury, and fire damage) in amounts not less than \$100,000 per occurrence, \$300,000 aggregate, combined single limit for both bodily injury and property damage. A certificate evidencing said insurance shall be submitted to the Township with the short-term rental application.

ARTICLE XV

PARKING AND LOADING

Section 72-15.1 Required Off-Street Parking

- A. Existing Parking: Structures and uses in existence at the date of adoption of this Ordinance shall not be subject to the requirements of this Article so long as the kind or extent of use is not changed, provided that any parking facilities now serving such structures or uses shall not in the future be reduced below such requirements.
- B. Change in Requirements: Whenever there is an alteration of a structure or a change or extension of a use which increases an existing structure by twenty percent (20%) or more the total additional parking required for the alteration, change or extension shall be provided in addition to an adequate number of new spaces in order that the minimum standard for spaces is met for the entire area.
- C. Conflict with Other Uses: No parking area shall be used for any use that interferes with its availability for the parking need it is required to serve, except that it may be used for a storm water retention basin or a maximum depth of six inches (6").
- D. Continuing Character of Obligation: All required facilities shall be provided and maintained so long as the use exists which the facilities were designed to serve. Off-street parking facilities shall not be reduced in total extent after their provision except upon the approval of the Zoning Hearing Board and then only after proof that, by reason of diminution in floor area, seating area, the number of employees, or change in other factors controlling the regulation of the number of parking spaces, such reduction is in conformity with the requirements of this Article. Reasonable precautions shall be taken by the owner or sponsor of particular uses to assure the availability of required facilities are designed to serve. Such facilities shall be designed and used in such a manner as to at no time constitute a nuisance, a hazard, or an unreasonable impediment to traffic.
- E. Joint Use: Two (2) or more uses may provide for required parking in a common parking lot if the total space provided is not less than the sum of the spaces required for each use individually. (However, the number of spaces required in a common parking facility may be reduced below this total by variance if it can be demonstrated to the Zoning Hearing

Board that the hours or days of peak parking needed for the uses are so different that a lower total will provide adequately for all uses served by the facility.) In any case, a reciprocal parking, ingress and egress agreement must be entered into by the property owners involved where applicable, and said agreement recorded prior to the issuance of an occupancy permit for either or all uses.

- F. Mixed Occupancies: In the case of a single lot or parcel containing mixed uses which have different parking requirements, the total requirements for various uses shall be calculated separately and be cumulative. Off-street parking facilities for one use shall not be considered to meet the minimum requirements for another use. However, the number of spaces required in a common parking facility may be reduced below this total by variance if it can be demonstrated to the Zoning Hearing Board that the hours or days of peak parking needed for the uses are so different that a lower total will provide adequately for all uses served by the facility.
- G. Lighting: Any lighting used to illuminate any off-street parking area shall be so arranged as to reflect the light and glare away from adjoining premises, and in particular away from neighboring residential structures.
- H. Access: Each required off-street parking space shall open directly upon an aisle or drive of such design as to provide safe and efficient means of vehicular access to a street in a manner which will least interfere with traffic movements.
- I. Maintenance of Required Parking Area: For parking areas of three (3) or more vehicles, the area not landscaped and so maintained, including driveways, shall be graded, surfaced with asphalt, concrete or other material suitable to the Township Engineer, and drained to the satisfaction of the Township Engineer to the extent necessary to prevent dust, erosion or excessive water flow across streets or adjoining property. Such off-street parking spaces shall be marked so as to indicate their location. Failure to keep parking areas in satisfactory condition, i.e., free from holes, shall be considered a violation of this Ordinance.
- J. The following uses and minimum required parking spaces shall be applicable:
 - 1. Institutional and Recreation Use:
 - a. Place of Worship: One (1) off-street parking space for each two (2) seats provided for patron use, or at least one (1) off-street

parking space for each twenty-five (25) square feet of gross floor area or space for each twenty-five (25) square feet of gross floor area or intended to be used for service to patron, guests or members, whichever requires the greater number of off-street parking spaces, plus one (1) additional space for each employee.

b. School (Private or Public)

1) Elementary School: One (1) off-street parking space for each faculty member and employee plus one (1) space per two (2) classrooms and offices.

2) Middle School: One (1) off-street parking space for each faculty member and employee plus one (1) space per two (2) classrooms and offices.

3) Senior High School: One (1) off-street parking space per faculty member and employee plus one (1) space per ten (10) students of projected building capacity.

c. Commercial School (Trade or professional school, music or dancing school): One (1) off-street parking space per faculty member and employee, plus one (1) space per three (3) non-resident students, plus one (1) space per five (5) resident students if residents are permitted to have cars.

d. Library: One (1) space per five (5) seats or one (1) space per two hundred fifty (250) square feet of gross floor area where no seats are provided.

e. Community Center: One (1) off-street parking space for each four (4) seats provided for patron use or at least one (1) off-street parking space for each fifty (50) square feet of gross floor area used or intended to be used for service to customers, patrons, clients, guests or members, whichever requires the greater number of off-street parking spaces plus one (1) additional space for each employee.

f. Day Care Center (Day Care Home): One (1) off-street parking space for each employee plus six (6) spaces for drop off and pick up activities.

g. Hospital: Two (2) off-street parking spaces per in-patient bed or one (1) off-street parking space per six hundred (600) square feet of gross floor area (excluding mechanical and storage space), whichever is greater.

h. Intermediate Care Facility: One (1) off-street parking space for every two (2) beds plus one (1) space for every two (2) employees.

i. Cemetery: One (1) off-street parking space for each employee and one (1) off-street space for each four (4) interned in total capacity of mausoleum, crematory or columbarium.

j. Public/Private Recreational Facility: One (1) off-street parking space for each five (5) persons of total designed capacity, or at least one (1) off-street parking space for each fifty (50) square feet of gross floor area used or intended to be used for service to customers, patrons, clients, guests or members, whichever requires the greater number of off-street parking spaces, plus one (1) additional space for each employee.

k. Private Club: One (1) off-street parking space for every five (5) members of total capacity or at least one (1) off-street parking space for each fifty (50) square feet of gross floor area used or intended to be used for service to customers, patrons, clients, guests, or members, whichever requires the greater number of off-street parking spaces, plus one (1) additional space for each employee.

l. Emergency Service: Three (3) off-street parking spaces for every four (4) employees on the two (2) major shifts at maximum employment, or four (4) off-street parking spaces for each fire truck where no community room is a part of the building, whichever requires the greater number of parking spaces. Where a community room is provided, two (2) off-street parking spaces for each fire truck plus one (1) off-street parking space for each fifty (50) square feet of gross floor area.

m. Group Care Facility: One (1) off-street parking space for every two employees, plus one (1) space for every four residents.

n. Group Home: One (1) off-street parking space for each employee, plus one (1) space for every four (4) residents in addition to the two (2) spaces required for the dwelling unit.

2. Office Uses:

a. Medical Office: Six (6) off-street parking spaces per doctor plus one (1) additional space for each employee.

- b. Office (Business, Professional, Real Estate or Government office): One (1) off-street parking space for each three hundred (300) square feet of gross floor area.
3. Retail and Consumer Service Uses:
 - a. Retail shops and stores selling apparel, book, confections, drugs, dry goods, flowers, foodstuffs, furniture, gifts, hardware, toys, household appliances, jewelry, notions, periodicals, shoes, stationery, tobacco, paint, records, cards, novelties, hobby and art supplies, music, luggage, sporting goods, pets, floor covering, garden supplies and fabrics: One (1) off-street parking space for each two hundred (200) square feet of gross area used or intended to be used for servicing customers, plus one (1) additional space for each employee.
 - b. Service businesses (barber, beautician, laundry and dry cleaning, shoe repair, tailor, photographer, travel agency): One (1) off-street parking space for each two hundred (200) square feet of gross area used or intended to be used for servicing customers, plus one (1) additional space for every employee.
 - c. Financial Establishment: One (1) off-street parking space for each three hundred (300) square feet of gross area used or intended to be used for servicing customers, plus one (1) additional space for each employee.
 - d. Sit Down Restaurant: One (1) off-street parking space for each fifty (50) square feet of total floor area, plus one (1) additional off-street parking space for each employee.
 - e. Fast Food Restaurant: One (1) off-street parking space for every two (2) seats, or one (1) off-street parking space for every one hundred (100) square feet of gross floor area, whichever requires the greater number of off-street parking spaces, plus one (1) additional space for each employee on the largest shift.
 - f. Repair Shop (for appliances, lawn mowers, watches, guns, bicycles, locks, small business machines, but not including state licensed motor vehicle repairs): One (1) off-street parking space for each three hundred (300) square feet of gross floor area plus one (1) additional space for each employee.

- g. Funeral Home: One (1) off-street parking space for each four (4) seats provided for patron use, or at least one (1) off-street parking space for each fifty (50) square feet of gross floor area used or intended to be used in the operation of the establishment, whichever requires the greater number of off-street parking spaces, plus one (1) additional space for each employee.
- h. Motel/Hotel: One (1) off-street parking space for each guest room plus one (1) off-street parking space for each two (2) employees. Where lounge, restaurant, and meeting room uses are integral, the minimum required parking spaces for each use shall be provided on site.
- i. Tavern: One (1) off-street parking space for each fifty (50) square feet of total floor area, plus one (1) additional off-street parking space for each employee.
- j. Veterinary: Three (3) off-street parking spaces for each doctor plus one (1) off-street parking space for each employee, plus one space for each one hundred (100) square feet of examination area.
- k. Service Station: One (1) off-street parking space for every three hundred (300) square feet of gross floor area, to two (2) off-street parking spaces for each service bay, whichever is larger, plus one (1) off-street parking space for each employee. Off-street parking spaces are not to be a part of, nor interfere with, the access ways to the pumps.
- l. Automotive Sales: Five (5) off-street parking spaces for each employee on the largest shift.
- m. Automotive/Truck Repair: One (1) off-street parking space for each three hundred (300) square feet of gross floor area, plus one (1) additional off-street parking space for each employee.
- n. Truck Sales: One (1) off-street parking space for each three hundred (300) square feet of gross display area, plus one (1) additional off-street parking space for each employee.
- o. Automotive Accessories: One (1) off-street parking space for each two hundred (200) square feet of gross floor area, plus one (1) additional off-street parking space for each employee.

p. Public Parking Lot or Garage: All parking areas shall meet the design standards as established in this Article.

q. Shopping Center: One (1) off-street parking space shall be provided and maintained for each two hundred and fifty (250) square feet, or portion thereof, of gross leasable area, up to four hundred thousand (400,000) square feet, four and a half (4.5) spaces for each one thousand (1,000) square feet of gross leasable area between four hundred thousand (400,000) and six hundred thousand (600,000).

r. Public Utility and Storage Yard: Two (2) off-street parking spaces plus one (1) off-street parking space for each employee normally in attendance at the facility at any time.

s. Theaters: One (1) off-street parking space for each four (4) seats.

4. Industrial Uses:

a. Manufacturing and Light Industrial: Three (3) off-street parking spaces for every four (4) employees on the largest shift, or one (1) for each eight hundred (800) square feet of gross floor area, whichever is greater, plus one (1) off-street parking space for each company vehicle normally stored on the premises.

b. Research: Three (3) off-street parking spaces for each four (4) employees on the largest shift, or one (1) off-street parking space for every five hundred (500) square feet of gross floor area, whichever is greater, plus one (1) off-street parking space for each company vehicle normally stored on the premises.

c. Warehouse/Storage and Public Service: Three (3) off-street parking spaces for each four (4) employees on the largest shift, or one (1) off-street parking space for every one thousand (1,000) square feet of gross floor area, whichever is greater, plus one (1) off-street parking space for each company vehicle normally stored on the premises.

d. Contracting: Three (3) off-street parking spaces for each four (4) employees on the largest shift, or one (1) off-street parking space for every two hundred fifty (250) square feet of gross floor area, whichever is greater, plus one (1) off-street parking space for each company vehicle normally stored on the premises.

