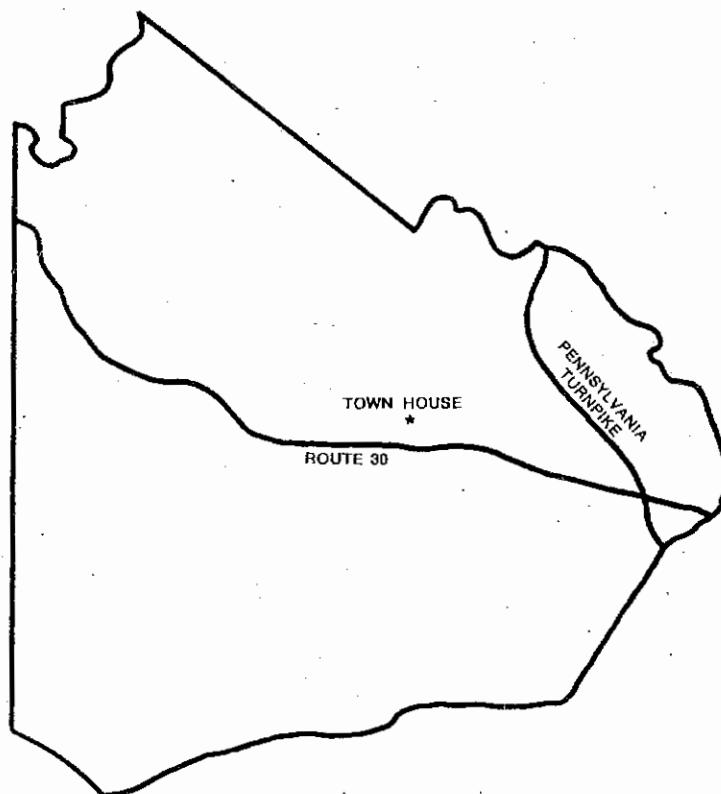


# **Township of North Huntingdon**

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## **Zoning Ordinance # 765**

**Enacted February 20, 1991**



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**L. Robert Kimball & Associates**

Engineers • Architects • Scientists • Planners

Pittsburgh, PA

Ebensburg, PA

### **Index of Amendments (See Appendix)**

OFFICIAL  
TOWNSHIP OF NORTH HUNTINGDON  
PROPOSED ORDINANCE NO. 2 OF 1991  
ORDINANCE NO. 765

THE PURPOSE OF ORDINANCE NO. 765 IS TO ADOPT A NEW ZONING ORDINANCE WHICH SAID NEW ZONING ORDINANCE INCLUDES THE ADDITION OF NUMEROUS DEFINITIONS, THE INCLUSION OF PREVIOUS ORDINANCE NO. 490 REGARDING PLANNED RESIDENTIAL DEVELOPMENTS, AND CHANGES IN THE ENFORCEMENT REMEDIES FOR VIOLATIONS AND AS REQUIRED BY PENNSYLVANIA ACT NO. 170. THIS ORDINANCE CONSTITUTES AN ENTIRELY NEW AND DISTINCT ZONING ORDINANCE FOR THE TOWNSHIP OF NORTH HUNTINGDON AND REPEALS ORDINANCE NO. 490 WITH REGARD TO PLANNED RESIDENTIAL DEVELOPMENTS AND REPEALS ANY AND ALL AMENDMENTS TO ORDINANCE NO. 490 AND REPEALS THE PREVIOUS ZONING ORDINANCE NO. 542 AND REPEALS ANY AND ALL AMENDMENTS THERETO. THIS NEW ZONING ORDINANCE WILL BE ACCCOMPANIED BY A NEW AND CURRENT ZONING MAP.

This Ordinance No. 765 adopted by the Board of Commissioners of the Township of North Huntingdon on Wednesday, February 20, 1991.

TOWNSHIP OF NORTH HUNTINGDON  
BOARD OF COMMISSIONERS

BY: Russell L. Auberle  
Russell L. Auberle, President

ATTEST:

Charlene A. Riggins  
Charlene A. Riggins, Secretary

SEAL

REVIEWED AND APPROVED:

Katherine B. Petrosky  
Katherine B. Petrosky, Township  
Manager

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ARTICLE 1

TITLE

101 Title

101 TITLE

This Ordinance shall be known, cited and referred to as the Township of North Huntingdon Zoning Ordinance.

## ARTICLE 2

### PURPOSE

201 Purpose

202 Community Development Objectives

#### 201 PURPOSE

201.1 This Ordinance is adopted for the following purposes:

1. To promote and to protect the public health, safety and welfare of the inhabitants of North Huntingdon Township, and the public in general.
2. To encourage and facilitate the orderly growth and expansion of the municipality;
3. To protect the character and maintain the stability of residential, business and manufacturing areas within the Township;
4. To provide adequate light, air, privacy and convenience of access to property;
5. To divide the Township into zones and districts restricting and regulating therein the location, construction, reconstruction, alteration and use of buildings, structures, and land for residence, business, manufacturing and other uses;
6. To establish building lines and the location of buildings designed for uses within such lines;
7. To provide uses, buildings or structures which are compatible with the character of development or the permitted uses within specified zoning districts;
8. 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;
9. To encourage efficient circulation in the public streets by providing for off-street parking of motor vehicles and for the loading and unloading of commercial vehicles and to protect the public health, safety and the general welfare;

10. To provide protection against fire, explosion, noxious fumes and other hazards in the interest of the public health, safety, comfort, and general welfare;
11. To provide for the gradual elimination of those uses of land, buildings and structures which do not conform with the standards of the districts in which they are located and are adversely affecting the development of other property in each district;
12. To define and limit the powers and duties of the administrative office and bodies as provided herein.

## 202 COMMUNITY DEVELOPMENT OBJECTIVES

This Ordinance is adopted in accordance with the provisions of Pennsylvania Act 247 of 1968, as amended by Act 170 of 1988 hereinafter referred to as the Municipalities Planning Code, and is intended to promote an orderly plan of development according to established comprehensive plans for the Township including data on existing conditions, statements concerning the proposed Long Range Plan as amended, and evaluations of implementation techniques. The Township intends to use the Long-Range Comprehensive Plan as amended, as a guideline in establishing the provisions, regulations and controls contained in this Zoning Ordinance.

## ARTICLE 3

### RULES AND DEFINITIONS

#### 301 Rules 302 Definitions

##### 301 RULES

In construction of this ordinance, the rules and definitions contained in this article shall be observed and applied, except when the context clearly indicates otherwise:

1. Words used in the singular shall include the plural, and the plural shall include the singular; and the words used in the present tense shall include the future.
2. The word "shall" is mandatory and not discretionary.
3. The word "may" is permissive.
4. The word "structure" includes all buildings of any kind and any part thereof.
5. The word "lot" shall include the words "piece" and "parcel".
6. The phrase "used for" shall include the phrases "arranged for", "designed for", "intended for", "maintained for", and "occupied for".
7. Uses of land, buildings, equipment or structures not clearly permitted in the various zoning districts are prohibited.

##### 302 DEFINITIONS

ABANDONED VEHICLE - Any vehicle that does not have both a current Pennsylvania license plate and a current safety inspection sticker. This term shall not apply to any vehicle or equipment used in the normal operation of a farm owned or leased by the person farming the land.

ACCESS POINT - Any vehicular entrance or exit to a street. The distance between such access points shall be measured from the termination of one curb cut to the establishment of an adjacent curb cut.

ACCESSORY BUILDING OR USE - An "accessory building or use" is one which:

- a. is subordinate to and serves a principal building or principal use; and,
- b. is subordinate in area, extent or purpose to the principal use served; and,
- c. is subordinate, clearly incidental and related to that of a principal use of land;
- d. accessory use may be located on an adjacent lot in the same zoning district or as a special exception for non-adjacent lots;
- e. accessory land use is differentiated from an accessory building use.

ACCESSORY STRUCTURE - A structure detached from a principal building on the same lot and customarily incidental and subordinate to the principal building or use.

ADDITION - An extension or increase in floor area or height of a building or structure. See also "ALTERATIONS, STRUCTURAL".

ADMINISTRATOR - The Zoning Officer shall be that person as prescribed in Act #247, as amended, or as set forth by an ordinance by the Township Commissioners.

ADVERTISING - Any device used to attract public attention for the promotion of sales or the promotion of meeting places or other activities where commercial and/or industrial uses are being carried out. (See also: SIGNS.)

AGRICULTURE - The cultivation of the soil and the raising and harvesting of products of the soil including, but not limited to: nurserying, horticulture, forestry (when the planting or harvesting of trees is considered either as a conservancy or as an income producing enterprise), and the breeding and raising of domestic animals.

ALLEY - Those right-of-ways and streets which are substandard in size as now exist and are called alleys as of the date of the adoption of this ordinance.

ALTERATIONS, NONSTRUCTURAL - Any alteration which would change the use of a structure or the land use of one zoning district classification to the other.

ALTERATIONS, STRUCTURAL - Any change other than that set forth under incidental repairs which would alter or change the bearing walls, columns, beams or girders. In addition, all modifications that would alter or change the overall volume of the structure including changes in height, area or depth. This also includes any changes in interior walls that alter pedestrian walkways and fire fighting access.

AMUSEMENT ESTABLISHMENT - Any building within which are kept, for use as games, entertainment, amusement, or other public patronage, jukebox, pinball, and video machines. The use of these machines shall not be accessory to another primary use, in which case the building shall be considered an amusement machine complex.

AMUSEMENT GAME MACHINE - A coin operated machine or device which, whether mechanical, electrical, or electronic, shall be ready for play by the insertion of a coin (real money), chip or token, and may be operated by the public for use as a game, entertainment or amusement, the object of which is to achieve either a high or low score, which by comparison to the score of other players whether playing concurrently or not, demonstrates relative skill or competence. It shall include devices such as pinball machines or any device which utilizes a video tube to reproduce symbolic figures and lines intended to be representative of real games or activities.

AMUSEMENT MACHINE COMPLEX - A group of more than two amusement game machines, in the same place, location or premises.

APARTMENT - A building arranged, intended or designed to be occupied by three or more families or individuals who live independent of each other. Access to apartments normally shall be by common halls, doors or stairways, in order to differentiate between town houses and apartments.

APARTMENT, GARDEN - An apartment building having certain yard spaces set aside for use of occupants either as a whole or on an individual tract. This does not include parking spaces. Such apartments shall be provided with a common entrance way.

APARTMENT, HIGH RISE - An apartment building over three (3) stories high and limited to eight (8) stories.

APPLICANT - A landowner or developer who has filed an application for development, his heirs, successors or assigns.

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

AREA, BUILDING - The total horizontal plane area of the building from outside wall to outside wall. This is exclusive of patios and stairways.

AREA OF LOT OR PARCEL - See "LOT AREA".

ASSEMBLY HALL - A room, hall or building used for lectures, meetings or gatherings.

AUTO LAUNDRY - A structure or portion thereof where automobiles are washed with the use of cleaning devices.

AUTOMOBILE SALES LOT - A paved, seweried lot with suitable parking for the sales or rental of new or used motor vehicles or trailers and with suitable parking for the sales building.

BASEMENT - The space enclosed by the foundation or ground floor walls of a building partly below or entirely below the average level of the adjacent ground. A basement shall be counted as a story for purposes of height measurement when one-half (1/2) or more of its volume is above the average level of the adjacent ground, or when it is designed or used legally for living quarters.

BILLBOARD - A sign upon which advertising material of any character is printed, posted or lettered which is free standing and is used to advertise products, services or businesses at a location other than the premises on which the sign is placed.

BLOCK - A tract of land bounded by streets, or by a combination of streets and public parks, cemeteries, railroad rights-of-way, shore lines of waterways or corporate boundary lines of the Township of North Huntingdon.

BOARD - Zoning Hearing Board of the Township of North Huntingdon.

BUFFER ZONE - A strip of land which is ten (10) feet in width, planted and maintained with at least one (1) row of evergreen trees, providing a visual barrier of not less than three (3) feet in height at initial planting.

BUILDING - A structure or appendage to a structure intended for the shelter, housing or enclosure of any individual, animal, process, equipment, goods or materials of any kind or nature, which is permanently affixed to the land; has one or more floors or stories; and is bounded by either lot lines or yards. A building shall not include such structures as billboards, fences, mobile homes and/or trailers of any kind, or structures with interior surfaces not normally accessible to human use, such as gas tanks, grain elevators, coal bunkers or similar structures. A building may accommodate more than one family and have more than one dwelling unit and may be used for residential, commercial, public, or industrial purposes.

BUILDING, ACCESSORY - See "ACCESSORY BUILDING OR USE".

BUILDING, HEIGHT OF - The vertical distance between the top of the basement or foundation, whichever is the base of the first story, and the top of the highest story. Where a story and a half building exists, the bottom half story shall be used as the roof line. (See Article 10, Section 1013, "Application of Height Regulation to Different Types of Roof" .)

BUILDING LINE - A line parallel to the street right-of-way line at a distance therefrom equal to the depth of the front yard required for the zoning district in which the lot is located. No portion of the front face of any building shall encroach over the building line except as otherwise permitted in this ordinance. The front face shall include any enclosed area such as enclosed porches, sun parlors, etc., but does not include unenclosed porches, steps and walkways limited to eight (8) feet beyond the building line.

BUILDING PERMIT - Written permission issued by the Zoning Officer for the construction, repair, alteration, or addition to a building or structure.

BUILDING, PRINCIPAL - A building in which is conducted the main or principal use of the lot on which said building is situated.

BUILDING, RESIDENTIAL - Any building which is arranged, designed, used or intended to be used for residential occupancy by one or more families which includes the following types:

- a. One-family detached dwellings
- b. Two-family detached and attached dwellings
- c. Condominiums
- d. Multi-family apartment dwellings
- e. Town houses
- f. Garden apartments
- g. High rise apartments.

BUILDING SITE - A lot occupied or intended to be occupied by a single principal building or structure or use. A "building site" shall be synonymous with a "lot".

BULK - The term used to indicate the size, setback and location of buildings with respect to each other, including but not limited to the following:

- a. Size of building
- b. Location of exterior walls at all levels in relation to lot line, street, or to other buildings
- c. Gross area of buildings in relation to lot area
- d. All open spaces allocated to buildings.

BUSINESS SERVICES - Any activity conducted for gain which renders services primarily to other commercial or industrial

enterprises, or which services and repairs appliances and machines used in homes or businesses.

CANOPY - A roof-like cover that projects from the wall of a building or is supported by a free-standing structure for the purpose of shielding an area from the elements.

CARPORT - A partially enclosed accessory structure used for the purpose of parking an automobile. Such structure may be free-standing but is normally attached to the primary structure on at least one side.

CARTWAY - That portion of a street or alley intended for vehicular use.

CELLAR - That part of a building or structure which has 50 percent or more of its volume below the average level of the adjacent ground and is not used as living quarters.

CHURCH - A building used as a place of religious worship or religious worship or religious teaching (except rescue missions, temporary revival structure, or retreat houses). The term "church" shall be construed to include synagogue or temple.

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

CLUB OR PRIVATE LODGE - A non-profit 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.

COMMERCIAL - The provision of services or products to another for business purposes or for personal gain.

COMMERCIAL BOARDING HOME - Any type of living facility which provides food and shelter, for payment, to adults who are unrelated to the provider and who require no service beyond food, shelter and other services usually found in a hotel or apartment rental.

COMMERCIAL SPA OR HOT TUB - A facility open to the general population for a fee, which consists of a pool designed for recreational and therapeutic use and for physiological and psychological relaxation. The pools include, but are not limited to these types: hydrojet circulation, hot water, cold water, mineral baths, air induction system or a combination of any of these. This term shall not include any

pool designed to be used for swimming and diving. A spa or hot tub shall be considered to be commercial in nature if it is open to the general population for a fee or if it is made available to customers or guests at any hotel, motel, health club or other club, or other business.

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

COMMUNITY CENTER - A building publicly, quasi-publicly, or privately used and maintained with facilities devoted exclusively to a variety of group activities - civic, social, recreational, educational, and/or cultural - provided that it shall not include living quarters for persons other than those engaged in the conduct of it, that it shall not be operated for profit, and that alcoholic beverages shall not be served.

COMPLETION GUARANTEE - A deposit of cash, bond, certified check, negotiable securities or the submission of an irrevocable letter of credit from a bank or savings and loan by the owner or developer as security for the completion of any required improvements. The deposit is returnable to the depositor or the letter of credit is terminated upon completion of all required improvements within the stated period.

CONDITIONAL USE - An authorized use which may be granted only by the Township Commissioners pursuant to express standards and criteria prescribed in this ordinance, after review and recommendations by the Township Planning Commission and a public hearing conducted by the Township Board of Commissioners pursuant to public notice.

CONDOMINIUM - A multiple dwelling where each dwelling unit in the structure is individually owned and the owner of each unit has an undivided interest in the common areas and facilities of the structures and surrounding grounds.

COVERAGE, LAND - See "BULK". See also Article 10, Section 1008, "Percentage of Lot Coverage".

CUL-DE-SAC - A dead-end street terminating in a vehicular turnaround.

DAY CARE CENTERS - A facility licensed and approved, as applicable by the Commonwealth of Pennsylvania, County of Westmoreland, North Huntingdon Township. Day care centers shall include the following and the definitions exclude care provided by relatives or care furnished in places of worship during religious services:

CHILD DAY CARE CENTER - Care provided for twelve or more children at any one time in a facility that is not being used as a family residence.

CHILD GROUP DAY CARE HOME - Care provided for more than six but less than twelve children in a facility not being used as a family residence, for part of 24 hour day.

FAMILY DAY CARE HOME - Child care service provided in a family residence for not more than six children who are not relatives of the care giver. Hours of operation limited to 6 a.m. to 6 p.m.

GROUP CARE HOME - Provides room and board, personal care, rehabilitation services and supervision in a family environment for not more than four developmentally disabled persons.

A developmental disability shall be considered one that:

- a. is attributable to mental retardation, cerebral palsy, epilepsy or autism.
- b. is attributable to any other condition found to be closely related to mental retardation because such condition results in similar impairment of general intelligence functioning or adaptive behavior to that of mentally retarded persons, or requires treatment and services similar to those required for such persons.
- c. is attributable to dyslexia resulting from a disability described in a and b above.
- d. and has continued, or can be expected to continue indefinitely.

DECISION - Final adjudication of the Zoning Hearing Board or of the Board of Commissioners by reason of jurisdiction or of appeals from determinations. All decisions shall be appealable to the Court of Common Pleas.

DENSITY - Dwelling units per acre.

DETERMINATION - Final action by the Zoning Hearing Officer appealable to the Zoning Hearing Board.

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

DEVELOPMENT - See "DEVELOPMENT, LAND".