- e. Medical Laboratories: One (1) off-street parking space per five hundred (500) square feet of gross floor area.
- 5. Agricultural Uses:
 - a. Nursery: One (1) off-street parking space for each employee and one (1) off-street parking space for each three hundred (300) square feet of gross area used or intended to be used as a sales area.
 - b. Greenhouse: One (1) off-street parking space for each employee and one (1) off-street parking space for each three hundred (300) square feet of gross area used or intended to be used as a sales area.
- 6. Uses Housing Animals:
 - a. Kennel: One (1) off-street parking space for each employee plus one (1) off-street parking space for each eight (8) animals in capacity.
 - b. Stable: One (1) off-street parking space for each employee plus one (1) off-street parking space for each four (4) animals in capacity.
- 7. Mobile Home Park: Two (2) off-street parking spaces per dwelling unit, plus supplemental parking at a ratio of one (1) off-street parking space per six (6) dwelling units, to be centrally located.
- 8. Residential: Two (2) off-street parking spaces per dwelling unit.
- 9. All other uses not listed: One (1) parking space for each three (3) occupants at maximum permitted occupancy or one (1) parking space for each three hundred (300) square feet of gross floor area of building or lot area devoted to the use, whichever is greater.

Section 72-15.2 Driveways and Common Driveways

- A. It shall be unlawful for any person to install, construct, or reconstruct a driveway or common driveway except in strict accordance with the provisions of this ordinance and without first obtaining from the Township Building Inspector a building permit. The resurfacing of a driveway/common driveway does not require a permit, provided however, that the grades are not substantially altered and the requirements in Section C are not violated.

- B. Every application for a permit shall be made on a written form provided by the Township, shall be signed by the applicant and shall be accompanied by a plan which shall set forth the following information:
1. Proposed location within right-of-way, connection with cartway of road and alignment of driveway/common driveway;
 2. Proposed grade;
 3. Proposed width;
 4. Type and thickness of materials to be used in construction; and
 5. Plot plan of property, with approximate location of principal buildings and owners of property.
- C. All driveways/common driveways shall meet the following requirements and specifications:
1. No driveway/common driveway shall have a width of less than ten feet (10') at the connection with the public street.
 2. No driveway/common driveway shall have a slope of more than fifteen percent (15%).
 3. Where driveways/common driveways are not paved, they must have a covering of slag, gravel or other all-weather material at least four inches (4") thick.
 4. No driveway/common driveway shall change the grade or contour of the street right-of-way, nor cut into, fill or in any way alter any gutter, curbing, drainage ditch or storm sewer.
 5. Within the right-of-way of a street, the grade of any driveway/common driveway shall not exceed 1/4 inch to the foot. Where there are sidewalks the driveway/common driveway shall meet the existing grade of the sidewalk. An exception may be granted by the Building Official or Township Engineer where it would be impossible to construct a driveway/common driveway with a grade less than 1/4 inch to the foot within the right-of-way.
 6. All driveways/common driveways shall have a paved apron from the existing road paving to the edge of the public road right-of-way.

7. At the discretion of the Township Engineer, a trench drain may be required at the bottom of any driveway/common driveway where runoff from the driveway/common driveway could create a hazard on a public road.
8. No driveway shall be constructed to provide access to more than two (2) residences.

Section 72-15.3 Off-Street Parking Design Standards

The design standards specified below shall be required for all off-street parking facilities with a capacity of three (3) or more vehicles built after the effective date of this Ordinance. Americans with Disabilities Act requirements shall dictate the number and design of handicap spaces.

- A. The minimum dimensions of stalls and aisles shall be as follows:
 1. Stall width shall be at least nine feet (9') for all parking spaces.
 2. Stall depth shall be at least twenty feet (20').
 3. Minimum width of aisles providing access to stalls for one-way traffic only, varying with the angle of the parking, shall be:

Angle of Parking	Minimum Aisle Width
Parallel	12 feet
30 ⁰	14 feet
45 ⁰ feet	16
60 ⁰ feet	20
90 ⁰ feet	24

4. Minimum width of aisles providing access to stalls for two-way traffic shall be twenty-four feet (24').
5. All designated fire lanes shall be a minimum of eighteen feet (18') in width and located to provide access to structures in compliance with the standards set forth in the International Fire Prevention Code, adopted by reference.

- B. Parking Areas shall be designed to permit each motor vehicle to proceed to and from the parking space provided for it without requiring the moving of any other motor vehicles. Parking areas shall be graded to a maximum slope of five percent (5%).
- C. The width of entrance and exit drives shall be:
 - 1. A minimum of twelve feet (12') for one-way use only.
 - 2. A minimum of twenty-four feet (24') for two-way use.
 - 3. A maximum of thirty-five feet (35') at the street line and fifty-four feet (54') at the curb line.
- D. For the purpose of servicing any parking area held under single and separate ownership, entrance and exit drives shall be limited to two (2) along the frontage of any single street and their center lines shall be spaced at least eighty feet (80') apart. On the corner properties, there shall be a space of a minimum of sixty feet (60'), measured at the curb line, between the center line of any entrance or exit drive and the street line of the street parallel to said access drive.
- E. In no case shall industrial or commercial parking areas be designed to require or to encourage cars to back into a public street in order to leave the lot.
- F. Landscaping design for nonresidential sites shall provide a planted separation between off-site vehicle or pedestrian traffic and on-site circulation as follows:
 - 1. A planting island which physically separates the abutting public street from the parking area shall be provided.
 - a. Such planting island shall be a minimum of ten feet (10') in width.
 - b. Such planting island shall be parallel to the abutting street.
 - c. Such planting island shall be measured from the right-of-way line.
 - 2. The planting island shall occur within the required fifty feet (50) front yard setback in the SM and C Districts where parking in the front yard is proposed.

- a. At least one (1) tree, a minimum two inch (2") caliper, measured at four feet (4') from ground level shall be planted in the planting island for each ten (10) parking spaces provided.
 - b. A mix of deciduous and evergreen trees shall be provided.
 - c. At least three (3) low-level shrubs, a minimum of three feet (3') in height, shall be planted in the planting island for each ten (10) parking spaces provided. Such shrubbery shall be located so as to screen vehicle headlights from adjacent properties.
3. A planting island, which projects into the parking area, with a minimum of sixty (60) square feet of pervious surface area and including a tree as described herein, shall be provided at intervals of ten (10) parking spaces.
 4. Tire bumpers or concrete curbing shall be installed in the parking area to prevent vehicle overhang of a sidewalk area.
 5. The edge of any paved parking area in a side or rear yard on lots in the "C" Commercial District shall not be closer than five feet (5') to any property line and in the "SM" Suburban Manufacturing District shall not be closer than ten feet (10') to any property line.
- G. All parking areas for any purpose other than single-family or PRD residents shall be physically separated from any public street by a planting island which shall be not less than ten feet (10') in depth. Tire bumpers or concrete curb shall be installed so as to prevent vehicle overhang of the sidewalk area. This ten foot (10') planting island shall be parallel to the street line, shall be measured from the right-of-way line and shall be located within the required front yard setback in the SM Suburban Manufacturing District.
- H. All lighting used to illuminate required parking spaces shall be so arranged that no direct rays from such lighting shall fall upon any neighboring property or public right-of-way. Sharp cutoff luminaries shall be used in all cases.
- I. On land which abuts any residential district, the maximum height of free-standing exterior lighting standards shall not exceed seventeen feet (17'). On all other parcels within the "C" Commercial or "SM" Suburban Manufacturing District, free-standing exterior lighting standards shall not exceed twenty-five feet (25') in height.
- J. No other exterior lighting shall exceed twenty-five feet (25').

Section 72-15.4 Off-Street Loading

Off-street loading requirements as specified below shall be provided on any lot on which a building exceeding six thousand (6,000) square feet of gross floor area for business or industry is hereafter erected.

- A. Every retail establishment, storage warehouse or wholesale establishment exceeding six thousand (6,000) square feet shall have at least one (1) off-street loading space. Where there is an aggregate gross floor area of twenty thousand (20,000) square feet or more arranged, intended or designed for such use, there shall be provided off-street truck loading or unloading berths in accordance with the following table:

<u>Sq. Feet of Aggregate Gross Floor Area Devoted to Each Use</u>	<u>Required Number of Berths</u>
6,000 up to 19,999	1
20,000 up to 49,999	2
For each additional 50,000	1 additional berth

- B. Every auditorium, funeral home, multi-family dwelling of twenty (20) units or more, office building, restaurant, hotel exceeding six thousand (6,000) square feet shall have at least one (1) off-street loading space. Where there is an aggregate gross floor area of thirty thousand (30,000) square feet or more, arranged, intended or designed for such use, there shall be provided off-street truck loading and unloading berths in accordance with the following table:

<u>Sq. Feet of Aggregate Gross Floor Area Devoted to Each Use</u>	<u>Required Number of Berths</u>
6,000 up to 29,999	1
30,000 up to 49,999	2
For each additional 50,000	1 additional berth

Section 72-15.5 Design Layout of Off-Street Loading Facilities

- A. Off-street loading facilities shall be designed to conform to the following specifications:

1. Each required space shall be no less than fourteen feet (14') wide, fifty-five feet (55') long and seventeen feet (17') high, exclusive of drives and maneuvering space and located entirely on the lot being served.
 2. There shall be appropriate means of access to a street or alley as well as adequate maneuvering space.
 3. Such facilities shall be designed and used in such a manner that it will not constitute a nuisance, a hazard or an unreasonable impediment to traffic at any time.
- B. All required loading facilities shall be provided and maintained in accordance with the following requirements:
1. They shall be provided and maintained as long as the use exists which the facilities were designed to serve.
 2. They shall not be reduced in total extent after their provision, except when such reduction is in conformity with the requirements of this Article.

ARTICLE XVI

SIGNS

Section 72-16.1 General Provisions

- A. No sign shall be erected within the lines of a street right-of-way except traffic signs and similar regulatory notices of the Township, Allegheny County, or the State, except as herein provided.
- B. No sign which emits smoke, visible vapors or particles, sound, or odor shall be permitted.
- C. Any sign located along the right-of-way of a state or federal highway shall comply with any more restrictive requirements of the state or federal government relating thereto.
- D. No sign shall be erected in the Township that:
 - 1. Obstructs the sight triangle distance at an intersection along a public right-of-way.
 - 2. Tends by its location, color, shape, message or nature to be confused with or obstruct the view of traffic signs or traffic signals by motorists or pedestrians.
 - 3. Uses admonitions such as stop, go, slow, danger, etc., which might be confused with traffic signals.
- E. Novelty signs, portable signs, including but not limited to objects (i.e., tires, automobiles, food products, etc.), pennants, banners, balloons, and animated signs are specifically prohibited in all zoning districts unless a temporary sign permit is obtained. Temporary permits will only be issued for special events as determined by the Township for periods of time acceptable to the Township.
- F. Free-standing signs shall be supported by one or more columns or uprights which are permanently embedded in footers of accepted design. Exposed guy wires, chains, or other connections shall not be made a permanent support of the free-standing sign.
- G. Signs where permitted shall be erected or placed in conformity with the side and rear yard requirements of the district in which located and signs located in any front yard shall have a setback of at least ten feet (10') from the road right-of-way; except no commercial sign shall be erected or placed closer than fifty feet (50') to a side or rear lot line of any Residential District boundary.

- H. Signs not permitted: Because of the propensity of certain types of signage to create visual pollution and distract the motoring public, billboards and off-premises signs not in compliance with the Pennsylvania Outdoor Advertising Act, and portable changeable-letter signs are hereby prohibited in all zoning districts.
- I. At the intersection of any state or federal highway with a collector street or roadway, the setback of any free-standing sign shall not be less than one hundred feet (100') from the established right-of-way of each highway or street.
- J. No sign may extend above any parapet or be placed upon any roof surface. This subsection shall not apply to displays, including lighting, erected in connection with the observation of holidays on the roofs of residential structure.
- K. No sign attached to a building may project outward more than twelve inches (12") from the building wall.
- L. All signs and all components thereof, including without limitation supports, braces, and anchors, shall be kept in a state of good repair.

Section 72-16.2 Administration and Permitting Procedures

Except as otherwise provided in this Article, no sign may be constructed, erected, moved, enlarged, illuminated or substantially altered except in accordance with the provisions of this Article and in accordance with a sign permit issued by the Township Zoning Officer. Repainting or changing the message of a sign shall not, in and of itself, be considered a substantial alteration.

- A. Sign permits shall be issued by the Zoning Officer, following receipt of a fee set by resolution by the Township Council which shall accompany the sign permit application. Said application shall be a form provided by the Township and shall be submitted for review and approval prior to the commencement of any work related to the erection or alteration of the sign.
- B. Each application for a sign permit shall be accompanied by a drawing to scale showing the design proposed, the size, character and color of letters, lines and symbols, method of illumination, location of electric service, the exact location of the sign in relation to the building and property, and details and specifications for construction.
- C. No free-standing or attached sign shall be higher at any point than the maximum height of the roof of the principal structure or twenty-five feet

(25'), whichever is lower, except that no sign shall exceed any lesser height if particularly specified.

- D. In commercial or manufacturing districts on parcels with a single use, one free-standing sign, and one building mounted sign, shall be permitted.
- E. The surface area of a sign shall be computed by including the entire area within a single, continuous, rectilinear perimeter of not more than eight (8) straight lines, or a circle or an ellipse, enclosing the extreme limits of the writing, representation, emblem, or other display, together with any material or color forming an integral part of the background of the display or used to differentiate the sign from the backdrop or structure against which it is placed, but not including any supporting framework or bracing that is clearly incidental to the display itself.
- F. If the sign consists of more than one section or module, all of the area, including that area between sections or modules, shall be included in the computation of the total sign area.
- G. No person may, for the purpose of increasing or enhancing the visibility of any sign, damage, trim, destroy, or remove any trees, shrubs, or other vegetation located, within the right-of-way of any public street, road, or buffer yard unless the work is done pursuant to the express written authorization of the Township or other agency having jurisdiction over the streets or roadways.

Section 72-16.3 Temporary Signs and Signs Excluded from Regulation

- A. The following temporary signs are permitted without a permit. However, such signs shall conform to the requirements set forth below as well as all other applicable requirements of this Article.
 - 1. In residential zones, signs containing the message that the real estate on which the sign is located (including buildings) is for sale, lease, or rent, together with information identifying the owner or agent. Such signs shall not exceed four (4) square feet in area and shall be removed immediately after sale, lease, or rental.
 - 2. Construction site identification signs not exceeding twenty-four (24) square feet in area erected on the site during the period of construction which announce the name of the owner or developer, contractor, architect, landscape architect, planner or engineer. Such signs shall not be illuminated and shall be removed upon completion of construction.

3. Signs attached temporarily to the interior of a commercial building window or glass door. Such signs, individually or collectively, may not cover more than fifty percent (50%) of the surface area of the transparent portion of the window or door to which they are attached.
 4. Signs indicating that a special event such as a grand opening, fair, carnival, circus, festival, or similar event is to take place on the lot where the sign is located. Such signs may be erected not sooner than seven (7) days before the event and removed upon completion of the event. No sign shall be greater than twenty-four (24) square feet.
 5. Temporary sign of mechanics, painters and other artisans, PROVIDED such sign shall be erected only on the property where such work is being performed, does not exceed four (4) square feet and shall be removed promptly upon completion of the work.
 6. Political signs to be removed not later than three (3) days after the election for which the sign was erected.
 7. Temporary off-site directional signs up to four (4) square feet maximum for special events.
- B. The following signs are exempt from regulation under this Article unless more specific provisions contained in this section indicate otherwise:
1. Signs erected by or on behalf of the Township, Allegheny County or the State, including legal notices traffic, directional or regulatory signs.
 2. Official signs of a noncommercial nature erected by public utilities, not to exceed four (4) square feet.
 3. Flags or insignia of any governmental or nonprofit organization when not displayed in connection with a commercial promotion or as an advertising device.
 4. Signs directing and guiding traffic on a public property that do not exceed four (4) square feet each and that bear no commercial message.
 5. No trespassing, beware of dog or no hunting signs or signs of a similar nature, without limitation on number or placement, limited in area to two (2) square feet.

Section 72-16.4 Determining the Number and Size of Signs

- A. For the purpose of determining the number of signs, a sign shall be considered to be a single display surface or display device containing elements organized, related, and composed to form a unit.
- B. A two-sided or multi-sided sign shall be regarded as one sign so long as:
 - 1. With respect to a V-type sign, the angle of the “V” shall not exceed thirty (30) degrees; and
 - 2. With respect to double faced (back to back) signs, the distance between the backs of each face of the sign does not exceed six inches (6”).
- C. In the case of a lot occupied or intended to be occupied by multiple business enterprises, the following shall apply:
 - 1. Each use in a multiple occupancy commercial structure shall be assigned a maximum of twenty-four (24) square feet of building mounted signage.
 - 2. One collective free-standing identification sign shall be permitted at the main entrance to commercial or manufacturing center with multiple businesses or a unified shopping center. Said sign shall allocate space based on the linear frontage of each unit in the center and in accordance with the following:
 - a. Such sign shall be set back no less than ten feet (10') from any abutting property line or right-of-way line;
 - b. Such commercial or manufacturing center multiple business sign shall not exceed, in total surface area sixty (60) square feet;
 - c. Free-standing identification signs on multiple use sites of less than ten (10) acres in the C Commercial or SM Suburban Manufacturing Districts, shall not exceed forty-five (45) square feet.
 - d. Unified shopping center signs on multi business complex of ten or more acres in the C Commercial District shall be permitted a free standing monument sign as outlined in this ordinance, and shall also be permitted to have up to four (4) anchor tenant signs on each side of the monument sign. Each anchor tenant sign is not to exceed 24 square feet (24 s.f.).

- e. Such unified shopping center signs shall not exceed in total surface area ninety (90) square feet; or
- 3. In conjunction with an approved riverfront unit development, signs shall comply with the provisions of Section 72-13.5.R in addition to the provisions of this Article.
- D. No wall mounted business sign on single or multiple use sites shall exceed twenty-four (24) square feet or ten percent (10%) of the face of the structure upon which it is attached or painted, whichever is less, except as otherwise indicated.
- E. No free-standing identification sign on single use sites in the C Commercial or SM Suburban Manufacturing Districts shall exceed a maximum of thirty (30) square feet.

Section 72-16.5 Bonus Sign Area Criteria

To encourage design excellence, the maximum sign area for commercial businesses and manufacturing uses may be increased by the percentages herein. A separate bonus may be granted for compliance with each of the criteria and the area is cumulative, but the percentage is based on the original sign area. In no instance shall the bonus increase in sign area exceed twenty percent (20%) of the area permitted absent the bonus.

All applications for bonus sign area shall be considered as conditional uses pursuant to the procedures of Section 72-14.24 and subject to the specific requirements below. The Planning Commission shall review all sign applications which include bonus sign area criteria and make recommendation to Council. Completed applications shall be reviewed at regularly scheduled Planning Commission meetings.

- A. Free-standing signs may be increased as follows:
 - 1. Ten percent (10%) when the sign is constructed of solid wood and uses colors as recommended by the Planning Commission.
 - 2. Ten percent (10%) when the sign is installed in a landscaped planter having an area twice the area of the resultant sign as recommended-by the Planning Commission.
 - 3. Ten percent (10%) when the sign is not designed or used with illumination.
- B. Attached building mounted signs may increase as follows, but only if the projection does not exceed twelve inches (12”):

1. Ten percent (10%) when all lettering and background is uniform in style and color for signs in multiple use developments or unified shopping centers or for any three (3) consecutive separate establishments.
2. Ten percent (10%) if the sign is not designed or used with any illumination.
3. Ten percent (10%) if the sign design compliments and utilizes the architectural details of the facade as recommended by the Planning Commission.

Section 72-16.6 Residential Identification Signs

Identification signs for residential subdivisions and planned residential developments shall be permitted, PROVIDED that:

- A. The size of any such sign shall not exceed twelve (12) square feet.
- B. Not more than one (1) such sign is placed on any premises held in single and separate ownership or developed as a unit, unless such property fronts upon more than one (1) street, in which event one (1) such sign may be erected on each frontage.
- C. Said signs may only be located on the premises that they identify.
- D. Such sign shall be placed in a landscaped area.
- E. Residential identification signs shall employ only shielded spotlights, have no internal illumination, or neon lighting.

Section 72-16.7 Sign Illumination and Signs Containing Lights

- A. Unless otherwise prohibited by this Article, signs may be illuminated if such illumination is in accordance with this section.
- B. No sign erected in conjunction with a commercial business which is located within one hundred and fifty feet (150') of a residential district zoning boundary, shall be illuminated between the hours of midnight and six (6) a.m., unless the business operates twenty-four (24) hours a day, and is open to the public.
- C. Lighting directed toward a sign shall be shielded so that it illuminates only the face of the sign and does not shine directly into a public right-of-way or residential premises.

- D. Where permissible, illuminated free-standing signs may not be illuminated during hours that the business or enterprise advertised by such sign is not open for business or in operation. This subsection shall not apply to signs that constitute an integral part of a vending machine, telephone booth, device that only indicates the time, date, or weather conditions, or similar device whose principal function is not to convey an advertising message.
- E. Internally illuminated signs shall be designed and constructed so that no light is directed toward a public right-of-way or residential premises.
- F. Neon signs shall not exceed five percent (5%) of window area, and shall be limited to one (1) sign per business. Non-flashing interior neon signs visible from the exterior of the premises shall not exceed ten (10) square feet.
- G. No sign may contain or be illuminated by flashing or intermittent lights or lights of changing degrees of intensity, no sign may be digital or have scrolling text, except those portions of a sign indicating the time, date or weather conditions.

Section 72-16.8 Removal or Abandonment of Signs

- A. **Removal:** The Zoning Officer may order the removal of any sign erected or maintained in violation of this Article. The Zoning Officer shall give thirty days (30) notice in writing to the owner of such signs, or of the building, structure or premises on which such sign is located by certified mail, to remove the sign or to bring it into compliance. Upon failure to comply with this notice the Zoning Officer or duly authorized representative may remove the sign at cost to the owner. The Zoning Officer may remove a sign immediately and without notice, at cost to the owner, if, in his opinion, the condition or location of the sign is such as to present an immediate threat to the safety of the public.
- B. **Abandonment:** A sign shall be removed by the owner or lessee of the premises upon which the sign is located when the business which it advertises is no longer conducted on the premises. If the owner or lessee fails to remove it, within ninety (90) days, the Zoning Officer shall give the owner thirty (30) days written notice to remove it. Upon failure to comply with this notice, the Zoning Officer or his duly authorized representative may remove the sign at cost to the owner. Where a successor to a defunct business agrees to maintain the signs as provided in this Article, abandonment shall not apply.

- C. If a legal nonconforming sign advertises a business, service, commodity, accommodation, attraction, or other enterprise or activity that is no longer operating or being offered or conducted, that sign shall be considered abandoned and shall be removed within ninety (90) days after such abandonment.

Section 72-16.9 Legal Nonconforming Signs

- A. Subject to the remaining restrictions of this section, legal nonconforming signs that were otherwise lawful on the effective date of this section may be continued until they are required to be removed by the provisions of this Article.
- B. No person may engage in any activity that causes an increase in the extent of nonconformity of a legal nonconforming sign. No nonconforming sign may be enlarged or altered in such a manner as to aggravate the nonconforming condition. Nor may illumination be added to any legal nonconforming sign.
- C. A legal nonconforming sign may not be moved or replaced except to bring the sign into complete conformity with this Article.
- D. If a legal nonconforming sign is destroyed by natural causes, it may not thereafter be repaired, reconstructed or replaced except in conformity with all the provisions of this Article, and the remnants of the former sign structure shall be cleared from the land. For purposes of this section a nonconforming sign is “destroyed” if damaged to an extent that the cost of repairing the sign to its former stature or replacing it with an equivalent sign equals or exceeds the value of the sign at the time it is damaged.
- E. The message of a legal nonconforming sign may be changed so long as this does not create any new nonconformities by creating circumstances where such a sign would not be allowed.
- F. Subject to the other provisions of this section, legal nonconforming signs may be repaired and renovated so long as the cost of such work does not exceed within any twelve (12) month period fifty percent (50%) of the current value of such sign.

ARTICLE XVII

NONCONFORMING LOTS, STRUCTURES AND USES

Section 72-17.1 Intent and Purpose

- A. Within the districts established by this Ordinance or amendments that may later be adopted there exist lots, structures and uses of land and structures which were lawful before this Ordinance was passed or amended, but which would be prohibited, regulated or restricted under the terms of this Ordinance or future amendment.
- B. It is the intent of this Ordinance to permit these nonconformities to continue until they are removed, but not to encourage their survival. Such uses are declared by this Ordinance to be incompatible with the permitted uses in the districts involved. It is further the intent of this Ordinance that nonconformities shall not be enlarged upon, expanded or extended, nor be used as grounds for adding other structure or uses prohibited elsewhere in the same district.
- C. A nonconforming structure use or lot shall not be extended or enlarged after passage of this Ordinance by the attachment of additional signs, or by the addition of other uses or structures prohibited in the district in which the nonconforming structures, use or lot is located.