DEVELOPMENT, LAND - Any of the following activities:

- a. The improvement of one lot or two or more contiguous lots, tracts or parcels of land for any purpose involving:
  - (1) A group of two or more residential or non-residential buildings, whether proposed initially or cumulatively, or a single non-residential building on a lot or lots regardless of the number of occupants or tenure; or
  - (2) the division or allocation of land or space, whether initially or cumulatively, between or among two or more existing or prospective occupants by means of, or for the purpose of streets, common areas, leaseholds, condominiums, building groups, or other features.
- b. A subdivision of land.
- c. The following shall not be considered a land development:
  - (1) the conversion of an existing single-family detached dwelling or single-family semi-detached dwelling not more than three residential units, unless such units are intended to be a condominium;
  - (2) the addition of an accessory building, including farm buildings, on a lot or lots subordinate to an existing principal building; or
  - (3) the addition or conversion of buildings or rides within the confines of an enterprise which would be considered an amusement park. For purposes of this exemption, an amusement park is defined as a tract or area used principally as a location for permanent amusement structures or rides. This exclusion shall not apply to newly acquired acreage by an amusement park until the initial plans for the expanded area have been approved by the municipality.

DEVELOPMENT PLAN - The provisions for development of a Planned Residential Development or a Planned Economic Development, including 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, public facilities, and other requirements of this ordinance regarding Planned Development, Article 5, Section 504. The phrase "provisions of the development plan" shall mean the written and graphic materials referred to in this definition.

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

DRIVE-IN COMMERCIAL USES - Any retail commercial use providing considerable off-street parking and catering primarily to

vehicular trade, such as drive-in restaurants, drive-in theaters, and similar uses.

**DUMP** - A deposit or site intended to be used for the deposit or storage of garbage, refuse, and other discarded materials including, but not limited to, solid and liquid waste(s) materials resulting from industrial, commercial, agriculture and residential activities.

**DWELLING** - A building or a portion thereof, designed or used exclusively for residential occupancy, including one-family dwellings, two-family dwelling, and multi-family dwellings, but not including camping or recreational trailers, hotels, motels, rooming houses, tourist courts, or tourist homes. The following types of dwellings are defined in this ordinance:

**DETACHED** - A single dwelling unit which is entirely surrounded by open space and located on one zoning lot.

**ONE FAMILY** - A building designed or used exclusively for occupancy by one family on one zoning lot in a residential district.

**DUPLEX** - No more than two (2) attached dwelling units on one zoning lot.

**MOBILE HOME** - See "MOBILE HOME".

**MULTIPLE FAMILY** - A "multiple family" dwelling is a building or portion thereof, containing three or more dwelling units on one zoning lot in an appropriate zoned district.

**DWELLING UNIT** - One or more rooms in a residential building which are arranged, designed, used or intended for use as living quarters for one family. Each dwelling unit shall have permanent facilities for sleeping, cooking and eating.

**EASEMENT** - A right-of-way granted, but not dedicated, for limited use of private land for a public or quasi-public purpose, and within which the owner of the property shall not erect any permanent structure, but shall have the right to make any other use of the land which is not inconsistent with the rights of the grantee.

**EDUCATIONAL INSTITUTIONS** - See "SCHOOL".

**ENLARGEMENT** - An addition to the floor area of an existing building, an increase in size of another structure, or an increase in that portion of a tract of land occupied by an existing use.

**ENTERTAINMENT FACILITIES** - Any activity conducted for gain which is generally related to the entertainment field, such as motion picture theatres, bowling alleys, roller-skating rinks, miniature golf, golf driving ranges, commercial swimming pools, carnivals, and related uses.

ESSENTIAL SERVICES - Any public utility corporation or municipal authority including those providing natural gas, electricity, water sewage, telephone or cable to the citizens of North Huntingdon Township.

FAMILY - A family is:

- a. A single person occupying a dwelling unit.
- b. Two or more persons related by blood or marriage occupying a dwelling unit including household help.
- c. Not more than four (4) unrelated persons occupying a dwelling unit and living together and maintaining a common household.

FARM - Any parcel of land containing at least two (2) acres which may be used for gain in the raising of agriculture products or at least 10 acres or more for livestock, poultry and dairy products. It includes necessary farm structures with the prescribed limits and the storage of farm equipment. It excludes the raising of fur bearing animals, riding academies, livery or boarding stables, and dog kennels.

FENCE - A fabricated barrier used to enclose an area of land.

FLEA MARKETS - An occasional or periodic market held in an open area or structure where groups of individual sellers offer goods for sale to the public.

FLOOR AREA OF A BUILDING - The sum of the area of the several floors of a building or buildings measured from the outer face of the exterior walls or from the center line of walls separating two buildings. (It is understood that floor area does not necessarily mean living space.) In particular, floor area includes, but is not limited to the following:

- a. Basement space if it meets the requirements of a building story.
- b. Elevator shafts, stairwells and attic spaces, (whether or not the floor has been laid) providing structural headroom of seven (7) feet or more.
- c. Roofed terraces, exterior balconies, breezeways or porches, provided that over 50 percent of the perimeter of these are enclosed.
- d. Any other floor space used for dwelling or other, no matter where located in the building.
- e. Floor space or mezzanines and penthouses.

FLOOR AREA RATIO - The floor area of a building and/or buildings on a lot divided by a lot area.

FOOD PROCESSING - The preparation of food products for sale.

FLUID OR SOLID WASTE(S) MATERIALS - Any type of waste such as, but not limited to, slurry, washings, residues, slurry ponds, settling ponds, etc. which result from mining, processing, manufacturing, or other types of commercial or industrial operations.

GARAGE, COMMUNITY - Any structure or a series of structures for the parking of automobiles of residents of the neighborhood and not used for the making of repairs.

GARAGE, PRIVATE - A detached accessory building or a portion of a main building for the parking only of vehicles belonging to the occupants of a residential structure and located on same lot.

GARAGE, PUBLIC - A commercial building other than a private or community garage used for maintenance, repairs and parking of automobiles.

GARAGE SALE - (Also known as "Yard, or House Sale") - A sale held by an individual property owner or several abutting property owners on his/her or their own property for the purpose of offering used goods to the public. Garage, yard or house sales shall not last longer than three days per year per property owner(s). Nonprofit corporations or organizations shall be exempt from the requirements hereof, but an application must be submitted and approved as to the nonprofit status of the corporation or organization.

GASOLINE SERVICE STATION - An establishment supplying gasoline and oil, tires, accessories, and service for automobiles at retail direct to the motorists, including minor repairs in which all repairs will be done in an enclosed building.

GRADING - The act of changing the natural contour of the land in any way.

GROUP RESIDENCE AND GROUP CARE FACILITIES - Any facility in which food, shelter, personal assistance, skilled nursing or other personal health services are provided on a regular basis to more than four (4) individuals who are not relatives of the operator of such facility as regulated in Article 8, Section 813. Such facilities shall include the following:

- a. Commercial boarding home
- b. Intermediate care facility
- c. Personal care boarding home
- d. Skilled nursing facility.

HALF STORY - A story with a cubic content of not more than fifty (50%) percent of the first story (or ground story) of a building.

HALFWAY HOUSE - A facility designed to provide residential and rehabilitative treatment services to persons being treated for the drug and/or alcohol abuse, or persons under the supervision of the courts or county, state, or federal parole boards, either after being charged with a criminal offense or in lieu of criminal charges.

HEALTH AND FITNESS RELATED ESTABLISHMENT - Any establishment having a source of income or compensation derived from offering a service to the public involving health, healing or fitness related activities and providing or offering to provide physiological or psychological healing or therapy. This includes, but is not limited to, a health club, massage establishment and public spa or public hot tub. This term shall not include any business or establishment operated for the practice of a profession which is licensed by the Commonwealth of Pennsylvania, such as physicians, dentists, nurses, podiatrists, chiropractors, physical therapists, and similar occupations.

HEALTH CARE FACILITY - A general or specific hospital, including tuberculosis and psychiatric hospitals, rehabilitation facilities, skilled nursing facilities, kidney disease treatment centers, intermediate care facilities and ambulatory surgical facilities, both profit and nonprofit and including those operated by an agency of the state or local government, but shall not include an office used exclusively for their private or group practice by physicians, psychologists or dentists, nor a program which renders treatment solely on the basis of prayer or spiritual means in accordance with the tenants of any church or religious denomination, nor a facility conducted by a religious organization for the purpose of providing health care services exclusively to clergymen or other persons in a religious profession who are members of the religious denominations conducting the facility.

HEALTH CLUB - Any business or nonprofit organization that offers a service to the public involving exercise equipment or exercise programs or an indoor sport involving exercise whether or not the business provides any other service. This includes, but is not limited to, martial arts schools that have exercise programs, gyms, and exercise clubs.

HEARING - An administrative proceeding conducted by the Zoning Hearing Board. See also "Public Hearing".

HOME OCCUPATIONS - An accessory use of a service oriented character contained within a dwelling and operated by the residents, which is clearly secondary to the use of the dwelling for living purposes. (See Article VIII Section 814)

HOTEL - A building containing dwelling units and lodging room in which at least 50 percent of the gross floor area is devoted to residential space.

IMPERVIOUS SURFACE RATIO - The total area of a lot or site occupied by buildings, roads, parking areas, outdoor storage areas and other paved surfaces, divided by the lot or site area.

INDUSTRIAL - The production and sale of goods and services usually associated with making, fabricating, assembling or processing raw materials into large quantities of finished products.

INTERMEDIATE CARE FACILITY - A facility that provides nursing care and related medical or other personal health services on a regular basis to individuals who do not require a degree of care and treatment which a hospital or skilled nursing facility is designed to provide, but who, because of their mental or physical disabilities, require the above services within the context of a planned program of care and administrative management, supervised on a continuous 24-hour basis in an institutional setting. This includes intermediate care facilities for the mentally retarded.

JUNK YARD - Any lot, land, structure or part thereof where any discarded materials or articles may be stored and which includes but not limited to: scrap metal, scrapped abandoned or junked motor vehicles in excess of (1) per lot, machinery, equipment, paper, glass, containers and structures. It shall not include, however, refuse or garbage kept in a proper container for the purpose of prompt disposal.

KENNEL - Any premises on which dogs are kept or bred for commercial purposes.

LABORATORY - A place devoted to experimental study in any science or to the testing and analysis of drugs and chemicals.

LAND DEVELOPMENT - See "Development, Land".

LAND USE PERMIT - For purposes of this ordinance a land use permit shall be deemed an occupancy permit.

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

LOADING BERTH - Any off-street space of berth, abutting a street, way or other appropriate means of access, intended for the temporary parking of a commercial vehicle while loading or unloading merchandise or materials.

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

LOT AREA - The total area of a horizontal plan bounded by the front, side and rear lot lines of a lot.

LOT, BUILDABLE AREA OF - That portion of a lot bounded by the required front, rear and side yard setbacks (See Article 10, Section 1009 and Section 1010.)

LOT, CORNER - Any lot situated at the intersection of two (2) or more streets having an angle of intersection of not more than 135 degrees. A lot abutting on a curved street shall be deemed a corner lot if the tangents to the curve at its points of beginning within the lot or at the point of intersection of the side lot lines with the street line intersect at the interior angle of not more than 135 degrees. A corner lot shall maintain front yard requirements along the street upon which the principal building fronts. Side yard requirements shall be the same as front yard requirements along side street(s). Yard requirements for accessory buildings on corner lots shall not be less than the front yard requirements for adjoining lots. (See Article 10, Section 1011, "Yard Requirement for Corner Lots".)

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 LINES - The lines that indicate the boundary of a lot or zoning lot.

LOT LINE, FRONT - That boundary of a lot which extends along an existing or dedicated public street, or where no public streets exist, along a public way.

LOT LINE, REAR - That boundary of a lot which is most distant from, and is most nearly parallel to the front lot line.

LOT LINE, SIDE - Any boundary of a lot which is not a front or rear lot line.

LOT, NONCONFORMING - A lot the area or dimension of which was lawful prior to the adoption or amendment of this zoning ordinance, but which fails to conform to the requirements of the zoning district in which it is located.

LOT OF RECORD - A parcel of land described by certain boundaries and recorded in the office of the Recorder of Deeds, Westmoreland County. Such a lot may or may not meet the requirements of the zoning district in which it is located and may require future grouping of lots for residential, commercial or industrial use. Lot descriptions and boundary terms are shown in Article 10.

LOT, THROUGH - A lot having frontage along two (2) or more or less parallel public streets, and which is not a corner lot. (See Article 10, Section 1007, "Types of Lots".)

LOT WIDTH - The distance between the side lot lines measured along the front building line of the lot as determined by the prescribed front yard requirements.

LOT, ZONING - A lot, unoccupied or occupied by a main structure, with or without accessory structures, fronting on a public street or a street in a subdivision approved by the Township and having thereon such open areas as are required by this ordinance for one (1) of the uses permitted in the District in which it is located.

MESSAGE BUSINESS - An activity conducted for gain in which any method of treating the superficial parts of a patron for medical, hygienic, exercise, or relaxation purposes of rubbing, stroking, kneading, tapping, pounding, vibrating or stimulating with the hands or any instrument, or by the application of air, liquid, or vapor baths of any kind whatever and which is regulated by Township Ordinance No. 481. The following words are specifically defined by Ordinance No. 481:

EMPLOYEE - Any person over eighteen (18) years of age, other than a masseur, who renders any service in connection with the operation of a massage business and receives compensation from the operator of the business or patrons.

MASSEUR - Any person who engages in the practice of a massage business.

PATRON - Any person over eighteen (18) years of age who receives a massage under circumstances that it is reasonably expected that he or she will pay money or give any other consideration therefor.

RECOGNIZED SCHOOL OF MESSAGE - Any school or institution of learning which has for its purpose the teaching of the theory, method, profession, or work of massage, which school requires a resident course of study of not less than seventy (70) hours before the student shall be furnished with a diploma or certificate of graduation from such school following the successful completion of such course of study or learning.

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 FACILITIES - A facility for the examination and treatment of ill and afflicted human outpatients provided, however, that

patients are not kept overnight except under emergency conditions and includes doctors' and dental offices and clinics.

MINERALS - A geological term including, but not limited to, anthracite and bituminous coal, lignite, limestone, and dolomite, sand, gravel, rock, stone, earth, slag, ore, vermiculite, clay and other mineral resources.

MOBILE HOME - A transportable, single-family dwelling intended for permanent occupancy, contained in one unit, or in two or more units designed to be jointed into one integral unit capable of again being separated for repeated towing, which arrives at a site complete and ready for occupancy except for minor and incidental unpacking and assembly operations, and constructed so that it may be used without a permanent foundation. Mobile homes, double wide (mobile homes) and modular housing shall be considered single family dwellings for building permit purposes.

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

MOBILE HOME PARK - A parcel or contiguous parcels of land which has been so designated and improved that it contains two or more mobile home lots for the placement thereon of mobile homes. A mobile home park shall be 10 acres or more under a single ownership.

MOTEL - A group of attached or detached buildings located on a single zoning lot and containing transient individuals sleeping or living units, designed for or used by transient automobile tourists.

NONCONFORMING USE - Any use of land, buildings or structures lawfully existing on the effective date of this ordinance or amendment thereto, which does not comply with all of the regulations of this ordinance governing use for the zoning districts in which such use is located.

NONCONFORMING STRUCTURE - Any building or other structure lawfully existing on the effective date of this ordinance or amendment thereto, which does not comply with all of the regulations of this ordinance governing use for the zoning district in which such use is located.

NOTICE, PUBLIC - See Public Notice.

OCCUPANCY PERMIT - A permit allowing occupancy or use of a building, structure or vacant land after it has been determined that all applicable requirements of the zoning ordinance have been complied with.

OCCUPANT - Any permanent resident including administrative and supervisory personnel who reside on the premises of a group residence or group care home as defined in this ordinance.

OFF SITE SEWER SERVICE - The disposal of sewage by use of a sanitary sewer system served by a central sewage treatment plant approved by the Pennsylvania Department of Environmental Resources.

OFF SITE WATER SERVICE - A safe, adequate and healthful supply of water to more than one user from a common service and approved by the Pennsylvania Department of Environmental Resources.

OFFICE BUILDINGS, HIGH RISE - Those buildings constructed for office and commercial use and over three (3) stories high and a maximum of eight (8) stories.

ON LOT SEWER SERVICE - The disposal of sewage by use of septic tanks or other safe and healthful means within the confines of the lot in which the use is located and approved by the Pennsylvania Department of Environmental Resources.

ON SITE WATER SERVICE - A safe, adequate and healthful supply of water to a single user from a private well, spring or cistern. Adequate is to be decided by the user. Safe is to be decided by Public Health Service water tests or any similar assurance of healthful water.

OPEN SPACE - Land set aside for public use as recreational sites, flood plain areas, nature trails, historical sites plus other areas where building is hazardous such as slide areas, mined-out areas and other areas as designated by the federal, state or township agencies. Also common greens, yards, or other open areas intended for the sole use of the residents and their guests provided in connection with Planned Residential Developments or with residential buildings occupied by more than two (2) families per lot. See also "COMMON OPEN SPACE".

OVERBURDEN - Material of any nature, consolidated or unconsolidated, that overlies a deposit of useful materials, ores, or coal.

PARKING SPACE - A paved area of at least 9 x 20 feet in size used for storage of one vehicle and accessible from the street. Parking spaces for trucks shall be such that the entire truck and its components are removed from any public right-of-way.

PAVING - Concrete or bituminous wearing surfaces with appropriate base consistent with sound engineering practices. "Paving" shall not include tar and chip and other similar practices.

PERMITTED USE BY RIGHT - An authorized use which, upon an application for development, may be granted by the zoning administrator in accordance with the provisions of this ordinance.

PERSON - An individual, corporation, partnership, incorporators, association or any similar entity.

PERSONAL CARE BOARDING HOME FOR ADULTS - Any premises in which food, shelter and personal assistance or supervision are provided for a period exceeding 24 consecutive hours for more than three adults who are not relatives of the operator and who require assistance or supervision in such matters as dressing, bathing, diet, or medication prescribed for self-administration but do not require hospitalization or care in a skilled nursing or intermediate care facility.

PETS - Animals or fowl normally permitted in a house and kept for company or pleasure such as dogs, cats, hamsters or canaries.

PLANNED ECONOMIC DEVELOPMENT - (PEDD 1 AND PEDD 2) - An area of land, controlled by a landowner, to be developed as a single entity for commercial or industrial uses or for a combination thereof, the development plan for which does not necessarily 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 under the provisions of this zoning ordinance. Planned Economic Developments shall be regulated as set forth in Article 5, Section 503.13.

PLANNED RESIDENTIAL DEVELOPMENT - (PRD) - 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 non-residential uses, the development plan for which does not necessarily 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 under the provisions of this zoning ordinance. Planned Residential Developments shall be regulated as set forth in Article 5, Section 503.7.

PLANNING COMMISSION - The Planning Commission of North Huntingdon Township.

PLAT - A map, plan, or layout of a city, village, town, or subdivision indicating the location and boundaries of individual properties.