Section 72-17.2 Nonconforming Lots of Record

In any district in which single-family dwellings are permitted, notwithstanding limitations imposed by other provisions of this Ordinance, a single-family dwelling and customary accessory buildings may be erected on any single lot of record at the effective date of adoption or amendment of this Ordinance, provided said lot was not created in violation of prior existing zoning and subdivision regulations. Such a lot must be in separate ownership and not of continuous frontage with other lots in the same ownership. This provision shall apply even though such lot fails to meet the requirements for area or width or both that are generally applicable in this district, provided that yard dimensions and other requirements not involving area or width or both of the lot shall conform to the regulations for the district in which such lot is located. Variance of area, width and yard requirements shall be obtained only through action of the Zoning Hearing Board.

Section 72-17.3 Nonconforming Uses of Land

Where, at the effective date of adoption or amendment of this Ordinance, lawful use of land exists that is made no longer permissible under the terms of this Ordinance as enacted or amended, such use may be continued, so long as it remains otherwise lawful, subject to the following provisions:

- A. No such nonconforming use shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this Ordinance, except as set forth in Subsection E of this Section.
- B. No such nonconforming use shall be moved in whole or in part to any other portion of the lot or parcel occupied by such use at the effective date of adoption or amendment of this Ordinance, except as set forth in Subsection E of this Section.
- C. All supplemental regulations under this Ordinance shall be applicable to both conforming and nonconforming uses, and all uses shall comply therewith.
- D. If any such nonconforming use of land ceases for any reason for a period of more than twelve (12) consecutive months, any subsequent use of such land shall conform to the regulations specified by this Ordinance for the district in which such land is located.
- E. A nonconforming use may be expanded, extended or enlarged only upon receiving a special exception approval from the Zoning Hearing Board. The following standards shall apply to the special exception request.
 1. No expansion, extension or enlargement may occur on a separate lot or a lot which was separate at the time the use became nonconforming.
 2. No expansion, extension or enlargement may exceed twenty-five percent (25%) of any of the following: floor area; lot coverage; building volume; sales volume (measured in terms of customers served or quantity of merchandise sold, but not dollar volume). Said twenty-five percent is an aggregate number, and all expansions since the nonconforming use became nonconforming will be considered. In addition, the cost of the expansion, extension or enlargement may not exceed fifty percent (50%) of the current fair market value of the property in question (the current assessed value will be accepted for this purpose unless other evidence is offered).

3. All other requirements of the Ordinance must be met, including any required parking attributable to the expansion, extension or enlargement.
4. The standards set forth in Section 72-14.24 shall apply to the Special Exception request (except for Section E relating to the Planning Commission, and except that Section F will refer to the Zoning Board, not Council).
5. The Zoning Hearing Board may attach reasonable conditions to any grant of special exception, in addition to those expressed in this Ordinance, as it deems necessary to implement the purposes of the Pennsylvania Municipalities Planning Code and this Ordinance.

Section 72-17.4 Nonconforming Structures

Where a lawful structure exists at the effective date of adoption or amendment of this Ordinance that could not be built under the terms of this Ordinance by reason of reconstruction on area, lot coverage, height, yards or other characteristics of the structure or its location on the lot, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:

- A. No such structure may be enlarged or altered in a way which increases its nonconformity.
- B. Should the nonconforming structure be damaged or destroyed by fire, wind, tornado, earthquake, flood or other natural disaster, such structure may be reconstructed provided that the new structure may not increase the dimensional nonconformities of the previous structure (including, but not limited to nonconformities related to building setbacks, lot coverage and height limitations) and that such rebuilding does not increase the intensity of use. In the event of arson or other willful destruction, reconstruction of nonconforming structures shall be prohibited if such casualty is traceable to the owner or his/her agent. Such instances shall result in the forfeiture of the nonconforming status, and must subsequently be brought within all the prevailing restrictions applied to the surrounding district.
- C. Should such structure be moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the district in which it is located after it is moved.

Section 72-17.5 Nonconforming Uses of Structures

If a lawful use of a structure or of structure and premises in combination exists at the effective date of adoption or amendment of this Ordinance that would not be allowed in the district under the terms of this Ordinance, the lawful use may be continued so long as it remains otherwise lawful, subject to the following provisions:

- A. No existing structure devoted to a use not permitted by this Ordinance in the district in which it is located shall be enlarged, extended, constructed, reconstructed, moved or structurally altered except in changing the use of the structure to a use permitted in the district in which it is located or except as set forth in Section 72-17.3.E.
- B. Any nonconforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use at the time of adoption or amendment of this Ordinance, but no such use shall be extended to occupy any land outside such building.
- C. If no structural alterations are made, any nonconforming use of a structure or structure and premises may be changed to another nonconforming use, provided that the Board, either by general rule or by making findings in the specific case, shall find that the proposed use is equally appropriate or more appropriate to the district than the existing nonconforming use. In permitting such change, the Board may require appropriate conditions and safeguards in accord with the provisions of this Ordinance and as set forth in Section 72-17.3.E.
- D. Any structure or structures and land in combination, in or on which a nonconforming use is superseded by a permitted use, shall thereafter conform to the regulations for the district in which such structure is located, and the nonconforming use may not thereafter be resumed.
- E. When a nonconforming use of a structure or structure and premises in combination is discontinued or abandoned for twelve (12) consecutive months. The structure or structure and premises in combination shall not thereafter be used except in conformance with the regulations of the district in which it is located.
- F. Where no nonconforming use status applies to a structure and premises in combination, removal or destruction of the structure shall eliminate the nonconforming status of the land.

Section 72-17.6 Repairs and Maintenance

- A. On any building devoted in whole or in part to any nonconforming use, work may be done in any period of twelve (12) consecutive months on ordinary repairs, or on repair or replacement of nonbearing walls, fixtures, wiring or plumbing, to an extent not exceeding ten percent (10%) of the current replacement value of the building as it existed at the time of passage or amendment of this Ordinance shall not be increased.
- B. Nothing in this Ordinance shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by any official charged with protecting the public safety, upon order of such official.

Section 72-17.7 Nonconforming Residences

Notwithstanding the provisions above, the following special regulations shall apply to nonconforming residences located in any residential district or conservation district:

- A. An existing structure which is destroyed by fire may be rebuilt on the same foundation and to the preexisting dimensions, even though there may be nonconforming uses relating to yard area, lot area or first floor area requirements.
- B. In any recorded plan where the existing front yard depth is less than provided for, the minimum front yard depth shall be in conformance with the existing yards at the time of reconstruction.

ARTICLE XVIII

PERFORMANCE STANDARDS

Section 72-18.1 Compliance

No use, land or structure in any district shall involve any element or cause any condition that may be dangerous, injurious or noxious, or cause offensive odor, smoke, dust, dirt, noise, vibration, glare, excessive traffic, attract vermin or rodents or constitute a nuisance or be a detriment to the health, safety, moral or general welfare of the community or to any other person or property in the Township. All uses in all districts shall be subject to the following standards of operation.

Section 72-18.2 Traffic Study

The traffic study shall be prepared by a registered traffic engineer and shall show with specificity the amount of traffic that will be generated by the proposed development, and the feasibility of accommodating such traffic on adjacent streets.

The study shall:

- A. Detail the short term and long term impact of the proposed commercial development on the street system of a transportation impact area which area shall be determined by the Township Engineer.
- B. Include data on existing street conditions in the impact area, including roadway width, condition, traffic volume and flow, projected levels of service, operating speeds, land use conflicts and safety.
- C. Provide five (5) year and twenty (20) year forecasts of the average daily vehicle trips which will be generated by the proposed commercial development plan and distribute and assign these trips to the most probable travel paths over the adjacent street system.
- D. Identify measures needed to safely accommodate the future traffic and the means for implementation of such measures, including measures for providing safe and adequate railroad crossings.
- E. Include all data, computations and information pertinent to the Traffic Study, and such supplementary information and projections as Council or the Township Engineer may require to clarify or justify the findings of the Traffic Study.

Section 72-18.3 Environmental Performance Standards

The developer shall determine the presence of environmental or natural features on any site proposed for land development and shall meet the following standards for environmental protection. Site alterations, erosion and sedimentation control, regrading, filling, the clearing of vegetation or timbering and forestry activities prior to approval of the plans for development shall be a violation of this Article.

- A. Floodway Delineation: One hundred (100) year floodways shall be delineated as per the provisions of the current Township ordinance. Within the floodway, the following uses and activities having a low flood damage potential and not obstructing flood flows shall be permitted, provided that they are in compliance with the provisions of the underlying District and are not prohibited by any other Ordinance, and do not require structures, fill or storage of materials and equipment:
 - 1. Agricultural uses;
 - 2. Public and private recreational uses and activities such as parks, picnic grounds, hiking and horseback riding trails, wildlife and nature preserves, hunting and fishing;
 - 3. Accessory residential uses such as yard areas, gardens and play areas.
- B. Floodplains: A normally dry land area adjacent to stream channels that is susceptible to being inundated by overbank stream flows. Development activities shall be regulated as per the provisions of the current Township ordinance.
- C. Steep Slopes: In areas of steep slopes, i.e., those fifteen percent (15%) and above, the following standards shall apply:
 - 1. 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.).
 - 2. In areas with slopes between twenty-five to forty percent (25-40%), no more than thirty percent (30%) of such areas shall be regraded, stripped of vegetation or developed.
 - 3. No earth disturbance activities shall be permitted in areas with slopes forty percent (40%) or greater. However, Council may approve limited regrading for the construction or installation of

roads, utilities or similar facilities which cannot be located elsewhere. Such approval shall be upon the recommendation of the Township Engineer.

4. The slope shall be the average slope of the area of environmental disturbance, determined by dividing the difference in elevation at the extremes of the environmental disturbance by the horizontal distance between the limits of the environmental disturbance as determined by an actual field topographical survey of the elevations within the area of environmental disturbance.
- D. Forest: No more than fifty percent (50%) of any forest as defined may be cleared or developed.
 - E. Ponds, Watercourses or Wetlands: No development, filling, piping or diverting shall be permitted except for required roads and utility line extensions, unless permitted by the appropriate state, county or regulatory agency.
 - F. Storm Water Drainage and Management: All plans shall comply with the provisions of Ordinance No. 1340, storm water, and all amendments thereto.
 - G. Soil Erosion and Sedimentation: With any earth disturbance there shall be control of erosion and the protection of streams and ponds from sedimentation in accordance with the "Clean Streams Law P.L. 1987", Chapter 102 of Title 25 of the Pennsylvania Code, and the "Soil Erosion and Sedimentation Control Manual" of the Pennsylvania Department of Environmental Protection. In addition, a Soil Erosion and Sediment Control Plan (ES & SC Plan) shall be required as part of the application for any Township permit where earth disturbance or excavation will occur. As a minimum where sediment can be transported away from the disturbed area, a silt fence or straw bale barrier shall be erected and maintained in working order until vegetation is fully established or erosion resistant ground cover has been installed. Additional sediment pollution control measures may be required where land development is more extensive than single family construction.

Section 72-18.4 Odor

Those standards for the control of odorous emissions established by the Allegheny County Department of Health shall be applied in all zoning districts. Where an odor is deemed offensive a duly authorized Township representative shall refer the matter to

the County Health Department or to the Pennsylvania Department of Environmental Protection (PADEP) where it has jurisdiction relative to an established air-shed.

Section 72-18.5 Storage and Waste Disposal

- A. No highly flammable, explosive or toxic liquids, solids or gases shall be stored in bulk (over five hundred [500] gallons), above ground, except tanks or drums of fuel connected directly with energy devices or heating appliances located and operated on the same lot as the tanks or drums of fuel.
- B. All permanent bulk outdoor storage facilities for fuel over five hundred (500) gallons, raw materials and products, and all fuel, raw materials and products stored outdoors, shall be enclosed by an approved safety fence.
- C. No materials or wastes shall be deposited upon a lot in such form or manner that they may be transported off the lot by natural causes or forces; nor shall any substance which can contaminate wells, watercourses, or potable water supplies otherwise render such wells, watercourses, or potable water supplies undesirable as sources of water supply or recreation; nor shall any substance which will destroy aquatic life be allowed to enter any wells, watercourses, or potable water supplies. A Pennsylvania Department of Environmental Protection approved plan for spill containment shall be submitted to the Township for review by the Township Engineer prior to the issuance of any required permit.
- D. Any materials or wastes which might cause fumes or dust or which constitute a fire hazard or which may be edible or otherwise attractive to rodents or insects shall be stored outdoors only if enclosed in containers adequate to eliminate such hazards.
- E. All nonconforming storage and waste disposal facilities must be brought into conformity with this Article within three (3) years of the adoption of these Ordinance amendments.

Section 72-18.6 Air Pollution

No emission at any point from any chimney or otherwise of visible smoke in excess of that permitted by the air pollution control regulations of Allegheny County shall be permitted.