PLAT, FINAL - The final map of a subdivision which is filed for Planning Commission and Board of Commissioners' final approval and which, if approved, shall be filed with the County Recorder of Deeds.

PLAT, PRELIMINARY - A preliminary map indicating the proposed layout of the subdivision which is filed for Planning Commission consideration and preliminary approval by the Board of Commissioners.

POOL - See "Swimming Pools".

POOL ROOMS - Pool hall areas as set aside for billiards and games using a pool or billiard table.

PRINCIPAL BUILDING - See "Building, Principal".

PRINCIPAL USE - See "Use, Principal".

PRIVATE - Any facility or establishment limited to members of an organization or to other persons specifically invited or permitted where no advertisement or inducement has been made to the general public.

PROFESSIONAL OFFICE - An office maintained for professional services such as medical doctors, dentists and all other services requiring a degree from an accredited school.

PUBLIC - Of or pertaining to land, buildings, structures, uses, or activities owned, operated or controlled by the Township of North Huntingdon, the Norwin School District, or other agencies of government other than a detention facility.

PUBLIC GROUNDS - Includes:

- a. parks, playgrounds, trails, paths, and other recreational areas and other public areas;
- b. sites for schools, sewage treatment, refuse disposal, and other publicly owned or operated facilities; and
- c. publicly owned or operated scenic and historic sites.

PUBLIC HEARING - A formal meeting held pursuant to public notice by the governing body, intended to inform and obtain public comment prior to taking action in accordance with Act 247 as amended.

PUBLIC IMPROVEMENTS - All streets, walkways, gutters, curbs, sewers, water lines and other utilities or related facilities to be dedicated to or maintained by the public; and, if dedicated to and maintained by the township, must comply with the township code.

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

PUBLIC NOTICE - Notice published once each week for two successive weeks in a newspaper of general circulation in the municipality. 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 30 days and the second publication shall not be less than seven days from the date of the hearing.

PUBLIC SPA OR HOT TUB - See "Commercial Spa or Hot Tub".

PUBLIC STREET - A paved thoroughfare or highway which has been dedicated and accepted by the appropriate governmental body. A public street can be of the following types:

ARTERIAL STREET - A street serving large volumes of high speed and long-distance traffic.

COLLECTOR STREET - A street which in addition to giving access to abutting properties intercepts minor streets and provides routes carrying considerable volumes of local traffic to community facilities and to arterial streets.

HALF OR PARTIAL STREET - A street, generally parallel and adjacent to a property line, having a lesser right-of-way than normally required for satisfactory improvement and use of the street.

LOCAL STREET - A street which is used primarily for access to the abutting properties.

MAJOR STREET - A street which is used primarily for fast or heavy traffic of an inter-community nature and including state highways and turnpikes.

MARGINAL ACCESS STREET - A local street which is adjacent to a major street and which provides access to abutting properties and protection from through traffic.

MINOR STREET - A local street used primarily to provide access to abutting properties.

PUBLIC WAY - Any street, alley, or other parcel of land open to the outside air leading to a public street; deeded, dedicated, or otherwise permanently appropriated to the public for public use and having a clear paved width of not less than 10 feet.

RECREATIONAL FACILITIES, COMMERCIAL - Facilities for commercial recreational activities including, but not limited to, golf courses, boat docks, and fishing piers, boat launching, maintenance, repair and fueling facilities, and ski lodges.

RECREATIONAL FACILITIES, OUTDOOR - Facilities for active and passive outdoor recreation including, but not limited to, country clubs, riding stables, private golf courses, and other private non-commercial recreation areas and facilities or recreation centers including private community swimming pools.

REPORT - Any letter, review, memorandum, compilation or similar writing made by any body, 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.

RESTAURANT - Any building or use which serves food to the general public and which provides tables, chairs, and/or counters for the consumption of food entirely within the walls of such

building or use. The word "restaurant" does not include drive-in establishments which permit the consumption of food within motor vehicles.

RETAIL - The sale of relatively small quantities of commodities and services directly to consumers.

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

SCHOOL - A place for instruction in a branch or branches of knowledge, an establishment for the imparting of education; a group of classes imparting knowledge as required by the Pennsylvania Board of Education; a faculty of institution for specialized higher education. All schools shall require a special education where, in accordance with state and federal law, they are permitted in residential districts. In no case will educational facilities be allowed to locate in residential districts where living quarters for overnight permanent or semi-permanent residence is provided.

SETBACK - That line which is the required minimum distance from the street right-of-way line or any other lot line that establishes the front yard, rear yard and side yards of a lot. The term "setbacks" shall include front setback, rear setback and side setbacks.

SHED - Any building 100 square feet in area or less and not higher than ten (10) feet at the highest point from ground level.

SIGN - Any 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. A sign can be of the following types:

ADVERTISING - Any sign which directs attention to a business, commodity, service or entertainment conducted, sold or offered elsewhere than upon the premises where such a sign is located or to which it is affixed.

BUSINESS - Any sign which directs attention to a business or profession conducted or to a commodity service sold or offered upon the premises where such sign is located or to which it is affixed.

DIRECTIONAL - Any sign used for directional purposes only and not larger than two (2) square feet.

FLASHING - Any illuminated sign on which the artificial light is not maintained stationary and/or constant in intensity and color at all times.

IDENTIFICATION - A sign used to identify only the name of the individual or organization occupying the premises, the profession of the occupant or the name of the building on which the sign is attached.

REAL ESTATE SALE SIGN - A sign located on real estate property for sale, which shall not be larger than ten (10) square feet.

SIGN, GROSS SURFACE AREA OF - The entire area within a single continuous perimeter enclosing the extreme limits of such sign and in no case passing through or between any adjacent elements of same. However, such perimeter shall not include any structural elements lying outside the limits of such sign and not forming an integral part of the display.

SKILLED NURSING FACILITY - Any premises in which nursing care and related medical or other health services are provided, for a period exceeding 24 hours, for two or more individuals, who are not relatives of the operator and not in need of hospitalization, but who, because of age, illness, disease, injury, convalescence or physical or mental infirmity need such care.

SOLICITOR - The Solicitor of the Township of North Huntingdon.

SPECIAL EXCEPTION - An authorized use which may be granted only by the Zoning Hearing Board after public hearing and in accordance with express standards and criteria specified in this ordinance.

STORY - That part of a building included between the surface of any floor and the surface of the next floor above, or if there is no floor above, the space between the floor and the ceiling next above. A basement shall be counted as a story when more than fifty (50) percent of such basement height is above the finished lot grade level. For residential structures a story shall not exceed twelve (12) feet. For commercial and industrial structures, a story shall not exceed fifteen (15) feet.

STREET CENTER LINE - A line which is usually at an equal distance from both street lines, or right-of-way lines.

STREET, PRIVATE - A street, including the entire private right-of-way, which is intended for private use and is a private improvement.

STREET, PUBLIC - See "Public Street".

STRUCTURE - A combination of materials to form a construction for use, occupancy or ornamentation whether installed on, above or below the surface of land or water.

STRUCTURE, HEIGHT OF (other than building) - The vertical distance measured from the finished grade level to the highest point of the structure, not to exceed thirty (30) feet.

STRUCTURE, HEIGHT EXCEPTION - (For all Essential Services)

- A. The height requirements of the district wherein the use is located may be exceeded when the necessity has been demonstrated. However, no structure shall exceed one hundred fifty (150) feet in height.
- B. When in an "R" District, that for every two (2) feet above the height limit, every portion of the structure be one (1) foot from bordering or opposite properties.
- C. Fences and/or enclosures shall be erected to insure the safety of the facility.

STRUCTURE, TEMPORARY - Any structure which by the type of materials of its construction is erected for not more than three (3) months. Such structures shall include tents, portable bandstands, bleachers not erected in conjunction with athletic fields, reviewing stands, or other structures of similar character.

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

SWIMMING POOL - An artificially created body of water used for recreation and including apparatus and equipment necessary to maintain the premises and the healthful condition of the water. Such facility may be publicly, privately (non-profit) or commercially owned and operated.

TERRACE - A natural or artificial embankment between a building and its lot lines, the height of which is the difference in elevation between the curb level and the top of the terrace at the center of the building wall.

TOWNHOUSE - Three (3) or more dwelling units attached to each other by party walls. Each unit with separate entrance.

TOWNSHIP - North Huntingdon Township.

TOWNSHIP CARETAKER RESIDENCE - A structure, including dwelling or mobile home, located in a township park for use as a permanent residence by an individual and his family subject to the express conditions of use established by the Board of Commissioners.

TOWNSHIP COMMISSIONERS - North Huntingdon Township Board of Commissioners.

TOURIST COURT - See "MOTEL".

TRAILER, CAMPING OR RECREATIONAL - Any trailer, including motor homes, drawn by or assembled on a passenger carrying vehicle not designed or intended to be used for regular living purposes, but which is designed or intended to be used for recreational trips or camping purposes.

TRAILER, SMALL UTILITY - Any trailer drawn by a passenger automobile, used for the occasional transport of personal effects.

TRANSIENT - A person, family, or group of persons residing in North Huntingdon Township for a period of time not exceeding sixty (60) days.

TRANSIENT MERCHANT - Any person, persons, partnership or joint stock company, company, corporation, firm, association, society or individual who engages or proposes to engage in a transient retail business as regulated by Article 8, Section 828 of this ordinance and by Ordinance Number 596, "Transient Retail Business Ordinance", as amended. The following definitions are specifically related to such activity:

TRANSIENT MERCHANT AGENT - The owner or representative thereof of the site where a transient retail business is to be conducted.

TRANSIENT RETAIL BUSINESS - A business intended to be conducted for a temporary period of time and not permanently, and conducted in a fixed location such as, but not limited to, a store, hotel, motel, building, tent, lot, truck, tractor-trailer, or structure for the retail or discount sale of goods, wares, merchandise, food products, etc. If the place in which a business is conducted is rented or leased for a period of ninety (90) days or less, such fact shall be evidence that the business named or carried on therein is a "transient business".

UNIT GROUP DEVELOPMENT - A group of two (2) or more one-family, two-family, or multiple-family dwellings occupying a lot in one ownership and having a yard in common as regulated by Article 8, Section 829.

USE - Any purpose for which a building or other structure or a tract of land may be designed, arranged, intended, maintained or occupied, or any activity, occupation, business, or operation carried on in a building or other structure on a tract of land.

USE, ACCESSORY - See "ACCESSORY BUILDING OR USE".

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

VARIANCE - A relief granted from the zoning regulations where it is shown that the provisions of the zoning ordinance inflicts necessary hardship upon the applicant. Hardships must be unique, physical or conditions such as irregularity, narrowness, shallowness of lot size or shape and because of such physical circumstances or conditions, the property cannot be used in conformity with the zoning ordinance.

WAREHOUSE, FREIGHT TERMINALS, AND TRUCKING TERMINALS - An enclosed building, or portion thereof, where the principal use is temporary storage of goods to be later moved to another location.

YARD - An area on a zoning lot which is regulated so as to be unoccupied and unobstructed from its from its lowest level to the sky except as otherwise permitted.

YARD, FRONT - A yard established by the front setback extending along the full length of the front lot line between the side yards. See Article 10, Section 1009 and Section 1010.

YARD, REAR - A yard established by the rear setback extending along the full length of the rear lot line between the side lot lines. See Article 10, Section 1009 and Section 1010.

YARD, SIDE - A yard established by the side setbacks extending along the side lot lines from the front yard to the rear yard. See Article 10, Section 1009 and Section 1010.

ZONING CERTIFICATE - For purposes of this ordinance, a Zoning Certificate shall be deemed a building permit. See also "BUILDING PERMIT"

ZONING HEARING BOARD - The Zoning Hearing Board of North Huntingdon Township.

ZONING OFFICER - The person delegated by the Board of Commissioners to administer the zoning ordinance.

## ARTICLE 4

### GENERAL PROVISIONS

401	Interpretation	404	Number of Buildings on a Zoning Lot
402	Separability		
403	Scope of Regulations	405	Bulk Regulations

#### 401 INTERPRETATION

- 401.1 In their interpretation and applications, the provisions of this zoning ordinance shall be the minimum requirements for the promotion of the public health, safety, morals and welfare.
- 401.2 Where the conditions imposed by any provision of this zoning ordinance upon the use of land or buildings or upon the bulk of buildings are either more restrictive or less restrictive than comparable conditions imposed by any other provisions of this ordinance or of another law, ordinance rule or regulation of any kind, the regulations which are more restrictive shall govern.
- 401.3 This ordinance is not intended to annul any permits issued prior to the effective date of the ordinance nor to abrogate any easement, covenant or other private agreement provided that where the regulations of this ordinance are more restrictive than such easements, covenants, or other private agreements, the requirements of this ordinance shall govern. Private agreements are the responsibility of the parties involved other than those agreements which do not comply with the zoning ordinance.

#### 402 SEPARABILITY

It is hereby declared to be the intention of the Commissioners of the Township of North Huntingdon that the several provisions of this zoning ordinance are separable. If any court of competent jurisdiction shall declare any provision of this zoning ordinance to be invalid, such ruling shall not affect any other provisions of this zoning ordinance not specifically included in said ruling.

403 SCOPE OF REGULATIONS

Except as may otherwise be provided in Article 7, Non-Conforming Uses, any buildings erected hereafter, any uses of land or buildings established hereafter, any structural alteration or relocation of existing buildings occurring hereafter and any enlargements of or additions to existing uses occurring hereafter shall be subject to all regulations of this ordinance which are applicable to the zoning districts in which said buildings, uses or land shall be located.

404 NUMBER OF BUILDINGS ON A ZONING LOT

Except as otherwise permitted in this Ordinance no more than one principal detached residential building shall be located on a zoning lot, nor shall a principal detached residential building be located on the same zoning lot with any other principal buildings.

405 BULK REGULATIONS

405.1 Continued Conformity with Bulk Regulations:

The maintenance of yards, courts, buffers, other open space and minimum lot area legally required for a building shall be the continuing obligation of the owner of such building or of the property on which it is located, as long as the building is in existence. Furthermore, no legally required yards, courts, buffers, other open space or minimum lot area allocated to any building shall, by virtue of change or ownership or for any other reason, be used to satisfy yard, court, other open space or minimum lot area requirements for any other building.

405.2 Division of Zoning Lots:

No improved zoning lot shall hereafter be divided into two or more zoning lots and no portion of any improved zoning lot shall be sold unless all improved zoning lots resulting from each subdivision or sale shall conform with all the bulk regulations of the zoning district in which the property is located.

405.3 Location of Required Open Space:

All yards, courts, and other open space allocated to a building or group of buildings shall be located on the same zoning lot or on an adjacent or contiguous zoning lot as such building or unit group development, Planned Residential Development, or Planned Economic Development. This open space shall remain as such

until either dedicated to the Township of North Huntingdon or deeded to a public or civic association.

405.4 Permitted Obstructions in Required Yards:

1. Front yards:

- (1) Overhanging eaves, gutters, cornices and like architectural elements projecting 24 inches or less into the yard;
- (2) Open balconies above first floor level projecting 24 inches or less into yard;
- (3) Removable operating awnings not including awnings permanently affixed to the building;
- (4) Steps of a height above grade of less than four (4) feet;
- (5) Arbors, trellises, fences, walls, terraces and porches open to the sky not exceeding four (4) feet in height above grade.

2. Front Yards on Corner Lots:

- (1) The fence height for front yards shall not be greater than 48 inches above grade and the fence height of a side yard shall not exceed six (6) feet, six (6) inches. Height of fence in front yard is determined such that full view of oncoming traffic is not blocked whereas side yard fence height is determined such that a minimum of sun light blockage is involved yet privacy is provided.

3. Front and Rear Yards:

One story bay windows projecting three (3) feet or less into the yard.

4. Rear Yards:

- (1) Domestic laundry, drying equipment, clothes lines, and accessory buildings (See Article 8, Section 801, "Accessory Uses, Buildings and Structures").
- (2) Open off-street parking stalls for use of same zoning lot.

5. Rear and Side Yards:

- (1) Eaves, trellises, fences and walls not exceeding six (6) feet, six (6) inches in height above grade;
- (2) Overhanging eaves, gutters, cornices and like architectural elements projecting 24 inches or less into the yard.

6. No electric or barbed wire fence shall be permitted in Residential areas.

7. No mobile homes, vacation homes or boats may be parked in the front yard other than in the driveway.

**TABLE 6 – Group Residence and Group Care Standards and Criteria**

SPECIFIC CRITERIA	CLASSIFICATION "A"	CLASSIFICATION "B"	CLASSIFICATION "C"
	Skilled Nursing and/or Intermediate Care Facility	Personal Care Boarding Home	Commercial Boarding Home
Zoning District Permitted by Special Exception	ALL RESIDENTIAL & COMMERCIAL ZONES	ALL RESIDENTIAL & COMMERCIAL ZONES	ALL COMMERCIAL ZONES
Minimum Lot Area	None	1 acre	7,500 square feet
Parking Requirements (Section 820)	As Per Section 820.5 - "Hospitals". Parking space locations to be compatible with area.	As per Section 820.5 - "Hospitals".	As per Section 820.5.
Building Setbacks	As per Commercial districts. Buffers required.	As per zoning district where site is located. (Buffer required in residential zones).	As per Commercial districts. Buffers required.
Sign Requirements (Section 823)	Commercial regulations will apply (Section 823.4).	In Residential districts Section 823.2 will apply. Commercial districts - Section 823.4 will apply.	Commercial regulations will apply (Section 823.4).
Architectural Requirements	Must be compatible with adjacent residential structures.	Must be compatible with adjacent residential structures.	

SPECIFIC CRITERIA	CLASSIFICATION "A"	CLASSIFICATION "B"	CLASSIFICATION "C"
Landscaping Requirements	In Commercial areas a landscaped outside sitting area must be provided.	In Commercial areas a landscaped outside sitting area must be provided.	In Commercial areas a landscaped outside sitting area must be provided.
Public Water Service	Required	Required	Required
Public Sewage Service	Required	Required	Required
Location of similar facilities of the same classification		No closer than 1,500 ft. in Residential districts.	No closer than 1,000 ft.
Site Plan Submission (Section 914)	Required	Required if new construction or major alteration.	Required if new construction or major alteration.
Permitted number of occupants	Not specified	The appropriate zoning district dwelling unit density/acre multiplied by three (3).	Not specified
Additional information required:			
a. Name of owner	Required	Required	Required
b. Address of owner	Required	Required	Required
c. Number of beds	Required	Required	Required
d. Number of staff	Required	Required	Not required
e. Other information	As determined by Zoning Hearing Board.	As determined by Zoning Hearing Board.	As determined by Zoning Hearing Board.
Licensing approval documentation	Letter of registration from Department of Health.	Letter of registration from Department of Health.	None required

ARTICLE 5  
ESTABLISHMENT OF DISTRICTS

- 501 Types of Districts
- 502 Location of Districts
- 503 District Standards
- 504 Planned Development Districts
- 505 Summary of District Standards
- 506 Rear Yard and Side Yard Setbacks

501 TYPES OF DISTRICTS

In order to carry out the provisions of this ordinance, the Township of North Huntingdon is hereby divided into the following use districts:

- 1. Open Space, Recreation and Conservation District O
- 2. Residence District 1 R-1
- 3. Residence District 1A R-1A
- 4. Residence District 2 R-2
- 5. Residence District 3 R-3
- 6. Residence District 4 R-4
- 7. Planned Residential Development PRD
- 8. Neighborhood Business District C
- 9. Commercial District 1 C-1
- 10. Commercial District 1A C-1A
- 11. Limited Commercial District 2 C-2
- 12. Industrial District I
- 13. Planned Economic Development Districts:
  - (1) Planned Economic Development District 1 PEDD 1
  - (2) Planned Economic Development District 2 PEDD 2

502 LOCATION OF DISTRICTS

Zoning districts shall be as established in Article 10, Section 1001 and interpreted as defined in Section 1002.

## 503 DISTRICT STANDARDS

### 503.1 Open Space, Conservation and Recreation District (O):

The Open Space, Conservation and Recreation Districts on the Zoning Map have been designated to perpetuate open space in North Huntingdon Township. The areas so designated are limited to recreational, conservational, or open space development.

### 503.2 Residence District 1 (R-1)

#### 1. Purpose:

The purpose of this district is to provide for single family and two-family (duplex) development in the older sections of the Township which have been developed on smaller zoning lots.

#### 2. R-1 Lot and Area Requirements:

The following dimensions unless specified otherwise, are the minimum requirements for the approval of uses within the District.

(1) Density Maximum	6 dwelling units per gross acre
(2) Lot Area Minimum	7,500 square feet
(3) Lot Width at Building Setback Minimum	60 feet
(4) Front Yard Depth Minimum	30 feet minimum. If both adjacent dwellings have a front yard less than 30 feet deep, the minimum front yard depth is then the greater of the two adjacent yard depths.
(5) Rear Yard Depth Minimum	30 feet
(6) Side Yard Width Minimum	10 feet minimum
One Story Dwelling	10 feet minimum
Two Story Dwelling	30 feet
Abutting a Street	
(7) Unenclosed Porch Setback	22 feet minimum
(8) Coverage Maximum	30%
(9) Road Frontage Minimum	60 feet

(10) Road Frontage on cul-de-sac May be 85% of the lot width or curve requirement

(11) Minimum First Floor Area  
One Story Dwelling 950 square feet  
One and A Half Story Dwelling 840 square feet  
Two and A Half Story Dwelling 616 square feet

(12) Building Height Maximum 2 stories

3. Signs: See Article 8, Section 823.
4. Accessory Buildings and Accessory Uses in Residential Districts: See Article 8, Section 801.
5. Off-Street Parking Regulations: See Article 8, Section 820.
6. Exterior Wall Surfaces: See Article 8, Section 810.
7. Unit Group Development: There will be no unit group development allowed in any R-1 district and there will be only one principal building permitted per lot.

503.3 Residence District 1-A (R-1A)

1. Purpose:

The purpose of the R-1A multiple family residence districts is to act as transitional zones between lower density single family detached developments and higher density multiple-family, commercial and industrial uses in the municipality. The R-1A district is composed of certain low density, low rise multiple-family residential areas which recognize the need for an alternative to single family detached houses as the preferred housing type.

2. R-1A Lot and Area Requirements:

The following dimensions unless specified otherwise, are the minimum requirements for the approval of uses within the District.

(1) Density Maximum	6 dwelling units per gross acre
(2) Lot Area Minimum	7,500 square feet
(3) Lot Width at Building Setback Minimum	70 feet

(4) Front Yard Depth Minimum	30 feet minimum. If both adjacent dwellings have a front yard less than 30 feet deep, the minimum front yard depth is then the greater of the two adjacent yard depths.
(5) Rear Yard Depth Minimum	30 feet
(6) Side Yard Width Minimum	
One Story Dwelling	20 feet minimum
Two Story Dwelling	20 feet minimum
Abutting a Street	30 feet
(7) Unenclosed Porch Setback	22 feet minimum
(8) Coverage Maximum	30%
(9) Road Frontage Minimum	70 feet
(10) Road Frontage on Cul-de-sac	May be 85% of the lot width or curve requirement
(11) Minimum First Floor Area	
One Story Dwelling	950 square feet
One and A Half Story Dwelling	840 square feet
Two and A Half Story Dwelling	616 square feet
(12) Building Height Maximum	2 stories
3. Signs: See Article 8, Section 823.	
4. Accessory Buildings and Accessory Uses in Residential Districts: See Article 8, Section 801.	
5. Off Street Parking Regulations: See Article 8, Section 820.	
6. Exterior Wall Surfaces: See Article 8, Section 810.	
7. Unit Group Development: Unit group development shall be allowed in any R-1A district subject the following conditions:	
(1) There shall not be more than one (1) dwelling unit or building on a lot in an R-1A District without a Site Plan approval granted as per Article 9, Section 914.	

- (2) Proposed uses shall comply with the provisions of Article 8, Section 829, "Unit Group Development Standards".
- (3) All unit group developments shall meet the requirements of Section 803 for attached multi-family dwelling units.
- (4) Structure Walls - Not more than two (2) sides of a single family attached unit shall be party walls or common walls with other units.

#### 503.4 Residence District 2 (R-2)

##### 1. Purpose:

The purpose of this district is to provide a residential area for single family homes which have accessibility to public sewer and water facilities. These districts would be located in areas of the Township where environmental limitations such as topography and soil conditions were at a minimum.

##### 2. R-2 Lot and Area Requirements:

The following dimensions unless specified otherwise, are the minimum requirements for the approval of uses within the District.

(1) Density Maximum	4 dwelling units per gross acre
(2) Lot Area Minimum	10,000 square feet
(3) Lot Width at Building Setback Minimum	65 feet
(4) Front Yard Depth Minimum	30 feet minimum. If both adjacent dwellings have a front yard less than 30 feet deep, the minimum front yard depth is then the greater of the two adjacent yard depths.

(5)	Rear Yard Depth Minimum	30 feet
(6)	Side Yard Width Minimum	
	One Story Dwelling	10 feet minimum
	Two Story Dwelling	10 feet minimum
	Abutting a Street	30 feet
(7)	Unenclosed Porch Setback	22 feet minimum
(8)	Coverage Maximum	25%
(9)	Road Frontage Minimum	65 feet
(10)	Road Frontage on Cul-de-sac	May be 85% of the lot width or curve requirement
(11)	Minimum First Floor Area	
	One Story Dwelling	950 square feet
	One and A Half Story Dwelling	840 square feet
	Two and A Half Story Dwelling	616 square feet
(12)	Building Height Maximum	2 stories

3. Signs: See Article 8, Section 823.
4. Accessory Buildings and Accessory Uses in Residential Districts: See Article 8, Section 801.
5. Off Street Parking Regulations: See Article 8, Section 820.
6. Exterior Wall Surfaces: See Article 8, Section 810.
7. Unit Group Development: There will be no unit group development allowed in any R-2 district and there will be only one principal building permitted per lot.

#### 503.5 Residence District 3 (R-3)

1. Purpose:  
The purpose of this district is to provide for development of residential uses at a relatively low density. It is limited to single family homes which would be provided with or have accessibility to public sewers or water facilities.
2. R-3 Lot and Area Requirements:  
The following dimensions unless specified otherwise,

are the minimum requirements for the approval of uses within the District.

- |   |   |
|---|---|
| (1) Density Maximum   | 2 dwelling units per gross acre   |
| (2) Lot Area Minimum  | 20,000 square feet  |
| (3) Lot Width at Building Setback Minimum   | 100 feet  |
| (4) Front Yard Depth Minimum  | 30 feet minimum. If both adjacent dwellings have a front yard less than 30 feet deep, the minimum front yard depth is then the greater of the two adjacent yard depths. |
| (5) Rear Yard Depth Minimum   | 30 feet   |
| (6) Side Yard Width Minimum   |   |
| One Story Dwelling  | 10 feet minimum   |
| Two Story Dwelling  | 10 feet minimum   |
| Abutting a Street   | 30 feet   |
| (7) Unenclosed Porch Setback  | 22 feet minimum   |
| (8) Coverage Maximum  | 25%   |
| (9) Road Frontage Minimum   | 100 feet  |
| (10) Road Frontage on Cul-de-sac  | May be 85% of the lot width or curve requirement  |
| (11) Minimum First Floor Area   |   |
| One Story Dwelling  | 950 square feet   |
| One and A Half Story Dwelling   | 840 square feet   |
| Two and A Half Story Dwelling   | 616 square feet   |
| (12) Building Height Maximum  | 2 stories   |
| 3. Signs: See Article 8, Section 823.   |   |
| 4. Accessory Buildings and Accessory Uses in Residential Districts: See Article 8, Section 801. |   |
| 5. Off Street Parking Regulations: See Article 8, Section 820.                                  |   |

6. Exterior Wall Surfaces: See Article 8, Section 810.
7. Unit Group Development: There will be no unit group development allowed in any R-3 district and there will be only one principal building permitted per lot.

503.6 Residence District 4 (R-4)

1. Purpose:

The purpose of this district is to provide for the development of single family homes in areas of the Township having limited accessibility to public sewer and public water service. Most of these areas have the further developmental limitations of steep topography and poor soil conditions.

2. R-4 Lot and Area Requirements:

The following dimensions unless specified otherwise, are the minimum requirements for the approval of uses within the District.

(1) Density Maximum	1 dwelling unit per gross acre
(2) Lot Area Minimum	40,000 square feet
(3) Lot Width at Building Setback Minimum	150 feet
(4) Front Yard Depth Minimum	40 feet minimum. If both adjacent dwellings have a front yard less than 40 feet deep, the minimum front yard depth is then the greater of the two adjacent yard depths.
(5) Rear Yard Depth Minimum	60 feet
(6) Side Yard Width Minimum	
One Story Dwelling	20 feet minimum
Two Story Dwelling	20 feet minimum
Abutting a Street	40 feet
(7) Unenclosed Porch Setback	32 feet minimum
(8) Coverage Maximum	20%
(9) Road Frontage Minimum	150 feet

- |  |  |
|--|--|
| (10) Road Frontage on<br>Cul-de-sac  | May be 85% of the<br>lot width or curve<br>requirement |
| (11) Minimum First Floor Area<br>One Story Dwelling  | 950 square feet  |
| One and A Half Story<br>Dwelling   | 840 square feet  |
| Two and A Half Story<br>Dwelling   | 616 square feet  |
| (12) Building Height Maximum   | 2 stories  |
| 3. Signs: See Article 8, Section 823.  |  |
| 4. Accessory Buildings and Accessory Uses in<br>Residential Districts: See Article 8, Section 801.   |  |
| 5. Off Street Parking Regulations: See Article 8,<br>Section 820.  |  |
| 6. Exterior Wall Surfaces: See Article 8, Section 810.   |  |
| 7. Unit Group Development: There will be no unit group<br>development allowed in any R-4 district and there<br>will be only one principal building permitted per<br>lot. |  |

503.7 Planned Residential Development District (PRD)

1. Purpose:  
It is the purpose of this section to establish regulations and controls for the use of land and structures, areas of lots, bulk of buildings, amount and kind of open space, land, the provision of off-street parking and other similar accessory regulations in a Planned Residential Development in accordance with guidelines set forth in the Pennsylvania Municipalities Planning Code, Act 247, as amended. The Planned Residential Development Ordinance is designed to provide for large scale developments incorporating a single type or a variety of residential and related uses which are planned and developed as a unit. Such development may consist of individual lots or it may have common building sites. Common open space for recreational purposes shall be an essential and major element within the Planned Residential Development District which is related to and affects the long-term value of the homes and other development. Further, Planned Residential Development is intended:
  - (1) To encourage innovations in residential development and renewal so that the growing demand for housing may be met by greater variety in type, design and layout of dwellings

- and by the conservation and more efficient use of open space ancillary to said dwellings.
- (2) To encourage a more efficient use of land and of public service.
  - (3) To reflect changes in the technology of land development so that economies secured may ensure to the benefit of those who need homes.
  - (4) To provide a procedure which can relate the type, design and layout of residential development to the particular site.
  - (5) To encourage a pattern of development which preserves ground cover, trees, natural topography and prevents soil erosion.
  - (6) To provide an environment of stable character in harmony with surrounding development.

2. **Compliance:**

No proposed Planned Residential Development may be approved or recorded, and no lot of the proposed Planned Residential Development may be sold or any structure built, altered, moved or enlarged in any proposed Planned Residential Development unless and until the proposed Planned Residential Development plan has been shown to meet all requirements and all other necessary and applicable requirements of this section as set forth in the North Huntingdon Township Subdivision Ordinance and the North Huntingdon Township Zoning Ordinance.

3. **Types of Planned Residential Development:**

Planned Residential Developments in North Huntingdon Township shall be categorized into two (2) separate types of classes.

- (1) Type I - Those Planned Residential Developments that are of sufficient size, more than thirty (30) acres, with no Commercial, and being located in any residential district and developed as a separate entity including a responsible governing agent that shall insure that all open space and recreational sites are properly maintained and that all buffer strips are planted and properly policed to prevent noise or dirt or any interference with adjacent residential land use. Any accessory use permitted by this ordinance shall be located in the center of the Planned Residential Development and not on the perimeter so as to interfere with the residential usage of adjacent property unless it border equivalent area.
- (2) Type II - Those Planned Residential Developments that are of sufficient size - more

than sixty (60) acres, and being located in any residential district and developed as a separate entity including a responsible governing agent that shall insure that all open space and recreational sites are properly maintained and that all buffer strips are planted and properly policed to prevent noise or dirt or any interference with adjacent residential land use. Any accessory use as permitted by this ordinance shall be located in the center of the Planned Residential Development and not on the perimeter so as to interfere with the residential usage of adjacent properly unless it borders equivalent area.

4. Site Requirements:

The site for any Development Plan shall meet the following requirements:

- (1) Applicant - The entire site for the Development Plan shall be owned or controlled by the Developer.
- (2) Minimum Size - The site shall not be less than thirty (30) acres for Type I or not less than sixty (60) acres for Type II.
- (3) Access - The site must provide for direct access from existing streets per official North Huntingdon Township Road Map to assure convenient and safe access which will not cause undue congestion or hazard on local streets.
- (4) The site shall be of such a character so as to avoid danger to health or peril from fire, flood, or the hazard.

5. Natural Features:

Existing natural features, such as trees, steep slopes, watercourses, historic spots and similar irreplaceable assets, shall be preserved insofar as possible through harmonious design of the Development Plan. The following provisions shall apply to all private and public improvements in Planned Residential Developments.

- (1) No cut or fill grade shall exceed a slope of 3/1 or 33 1/3 percent. This provision shall apply to all cuts and fills exceeding 100 square feet in exposed surface area including cuts or fills on land naturally exceeding 3/1 in slope.
- (2) All lands, regardless of their slope, from which structures or natural cover has been removed or otherwise destroyed, shall be appropriately graded and seeded within a reasonable time of such clearance activity.

The phrase "a reasonable time" shall be interpreted to be within two (2) weeks during the growing season and shall be rigidly applied to construction activities in order to accomplish the intent of keeping erosion and siltation to an absolute minimum.

- (3) On hillsides exceeding 25 percent in slope, no more than 10 percent by area of the natural vegetative cover may be removed for construction purposes or any other activity.
- (4) No cutting, filling or other disturbing of land and natural vegetation is permissible within 50 feet of the edge of natural drainage courses except as permitted by action of the governing body. In such cases, permission may be granted provided special precautions are taken to insure against continuing erosion and siltation or other circumstances which may be harmful to the immediate watercourse or in any way pollute the stream.

6. Permitted Uses:

The following uses may be permitted in a development plan provided their design, arrangement landscaping, and construction meet the requirements set forth in this ordinance.

- (1) In each of the residential districts, except Agriculture, the following: single-family dwellings, two-family dwellings, townhouses/multi-family dwellings, and like structures, recreation facilities and accessory uses.
- (2) Ancillary Commercial Uses - Certain limited uses which are ancillary functions of large residential developments and which are neither intended nor designed to serve the general public residing outside the residential development in which such uses are located. Permitted ancillary uses may include personal services and convenience retail store. These facilities must be located in the center of the constructed housing and shall not be placed on the perimeter of the Planned Residential Development land. All noise producing uses, light, and parking for ancillary uses shall be confined to the center areas of the Planned Residential as to protect any adjacent residential land, unless it border equivalent area. Where a Planned Residential Development abuts a commercial area, all ancillary uses shall abut the area.

7. **Permitted Density:**

The maximum number of dwelling units permitted shall be as follows:

MAXIMUM NUMBER OF DWELLING UNITS PERMITTED PER ACRE

Type of Residential Unit	R-4	R-3	R-2	R-1
Single-family house	1	2	4	6
Two-family dwelling	1	2	4	6
Townhouse	1	2	4	6
Garden apartment	1	2	4	6

8. **Yard and Open Space Requirements:**

No development plan shall be approved unless the following requirements for yards and open space are met:

- (1) Not less than fifteen percent (15%) of the total site area shall be set aside for open space, and not less than fifty percent (50%) of the identified open space shall be developed as a distinct and usable recreation area(s).
- (2) Minimum Building Setback: No structure used for dwelling purposes shall be located closer to any boundary of the site than seventy-five (75) feet. No accessory structure and no facility for off-street parking shall be located in this required setback area.
- (3) The total building coverage shall not exceed twenty-five (25) percent of the total site area.
- (4) Building Spacing: The requirements determining the spacing of buildings shall be as flexible as possible so as to encourage imaginative site design. The spaces between buildings shall guarantee adequate light, air and emergency access with the following requirements as minimums:
  - (a) The minimum distance between the nearest points of any interior building walls shall be not less than twenty (20) feet.

9. **Maximum Size of Structure:**

No structure shall have a maximum dimension greater than 250 lineal feet. No structure shall have a height greater than two (2) stories.

10. **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.
11. **Off Street Parking:**  
Off-street parking spaces shall be provided in accordance with the specifications of Article 8, Section 820 in any district whenever any new use is established or existing use is enlarged.
  - (1) No off-street parking space shall have an area less than 180 square feet.
  - (2) Any off-street parking space shall be graded for proper drainage and surfaced so as to provide a durable and dustless surface.
  - (3) Any lighting used to illuminate any off-street parking space shall be so arranged as to reflect the light away from adjoining premises.
  - (4) Screening shall be used where there are five
  - (5) or more parking spaces.
12. **Bus Shelters:**  
Areas shall be provided for bus loading. The bus loading areas shall be large enough for a bus to pull out of the flow of traffic.
13. **Screening:**  
If topographical or other barriers are not sufficient to guarantee the privacy of the development, the following requirements shall be imposed:
  - (1) Evergreen tree screening shall be accomplished through the use of rows of evergreen trees that provide a visual barrier of not less than three (3) feet in height and twenty (20) feet in width at the initial planting.
14. **Fire Hydrants:**  
Fire hydrants shall be provided by the developer in locations specified by the commissioners. The location of the fire hydrants shall be based on guaranteeing sufficient fire protection to the residents of the Planned Residential Development.
15. **Land Requirements:**  
Land containing or providing hazards to life, health and property, such as quarries, open ditches, land subject to flooding, subsidence, or underground

fires shall not be developed for residential purposes until such hazards have been eliminated or adequate safeguards are provided under the development plan.