Section 72-18.7 Dust, Fumes, Vapors and Gases

The emission of dust, dirt, fly ash, fumes, vapors or gases which can cause any damage to human health, to animals, to vegetation, or to property or which can cause any soiling or staining of persons or property at any point beyond the lot line of the use creating the emission is herewith prohibited.

Section 72-18.8 Glare

No use shall produce a strong, dazzling light or a reflection of a strong, dazzling light or employ unshielded illumination sources beyond its lot lines or onto any public road. Spillover lighting from parking areas shall not exceed two (2) foot-candles per square foot beyond the property line.

Section 72-18.9 Vibrations

No use shall cause earth vibrations, or concussions detectable beyond its lot lines without the aid of instruments, with the exception of vibration produced as a result of temporary construction activity.

Section 72-18.10 Discharge

No discharge at any point into any private sewage disposal system or stream or into the ground, of any materials in such a way or in such manner or temperature as can contaminate any public or private water supply or otherwise cause the emission of dangerous, noxious or objectionable elements, or the accumulation of solid wastes conducive to the breeding of rodents or insects, is permitted.

Section 72-18.11 Heat, Cold, Dampness or Movement of Air

No activities producing heat, cold, dampness or movement of air are permitted which shall produce any material effect on the temperature, motion or humidity of the atmosphere at the lot line or beyond.

Section 72-18.12 Noise

No use in any district which by the nature of its use, operation or activity produces noise of objectionable character or volume as noted will be permitted:

- A. Residential Uses: In excess of sixty (60) dba for a two (2) hour duration.
- B. Commercial Uses: In excess of sixty-five (65) dba for more than eight (8) hours during a twenty-four (24) hour period.

- C. Industrial Uses: In excess of seventy-five (75) dba for eight (8) hours during a twenty-four (24) hour period.

Section 72-18.13 Electrical Disturbance or Radioactivity

No activities which emit dangerous radioactivity or continuous cumulative low level radiation, at any point are permitted and no electrical disturbance adversely affecting the operation at any point of any equipment other than that of the creator of such disturbance shall be permitted.

Section 72-18.14 Maintenance of Yards, Adjacent Undeveloped Property

The owner or lessee of the property, whether occupied or vacant located within or adjacent to any developed area shall maintain such premises so that:

- A. Weeds and grass shall be cut prior to their growing to such height as they will go to seed.
- B. All portions of the property shall be kept free of junk, debris, disabled motor vehicles, and dangerous, objectionable or noxious material.

Section 72-18.15 Vehicle and Equipment Maintenance

- A. In industrial and commercially zoned areas, all vehicles and movable equipment repair done on the property shall be performed within an enclosed building, except that minor maintenance activities may be completed on the exterior of a lot where space has been provided for the temporary parking or storage of vehicles and movable equipment.
- B. In residentially zoned areas, minor vehicle maintenance activities on vehicles owned by the occupant may be conducted in driveways, but in no case shall repairs be made on vehicles and movable equipment which would result in the storage of said vehicles or movable equipment on the exterior of the lot for more than forty-eight (48) hours.

ARTICLE XIX

ADMINISTRATION

Section 72-19.1 Zoning/Building Permits

- A. No building or structure shall be erected, added to or structurally altered until a permit therefore has been issued by the Zoning Officer. No zoning/building permit shall be issued for any building where said construction, addition, or alteration or use thereof would be in violation of any of the provisions of this Ordinance, except after written order from the Board. Any zoning/building permit issued in conflict with the provisions of this Ordinance, except after written order from the Board shall be null and void.
- B. All applications for zoning/building permits shall be accompanied by plans in duplicate, drawn to scale, showing the actual dimensions and shape of the lot to be built upon; the exact sizes and locations of the lot or buildings and structures already existing, if any; and the location and dimensions of the proposed building and structure or alteration. The application shall include such other information as lawfully may be required by the Zoning Officer, including existing or proposed building alteration; all proposed changes of grade, walls, fences, drains, driveways, parking area and landscaping plan; existing or proposed uses of the building and land; the number of families, housekeeping units or rental units the building is designed to accommodate; conditions existing on the lot; and such other matters as may be necessary to determine conformance with and provide for the enforcement of this Ordinance.
- C. In approving an application for a zoning/building permit, the Zoning Officer may require such changes in plans for construction, addition or alteration or use of such buildings or lots as may be necessary to assure compliance with this Ordinance.
- D. A zoning/building permit for any building or use may be revoked and withdrawn by the Zoning Officer if the holder of the zoning/building permit has failed to comply with the requirements of this Ordinance or with any conditions attached to the issuance of the permit, and the holder of the zoning/building permit may be subject to Enforcement Remedies, as provided for in Article XXI of this Ordinance.
- E. The Zoning Officer shall render a decision either approving or disapproving the application for a zoning/building permit within ninety

(90) days after the application is filed in accordance with State requirements, provided that any disapproval of the application shall be issued within said State required period, containing a written explanation setting forth the reason for said disapproval and the manner in which the application can be corrected and/or modified to obtain the required approval.

- F. One (1) copy of the plans shall be returned to the applicant by the Zoning Officer, after the Zoning Officer shall have marked such copy either as approved or disapproved and attested to same by his signature on such copy. The second copy of the plans, similarly marked, shall be retained by the administration official.
- G. If the work described in any zoning/building permit has not begun within six (6) months from the date of issuance thereof, said permit shall automatically expire.
- H. The work described in any zoning/building permit shall be substantially completed within the time stated on the permit or within one (1) year of the date of issuance thereof, whichever is sooner. An extension may be granted by the Zoning Officer upon request of the applicant.
- I. A zoning/building permit for the construction of a single family residence for which a private access drive is proposed, i.e. where access is not provided directly to an abutting public road or street, shall be issued upon the agreement of the applicant to construct said private access drive from the property line to a connection with an existing public road or street, to the standards and specifications outlined in the Subdivision and Land Development Ordinance for public roads. Alternatively, the applicant may sign and record in the office of the Allegheny County Recorder of Deeds, a hold harmless agreement, prepared by the Township, by which O'Hara Township is relieved of any maintenance, responsibility or liability associated with the construction or use of said private access drive or the issuance of said zoning/building permit.

Section 72-19.2 Occupancy Permits

- A. It shall be unlawful to use or occupy or permit the use of occupancy of any land or building, or part thereof, existing or hereafter erected, connected or wholly or partly altered or enlarged, if its use has been changed, until an occupancy permit has been issued therefor by the Zoning Officer. Said occupancy permit shall state that the proposed use of the building or land conforms to the requirements of this Ordinance.

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

Section 72-19.3 Administration of Nonconforming Uses or Structures

- A. No nonconforming structure or nonconforming use of land shall be maintained, renewed, changed or extended until an occupancy permit has been issued by the Zoning Officer.
- B. After the enactment of this Ordinance, the owners or occupants of a nonconforming use or structure shall be notified by the Zoning Officer of the provisions of this Article. Within thirty (30) days after the receipt of said notice, the owner or occupant shall apply for and be issued an occupancy permit for the nonconforming use or structure. Such application will constitute registration of the nonconforming use or structure and shall state specifically wherein the nonconforming use or structure differs from the provisions of this Ordinance. If the owner of a

nonconforming use or structure fails to apply for an occupancy permit within thirty (30) days after receipt of the foregoing notice, the use ceases to be nonconforming and is hereby declared to be in violation of this Ordinance. The Zoning Officer and Township Solicitor shall take appropriate action to enjoin such violation.

- C. If the Zoning Officer shall find, upon reviewing the application for an occupancy permit, that the existing use is illegal or in violation of other ordinances or laws, or if the Zoning Officer finds that the building for which the permit is requested has been constructed or altered for the existing use or any other use without full compliance with the O'Hara Township Building Code (See Ch. 12, Building Code) or Zoning Ordinance in effect at the time of construction or alteration, he shall not issue the permit, but shall declare such use to be in violation of this Ordinance.
- D. Upon the change of any nonconforming use to a conforming use, the owner or occupant of such use may request that such use be deleted from any list of or map showing nonconforming uses.

Section 72-19.4 Office of the Zoning Officer

- A. For the administration of this Zoning Ordinance, a Zoning Officer, who may hold no other office in the Township, shall be appointed. The Zoning Officer shall administer this Zoning Ordinance in accordance with its literal terms, and shall not have the power to permit any construction or any use or change of use which does not conform to this Zoning Ordinance. The Zoning Officer shall issue zoning/building permits and occupancy permits for only those structures and uses that comply with the provisions of this Ordinance. The Zoning Officer shall, furthermore, conduct all inspections necessary to determine compliance with this Ordinance.
- B. The Zoning Officer shall meet qualifications established by O'Hara Township and shall be able to demonstrate to the satisfaction of the Township, a working knowledge of municipal zoning.
- C. The Zoning Officer shall be responsible for:
 - 1. Maintaining all of the records of the Zoning Ordinance, including but not limited to all maps, amendments and special exceptions, variances, appeals and applications thereof and hearings thereon.

2. Collecting fees which shall accompany applications for zoning/building and occupancy permits, special exceptions, variances, administrative fees for the processing of subdivision and land development applications and all other permit and review fees required by Ordinance.
 3. Receiving, filing and forwarding to the Township Council and the Planning Commission for action all applications for amendments to this Ordinance.
 4. Receiving, filing and forwarding to the Planning Commission and Zoning Hearing Board all applications for special exceptions, appeals or interpretations, in accordance with the provisions of this Ordinance.
- D. The Zoning Officer is authorized to institute civil enforcement proceedings as a means of enforcement when acting within the scope of the job description.

Section 72-19.5 Zoning Hearing Board

- A. Creation of Board: The Township Council hereby creates a Zoning Hearing Board in accordance to the provisions of the Pennsylvania Municipalities Planning Code, Act 247, Article IX as amended.
- B. Membership of Board: The membership of the Board shall consist of three (3) residents of the Township appointed by the Township Council. Their terms of office shall be three (3) years and shall be so fixed that the term of office of one (1) member shall expire each year. The Board shall promptly notify the Township Council of any vacancies which occur. Appointments to fill vacancies shall be only for the unexpired portion of the term. Members of the Board shall hold no other office in the Township except that no more than one (1) member of the Board may also be a citizen member of the Planning Commission.
- C. The Township Council may appoint by resolution at least one but no more than three (3) residents of the municipality to serve as alternate members of the Board. The term of office of an alternate member shall be three (3) years. When seated pursuant to the provisions of Article IX, Section 906 of the Pennsylvania Municipalities Planning Code, Act 247, as amended, an alternate shall be entitled to participate in all proceedings and discussions of the Board to the same and full extent as provided by law

for Board members, including specifically the right to cast a vote as a voting member during the proceedings, and shall have all the powers and duties set forth in the Pennsylvania Municipalities Planning Code, Act 247, as amended, and as otherwise provided by law. Alternates shall hold no other office in O'Hara Township, including membership on the Planning Commission and Zoning Officer. Any alternate may participate in any proceeding or discussion of the Board but shall not be entitled to vote as a member of the Board unless designated as a voting alternate member.

- D. Removal of Members: Any Board member may be removed for malfeasance, misfeasance or nonfeasance in office or for other just cause by a majority vote of the Township Council which appointed the member, taken after the member has received fifteen (15) days advance notice of the intent to take such a vote. A hearing shall be held in connection with the vote if the member shall request it in writing.
- E. Organization of Board: The Board shall elect from its own membership its officers, who shall serve annual terms as such and may succeed themselves. For the conduct of any hearing and the taking of any action, a quorum shall be not less than a majority of all the members of the Board. If by reason of absence or disqualification of a member, a quorum is not reached, the Chairman of the Board shall designate as many alternate members of the Board to sit on the Board as may be needed to provide a quorum. Any alternate member of the Board shall continue to serve on the Board in all proceedings involving the matter or case for which the alternate was initially appointed until the Board has made a final determination of the matter or case. Designation of an alternate pursuant to this Section shall be made on a case-by-case basis in rotation according to declining seniority among all alternates. The Board may make, alter and rescind rules and forms for its procedure, consistent with ordinances of the Township and laws of the Commonwealth. The Board shall keep full public records of its business and shall submit a report of its activities to the Township Council at least one a year.
- F. Expenditures for Services: Within the limits of funds appropriated by the Township Council, the Board may employ or contract for secretaries, clerks, legal counsel, consultants and other technical and clerical services. Members of the Board may receive compensation for the performance of their duties as may be fixed by the Township Council.