16. Streets:

- (1) Proposed streets shall be properly related to such street plans or parts thereof as have been officially prepared and adopted by the Township.
  - (a) Proposed streets shall conform to the requirements herein as well as to any other plan, statute, ordinance, law, or regulation applicable hereto. If any of the regulations are at variance, the more strict regulation shall prevail.
  - (b) Marginal access streets shall be so laid out as to discourage through traffic, but provisions will be required for street connections into and from adjacent areas.
  - (c) Where a Planned Residential Development abuts or contains an existing or proposed major traffic street, the commissioners may require marginal access streets, rear service streets, reverse frontage lots of 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.
  - (d) Wherever a tract to be developed borders an existing half or partial street, the other part of the street shall be plotted within such tract.
  - (e) Dead-end streets shall be prohibited, except for stubs to permit further street extension into adjoining tracts, or when designed as cul-de-sacs.
  - (f) New reserve strips, including those controlling access to streets, shall be avoided.
- (2) Cul-de-sac Streets:  
Cul-de-sacs shall be provided at the closed end with a paved turnaround having a minimum radius of fifty (50) feet to the outside pavement edge or curbline.
  - (a) Unless future extension is clearly impractical or undesirable, the turnaround right-of-way shall be placed adjacent to a property line and a right-of-way of the same width as the street shall be carried to the property line in such a way as to permit future extension of the street into the adjoining tract.

(3) Streets Standards:

The streets shall be graded to the grades and dimensions shown on plans and profiles and approved by the governing body and shall conform to the Township Paving Ordinance No. 299, as amended.

- (a) Suitable drainage structures, culverts, storm sewers, ditches and related installations shall be provided to insure adequate drainage of all points along the streets.
- (b) Curbs shall be required on all streets as per Ordinance No. 299 as amended.
- (c) Concrete or asphalt pavement shall be required on all streets.
- (d) Street shoulders shall be uniformly and thoroughly compacted by rolling, and level with the tops of curbs.
- (e) Additional right-of-way and cartway width may be required by the governing body to promote public safety and convenience or to provide parking space in commercial districts and in areas of high density residential development.
- (f) Short extensions of existing streets with lesser right-of-way and/or cartway widths than prescribed herein may be permitted provided, however, that no section of new right-of-way less than 50 feet width shall be permitted.
- (g) Where a development abuts or contains an existing street, additional right-of-way in conformance with the above standards shall be required.
- (h) Street alignment shall comply with Ordinance No. 299 as amended.
- (i) Street Intersections - Streets shall be laid out to intersect at right angles as nearly as possible and no street shall intersect another at an angle of less than 60 degrees.
  - a. Multiple intersections involving the junction of more than two (2) streets shall be prohibited.
  - b. Intersections with major traffic streets shall be located not less than 800 feet apart measured from center line to center line, wherever possible.
  - c. Streets entering opposite sides of another street shall be laid out either directly opposite to one

- another or with a minimum offset of 150 feet between their center lines.
- d. Street signs shall comply with Ordinance No. 81.
- e. Minimum right-of-way widths, paving widths, angle of intersection, curb radius, distances along sides of right triangles, horizontal alignments, vertical alignments, as well as maximum grades shall be in accordance with the following table:

#### STREET STANDARDS

	Marginal Access Streets	Collector Streets	Local Streets	Walk Way
Right-of-way width	90	60	50	12
Paving width	36	26	24	10
Maximum grade	7%	10%	12%	--
Minimum angle for intersection (in degrees)	90	80	70	--
Minimum curb radius	35'	25'	15'	--
Grades for 25' before intersection	3%	3%	3%	--
Site triangles (Distance along sides of Thru Street/Stop Street)	550/30	500/30	250/25	--
Horizontal alignment (min. radii of center line)	650	400	100	--
Vertical curves (minimum sight distance)	500	350	100	--

#### 17. Monuments and Markers:

Concrete monuments shall be set at the intersection of all lines forming angles in the boundary of the Planned Residential Development.

- (1) Iron or steel markers shall be set at the beginning and ending of all curves along property lines, at all points where lot lines intersect curves, either front or rear, and at all angles and property lines of lots and at all lot corners.

- (2) In all respects the provisions of the Township Subdivision Ordinance land development shall apply to this subarticle.

18. **Storm Drainage:**

The construction of a storm drainage system shall conform to the following requirements:

- (1) Lots shall be laid out and graded to provide positive drainage away from new and existing buildings.
- (2) Storm sewers, culverts and related installations shall be provided for the following purposes:
  - (a) To permit unimpeded flow of natural watercourse.
  - (b) To insure adequate drainage of streets.
  - (c) To intercept storm water runoff along streets at intervals reasonably related to the extent and grade of the area drained.
- (3) Drainage ditches or channels shall have a minimum gradient of one (1) percent.
- (4) Open watercourses shall have adequate capacity and erosion control to insure safe and healthful disposal of storm water.
- (5) When topsoil has been removed from the surface of a lot on a slope where erosion will cause a displacement of loose material, the developer shall be required to seed or provide other means to prevent the wash from damaging adjacent property or accumulating on street surfaces.
- (6) In the design of storm water facilities (catch basins, storm sewers, retention/detention basins, swales, etc.), special consideration shall be given to the avoidance of problems which may arise from the concentration of storm water runoff over adjacent properties. Such facilities shall be designed to assure that the rate of storm water runoff is no greater after development than prior to development.

19. **Blocks:**

The length, width and shape of blocks shall be determined with due regard to provision of adequate sites for buildings of the type proposed, topography and safe and convenient vehicular and pedestrian circulation.

- (1) Blocks shall have a maximum length of sixteen hundred (1,600) feet and, so far as practicable, a minimum length of five hundred (500) feet. In the design of blocks longer than eleven hundred (1,100) feet, special consideration shall be given to the requirements of satisfactory fire protection.

(2) Residential blocks shall be of sufficient depth to accommodate two (2) tiers of lots, except where reverse frontage lots bordering a major traffic street are used.

(3) Pedestrian interior walks may be required where necessary to assist circulation or provide access to community facilities. Such walkway shall have a width of not less than twelve (12) feet and a paved walk of not less than ten (10) feet.

20. **Water Supply:**

The developer shall connect to such public water supply and construct a system of water mains with a connection for each lot.

21. **Sewers:**

Where municipal sewerage is not available, a single sewerage disposal plant shall be constructed and the entire plant equipped with sewerage trunk lines and individual tap-ins as required. No singular septic tanks shall be permitted.

22. **Utilities:**

All utilities located within the Planned Residential Development shall be located underground.

23. **Trees:**

(1) Trees shall be planted along the streets. The location and types must meet the approval of the Planning Commission.

(2) The Planning Commission shall assist the developer in the selection and distribution of roadside tree planting. The following general selections shall apply:

(a) The roadside planting shall in no way interfere with the planting of specimen trees in the property area and the landscaping of the structures themselves. These selections are at the discretion of the developer.

(b) Roadside planting shall not include the following:

Sycamore (Platanus)  
American Elm (Ulmus)  
Chestnut (Castanea)  
Poplar (Populus)  
Willow (Salix)  
Oak (Quercus)  
Tulip Trees  
Beech (Fagus)

- (c) The above will not bar the Developer from allowing specimen trees to remain in place during the site construction. None of the conifers shall be used as roadside planting because of their tendency to branch to the ground and thus obstruct the access view.
- (d) Recommended roadside plantings are as follows:
  - a. All of the flowering crab, Kwanzan cherry and mountain ash are suitable.
  - b. Flowering peach is susceptible to border and should be avoided.
  - c. Maple (Acer) is an excellent tree for streets running north and south where shade is a major concern.
  - d. The sugar maple and the Norway maple are large and rounded whereas the silver and red maple are smaller and more colorful.

24. Brick to Grade:

- (1) Exterior Wall Surfaces: No building shall be erected in Districts R-1, R-1A, R-2, R-3, and R-4 that has any part of its exterior surfaces composed of the following materials, unless an additional material is approved by the North Huntingdon Township Planning Commission, to be of equal or superior quality and character when used under the circumstances proposed:
  - (a) Brick
  - (b) Stone
  - (c) Glass
  - (d) Metal, only as approved by the North Huntingdon Township Planning Commission.
  - (e) Wood
  - (f) Plastic
  - (g) Concrete block as provided for in this ordinance.
- (2) "Brick" shall be the quality standard for exterior wall purposes and all other materials hereinabove listed may be used only in such a way as will be of equal or superior quality and character to "brick".
- (3) Standard Concrete Block Wall Surfaces: Standard concrete block may be used in any district on walls that shall not at any time be viewable to

passersby or any part of the general public and in a manner so as not to jeopardize the general welfare and character of the adjacent properties. If the Planning Commission determines that standard concrete block will present a deleterious effect on adjacent properties by virtue of the intrinsic nature of concrete block, then the Planning Commission may recommend a substitute material which is substantially similar, but will be effectually compatible to the immediate vicinity. Materials which will be considered as acceptable shall be:

- (a) concrete shadow block
- (b) concrete grid or scored block
- (c) concrete split faced ribbed block
- (d) concrete split faced block
- (e) utility brick

25. Signs: See Article 8, Section 823.

- (1) Signs for ancillary use shall be limited to 1' x 2' for identification only.

26. Common Open Space:

- (1) Common Open Space Reservation: Common open space generated by the application of the provisions of this ordinance shall be developed to a degree commensurate with its location and probable usage. 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 occupants of the development area. The land and facilities to be used for common open space may be acceptable if either of the following conditions are met.
- (2) Ownership: Any of the following methods may be used, either individually or together, to preserve, own, and maintain common open space: condominium, homeowners' association, dedication in fee simple, dedication of easements, and transfer of fee simple title and easements to a private conservation organization. Such land 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. The following specific requirements are associated with each of the various methods.
  - (a) Homeowners' Association - The common open space may be held in common ownership by a homeowners' association. This method shall be subject to all of the provisions for homeowners' associations set forth in Section 504.18.2 and, below, and the

- Homeowner's Association Agreement shall be recorded.
- (b) Fee Simple Dedication - The Township may, but shall not be required to, accept any portion of the common open space, provided (1) such land is accessible to the residents of the Township; (2) there is no cost of acquisition (other than any costs incidental to the transfer of ownership, such as title insurance); and (3) the Township agrees to and has access to maintain such lands.
- (c) 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 restrictive easement to a private non-profit organization, among whose purposes is to conserve open space land and/or natural resources, provided (1) the organization is acceptable to the Township and is a bona fide conservation organization with perpetual existence; (2) the conveyance contains appropriate provision for proper reverter or re-transfer in event that the organization becomes unwilling or unable to continue carrying out its functions; and (3) a maintenance agreement acceptable to the Township is reached.
- (d) Dedication of Easements - The Township may, but shall not be required to, accept easements for public use of any portion or portions of open space land, title to which is to remain in ownership by condominium or homeowners' association, provided (1) such land is accessible to the residents of the Township; (2) there is no cost of acquisition (other than any costs incidental to the transfer of ownership, such as title insurance); and (3) a maintenance agreement acceptable to the Township is reached.
- (e) Condominium - The common open space may be controlled through the use of condominium agreements. Such agreements shall be in conformance with the Uniform Condominium Act of 1980. All open space land shall be held a "common element".
- (3) Specific Requirements for Homeowners' Associations: If a homeowners' association is

formed, it shall be governed according to the following regulations:

- (a) The developer shall provide to the Township a description of the organization, including its by-laws and documents governing open space maintenance and use restrictions.
- (b) The organization shall be established by the developers and shall be operating (with financial subsidization by the developers, if necessary) before the sale of any lots within the development.
- (c) Membership in the organization is mandatory for all purchasers of homes therein and their successors.
- (d) The organization shall be responsible for maintenance of and insurance on common open space. The organization also shall be responsible for real estate taxes on common open space.
- (e) The members of the organization shall share equitably the costs of maintaining and developing common open space, in accordance with the procedures established by them.
- (f) In the event of any proposed transfer of common open space land by the homeowners' association within the methods here permitted, or of the assumption of maintenance of common open space land by the Township as hereinafter provided, notice of such action shall be given to all property owners within the Planned Residential Development by the homeowners' association.
- (g) The organization shall have or hire adequate staff to administer common facilities and maintain common open space.
- (h) The homeowners' association may lease back open space lands to the developer, his heirs and assigns, or to any other person or corporation qualified to manage open space for operation and maintenance of open space lands, but such a lease agreement shall provide (1) that the residents of the Planned Residential Development shall at all times have access to the open space lands contained therein; (2) that the common open space to be leased shall be maintained for the purposes set forth in this ordinance; and (3) that the operation of open space facilities may be for the benefit of the residents of Planned Residential Development only or may be open to the residents of the Township.

- (i) The lease shall be subject to the approval of the Township, as shall any transfer or assignment of the lease. 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 Township.
- (4) Common Open Space Maintenance: The regulations for the maintenance of any Common Open Space shall be in accordance with Act 247 of the Pennsylvania Municipalities Planning Code, as amended.
  - (a) In the event that the organization established to own and maintain a common open space, or any successor organization, shall at any time after establishment of the Planned Residential Development fail to maintain the common open space in reasonable order and condition 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 open space in reasonable condition, and said 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 this 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 set forth in the original notice or in the modifications thereof shall not be corrected within said 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 open space from becoming a public nuisance, may enter upon said common open space and maintain the same for a period of one year. Said entry and maintenance shall not constitute a taking of said common open space, and shall not vest in the public any rights to use the common open space 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 theretofore responsible for the maintenance of the common open space, 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 which 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. If the Township shall determine 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 Township shall determine such organization is not ready and able to maintain said common open space 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.

(b) 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 open space and shall become a lien on said properties. Said assessments or charges shall be subordinate in lien to the lien which is subject to such assessments of charges. The Township, at the time of entering upon such said common open space for the purpose of maintenance, shall file a notice of such lien, in the office of the Prothonotary of the County, upon the properties affected by such lien within the Planned Residential Development.

## 27. Staging and Phasing

(1) Staging Development: The density of development within various portions of the Planned Residential Development may vary, provided each

such area or portion of the Development Plan meets all requirements of this ordinance.

- (2) Phasing Non-residential Development: At least seventy-five (75) percent of the proposed residential dwelling units shall be constructed and occupied prior to the construction of any of the proposed ancillary commercial uses and all occupants shall be advised by construction plots of the future instance of commercial construction.

28. Application for Tentative Approval Procedure:

- (1) The application for tentative approval shall include a location map, site map, proposed development plan, and engineering report. The application shall be submitted to the governing body at least five (5) working days prior to the regular monthly meeting with not less than eight (8) copies, and shall be accomplished by a fee of \$200.
- (a) The location map shall clearly show the location, area and zoning of the tract proposed for development with relation to the area and zoning of adjacent properties and the location and relative distance to existing related and/or adjacent streets.
- (b) The site map shall cover the entire tract and all lands within 500 feet of its boundaries and shall clearly and accurately show the following data:
1. The topography with vertical contour intervals of five (5) feet.
  2. The natural features and existing culture such as woods, streams, embankments, retaining walls, structures, and existing land use.
  3. The names of owner or properties adjacent to the tract.
  4. Existing and proposed streets and rights-of-way included dedicated widths, roadway widths, approximate gradients, types and widths of pavements, and curbs and sidewalks.
  5. Existing and proposed easements, including widths, and purposes.
  6. Utilities, availability and location of sanitary sewers, storm sewers, drainage facilities, water lines, gas mains, power lines, and street lights.
  7. Areas subject to periodic overflow of flood or storm waters.
  8. Sub-surface conditions, including data on past or possible future mining

activity. If mineral rights are severed from the land ownership, such data must be clearly indicated.

9. Tract boundary lines by calculated distances and bearings.
  10. Title, graphic scale, north point, and date.
- (c) The proposed development plan shall comprise such maps, at a scale no smaller than 1" = 100 feet, and text needed to clearly show the following:
1. The name of the proposed development and names and addresses of the developer and the persons who prepared the plan;
  2. The proposed street pattern paving widths, and rights-of-way of all streets, the widths and locations of easements, and a traffic flow diagram;
  3. The layout of lots or parcels, including dimensions, number, and building lines;
  4. The location, use, height, bulk, and number of families to be housed for every structure proposed;
  5. The location of all off-street parking spaces and the total number of spaces to be provided;
  6. The location, size, and kind of improvements proposed for all common open space, together with proposed ownership and maintenance arrangements for such open space;
  7. The location and design for all grading, landscaping and screening proposed showing the height and type of screening;
  8. The location and width of walks, sidewalks and trails, and the use of trails where they are not limited to pedestrian use;
  9. The extent to which the proposed development plan varies from land use and other regulations otherwise applicable to the subject property.
  10. The extent to which the proposed development plan varies from land use and other regulations otherwise applicable to the subject property.
  11. A schedule, where development is to be phased over a period of years, showing proposed times for the filing of

- applications for final approval for each phase of the proposed development plan; and estimate of construction times for each phase;
12. A statement of public interest submitted in writing by the developer setting forth the reasons why the proposed development plan is in the public interest and the impact on the community;
13. An environmental impact statement stating the impact of the Planned Residential Development on Township roads, utilities, schools, recreation and other township facilities.
- (d) A statement explaining the landowner's interest in the proposed development.
- (e) The developer shall provide the Township with information guaranteeing that no portion of the proposed development is located within the free space or will in any way interfere with the operation of an existing or proposed airport and is all in accordance with the applicable rules, regulations, directives and statutes.
- (2) Tentative Approval Documentation: The zoning officer shall forward one (1) copy of each of the application for tentative approval to the governing body, planning commission and the Township engineer, and the Pennsylvania Department of Environmental Resources, and two (2) copies to the County Planning Commission.
- (3) Public Hearing: The governing body shall hold a public hearing a required by law within sixty (60) days of the filing of the application for the tentative approval of a development plan. The governing body may continue the hearing from time to time, and may refer the matter back to the planning agency for a report provided, however, that in any event, the public hearing or hearings shall be concluded within sixty (60) days after the date of the first public hearing.
- (4) Criteria for Tentative Approval: The governing body shall give tentative approval to a proposed development plan if, and only if, it is found to meet the following criteria:
- (a) The proposed development plan complies with all standards and conditions of this ordinance and preserves the community development objectives of this ordinance.
- (b) The proposals for the maintenance and conservation of any proposed common open space are reasonable, and the amount and

- extent of improvements of such open space is adequate with respect to the amount and purpose of the common open space as related to the proposed density and type of residential development.
- (c) Common open space of Planned Residential Developments shall be maintained and developed by the Planned Residential Development owner. Use of these facilities is restricted to the Planned Residential Development property owners or renters. All Planned Residential Developments shall be required to construct sufficient recreation facilities as proposed in their tentative approval plans but usage shall be public if public maintenance is required.
  - (d) The proposed development shall not place a burden on existing public utilities or facilities.
  - (e) The physical design of the proposed development plan adequately provides for public services, safe ingress and egress, traffic facilities and parking, light, air, recreation and visual enjoyment.
  - (f) The total environment of the proposed development plan is harmonious and consistent with the neighborhood in which it is located.
  - (g) The proposed development plan shall afford at least the same degree of protection of natural watercourses, topsoil, trees, and other features of the nature environment, and prevention or erosion landslides, siltation and flooding than if the subject property were developed in accordance with the provisions of the Zoning and Subdivision Ordinances which otherwise apply.
  - (h) In the case of a development plan which proposes development over a period of years, the terms and conditions intended to protect the interests of the public and of the residents of the Planned Residential Development in the integrity of the development plan area shall be sufficient.
  - (i) Each year, based on the anniversary of the final approval, a separate application for the second year's development must be applied for showing that those structures as applied for in the first year's construction are completed. No further construction shall be allowed until the

first (or prior) year's application and construction has been completed.

- (5) Grant or Denial of Tentative Approval: The governing body shall render their decision not later than sixty (60) days after the conclusion of the public hearing.
- (a) The governing body may:
1. Grant tentative approval of the subject development plan as submitted; or
  2. Grant tentative approval subject to specified conditions not included in the development plan as submitted; or
  3. Deny approval of the development plan.
- (b) The decision of the governing body shall be in writing and shall be given to the developer personally, or mailed to him at his last address, not later than sixty (60) days following the conclusion of the public hearing.
- (c) The grant or denial of tentative approval by official written communication shall include both conclusions and findings of fact related to the proposal and shall set forth the reasons for the grant, with or without conditions, or for the denial. Said communication shall set forth with particularity in what respects the development plan would or would not be in the public interest including, but not limited to, findings of fact and conclusions on the following:
1. In those respects in which the development plan is or is not consistent with the Township's Comprehensive Plan;
  2. The extent to which the development plan departs from zoning and subdivision regulations applicable to the 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 Planned Residential Development, 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 development;

4. The physical design of the development plan and the manner in which said design does or does not adequately provide for public services, vehicular traffic, preservation of natural features, light and air, recreation, and visual enjoyment;
  5. The relationship of the proposed Planned Residential Development to the neighborhood in which it is proposed; and
  6. In the case of a phased development plan, the sufficiency of the terms and conditions intended to protect the interests of the public and of the residents of the Planned Residential Development.
- (d) In the event a development plan is granted tentative approval, with or without conditions, the governing body shall set forth in the official written communication the time within which an application for final approval for the development plan shall be filed or, in the case of a development plan which provides for development over a period of years, the periods of time within which applications for final approval of each part thereof shall be filed. Except upon the consent of the landowner, the time so established between grant of tentative approval and an application for final shall not be less than three (3) months and in the case of developments over a period of years, the time between applications for final approval of each part of a plan shall be not less than twelve (12) months.
- (e) Failure of a governing body to so act within said period shall be deemed to be a grant of tentative approval of the development plan as submitted. In the event, however, that tentative approval is granted subject to conditions, the landowner may, within thirty (30) days after receiving a copy of the official written communication of the governing body, notify such governing body of his refusal to accept all said conditions, in which case the governing body shall be deemed to have denied tentative approval of the development plan. In the event the landowner does not within said period notify the governing body of his refusal to

- accept all said conditions, tentative approval of the development plan, with all said conditions, shall stand as granted.
- (f) If the developer chooses to reject any conditions attached to the grant of tentative approval, he may void such tentative approval by notifying the governing body within thirty (30) days of the decision of the governing body.
- (g) The grant of tentative approval may be revoked by the governing body if they are notified by the developer of this intention to abandon the proposed 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 law.

29. Final Approval Procedure:

- (1) Application for Final Approval: An application for final approval may be for all the land included in a development plan or, to the extent set forth in the tentative approval, for a section thereof. Application for final approval of each phase shall be filed with the governing body not later than twelve (12) months following the grant of tentative approval, unless otherwise specified by the governing body. The application shall be comprised of two (2) reproducible copies of the development plan for the phase, including a site plan and supplementary data, and a Certificate of Completion of Improvements or a Guarantee of Improvements as required by this ordinance and all other requirements as may be required in the Pennsylvania Municipal Planning Code, Act 247, Article 7.
- (a) The site plan shall include:
1. All data required for a final plat as specified in the Subdivision Ordinance;
  2. Accurately dimensioned locations of all proposed structures, parking areas, and common open space;
  3. The use and number of families to be housed in each structure;
  4. The landscaping plan, including the location of sidewalks, trails, screening and grading.
- (b) An engineering report shall include the following data:
1. Profiles, cross sections and specifications for proposed street improvements;

2. Profiles and other explanatory data concerning installation of water distribution systems, storm sewers, and sanitary sewers;
  3. A report on the feasibility of connection to existing sewerage system, including distances to the nearest public sewer, service load of the subdivision capacity of the treatment plant;
  4. If the connection to a public sewerage system is not feasible, a report on the feasibility of a separate sewerage system, and a treatment works including the design, population, type and location of the treatment and receiving stream;
- (c) The Erosion and Sedimentation Control Plan shall specifically indicate all erosion and sedimentation control measures to be utilized on the site. The Plan shall meet the following requirements:
1. The erosion and sedimentation control plan shall be prepared by persons trained and experienced in erosion and sedimentation control methods and techniques;
  2. The erosion and sedimentation control plan shall be designed to prevent accelerated erosion and sedimentation and shall consider all factors which contribute to erosion and sedimentation including, but not limited to, the following:
    - (a) The topographic features of the project area;
    - (b) The types, depth, slope, and areal extent of the soils;
    - (c) The proposed alteration to the area;
    - (d) The amount of runoff from the project area and the upstream watershed area;
    - (e) The staging of earth moving activities;
    - (f) Temporary control measures and facilities for use during earth moving;
    - (g) Permanent control measures and facilities for long-term protection;

- (h) A maintenance program for the control facilities including disposal of materials removed from the control facilities or project area.
  - (d) The supplementary data shall include:
    - 1. Any covenants, grants of easements or other restrictions to be imposed on the use of land and structures;
    - 2. Provision for the maintenance, ownership and operation of common open spaces and facilities, streets and parking areas and sewers; and
    - 3. Any conditions set forth in the official written communication at the time of tentative approval.
  - (e) Improvements: No development plan shall be finally approved unless all improvements required by this ordinance have been installed by the developer in strict conformance with this ordinance, or guarantee (in the form of a bond or deposit of funds or securities in escrow which are acceptable to the governing body and are in amounts sufficient to cover the cost of the improvements which may be required) that the improvements will subsequently be installed by the Owner. Such guarantee shall provide for, and secure to the public, the completion of all declared improvements for the phase within a period of one year from the date of final approval of the development plan of the phase.
- (2) Final Review: The zoning officer shall forward one (1) copy each of the application for final approval to the governing body, planning commission, and the engineer, the Pennsylvania Department of Environmental Resources, and two (2) copies to the County Planning Commission. The governing body shall not approve the final 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 final application were forwarded to said agencies.
- (3) Final Decision: The governing body shall render their decision and communicate it to the developer no later than forty-five (45) days after the application is filed.
- (a) When a preliminary application for a proposed development plan has been granted tentative approval, the applicant shall be

entitled to final approval in accordance with the terms of the grant of tentative approval.

- (b) The governing body may deny approval of any development plan which varies from the preliminary plan granted tentative approval. The governing body must forward the written notice of such denial to the developer within forty-five (45) days, setting forth the reasons that one or more variations are not in the public interest. In the event of such denial, the developer may either:
1. Refile his application for final approval without the variations objected; or
  2. 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 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 development plan. Any such public hearing shall be held pursuant to public notice within thirty (30) days after request for the hearing is made by the developer, and the hearing shall be conducted in the manner prescribed in this ordinance for public hearings on applications for tentative approval. Within thirty (30) days after the conclusion of the hearing, the governing body shall, by official written communication, either grant final approval to the development plan or deny final approval. The grant or denial of final approval of the development plan shall, in cases arising under this section, be in the form and contain findings required for an application for tentative approval set forth in this ordinance.

- (4) Recording: The Township shall record the approved development plan in the office of the County Recorder of Deeds forthwith. After recording, the Township shall return three (3) copies of the development plan to the developer within ten (10) days.
- (5) Revocation: The approval of the development plan shall be revoked if the developer gives notice of his intention to abandon the plan, or if the developer fails to develop any portion of the plan given final approval with two (2) years of the date of such final approval, and no further development shall take place on the property included in such development plan unless a subsequent development plan is approved or such development complies with the Zoning and Subdivision Ordinances.

30. Enforcement and Modification of Provisions of the Plan:

To ensure the integrity of the development plan and guarantee that modifications in the plan do not 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 following provisions:

- (1) Provisions in favor of Municipality: The provisions of the development plan relating to the use, bulk, and location of buildings, and structures; the quantity and location of common open space, except as otherwise provided in this ordinance; and the intensity of use or the density of residential units, shall run in favor of the municipality. As provided by law, these provisions shall be enforceable in law or in equity by the municipality without limitation on any powers of regulation otherwise granted the municipality by law.
- (2) Provisions in Favor of Residents: All provisions of the development plan shall run in favor of the residents of the Planned Residential Development but only to the extent expressly provided in the development plan. Also, provided these provisions whether recorded by plat, covenant, easement or otherwise, may be enforced by law or equity by

said residents acting individually, jointly, or through an organization designated in the development plan shall, however, be implied to exist in favor of residents of the development plan which have been finally approved, and have been recorded.

- (3) Modifications: All those provisions of the development plan authorized to be enforced by the municipality under this section may be modified, removed, or released by the municipality, except grants or easements relating to the service or equipment of a public utility, subject to the following conditions:
- (a) No such modification, removal or release of the provisions of the development plan by the municipality shall affect the rights of the residents of the Planned Residential Development to maintain and enforce those provisions, at law or equity, as provided in this section, unless those provisions have been broken or not enforced as per the original Planned Residential Development proposal.
- (b) No modification, removal or release of the provisions of the development plan by the municipality shall be permitted except upon the findings by the governing body or its designated agency, following a public hearing thereon pursuant to public notice called and held in accordance with the provisions of the "Pennsylvania Municipalities Planning Code". These findings must indicate that the changes are consistent with the efficient development and preservation of the entire Planned Residential Development, do not adversely affect the enjoyment of land abutting across the street from the Planned Residential Development or the public interest and are not granted solely to confer a special benefit upon any person.
- (4) Release of Rights - Residents of the Planned Residential Development may, to the extent and in the manner expressly authorized by the provisions of the development plan, modify, remove or release rights to enforce the provisions of the development plan, but no such action shall affect the right of the

municipality to enforce the provisions of the development plan in accordance with the provisions of this section.

(a) No release of rights shall accommodate the Planned Residential Development where the Planned Residential Development has been constructed as an entity and not subject to the North Huntingdon Township Subdivision Ordinance. Should this type of construction be found faulty and in need of change, it shall be the responsibility of the Planned Residential Development residents and/or the Planned Residential Development owner to rectify any faulty construction and the Township of North Huntingdon shall not be held responsible.

31. **Penalties:** Any person, partnership or corporation, who or which has violated the Planned Residential Development provisions of this ordinance or prior township ordinances shall, upon being found liable therefor in a civil enforcement proceeding commenced by a municipality, be subject to the penalties and provisions of Article 9, Section 915 of this ordinance.

#### 503.8 Neighborhood Business District (C)

##### 1. **Purpose:**

The purpose of the Neighborhood Business District is to provide areas for the location of neighborhood commercial facilities, each intended to serve a portion of the municipality with relatively small retail outlets. An objective is to encourage the convenient placement of such uses for the benefit of the residents in locations compatible with the type and impact of the uses.

##### 2. **C District Lot and Area Requirements:**

The following dimensions unless specified otherwise, are the minimum requirements for the approval of uses within the District.

(1) Front Yard Depth Minimum	30 feet minimum. If both adjacent dwellings have a front yard less than 30 feet deep, the minimum front yard depth is then the greater of the two adjacent yard depths.
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- (2) Rear Yard Depth Minimum 30 feet  
Accessory Building  
5 feet minimum
  - (3) Coverage Maximum 50%
  - (4) Building Coverage Maximum 35%
  - (5) Building Height Maximum 2 stories
3. Signs: See Article 8, Section 823. (All references to commercial shall apply.)
  4. Off Street Parking Regulations: See Article 8, Section 820. (All references to commercial shall apply.)
  5. Off Street Loading Regulations: See Article 8, Section 819. (All references to commercial shall apply.)
  6. Exterior Wall Surfaces: See Article 8, Section 810. (All references to commercial shall apply.)
  7. All multiple dwelling units shall comply with the standards and criteria for the R-1A Multiple Family Residence District (Section 503.3).
  8. Applications for zoning approval for uses in the Neighborhood Business District shall follow the procedure for site plan review as outlined in Article 9, Section 914. In addition, other standards may be enforced as required in the Land Development and Subdivision Ordinance.
  9. Performance Standards for Neighborhood Business:
    - (1) Noise level must be consistent with the noise Ordinance No. 531.
    - (2) All luminaries shall have a total cut off angle of no greater than 60 degrees from the vertical.
    - (3) Set hours of operation, not earlier than 7:00 a.m. or later than 11:59 p.m. shall be established and maintained.

#### 503.9 Commercial District 1 (C-1)

1. Purpose:  
The purpose of the C-1 District is to provide locations in the municipality where the need for commercial facilities serving all residents and

persons outside the community can be satisfied. Such facilities are strongly highway oriented, prefer maximum exposure to the public, generate larger volumes of vehicular traffic and require generally larger areas than those uses contemplated in Neighborhood Business Districts.

2. C-1 Lot and Area Requirements:  
The following dimensions unless specified otherwise, are the minimum requirements for the approval of uses within the District.

(1) Front Yard Depth Minimum	50 feet minimum. If both adjacent dwellings have a front yard less than 50 feet deep, the minimum front yard depth is then the greater of the two adjacent yard depths.
(2) Rear Yard Depth Minimum Accessory Building	20 feet 5 feet
(3) Coverage Maximum	50%
(4) Building Coverage Maximum	50%
(5) Building Height Maximum	8 stories
3. Signs: See Article 8, Section 823. (All references to commercial shall apply.)
4. Off Street Parking Regulations: See Article 8, Section 820. (All references to commercial shall apply.)
5. Off Street Loading Regulations: See Article 8, Section 819. (All references to commercial shall apply.)
6. Exterior Wall Surfaces: See Article 8, Section 810.
7. All multiple dwelling units shall comply with the standards and criteria for the R-1A Multiple Family Residence District (Section 503.3).
8. Applications for zoning approval for uses in the C-1 District shall follow the procedure for site plan review as outlined in Article 9, Section 914. In addition, other standards may be enforced as

required in the Land Development and Subdivision Ordinance.

503.10 Commercial District 1-A (C-1A)

1. Purpose:

The purpose of the C-1A District is to provide an area for multiple family high rise apartments and high rise office buildings that lie within and adjacent to the central core area, with direct service by existing major arterial highway facilities. These areas shall lie or be adjacent to other commercial districts and shall be deemed incompatible for single family residence structures due to the height and bulk of structures in this zone.

2. C-1 Lot and Area Requirements:

the following dimensions unless specified otherwise, are the minimum requirements for the approval of uses within the District.

(A) High Rise Residential:

(1) Density Maximum	32 dwelling units per gross acre
(2) Lot Area Minimum	1,250 square feet per dwelling unit
(3) Lot Width at Building Setback Minimum	90 feet
(4) Front Yard Depth Minimum	50 feet minimum If both adjacent dwellings have a front yard less than 30 feet deep, the minimum front yard depth is then the greater of the two adjacent yard depths.
(5) Rear Yard Depth Minimum Accessory Building	20 feet 5 feet minimum
(6) Side Yard Width Minimum Abutting a Street	20 feet minimum 20 feet
High Rise side yards, and if applicable, rear yards shall be determined so as	

to provide for adequate light and air reaching all floors of the building. The developer shall consult the Zoning Officer for applicable side yard dimensions.

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|------------------------------------|--|
| (7) Building Coverage<br>Maximum   | 50%  |
| (8) Road Frontage<br>Minimum       | 90 feet  |
| (9) Road Frontage on<br>Cul-de-sac | May be 85% of the<br>lot width or curve<br>requirement |
| (10) Building Height<br>Maximum    | 8 stories  |

(B) High Rise Office:

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|---------------------------------|---|
| (1) Front Yard Depth<br>Minimum | 50 feet minimum.<br>If both adjacent<br>dwellings have a<br>front yard less than<br>30 feet deep, the<br>minimum front yard<br>depth is then the<br>greater of the two<br>adjacent yard depths. |
| (2) Rear Yard Depth<br>Minimum  | 20 feet   |
| (3) Side Yard Width<br>Minimum  | 20 feet   |
- High Rise side yards and, if applicable, rear yards shall be determined so as to provide for adequate light and air reaching all floors of the building. The developer shall consult the Zoning Officer for applicable side yard dimensions.
- |                                 |         |
|---------------------------------|---------|
| (4) Building Coverage           | 50%     |
| (5) Floor Area Ratio<br>Maximum | 30%     |
| (6) Road Frontage<br>Minimum    | 90 feet |

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|--|--|
| (7) Road Frontage on<br>Cul-de-sac   | May be 85% of the lot<br>width or curve<br>requirement |
| (8) Building Height<br>Maximum   | 8 stories  |
| (9) Other requirements to be determined by the<br>Planning Commission  |  |
| 3. Signs: See Article 8, Section 823. (All references<br>to commercial shall apply.)                             |  |
| 4. Off Street Parking Regulations: See Article 8,<br>Section 820. (All references to commercial shall<br>apply.) |  |
| 5. Off Street Loading Regulations: See Article 8,<br>Section 819. (All references to commercial shall<br>apply.) |  |
| 6. Exterior Wall Surfaces: See Article 8, Section 810.   |  |
| 7. All Unit Group Development shall comply with the<br>provisions of Article 8, Section 829.                     |  |

#### 503.11 Limited Commercial District 2 (C-2)

1. Purpose: The purpose of the C-2 District is to provide for a Limited Commercial District for areas of the Township which have developed in a commercial nature and also to act as a transitional zone between C-1 and Residential Districts where Commercial establishments have encroached into the abutting residential districts.
2. C-2 Lot and Area Requirements:  
The following dimensions unless specified otherwise, are the minimum requirements for the approval of uses within the District.