G. Jurisdiction:

1. The Zoning Hearing Board shall have exclusive jurisdiction to hear and render final adjudications in the following matters:
 - a. Substantive challenges to the validity of any land use ordinance, except those brought before the Township Council pursuant to Sections 609.1 and 916.1(a)(2) of the Pennsylvania Municipalities Planning Code, Act 247, as amended.
 - b. Challenges to the validity of a land use ordinance raising procedural questions or alleged defects in the process of enactment or adoption which challenges shall be raised by an appeal taken within thirty (30) days after the effective date of said ordinance. Where the ordinance appealed from is the initial Zoning Ordinance of O'Hara Township and a Zoning Hearing Board has not been previously established, the appeal raising procedural questions shall be taken directly to court.
 - c. Appeals from the determination of the Zoning Officer, including, but not limited to, the granting or denial of any permit, or failure to act on the application therefor, the issuance of any cease and desist order or the registration or refusal to register any nonconforming use, structure or lot.
 - d. Appeals from a determination by the Township Engineer or the Zoning Officer with reference to the administration of any floodplain or flood hazard ordinance or such provisions within a land use ordinance.
 - e. Applications for variances from the terms of the Zoning Ordinance and Flood Hazard Ordinance or such provisions within a land use ordinance, pursuant to Section 910.2 of the Pennsylvania Municipalities Planning Code, Act 247, as amended.
 - f. Applications for special exceptions under the Zoning Ordinance or Floodplain or Flood Hazard or such provisions within a land use ordinance, pursuant to Section 912.1 of the Pennsylvania Municipalities Planning Code, Act 247, as amended.
 - g. Appeals from the determination of any officer or agency charged with the administration of any transfers of development rights or performance density provisions of the Zoning Ordinance.

- h. Appeals from the Zoning Officer's determination under Section 916.2 of the Pennsylvania Municipalities Planning Code, Act 247, as amended.
 - i. Appeals from the determination of the Zoning Officer or Township Engineer in the administration of any land use ordinance or provisions thereof with reference to sedimentation and erosion control and storm water management insofar as the same relate to development not involving Article V or VII of the Pennsylvania Municipalities Planning Code, Act 247, as amended, applications.
2. Township Council, or except as to clauses (c), (d), and (e), the Planning Commission, if designated, shall have exclusive jurisdiction to hear and render final adjudications in the following matters:
- a. All applications for approvals of planned residential developments under Article VII of the Pennsylvania Municipalities Planning Code, Act 247, as amended, pursuant to the provisions of Section 702 of the Pennsylvania Municipalities Planning Code, Act 247, as amended.
 - b. All applications pursuant to Section 508 of the Pennsylvania Municipalities Planning Code, Act 247, as amended, for approval of subdivision or land developments under Article V of the Pennsylvania Municipalities Planning Code, Act 247, as amended. Any provision in a subdivision and land development ordinance requiring that final action concerning subdivision and land development applications be taken by the Planning Commission rather than the Township Council shall vest exclusive jurisdiction in the Planning Commission in lieu of the Township Council for purposes of the provisions of this paragraph.
 - c. Applications for conditional use under the express provisions of the Zoning Ordinance pursuant to Section 603 (c) (2) of the Pennsylvania Municipalities Planning Code, Act 247, as amended.
 - d. Applications for curative amendment to a Zoning Ordinance pursuant to Sections 609.1 and 916.1(a)(2) of the Pennsylvania Municipalities Planning Code, Act 247, as amended.

e. All petitions for amendments to land use ordinance, pursuant to the procedures set forth in Section 609 of the Pennsylvania Municipalities Planning Code, Act 247, as amended, any action on such petitions shall be deemed legislative acts, provided that nothing contained in this clause shall be deemed to enlarge or diminish existing law with reference to appeals to court.

f. Appeals from the determination of the Zoning Officer or the Township Engineer in the administration of any land use ordinance or provisions thereof with reference to sedimentation and erosion control and storm water management insofar as the same relate to application for land development under Article V and VII of the Pennsylvania Municipalities Planning Code, Act 247, as amended. Where such determination relates only to development not involving of Article V or VII, of the Pennsylvania Municipalities Planning Code, Act 247, as amended, application, the appeal from such determination of the Zoning Officer or the Township Engineer shall be to the Zoning Hearing Board pursuant to subsection (1)(i). Where the applicable land use ordinance vests jurisdiction for final administration of subdivision and land development applications in the Planning Commission, all appeals from determinations under this paragraph shall be to the Planning Commission and all appeals from the decision of the planning agency shall be to court.

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

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

1. Public Notice shall be given in writing to the public, the Zoning Officer, such other persons as the Township Council shall designate by Ordinance and to any person who has made timely request for the same. Notices shall be given at such time and in such manner as shall be prescribed by Ordinance or, in the absence of ordinance provision, by rules of the Board. Written notice of said hearing shall be conspicuously posted on the affected tract of land at least one (1) week prior to the hearing date.

2. Where a request for a variance has been filed, all owners of property within one hundred (100) linear feet of the subject property boundaries shall be notified by regular mail of the date of the scheduled hearing. The applicant shall provide to the Township staff a list containing the names and street addresses of the aforementioned property owners.
3. Township Council shall from time to time establish by resolution, a schedule of administrative fees to cover the costs of public hearings before the Zoning Hearing Board. Said fee shall include compensation for the Secretary, members of the Board, notice and advertising costs and application processing.
4. The hearings shall be conducted by the Board or the Board may appoint any member or an independent attorney as a hearing officer. The decision, or where no decision is called for, the findings shall be made by the Board; however, the applicant may waive the decision or findings by the Board and accept the decision or findings of the hearing officer as final.
5. The parties to the hearing shall be any persons who is entitled to notice under this Section or who has made timely appearance of record before the Board and any other persons permitted to appear by the Board, and the Township.
6. The first hearing before the board or hearing officer shall be commenced within sixty (60) days from the date of the receipt of the applicant's application, unless the applicant has agreed in writing to an extension of time. Each subsequent hearing shall be held within forty-five days of the prior hearing, unless otherwise agreed to by the applicant in writing or on the record. An applicant shall complete the presentation of his case-in-chief within 100 days of the first hearing. Upon the request of the applicant, the board or hearing officer shall assure that the applicant receives at least seven hours of hearings within the 100 days, including the first hearing. Persons opposed to the application shall complete the presentation of their opposition to the application within 100 days of the first hearing held after the completion of the applicant's case-in-chief. An applicant may, upon request, be granted additional hearings to complete his case-in-chief, provided the persons opposed to the application are granted an equal number

of additional hearings. Persons opposed to the application may, upon the written consent or consent on the record by the applicant and municipality, be granted additional hearings to complete their opposition to the application provided the applicant is granted an equal number of additional hearings for rebuttal.

7. The Chairman or Acting Chairman of the Board or the hearing officer presiding shall have power to administer oaths and issue subpoenas to compel the attendance of witnesses and the production of relevant documents and papers, including witnesses and documents requested by the parties.
8. The parties shall have the right to be represented by counsel and shall be afforded the opportunity to respond and present evidence and argument and cross-examine adverse witnesses on all relevant evidence may be excluded.
9. Formal rules of evidence shall not apply, but irrelevant, immaterial or unduly repetitious evidence may be excluded.
10. The Board or the Hearing Officer, as the case may be, shall keep a stenographic record of the proceedings. The appearance fee for a stenographer shall be shared equally by the applicant and the Board. A transcript of the proceedings shall be paid by the person appealing from the decision of the Board and copies of the transcript, graphic or written material received in evidence shall be made available to any party at cost.
11. The Board or the hearing officer shall not communicate, directly or indirectly, with any party or his representatives in connection with any issue involved except upon notice and opportunity for all parties to participate; shall not take notice of any communication, reports, staff memoranda or other materials unless the parties are afforded an opportunity to contest the material so noticed and shall not inspect the site or its surroundings with any party or his representative unless all parties are given an opportunity to be present.
12. The Board or the hearing officer, as the case may be, shall render a written decision or, when no decision is called for, make written findings on the application within forty-five (45) days. Each decision shall be accompanied by findings of fact and conclusions based thereon together with the reasons therefore. Conclusions

based on any provisions of this act or of any Ordinance, rule or regulation shall contain a reference to the provision relied on and the reasons why the conclusion is deemed appropriate in the light of the facts found. If the hearing is conducted by a hearing officer, and there has been no stipulation that his decision or findings are final, the Board shall make his report and recommendations available to the parties within forty-five (45) days and the parties shall be entitled to make written representations thereon to the Board prior to final decision or entry of findings and the Board's decision shall be entered not later than thirty (30) days after the report of the Hearing Officer except for challenges filed under Section 916.1 of the Pennsylvania Municipalities Planning Code where the Board has power to render a decision and the Board or the hearing officer, as the case may be, fails to render the same within the period required by this clause, or fails to commence or complete the requested hearing as provided in subsection 6., the decision shall be deemed to have been rendered in favor of the applicant. When a decision has been rendered in favor of the applicant unless the applicant has agreed in writing or on the record to an extension of time because of the failure of the Board to meet or render a decision as hereinabove provided, the Board shall give public notice of said decision within ten (10) days from the last day it could have met to render a decision in the same manner as provided in Article IX, Section 908 of the Pennsylvania Municipalities Planning Code, Act 247, as amended.

13. A copy of the final decision or, where no decision is called for, of the findings shall be delivered to the applicant personally or mailed to him not later than the day following its date. To all other persons who have filed their name and address with the Board not later than the last day of the hearing, the Board shall provide by mailed or otherwise, written notice of the decision or findings and a statement of the place at which the full decision or findings may be examined.
14. Nothing contained herein shall be construed to grant any deemed approval rights in excess of those provided under the authority of the Pennsylvania Municipalities Planning Code as amended.

Section 72-19.6 Appeals from the Zoning Officer

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

Section 72-19.7 Variances

- A. The Board shall hear requests for variances where it is alleged that the provisions of the Zoning Ordinance inflict unnecessary hardship upon the applicant. The Board may by rule prescribe the form of application and may require preliminary application to the Zoning Officer. All applications shall include a site plan that has been prepared based on an existing survey. The Board may grant a variance provided the following findings are made where relevant in a given case.
1. That there are unique physical circumstances or conditions, including irregularity, narrowness or shallowness of lot size or shape, or exceptional topographical or other physical conditions peculiar to the particular property, and that the unnecessary hardship is due to such conditions and not the circumstances or conditions generally created by the provisions of the Zoning Ordinance in the neighborhood or district in which the property is located.
 2. That because of such physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of the Zoning Ordinance and that the authorization of a variance is therefore necessary to enable the reasonable use of the property.
 3. That such unnecessary hardship has not been created by the appellant.
 4. That the variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located, nor substantially or permanently impair the appropriate use of development of adjacent property, nor be detrimental to the public welfare.

5. That the variance, if authorized, will represent the minimum variance that will afford relief and will represent the least modification possible of the regulation in issue.
- B. In granting any variance, the Board may attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes of this Ordinance and of the Pennsylvania Municipalities Planning Code, Act 247, as amended. Following the granting of a variance, said use shall be established within two (2) years of the approval date.
 - C. Under no circumstances shall the Zoning Hearing Board grant a variance to allow a use not permissible under the terms of this Ordinance in the district involved, or any use expressly, or by implication, prohibited by the terms of this Ordinance in said district.
 - D. A variance from the terms of this Ordinance shall not be granted by the Board unless and until a written application for a variance is submitted to the office of the Zoning Officer expressing the unique physical circumstances or conditions of the particular land, structure or building creating an unnecessary hardship. No conforming use of neighboring lands, structures or buildings in the same district, and no permitted use of lands, structures or buildings in other districts shall be considered grounds for the issuance of a variance.

Section 72-19.8 Special Exceptions

- A. Where the Township Council in the Zoning Ordinance has stated special exceptions to be granted or denied by the Board pursuant to express standards and criteria, the Board shall hear and decide requests for such special exceptions in accordance with such standards and criteria. In granting a special exception, the Board may attach such reasonable conditions and safeguards, in addition to those expressed in the Ordinance as it may deem necessary to implement the purposes of the Pennsylvania Municipalities Planning Code, Act. 247, as amended, and this Zoning Ordinance. Following the granting of a special exception, said use shall be established within two (2) years of the approval date or the special exception approval shall automatically lapse.
- B. Amateur Radio Communication Towers: Amateur radio communications antenna and all associated towers and support devices (collectively referred to in this section as an “antenna”) shall be permitted as a special

exception in the R-1, R-2, R-3 and R-4 districts, provided it is demonstrated by the applicant by competent evidence that:

1. No antenna shall be erected within the required setbacks. One (1) additional foot of setback will be required for every one foot (1') of height over thirty feet (30').
2. No antenna shall be permitted in any front yard.
3. The antenna must be erected to comply with manufacturer requirements and accepted engineering standards.
4. The maximum base width of the antenna shall be five feet (5') at ground level. At thirty feet (30') (if not the top), the maximum width shall be three feet (3'). At the top, the maximum width shall be eighteen inches (18").
5. The antenna shall be securely anchored in a fixed location on the ground and the application shall provide qualified documentary evidence that the proposed structure will withstand wind and other natural forces.
6. The antenna or the yard area containing the structure, shall be protected and secured to guarantee the safety of the general public. Fencing or installation of anti-climbing safety devices will be required at a minimum to demonstrate compliance with this subsection. Associated supports and guide wires shall not be located within the required setbacks.
7. In granting the use, the Zoning Hearing Board may attach reasonable conditions warranted to protect the public health, safety and welfare, including, but not limited to, location, fencing, screening, increased setbacks, the use of a retractable antenna where the extended height of the antenna exceeds thirty feet (30'), and restrictions of the hours in which the antenna can be fully extended. The retracted height should be thirty feet (30') or less, if possible.
8. The applicant shall submit a site plan or survey of the property certified by an engineer or architect.
9. Only one (1) antenna may be permitted per lot. The antenna must be an accessory structure.

10. The applicant shall present competent expert evidence showing that the antenna will not adversely affect property values in the neighborhood (and in particular, each abutting property) by more than five percent (5%).
11. The applicant will submit a copy of his or her FCC license. Any grant of exceptional use hereunder will automatically lapse if said license ever expires or lapses.
12. If approved, the height granted by the Board will be the minimum necessary to provide a reasonable accommodation to applicant.

Section 72-19.9 Mediation Option

- A. Parties to proceedings authorized in this Article and Article X-A, Appeals to Court, of the Pennsylvania Municipalities Planning Code, Act 247, as amended, may utilize mediation as an aid in completing such proceedings. In proceedings before the Zoning Hearing Board, in no case shall the Zoning Hearing Board initiate mediation or participate as a mediating party. Mediation shall supplement, not replace, those procedures in this Article and Article X-A once they have been formally initiated. Nothing in this Section shall be interpreted as expanding or limiting municipal police powers or as modifying any principals of substantive law.
- B. Participation in mediation shall be wholly voluntary. The appropriateness of mediation shall be determined by the particulars of each case and the willingness of the parties to negotiate. Any municipality offering the mediation option shall assure that, in each case, the mediating parties, assisted by the mediator as appropriate, develop terms and conditions for:
 1. Funding mediation.
 2. Selecting a mediator who, at a minimum, shall have a working knowledge of municipal zoning and subdivision procedures and demonstrated skills in mediation.
 3. Completing mediation, including time limits for such completion.
 4. Suspending time limits otherwise authorized in this act, provided there is written consent by the mediating parties, and by an applicant or municipal decision-making body if either is not a party to the mediation.

5. Identifying all parties and affording them the opportunity to participate.
 6. Subject to legal restraints, determining whether some or all of the mediation sessions shall be open or closed to the public.
 7. Assuring that mediated solutions are in writing and signed by the parties, and become subject to review and approval by the appropriate decision-making body pursuant to the authorized procedures set forth in the other sections of this act.
- C. No offers or statements made in the mediation sessions, excluding the final written mediated agreement, shall be admissible as evidence in any subsequent judicial or administrative proceedings.

Section 72-19.10 Validity of Ordinance; Substantive Issues

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

validity of such ordinance and elects to proceed by curative amendment under Article VI, Section 609.1 of the Pennsylvania Municipalities Planning Code, Act 247, as amended, his application to the Township Council shall contain, in addition to the requirements of the written request hereof, the plans and explanatory materials describing the use or development proposed by the landowner in lieu of the use or development permitted by the challenged ordinance or map. Such plans or other materials shall not be required to meet the standards prescribed for preliminary, tentative or final approval or for the issuance of a permit, so long as they provide reasonable notice of the proposed use or development and a sufficient basis for evaluating the challenged ordinance or map in light thereof. Nothing herein contained shall preclude the landowner from first seeking a final approval before submitting his challenge.

2. If the submission is made by the landowner to the Township Council under this section, the request also shall be accompanied by an amendment or amendments to the Ordinance proposed by the landowner to cure the alleged defects therein.
3. If the submission is made to the Township Council, the Township Solicitor shall represent and advise it at the hearing or hearings referred to in Section 909.1(b)(4) of the Pennsylvania Municipalities Planning Code, Act 247, as amended.
4. The Township council may retain an independent attorney to present the defense of the challenged ordinance or map on its behalf and to present their witnesses on its behalf.
5. Based upon the testimony presented at the hearing or hearings, the Township Council or the Zoning Hearing Board, as the case may be, shall determine whether the challenged ordinance or map is defective, as alleged by the landowner. If a challenge heard by the Township Council is found to have merit, the Township Council shall proceed as provided in Section 609.1 of the Pennsylvania Municipalities Planning Code, Act 247, as amended. If a challenge heard by a Zoning Hearing Board is found to have merit, the decision of the Zoning Hearing Board shall include recommended amendments to the challenged ordinance which will cure the defects found. In reaching its decision, the

Zoning Hearing Board shall consider the amendments, plans and explanatory material submitted by the landowner and shall also consider:

- a. The impact of the proposal upon roads, sewer facilities, water supplies, schools and other public service facilities;
 - b. If the proposal is for a residential use, the impact of the proposal upon regional housing needs and the effectiveness of the proposal in providing housing units of a type actually available to and affordable by classes of persons otherwise unlawfully excluded by the challenged provisions of the ordinance or map;
 - c. The suitability of the site for the intensity of use proposed by the site's soils, slopes, woodlands, wetlands, floodplains, aquifers, natural resources and other natural features;
 - d. The impact of the proposed use on the site's soils, slopes, woodlands, wetlands, floodplains, natural resources and natural features, the degree to which these are protected or destroyed, the tolerance of the resources to development and any adverse environmental impacts; and
 - e. The impact of the proposal on the preservation of agriculture and other land uses which are essential to public health and welfare.
6. The Township Council or the Zoning Hearing Board, as the case may be, shall render its decision within forty-five (45) days after the conclusion of the last hearing.
 7. If the Township Council or the Zoning Hearing Board, as the case may be, fails to act on the landowner's request within the time limits referred to in paragraph (6) of this Section, a denial of the request is deemed to have occurred on the forty-sixth (46th) day after the close of the last hearing.
- D. The Zoning Hearing Board or Township Council, as the case may be, shall commence its hearings within sixty (60) days after the request is filed unless the landowner requests or consents to an extension of time.
 - E. Public notice of the hearing shall include notice that the validity of the ordinance or map is in question and shall give the place where and the time when a copy of the request, including any plans, explanatory material or proposed amendments may be examined by the public.

- F. The challenge shall be deemed denied when:
1. The Zoning Hearing Board or Township Council, as the case may be, fails to commence the hearing within the time limits set forth in subsection D, of this section;
 2. The Township Council notifies the landowner that it will not adopt the curative amendment;
 3. The Township Council adopts another curative amendment which is unacceptable to the landowner; or
 4. The Zoning Hearing Board or Township Council, as the case may be, fails to act on the request forty-five (45) days after the close of the last hearing on the request, unless the time is extended by mutual consent by the landowner and O'Hara Township.
- G. Where, after the effective date of this act, a curative amendment proposal is approved by the grant of a curative amendment application by the Township Council pursuant to Section 909.1(b)(4) of the Pennsylvania Municipalities Planning Code, Act 247, as amended, or a validity challenge is sustained by the Zoning Hearing Board pursuant to Section 909.1(a)(1) or the court acts finally on appeal from denial of a curative amendment proposal or a validity challenge, and the proposal or challenge so approved requires a further application for subdivision or land development, the developer shall have two (2) years from the date of such approval to file an application for preliminary or tentative approval pursuant to Article V or VII of the Pennsylvania Municipalities Planning Code, Act 247, as amended. Within the two-year period, no subsequent change or amendment in the Zoning, Subdivision or other governing ordinance or plan shall be applied in any manner which adversely affects the rights of the applicant as granted in the curative amendment or the sustained validity challenge. Upon the filing of the preliminary or tentative plan, the provision of Section 508(4) of the Pennsylvania Municipalities Planning Code, Act 247, as amended, shall apply. Where the proposal appended to the curative amendment application or the validity challenge is approved but does not require further application under any Subdivision or Land Development Ordinance, the developer shall have one (1) year within which to file for a zoning/building permit. Within the one-year period, no subsequent change or amendment in the Zoning, Subdivision and Land Development or other governing ordinance or plan shall be applied in any manner which adversely affects the rights of the

applicant as granted in the curative amendment or the sustained validity challenge. During these protected periods, the court shall retain or assume jurisdiction for the purpose of awarding such supplemental relief as may be necessary.

Section 72-19.11 Appeals

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

Section 72-19.12 Time Limitations

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

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

Section 72-19.13 Stay of Proceedings

Upon filing of any proceeding referred to in this Article above, and during its pendency before the Board, all land development pursuant to any challenged ordinance, order or approval of the Zoning Officer or of any agency or body, and all official action thereunder shall be stayed unless the Zoning Officer or any other thereunder shall be

stayed unless the Zoning Officer or any other appropriate agency or body certifies to the Board facts indicating that such stay would cause imminent peril to life or property, in which case the development or official action shall not be stayed otherwise than by a restraining order which may be granted by the Board or by the court having jurisdiction of zoning appeals on petition after notice to the Zoning Officer or other appropriate agency or body. When an application for development, preliminary or final, has been duly approved and proceedings designed to reverse or limit the approval are filed with the Board by persons other than the applicant, the applicant may petition the court having jurisdiction of zoning appeals to order such persons to post bond as a condition to continuing the proceedings before the Board. The question of whether or not such petition should be granted and the amount of the bond shall be within the sound discretion of the court.

Section 72-19.14 Review by Planning Commission

- A. The Planning Commission of the Township of O'Hara shall receive from the office of the Zoning Officer copies of all applications for amendments to this Ordinance and shall make findings and recommendations thereon, after which the Commission shall forward such findings and recommendations to the Township Council.
- B. The Planning Commission may receive from the office of the Zoning Officer copies of all applications for special exceptions and may make recommendations thereon, after which the Commission shall forward such findings and recommendations to the Zoning Hearing Board.
- C. The Planning Commission may, furthermore, initiate, direct and review from time to time a study of the provisions of this Ordinance and make reports of its findings and recommendations to the Township Council.
- D. Except for elected or appointed officers or employees of the Township, members of the Commission may receive compensation in an amount fixed by the Township Council. Compensation shall not exceed the rate of compensation authorized to be paid to members of Council. Without exception, members of the Planning Commission may be reimbursed for necessary and reasonable expenses.

Section 72-19.15 Schedule of Fees, Charges and Expenses

The Township Council shall establish a schedule of fees, charges and expenses and a collection procedure for zoning/building permits, occupancy permits, appeals and other matters pertaining to this Ordinance. The schedule of fees shall be posted in the office of the Zoning Officer, and may be changed only by resolution of the Township

Council. No permit, special exception or variances shall be issued unless or until such costs, charges, fees or expenses have been paid in full, nor shall any action be taken on proceedings before the Board unless or until preliminary charges or fees have been paid in full.

Section 72-19.16 Enforcement Notice

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

6. That failure to comply with the notice within the time specified, unless extended by appeal to the Zoning Hearing Board, constitutes a violation, with possible sanctions clearly described.
- F. Any filing fees paid by a party to appeal an enforcement notice to the Zoning Hearing Board shall be returned to the appealing party by the Township if the Zoning Hearing Board, or any court in a subsequent appeal, rules in the appealing party's favor.