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| (1) Floor Area Ratio            | 30%  |
| (2) Front Yard Depth<br>Minimum | 40 feet minimum.<br>If both adjacent dwellings have a front yard less than 40 feet deep, the minimum front yard depth is then the greater of the two adjacent yard depths. |

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|-----|------------------------------|-----------|
| (3) | Rear Yard Depth<br>Minimum   | 20 feet   |
| (4) | Lot Coverage<br>Maximum      | 85%       |
| (5) | Building Coverage<br>Maximum | 50%       |
| (6) | Building Height<br>Maximum   | 3 stories |
3. Signs: See Article 8, Section 823. (All references to commercial shall apply.)
  4. Off Street Parking Regulations: See Article 8, Section 820. (All references to commercial shall apply.)
  5. Off Street Loading Regulations: See Article 8, Section 819. (All references to commercial shall apply.)
  6. Exterior Wall Surfaces: See Article 8, Section 810.
  7. All multiple dwelling units shall comply with the standards and criteria for the R-1A Multiple Family Residence District (Section 503.3).
  8. Applications for zoning approval for uses in the C-2 Limited Commercial District shall follow the procedure for site plan review as outlined in Article 9, Section 914. In addition, other standards may be enforced as required in the Land Development and Subdivision Ordinance.

#### 503.12 Industrial District (I)

1. Purpose:  
The purpose of the Industrial District is to permit and encourage industrial development that will be so located and designed as to constitute an harmonious and appropriate part of the physical development of the municipality, to provide opportunities for local employment close to residential areas, thus reducing travel to and from work and to further the purpose of the Comprehensive Plan of North Huntingdon Township.
2. I District Lot and Area Requirements:  
The following dimensions unless specified otherwise, are the minimum requirements for the approval of uses within the District.

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|-------------------------------|--|
| (1) Front Yard Depth Minimum  | 50 feet minimum.<br>If both adjacent dwellings have a front yard less than 50 feet deep, the minimum front yard depth is then the greater of the two adjacent yard depths. |
| (2) Rear Yard Depth Minimum   | 20 feet  |
| (3) Building Coverage Maximum | 50%  |
| (4) Building Height Maximum   | 8 stories  |
- 3. Signs: See Article 8, Section 823. (All references to commercial shall apply.)
  - 4. Off Street Parking Regulations: See Article 8, Section 820. (All references to commercial shall apply.)
  - 5. Off Street Loading Regulations: See Article 8, Section 819. (All references to commercial shall apply.)
  - 6. Exterior Wall Surfaces: See Article 8, Section 810.

503.13 Planned Economic Development Districts 1 and 2 (PEDD 1 and PEDD 2)

1. Purpose:

These districts provide for a wide range of business, professional and manufacturing uses, all of which shall be able to meet comparatively rigid specifications as to nuisance free performance. These districts are intended to be created in situations where, because of special circumstances, the area is particularly suited and useful for Economic Development purposes, and yet is in such close proximity to existing residential uses that additional controls are deemed necessary in order to make these uses compatible with existing residential uses.

2. PEDD-1 and PEDD-2 Lot and Area Requirements and Special Provisions:

The following standards unless specified otherwise, are the minimum requirements for the approval of uses within the District:

- (1) Maximum building coverage of 50%
- (2) Minimum setback from any existing public road of 50 feet. Such setback areas must be

- appropriately landscaped, and may contain a cartway or driveway for ingress and egress purposes.
- (3) No building which is not separated by a public road can be built closer than 150 feet to any residential structure.
  - (4) No buildings on the same lot shall be located closer than 30 feet to each other.
  - (5) There are no specific setback requirements for internally developed public or private roads. Specific setbacks shall be determined by the Planning Commission when the site plan is reviewed, with the maximum setback requirement being 50 feet and the minimum setback requirement being a 5 ft. landscaped area or sidewalk between any internally developed road and any proposed or existing building.
  - (6) Maximum building height - 3 stories. Exterior wall surfaces shall comply with Article 8, Section 810.
  - (7) Plans for all buildings must have exterior wall surface approved by the Planning Commission.
  - (8) The maximum permitted height of any structure is 30 feet.
  - (9) A minimum 50 foot buffer strip, containing a row of evergreen trees not less than 3 feet in height at initial planting, shall be required to be provided and maintained along areas abutting any residential district.
  - (10) When the rear of any building faces a public road a row of evergreens of not less than 3 feet in height at initial planting, shall be provided between the rear of the building and the public road.
  - (11) Any and all outside storage including refuse shall be concealed within a structure.
  - (12) A traffic barrier shall be provided when a proposed street or driveway parallels and existing public road for more than 100 ft. Such traffic barrier shall consist of trees, walls, fences, or landscaping to provide an effective barrier between headlights and vehicles along the adjacent cartways.
  - (13) Upon review by the Planning Commission, the requirement to use evergreen trees for screening purposes may be changed if another plant or tree can be shown to effectively accomplish the same purpose.
  - (14) Site plans as per Article 9, Section 914, shall be submitted for all new developments and/or changes requiring a building permit.

6. Roads and Right-of-way Requirements:

- (1) The minimum right of way for roads which are to be dedicated to the public shall be 50 ft. with a paved cartway width of 30 feet plus curbs. Construction specifications shall be as per Ordinance #299 as amended.
- (2) The minimum right of way radius for cul-de-sacs which are to be dedicated to the public shall be 60 feet with a minimum paved cartway radius of 50 feet plus curbs. Construction specifications shall be as per Ordinance #299, as amended.
- (3) A minimum turning radius of 25 ft. shall be required at intersection of roads, driveways and parking lot entrances with public roads.

7. Parking and Off Street Loading Requirements:

- (1) All parking spaces for cars shall have the following minimum dimensions: 9 ft. wide by 20 ft. long.
- (2) All aisles for car parking shall have a minimum width of 20 feet.
- (3) All parking areas for trucks shall be reviewed by the Planning Commission.
- (4) The number of both car and truck parking spaces shall be determined by the Planning Commission on an individual use basis. Minimum requirements shall be one for each employee on the peak shift and one space for each vehicle used in connection with the particular use or as established in the Off Street Parking Regulations by Article 8, Section 820.
- (5) Off street loading requirements shall be governed by Article 8, Section 819.

8. Signs:

- (1) Only one free standing sign or marquee shall be permitted unless otherwise reviewed by the Planning Commission.
- (2) Wall signs or graphic signs shall be permitted on all buildings for identification purposes only. The maximum area for any sign shall not exceed 12 square feet unless otherwise reviewed by the Planning Commission.
- (3) No billboards shall be permitted in this district.
- (4) No signs shall be mounted on any roofs.
- (5) No flashing, fluttering, undulating, swinging, rotating or otherwise moving signs shall be permitted.
- (6) Any spotlights used to illuminate signs shall be placed such that the light source will not be directed towards abutting roads or properties.

- (7) Except as established above, all signs shall comply with Article 8, Section 823.

9. Exterior Wall Surfaces: See Article 8, Section 810.

10. Site Plan Submission Procedure:

- (1) Site Plan Submission: The site plan must be completed and submitted to the Zoning Officer at least three (3) weeks prior to the regular monthly meeting of the Planning Commission. This plan shall be accompanied by a check in the amount of \$30.00 made payable to North Huntingdon Township.
- (2) The site plan shall show, in addition to any specific requirements set forth in the district regulations herein, the following:
- (a) The location of principal and accessory buildings existing and planned, and the topography;
  - (b) Traffic circulation features within the site;
  - (c) The location of vehicular access onto the site: Department of Transportation Permit, if necessary.
  - (d) The height and bulk of structure;
  - (e) The provisions of off-street parking and loading facilities;
  - (f) The provisions of open space;
  - (g) The landscaping, paving, fencing, walks and signs on the site.
  - (h) The location of storm sewers and storm water management facilities including Department of Environmental Resources permits, if necessary.
  - (i) The location of sanitary sewers and water lines.
  - (j) The location of fire hydrants.
  - (k) An erosion and sedimentation plan approved by the Westmoreland County Conservation District.
  - (l) Any other requirements for that specific zoning district.
- (3) The site plan shall be reviewed by the North Huntingdon Township Planning Commission and a recommendation made to the North Huntingdon Township Board of Commissioners.
- (4) A decision by the Board of Commissioners shall be made within sixty (60) days after the initial Planning Commission meeting at which the site plan was reviewed, unless an extension was agreed to by both parties.

11. Tentative Approval Procedure:

(1) Tentative Approval Documentation:

The zoning officer shall forward one (1) copy of each of the tentative application to the governing body, planning commission and the Township engineer, and the Pennsylvania Department of Environmental Resources, and two (2) copies to the County Planning Commission.

(2) Public Hearing:

The governing body shall hold a public hearing a required by law within sixty (60) days of the filing of the application for the tentative approval of a development plan. The governing body may continue the hearing from time to time, and may refer the matter back to the planning agency for a report provided, however, that in any event, the public hearing or hearings shall be concluded within sixty (60) days after the date of the first public hearing.

(3) Criteria for Tentative Approval:

The governing body shall give tentative approval to a proposed development plan if, and only if, it is found to meet the following criteria:

- (a) The proposed development plan complies with all standards and conditions of this ordinance and preserves the community development objectives of this ordinance.
- (b) The proposals for the maintenance and conservation of any proposed common open space are reasonable, and the amount and extent of improvements of such open space is adequate with respect to the amount and purpose of the common open space as related to the proposed density and type of commercial and industrial development.
- (c) Common open space of planned commercial and industrial developments shall be maintained and developed by the planned commercial and industrial development owner. Use of these facilities is restricted to the planned commercial and industrial development property owners or renters.
- (d) The proposed development shall not place a burden on existing public utilities or facilities.
- (e) The physical design of the proposed development plan adequately provides for public services, safe ingress and egress, traffic facilities and parking, light, air, recreation and visual enjoyment.
- (f) The total environment of the proposed development plan is harmonious and consistent with the neighborhood in which it is located.

- (g) The proposed development plan shall afford at least the same degree of protection of natural watercourses, topsoil, trees, and other features of the nature environment, and prevention or erosion landslides, siltation and flooding than if the subject property were developed in accordance with the provisions of the Zoning and Subdivision Ordinances which otherwise apply.
- (h) In the case of a development plan which proposes development over a period of years, the terms and conditions intended to protect the interests of the public and of the residents of the planned commercial and industrial development in the integrity of the development plan area shall be sufficient.
- (i) Each year, based on the anniversary of the final approval, a separate application for the second year's development must be applied for showing that those structures as applied for in the first year's construction are completed. No further construction shall be allowed until the first (or prior) year's application and construction has been completed.
- (4) **Grant or Denial of Tentative Approval:** The governing body shall render their decision not later than sixty (60) days after the conclusion of the public hearing.
- (a) The governing body may:
1. Grant tentative approval of the subject development plan as submitted; or
  2. Grant tentative approval subject to specified conditions not included in the development plan as submitted; or
  3. Deny approval of the development plan.
- (b) The decision of the governing body shall be in writing and shall be given to the developer personally, or mailed to him at his last address, not later than sixty (60) days following the conclusion of the public hearing.
- (c) The grant or denial of tentative approval by official written communication shall include both conclusions and findings of fact related to the proposal and shall set forth the reasons for the grant, with or without conditions, or for the denial. Said communication shall set forth with particularity in what respects the development plan would or would not be in

the public interest including, but not limited to, findings of fact and conclusions on the following:

1. In those respects in which the development plan is or is not consistent with the Township's Comprehensive Plan;
2. The extent to which the development plan departs from zoning and subdivision regulations applicable to the 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 Planned Economic Development, 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 development;
4. The physical design of the development plan and the manner in which said design does or does not adequately provide for public services, vehicular traffic, preservation of natural features, light and air, recreation, and visual enjoyment;
5. The relationship of the proposed Planned Economic Development to the neighborhood in which it is proposed; and
6. In the case of a phased development plan, the sufficiency of the terms and conditions intended to protect the interests of the public and of the residents of the Planned Economic Development.

- (d) In the event a development plan is granted tentative approval, with or without conditions, the governing body shall set forth in the official written communication the time within which an application for final approval for the development plan shall be filed or, in the case of a development plan which provides for development over a period of years, the periods of time within which applications for final approval of each part thereof shall be filed. Except upon the consent of

- the landowner, the time so established between grant of tentative approval and an application for final shall not be less than three (3) months and in the case of developments over a period of years, the time between applications for final approval of each part of a plan shall be not less than twelve (12) months.
- (e) Failure of a governing body to so act within said period shall be deemed to be a grant of tentative approval of the development plan as submitted. In the event, however, that tentative approval is granted subject to conditions, the landowner may, within thirty (30) days after receiving a copy of the official written communication of the governing body, notify such governing body of his refusal to accept all said conditions, in which case the governing body shall be deemed to have denied tentative approval of the development plan. In the event the landowner does not within said period notify the governing body of his refusal to accept all said conditions, tentative approval of the development plan, with all said conditions, shall stand as granted.
- (f) If the developer chooses to reject any conditions attached to the grant of tentative approval, he may void such tentative approval by notifying the governing body within thirty (30) days of the decision of the governing body.
- (g) The grant of tentative approval may be revoked by the governing body if they are notified by the developer of this intention to abandon the proposed 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 law.

12. Final Approval Procedure:

- (1) Application for Final Approval: An application for final approval may be for all the land included in a development plan or, to the extent set forth in the tentative approval, for a section thereof. Application for final approval of each phase shall be filed with the governing body not later than twelve (12) months following the grant of tentative approval,

unless otherwise specified by the governing body. The application shall be comprised of two (2) reproducible copies of the development plan for the phase, including a site plan and supplementary data, and a Certificate of Completion of Improvements or a Guarantee of Improvements as required by this ordinance and all other requirements as may be required in the Pennsylvania Municipal Planning Code, Act 247, Article 7.

- (a) The site plan shall include:
  - 1. All data required for a final plat as specified in the Subdivision Ordinance;
  - 2. Accurately dimensioned locations of all proposed structures, parking areas, and common open space;
  - 3. The use and number of families to be housed in each structure;
  - 4. The landscaping plan, including the location of sidewalks, trails, screening and grading.
- (b) An engineering report shall include the following data:
  - 1. Profiles, cross sections and specifications for proposed street improvements;
  - 2. Profiles and other explanatory data concerning installation of water distribution systems, storm sewers, and sanitary sewers;
  - 3. A report on the feasibility of connection to existing sewerage system, including distances to the nearest public sewer, service load of the subdivision capacity of the treatment plant;
  - 4. If the connection to a public sewerage system is not feasible, a report on the feasibility of a separate sewerage system, and a treatment works including the design, population, type and location of the treatment and receiving stream;
- (c) The Erosion and Sedimentation Control Plan shall specifically indicate all erosion and sedimentation control measures to be utilized on the site. The Plan shall meet the following requirements:
  - 1. The erosion and sedimentation control plan shall be prepared by persons trained and experienced in erosion and sedimentation control methods and techniques;

2. The erosion and sedimentation control plan shall be designed to prevent accelerated erosion and sedimentation and shall consider all factors which contribute to erosion and sedimentation including, but not limited to, the following:
  - a. The topographic features of the project area;
  - b. The types, depth, slope, and areal extent of the soils;
  - c. The proposed alteration to the area;
  - d. The amount of runoff from the project area and the upstream watershed area;
  - e. The staging of earth moving activities;
  - f. Temporary control measures and facilities for use during earth moving;
  - g. Permanent control measures and facilities for long-term protection;
  - h. A maintenance program for the control facilities including disposal of materials removed from the control facilities or project area.
- (d) The supplementary data shall include:
  1. Any covenants, grants of easements or other restrictions to be imposed on the use of land and structures;
  2. Provision for the maintenance, ownership and operation of common open spaces and facilities, streets and parking areas and sewers; and
  3. Any conditions set forth in the official written communication at the time of tentative approval.
- (e) Improvements: No development plan shall be finally approved unless all improvements required by this ordinance have been installed by the developer in strict conformance with this ordinance, or guarantee (in the form of a bond or deposit of funds or securities in escrow which are acceptable to the governing body and are in amounts sufficient to cover the cost of the improvements which may be required) that the improvements will subsequently be installed by the Owner. Such guarantee shall provide for, and secure to the

public, the completion of all declared improvements for the phase within a period of one year from the date of final approval of the development plan of the phase.

- (2) Final Review: The zoning officer shall forward one (1) copy each of the application for final approval to the governing body, planning commission, and the engineer, the Pennsylvania Department of Environmental Resources, and two (2) copies to the County Planning Commission. The governing body shall not approve the final 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 final application were forwarded to said agencies.
- (3) Final Decision: The governing body shall render their decision and communicate it to the developer no later than forty-five (45) days after the application is filed.
  - (a) When a preliminary application for a proposed development plan has been granted tentative approval, the applicant shall be entitled to final approval in accordance with the terms of the grant of tentative approval.
  - (b) The governing body may deny approval of any development plan which varies from the preliminary plan granted tentative approval. The governing body must forward the written notice of such denial to the developer within forty-five (45) days, setting forth the reasons that one or more variations are not in the public interest. In the event of such denial, the developer may either:
    1. Refile his application for final approval without the variations objected; or
    2. 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 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 development plan. Any such public hearing shall be held pursuant to public notice within thirty (30) days after request for the hearing is made by the developer, and the hearing shall be conducted in the manner prescribed in this ordinance for public hearings on applications for tentative approval. Within thirty (30) days after the conclusion of the hearing, the governing body shall, by official written communication, either grant final approval to the development plan or deny final approval. The grant or denial of final approval of the development plan shall, in cases arising under this section, be in the form and contain findings required for an application for tentative approval set forth in this ordinance.

- (4) Recording: The Township shall record the approved development plan in the office of the County Recorder of Deeds forthwith. After recording, the Township shall return three (3) copies of the development plan to the developer within ten (10) days.
- (5) Revocation: The approval of the development plan shall be revoked if the developer gives notice of his intention to abandon the plan, or if the developer fails to develop any portion of the plan given final approval with two (2) years of the date of such final approval, and no further development shall take place on the property included in such development plan unless a subsequent development plan is approved or such development complies with the Zoning and Subdivision Ordinances.

13. Enforcement and Modification of Provisions of the Plan: To ensure the integrity of the development plan and guarantee that modifications in the plan do not 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 following provisions:

- (1) Provisions in favor of Municipality: The provisions of the development plan relating to the use, bulk, and location of buildings, and structures; the

quantity and location of common open space, except as otherwise provided in this ordinance; and the intensity of use or the density of commercial and industrial units, shall run in favor of the municipality. As provided by law, these provisions shall be enforceable in law or in equity by the municipality without limitation on any powers of regulation otherwise granted the municipality by law.

(2) Provisions in Favor of Residents: All provisions of the development plan shall run in favor of the residents of the planned commercial and industrial development but only to the extent expressly provided in the development plan. Also, provided these provisions whether recorded by plat, covenant, easement or otherwise, may be enforced by law or equity by said residents acting individually, jointly, or through an organization designated in the development plan shall, however, be implied to exist in favor of residents of the development plan which have been finally approved, and have been recorded.