Section 72-19.17 Expansion of Utilities

- A. A municipal authority, water company or any other municipality that plans to expand water, sanitary sewer or storm sewer service via a new main extension to a proposed development that has not received any municipal approvals within O'Hara Township, shall notify O'Hara Township by certified mail, return receipt requested, of its intention and shall provide O'Hara Township an opportunity to provide written comment on whether the proposed expansion of service within the Township is generally consistent with this Zoning Ordinance.
- B. The purpose of the requirement of this Section is to provide the municipal authority, water company, or any other municipality with information regarding how its decision to expand service may potentially enhance and support or conflict with or negatively impact on the land use planning of municipalities.
- C. Nothing in this Section shall be construed as limiting the right of a municipal authority, water company, or any other municipality to expand service as otherwise permitted by law.
- D. Except as provided in Section 619.2 of the Pennsylvania Municipalities Planning Code (PA MPC), Act 247 of 1968, as amended, nothing in the PA MPC shall be construed as limiting the authority of the Pennsylvania Public Utility Commission over the implementation, location, construction and maintenance of public utility facilities. The requirement of this Section shall not apply to an expansion of service by a municipal authority, water company, or other municipality which is ordered by a court or a federal or state agency.
- E. As used in this Section:
1. A "decision to expand service within the municipality" shall mean a decision to expand the number of its individual service connections for distribution or collection within O'Hara Township

as a result of a main extension; but, if the number of individual service connections are not being increased, locating or acquiring transmission lines or interceptors, or wells, reservoirs, aquifers, pump stations, water storage tanks or other facility by a municipal authority or water company in a new area of O'Hara Township shall not be deemed an expansion of service.

2. A "water company" shall include any person or corporation, including a municipal corporation operating beyond its corporate limits, which furnishes water to or for the public for compensation.
- F. Nothing in this Section shall be construed to authorize O'Hara Township to regulate the allocation or withdrawal of water resources by any person, municipal authority or water company that is otherwise regulated by the Pennsylvania Public Utility Commission or other Federal or Commonwealth agencies or statutes.

ARTICLE XX

AMENDMENTS

Section 72-20.1 Proposal to Amend

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

Section 72-20.2 Submittal to Planning Commission

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

Section 72-20.3 Procedure for Enactment

- A. Before voting on the enactment of an amendment, Township Council shall hold a public hearing thereon, pursuant to public notice, which notice shall also be served by mail or electronically to any owner of land or mineral rights within the Township that has requested that such notices be sent to him or her pursuant to Section 109 of the MPC. In addition to the requirement that notice be posted under this Section, where the proposed amendment involves a zoning map change, notice of the public hearing shall be mailed by the Township at least thirty (30) days prior to the date of the hearing by first class mail to the addressees to which real estate tax bills are sent for all real property located within the area being rezoned, as evidenced by tax records within the possession of the Township. The notice shall include the location, date and time of the public hearing. A good faith effort and substantial compliance shall satisfy the requirements of this Subsection. This Section 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, Township Council shall submit each such amendment to the Planning Commission at least thirty (30) days prior to the hearing on such proposed amendment to provide the Planning Commission an opportunity to submit recommendations. In addition, where a request for consideration of a rezoning application has been filed, all owners of property within three hundred (300) linear feet of the subject property or

properties shall be notified by regular mail of the date of the first meeting or scheduled public hearing at which the application will be discussed. The applicant shall provide to the Township staff a list containing the names of the aforementioned property owners.

- C. If, after any public hearing held upon an amendment, the proposed amendment is changed substantially, or is revised, to include land previously not affect by it, Township Council shall hold another public hearing, pursuant to public notice, before proceeding to vote on the amendment.
- D. If a county planning agency shall have been created for the county in which the municipality proposing the amendment is located, then at least thirty (30) days prior to the public hearing on the amendment by the local governing body, the municipality shall submit the proposed amendment to the county planning agency for recommendations.
- E. O'Hara Township may offer a mediation option as an aid in completing proceedings authorized by this section. In exercising such an option, O'Hara Township and mediating parties shall meet the stipulations and follow the procedures set forth in Section 72-19.9 of this Ordinance.
- F. Within thirty (30) days after enactment, a copy of the amendment to the Zoning Ordinance shall be forwarded to the County Planning Agency.

Section 72-20.4 Posting

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

Section 72-20.5 Revisions to Amendment

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

Section 72-20.6 Procedure for Landowner Curative Amendments

- A. A landowner who desires to challenge on substantive grounds the validity of a zoning ordinance or map or any provision thereof, which prohibits or restricts the use or development of land in which he has an interest may

submit a curative amendment to the Township Council with a written request that his challenge and proposed amendment be heard and decided as provided in Section 916.1 of the Pennsylvania Municipalities Planning Code, Act 247, as amended. Township Council shall commence a hearing thereon within sixty (60) days of the request as provided for in this Article. The curative amendment and challenge shall be referred to the Planning Commission or agencies as provided in Section 609 of the Pennsylvania Municipalities Planning Code, Act 247, as amended, and notice of the hearing thereon shall be given as provided in Section 610 and 916.1 of the Pennsylvania Municipalities Planning Code, Act 247, as amended.

- B. The hearing shall be conducted in accordance with Section 908 of the Pennsylvania Municipalities Planning Code, Act 247, as amended, and all references therein to the Zoning Hearing Board shall, for purposes of this Section be references to Township Council; provided however that the provisions of the Pennsylvania Municipalities Planning Code as amended, section 908 Subsections (1.2) and (9) shall not apply and the provisions of section 916.1 shall control. If O'Hara Township does not accept a landowner's curative amendment brought in accordance with this subsection and a court subsequently rules that the challenge has merit, the court's decision shall not result in a declaration of invalidity for the entire zoning ordinance and map, but only for those provisions which specifically relate to the landowner's curative amendment and challenge.
- C. Where O'Hara Township has determined that a validity challenge has merit, it may accept a landowner's curative amendment, with or without revision, or it may adopt an alternative amendment which will cure the challenged defects. Township Council shall consider the curative amendments, plans and explanatory material submitted by the landowner and shall also consider:
 - 1. The impact of the proposal upon roads, sewer facilities, water supplies, schools and other public service facilities;
 - 2. If the proposal is for a residential use, the impact of the proposal upon regional housing needs and the effectiveness of the proposal in providing housing units of a type actually available to and affordable by classes of persons otherwise unlawfully excluded by the challenged provision of the ordinance or map;

3. The suitability of the site for the intensity of use proposed by the site's soils, slopes, woodlands, wetlands, floodplains, aquifers, natural resources and other natural features;
 4. The impact of the proposed use on the site's soils, slopes, woodlands, wetlands, floodplains, aquifers, natural resources and other natural features, the degree to which these are protected or destroyed, the tolerance of the resources to development and any adverse environmental impacts; and
 5. The impact of the proposal on the preservation of agriculture and other land uses which are essential to public health and welfare.
- D. A landowner who has challenged on substantive grounds the validity of a zoning ordinance or map either by submission of a curative amendment to the Township Council under Subsection (a)(2) of Section 916.1 of the Pennsylvania Municipalities Planning Code, Act 247 of 1968, as amended, or to the Zoning Hearing Board under Section 909.1(a)(1) shall not submit any additional substantive challenges involving the same parcel, group of parcels or part thereof until such time as the status of the landowner's original challenge has been finally determined or withdrawn: Provided, however, that is after the date of the landowner's original challenge the Township adopts a substantially new or different zoning ordinance or zoning map, the landowner may file a second substantive challenge to the new or different zoning ordinance or zoning map under Subsection (a) of Section 916.1 of the Pennsylvania Municipalities Planning Code.

Section 72-20.7 Procedure for Municipal Curative Amendments

If O'Hara Township determines that the Zoning Ordinance or any portion thereof is substantially invalid, it shall take the following actions:

- A. O'Hara Township shall declare by formal action, its Zoning Ordinance or portions thereof substantively invalid and propose to prepare a curative amendment to overcome such invalidity. Within thirty (30) days following such declaration and proposal, Township Council shall:
 1. By resolution make specific findings setting forth the declared invalidity of the Zoning Ordinance which may include:
 - a. Reference to specific uses which are either not permitted or not permitted in sufficient quantity;

- b. Reference to a class of use or uses which require revision;
or
 - c. Reference to the entire ordinance which requires revisions.
 - 2. Begin to prepare and consider a curative amendment to the Zoning Ordinance to correct the declared invalidity.
- B. Within one hundred and eighty (180) days from the date of the declaration and proposal, O'Hara Township shall enact a curative amendment to validate, or reaffirm the validity of, its Zoning Ordinance pursuant to the provisions required by Section 609 of the Pennsylvania Municipalities Planning Code, Act 247, as amended, in order to cure the declared invalidity of the Zoning Ordinance.
- C. Upon the initiation of the procedures, as set forth in clause (1), Township Council shall not be required to entertain or consider any landowner's curative amendment filed under Section 609.1 of the Pennsylvania Municipalities Planning Code, Act 247, as amended, nor shall the Zoning Hearing Board be required to give a report requested under Section 909.1 or 916.1 of the Pennsylvania Municipalities Planning Code, Act 247, as amended, subsequent to the declaration and proposal based upon the grounds identical to or substantially similar to those specified in the resolution required by clause (1) (a). Upon completion of the procedures as set forth in clauses (1) and (2), no rights to a cure pursuant to the provisions of Sections 609.1 and 916.1 of the Pennsylvania Municipalities Planning Code, Act 247, as amended, shall, from the date of the declaration and proposal, accrue to any landowner on the basis of the substantive invalidity of the un-amended Zoning Ordinance for which there has been a curative amendment pursuant to this Section.
- D. O'Hara Township, having utilized the procedures as set forth in clauses (1) and (2), may not again utilize said procedure for a thirty-six (36) month period following the date of the enactment of a curative amendment, or reaffirmation of the validity of its Zoning Ordinance, pursuant to clause (2); provided, however, if after the date of the declaration and proposal there is a substantially new duty or obligation imposed upon O'Hara Township by virtue of a change in statute or by virtue of a Pennsylvania Appellate Court decision, O'Hara Township may utilize the provisions of this Section to prepare a curative amendment to its Ordinance to fulfill said duty or obligation.

ARTICLE XXI

MISCELLANEOUS PROVISIONS

Section 72-21.1 Appeals to Court

Zoning appeals to the courts shall be governed by the provisions of the Pennsylvania Municipalities Planning Code, Act 247, as amended, Article X-A, Sections 1001-A through 1006-A.

Section 72-21.2 Severability

Should any section or provision of this Ordinance or the application of any provision to particular circumstances be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the Ordinance as a whole, or any part thereof other than the part so declared to be unconstitutional or invalid. In such case, should any section or provision be declared invalid or void, and the effect would be that there be no zoning, regulations or standards in effect which would be applicable to the particular lot or situation, then the zoning, regulations and standards which were in effect and adopted pursuant to Ordinance No. 1091 of December 17, 2002, shall apply.

Section 72-21.3 Enforcement Remedies

- A. Any person, partnership or corporation who or which has violated or permitted the violation of the provisions of any Zoning Ordinance enacted under this act or prior enabling laws shall, upon being found liable therefor in a civil enforcement proceeding commenced by O'Hara Township, pay a judgment of not more than one thousand dollars (\$1,000.00) plus all court costs, including reasonable attorney fees incurred by O'Hara 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, O'Hara Township may enforce the judgment pursuant to the applicable rules of civil procedure. Each day that a violation continues shall constitute a separate violation, unless the district justice determining that there has been a violation further determines that there was a good faith basis for the person, partnership or corporation violating the ordinance to have believed that there was no such violation, in which event there shall be deemed to have been only one such violation until the fifth (5th) day following the date of the determination of a violation by the district justice and thereafter each

day that a violation continues shall constitute a separate violation. All judgments, costs and reasonable attorney fees collected for the violation of zoning ordinances shall be paid over to O'Hara Township.

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

Section 72-21.4 Causes of Action

In case any building, structure, landscaping or land is, or is proposed to be, erected, constructed, reconstructed, altered, converted, maintained or used in violation of any ordinance enacted under the Pennsylvania Municipalities Planning Code, Act 247, as amended, or prior enabling laws, Township Council, or with the approval of Township Council, an officer of O'Hara Township, or any aggrieved owner or tenant of real property who shows that his property or person will be substantially affected by the alleged violation, in addition to other remedies, may institute any appropriate action or proceeding to prevent, restrain, correct or abate such building, structure, landscaping or land, or to prevent, in or about such premises, any act, conduct, business or use constituting a violation. When any such action is instituted by a landowner or tenant, notice of that action shall be served upon O'Hara Township at least thirty (30) days prior to the time the action is begun by serving a copy of the complaint on Township Council of O'Hara Township. No such action may be maintained until such notice has been given.

Section 72-21.5 Repealer

All ordinance or parts thereof in conflict with this Zoning Ordinance, or inconsistent with the provision of this Ordinance, are hereby repealed to the extent of the conflict to give this Ordinance full force and effect.

Section 72-21.6 Effective Date

This Ordinance amending Chapter 72, Zoning, of the Code of Ordinances of O'Hara Township, Allegheny County, Pennsylvania, shall become effective immediately upon its passage.