(3) Modifications: All those provisions of the development plan authorized to be enforced by the municipality under this section may be modified, removed, or released by the municipality, except grants or easements relating to the service or equipment of a public utility, subject to the following conditions:

(a) No such modification, removal or release of the provisions of the development plan by the municipality shall affect the rights of the residents of the planned commercial and industrial development to maintain and enforce those provisions, at law or equity, as provided in this section, unless those provisions have been broken or not enforced as per the original planned commercial and industrial development proposal.

(b) No modification, removal or release of the provisions of the development plan by the municipality shall be permitted except upon the findings by the governing body or its designated agency, following a public hearing thereon pursuant to public notice called and held in accordance with the provisions of the "Pennsylvania Municipalities Planning Code". These findings must indicate that the changes are consistent with the efficient development and preservation of the entire planned commercial and industrial development, do not adversely affect the enjoyment of land abutting across the street from the planned commercial and industrial development or

the public interest and are not granted solely to confer a special benefit upon any person.

- (4) Release of Rights: Residents of the Planned Economic Development may, to the extent and in the manner expressly authorized by the provisions of the development plan, modify, remove or release rights to enforce the provisions of the development plan, but no such action shall affect the right of the municipality to enforce the provisions of the development plan in accordance with the provisions of this section.

No release of rights shall accommodate the Planned Economic Development where the Planned Economic Development has been constructed as an entity and not subject to the North Huntingdon Township Subdivision Ordinance. Should this type of construction be found faulty and in need of change, it shall be the responsibility of the Planned Economic Development residents and/or the Planned Economic Development owner to rectify any faulty construction and the Township of North Huntingdon shall not be held responsible.

14. Penalties: Any person, partnership or corporation, who or which has violated the Planned Economic Development provisions of this ordinance or prior township ordinances shall, upon being found liable therefor in a civil enforcement proceeding commenced by a municipality, be subject to the penalties and provisions of Article 9, Section 915 of this ordinance.

#### 504 SUMMARY OF DISTRICT STANDARDS

- 504.1 Table 1, Summary of District Bulk Standards, summarizes the standards established in Section 503 and Section 504. A lot or parcel of land having an area or frontage of lesser amounts than required by Table 1 may be considered as coming within the area and frontage requirements of this section, provided such lot or parcel of land meets the qualifications and standards as a non-conforming lot.
- 504.2 The setbacks shall be measured perpendicularly from the right-of-way line where a plan of the way is on file with the Register of Deeds, or, in the absence of such plan, from a line 25 feet from and parallel with the center line of the cartway.

**TABLE 1 Summary of District Bulk Standards**

<b>Zoning Criteria</b>	<b>District</b>									
	<b>R-1</b>	<b>R-1A</b>	<b>R-2</b>	<b>R-3</b>	<b>R-4</b>	<b>C</b>	<b>C-1</b>	<b>C-1A</b>	<b>C-2</b>	<b>I</b>
Minimum Lot Area	7,500 sf	7,500 sf	10,000 sf	20,000 sf	40,000 sf					
Minimum Front Width	60 ft	70 ft	65 ft	100 ft	150 ft					
Minimum Front Setback	30 ft	30 ft	30 ft	30 ft	40 ft	30 ft	50 ft	50 ft	40 ft	50 ft
Minimum Front Setback to Unenclosed Porch	22 ft	22 ft	22 ft	22 ft	32 ft					
Minimum Side Setback	10 ft	20 ft	10 ft	10 ft	20 ft					
Minimum Rear Setback	30 ft	30 ft	30 ft	30 ft	60 ft	30 ft	20 ft	20 ft	20 ft	20 ft
Maximum Building Height (no. of stories)	3	2	2	2	2	2	8	8	3	8
Maximum Lot Coverage (including Accessory Bldg.)	30%	30%	25%	25%	20%	50%	50%	50%	85%	50%
Minimum First Floor Area	950 sf	-	950 sf	950 sf	950 sf					

504.3 The height limitation of buildings shall not apply in any district to chimneys, ventilators, towers, spires or other ornamental features of buildings which features are in no way used for living purposes.

505 REAR YARD AND SIDE YARD SETBACK REQUIREMENTS:

Rear yard and side yard setbacks abutting specific Zoning Districts shall be as designated in Table 2, "Rear Yard Setback Requirements" and Table 3, "Side Yard Setback Requirements" in Article 5.

506 BUILDING SITE REQUIREMENTS:

All building sites shall front on a public street.

**TABLE 2****Rear Yard Setback Requirements**

District Where Site is Located	Abutting Zoning Districts (Distance in Feet)									
	R-1	R-1A	R-2	R-3	R-4	C	C-1	C-1A	C-2	I
R-1	30	30	30	30	30	30	30	30	30	30
R-1A	30*	30	30*	30*	30*	30	30	30	30	30
R-2	30	30	30	30	30	30	30	30	30	30
R-3	30	30	30	30	30	30	30	30	30	30
R-4	60	60	60	60	60	60	60	60	60	60
C	30*	30*	30*	30*	30*	30	30	30	30	30
C-1	30*	30*	40*	40*	40*	30	20	20	20	20
C-1A	30*	30*	40*	40*	40*	30	20	20	20	20
C-2	30*	30*	30*	30*	30*	30	20	20	20	20
I	50*	50*	50*	50*	50*	30*	30	30	30	30

\* Buffer Zone required - 10 foot planting. See definition.

TABLE 3

## Side Yard Setback Requirements

District Where Site is Located	Abutting Zoning Districts (Distance in Feet)									
	R-1	R-1A	R-2	R-3	R-4	C	C-1	C-1A	C-2	I
R-1	10	10	10	10	10	10	10	10	10	10
R-1A	20*	20	20*	20*	20*	20	20	20	20	20
R-2	10	10	10	10	10	10	10	10	10	10
R-3	10	10	10	10	10	10	10	10	10	10
R-4	20	20	20	20	20	20	20	20	20	20
C	20*	20*	20*	20*	20*	0	0	0	0	0
C-1	30*	30*	30*	30*	30*	20	0	0	0	0
C-1A	30*	30*	30*	30*	30*	20	0	0	0	0
C-2	20*	20*	20*	20*	20*	0	0	0	0	0
I	50*	50*	50*	50*	50*	20	20	20	20	0

\* Buffer Zone required - 10 foot planting. See definition.

## ARTICLE 6

### DISTRICT USE REGULATIONS

601 Permitted Uses in Residential Districts and Open Space, Conservation and Recreation District (Table 4)

602 Permitted Uses in Commercial and Industrial Districts (Table 5)

601 USE REGULATIONS FOR RESIDENTIAL DISTRICTS AND OPEN SPACE CONSERVATION AND RECREATION DISTRICT

601.1 Uses Permitted by Right:

Uses permitted by Right shall be as indicated in Article 6, Table 4 - "Residential Districts: Permitted Uses" of this ordinance. Applications for zoning approval for such uses which meet all applicable district requirements may be approved by the zoning officer without additional considerations by any other agency of the municipality.

601.2 Conditional Uses:

Conditional Uses may be permitted as indicated in Article 6, Table 4 - "Residential Districts: Permitted Uses" of this ordinance subject to criteria and procedures listed in Article 8 and Article 9 of this ordinance. Approval shall be granted or denied by the Board of Commissioners upon the recommendation of the Planning Commission. In approving applications for Conditional Uses, the Board of Commissioners may attach such additional requirements and stipulations as are considered necessary for proper placement of the use on the site.

601.3 Special Exceptions:

Uses by Special Exception shall be those indicated in Article 6, Table 4 - "Residential Districts: Permitted Uses", of this ordinance. Uses by Special Exception may be permitted subject to the criteria and procedures listed in Articles 8 and 9 of this ordinance and shall be subject to the approval of the Zoning Hearing Board.

601.4 Prohibited Uses:

Except as provided in Article 7, Non-Conforming Uses, no building or structure shall be constructed, and no building, structure or land or part thereof shall be used for any purpose or in any manner other than for one or

Table 4:

## RESIDENTIAL DISTRICTS

## PERMITTED USES

USE*	DISTRICT					
	O	R-1	R-1A	R-2	R-3	R-4
1. Single Dwelling Unit		P	P	P	P	P
2. Duplex Dwelling Units		P	P			
3. Multiple Dwelling Units (Low rise)		P	P			
4. Accessory Buildings and Structures		P	P	P	P	P
5. Cemetaries & Mausoleums		S	S	S	S	S
6. Ceramics (See schools)		S	S	S	S	S
7. Churches & Religious Institutions		S	S	S	S	S
8. Clubs & Lodges (Non-profit)		S	S	S	S	S
9. Colleges & Dormitories		S	S	S	S	S
10. Community Center Buildings		S	S	S	S	S
11. Community Garages (No Trucks over 3/4 ton)		S	S	S	S	S
12. Essential Structures, Facilities and Institutions (Not service yards or offices)		P	P	P	P	P
13. Family Day Care Home		S	S	S	S	S
14. Farms: Livestock/poultry (Section 811)				P	P	P
15. Farms: Agriculture		P	P	P	P	P
16. Fire Station		S	S	S	S	S
17. Gas Station		C	C	C	C	C
18. Golf Course						P
19. Group Care Home		S	S	S	S	S
20. Home Occupation		P	P	P	P	P
21. Intermediate Care Facility		S	S	S	S	S
22. Library		S	S	S	S	S
23. Mass Transit Stations & Right of Ways		P	P	P	P	P
24. Mineral Removal		C	C	C	C	C
25. Municipal Buildings		P	P	P	P	P

\*Any residential use not listed shall fall under Paragraph 6.1 and is subject to consideration under a Special Exception

**Table 4: Residential Districts-Permitted Uses**

Page 2 of 2

USE*	DISTRICT					
	O	R-1	R-1A	R-2	R-3	R-4
26. Municipal Caretaker's Residence	S	C	C	C	C	C
27. Personal Care Boarding Home for Adults		S	S	S	S	S
28. Planned Residential Development (PRD)		C	C	C	C	C
29. Public Charitable Institution		S	S	S	S	S
30. Public Parks, Playgrounds & Other Recreation		P	P	P	P	P
31. Schools: Public and Private (Profit Schools)		S	S	S	S	S
32. Signs (Article 823)		P	P	P	P	P
33. Skilled Nursing Facility		S	S	S	S	S

\*Any residential use not listed shall fall under Paragraph 6.1 and is subject to consideration under a Special Exception

C=Conditional Use P=Use by Right S=Special Exception

more of the uses hereinafter set forth as permitted in the district in which such building, structure or land is located, or set forth as permissible by special permit in said district and so authorized.

Any use which is noxious, offensive or detrimental to the neighborhood by reason of odor, fumes, dust, smoke, vibrations, waste or noise shall not be permitted.

## 602 USE REGULATIONS FOR COMMERCIAL AND INDUSTRIAL DISTRICTS

### 602.1 Uses Permitted by Right:

Uses permitted by Right shall be permitted as indicated in Article 6, Table 5 - "Commercial and Industrial Districts: Permitted Uses" of this ordinance.

Applications for zoning approval for such uses which meet all applicable district requirements may be approved by the zoning officer without additional considerations by any other agency of the municipality.

### 602.2 Conditional Uses:

Conditional Uses may be permitted as indicated in Article 6, Table 5 - "Commercial and Industrial Districts: Permitted Uses" of this ordinance subject to criteria and procedures listed in Article 8 and Article 9 of this ordinance. Approval shall be granted or denied by the Board of Commissioners upon the recommendation of the Planning Commission. In approving applications for Conditional Uses, the Board of Commissioners may attach such additional requirements and stipulations as are considered necessary for proper placement of the use on the site.

### 602.3 Special Exceptions:

Uses by Special Exception shall be those indicated in Article 6, Table 5 - "Commercial and Industrial", of this ordinance. Uses by Special Exception may be permitted subject to the criteria and procedures listed in Articles 8 and 9 of this ordinance and shall be subject to the approval of the Zoning Hearing Board.

### 602.4 Prohibited Uses:

Except as provided in Article 7, Non-Conforming Uses, no building or structure shall be constructed, and no building, structure or land or part thereof shall be used for any purpose or in any manner other than for one or more of the uses hereinafter set forth as permitted in the district in which such building, structure or land is located, or set forth as permissible by special permit in said district and so authorized.

Any use which is noxious, offensive or detrimental to the neighborhood by reason of odor, fumes, dust, smoke, vibrations, waste or noise shall not be permitted.

Table 5:

## COMMERCIAL/INDUSTRIAL DISTRICTS

## PERMITTED USES

USE*	DISTRICT						
	C	C-1	C-1A	C-2	PEDD-1	PEDD-2	I
1. Single Dwelling Unit							
2. Duplex Dwelling Units							
3. Multiple Dwelling Units (Low rise)	P	P	P	P			
4. High Rise Multiple Dwelling Units		C	C		C		
5. High Rise Office Units		C	C		C	C	C
6. Agencies: Real Estate, Insurance & Travel		P	P	P	P	P	
7. Amusement Enterprises: Non-retail		S	S		P	P	
8. Amusement Enterprises: Permanent		C	C		P	P	
9. Animal or Waste Reduction, Incineration or Processing (including pumps and fill)							P
10. Art & Antique Shops		P	P		P		
11. Assembly of Appliances & Prepared Parts		P	P		P	P	P
12. Automobile Sales Area		S	S				
13. Automobile Reconditioning & Repair		P	P				P
14. Automobile, Truck, Airplane Assembling and Remodeling							P
15. Bakery: Commercial or wholesale		P	P		P	P	P
16. Bakery: Retail		P	P	P	P		
17. Banks & Other Financial Institutions		P	P	P	P		
18. Barber and Beauty Shop	P	P	P	P	P		
19. Book or Stationery Store		P	P		P		
20. Bottling Works		S	S		P	P	S
21. Brewery & Distillery							P
22. Building Materials: Non-retail					P	P	
23. Building Materials: Sales yard & Storage		P	P		S		P

\*Any commercial or industrial activity or enterprise not listed shall fall under Paragraph 6.2 and is subject to consideration under a Special Exception.

C = Conditional Use P = Use by Right S = Special Exception

Table 5: Commercial/Industrial Districts-Permitted Uses

Page 2 of 6

USE*	DISTRICT						
	C	C-1	C-1A	C-2	PEDD-1	PEDD-2	I
24. Canvas Products: Fabrication & Sales		P	P		P	P	P
25. Carpenter or Woodworking Shop		P	P		P	P	P
26. Carpet Cleaning Establishments		P	P		P	P	
27. Casting: Light, non-ferrous metals		S	S		S	S	P
28. Cemetaries & Mausoleums	P	P	P	P			
29. Chemical Manufacturing & Storage		S	S			P	P
30. Child Day Care Centers & Child Group Day Care		P	P	P	P		
31. Churches & Religious Institutions	P	P	P	S			
32. Clubs and Lodges (Non-profit)		P	P	S			
33. Clubs and Lodges (Profit)		P	P	S			
34. Colleges & Dormitories	P	P	P	P			
35. Commercial Boarding Home		S	S	S			
36. Community Center Buildings	P	P	P	P			
37. Community Garages (No trucks over 3/4 ton)	P	P	P				
38. Crematory (Except in cemetary)							P
39. Custom Tailor, Dressmaker, Milliner		P	P	P	P		
40. Department, Shoe & Clothing Stores		P	P		P		
41. Drugstore, Dry Goods or Notion Store	P	P	P	P	P		
42. Enamel, Japanning, Lacquering, Galvanizing & Plating of Metals & Plastics					S	S	P
43. Entertainment: Transient		P	P		S		
44. Essential Structures, Facilities & Institutions	P	P	P	P			
45. Farm: Livestock/Poultry (Section 8.18)	P	P	P	P			
46. Farm: Agriculture	P	P	P	P			
47. Fat Rendering							P
48. Feed Store, Seed Store, Lawn and Garden Shop		P	P	P	P		
49. Felt Manufacture							P

\*Any commercial or industrial activity or enterprise not listed shall fall under Paragraph 6.2 and is subject to consideration under a Special Exception.

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**Table 5: Commercial/Industrial Districts-Permitted Uses**

Page 3 of 6

USE*	DISTRICT						
	C	C-1	C-1A	C-2	PEDD-1	PEDD-2	I
50. Fertilizer Manufacture							P
51. Fire Station	P	P	P	P			
52. Flea Market		S	S				
53. Florist	P	P	P	P	P		P
54. Food Stores	P	P	P	P	P		
55. Food Processing: Retail (on premises)		P	P		P		P
56. Food Processing: Wholesale (Excluding meat, fish, vinegar, yeast & fat)					S	S	P
57. Freight Classification Yard		P	P				P
58. Funeral Parlor		P	P	P			
59. Furniture, Interior & Upholstery Shops		P	P		P		
60. Gas Manufacturing or Storage, Coke Ovens		S	S				P
61. Gasoline Stations	C	C	C	C	C	C	C
62. Glass Fabrication and Installation		P	P		P		P
63. Glass Manufacturing							P
64. Glue and Size Manufacturing							P
65. Golf Courses	P	P	P	P			
66. Gymnasium or Health Spa		P	P	S	P		
67. Hardware, Electrical Appliances & Music Store		P	P		P		
68. Hotel or Motel		P	P		S		
69. Ice Manufacturing & Storage		P	P		S	P	P
70. Intermediate Care Facility		S	S	S			
71. Jewelry Store & Repairing		P	P		P		
72. Laboratories: Research		P	P		S	S	P
73. Laundry, Cleaning & Dyeing Agency	P	P	P	P	P		P
74. Laundry, Cleaning & Dyeing Plant		P	P		P	P	P
75. Library	P	P	P	P			
76. Machine Shop: Stamping Press, Plumbing and Blacksmith Shop		S	S				P

\*Any commercial or industrial activity or enterprise not listed shall fall under Paragraph 6.2 and is subject to consideration under a Special Exception.

C = Conditional Use P = Use by Right S = Special Exception

Table 5: Commercial/Industrial Districts Permitted Uses

Page 4 of 6

USE*	DISTRICT						
	C	C-1	C-1A	C-2	PEDD-1	PEDD-2	I
77. Machine Shop: Non-forged, non-foundry					P	P	
78. Manufacturing & Assembly from prepared materials		S	S		P	P	P
79. Manufacturing: Brick, Tile, Terra Cotta, Cement Block, Cast Stone		S	S			P	P
80. Manufacturing: China, Pottery & Porcelain						P	P
81. Manufacturing: Fire Arms							P
82. Mass Transit Stations & Right of Ways	P	P	P	P			S
83. Massage Parlor (Ord. 481)		S	S				
84. Meat Processing (Excluding slaughtering, curing & smoking)						P	P
85. Metal Fabrication, Light		P	P		P	P	P
86. Metal Fabrication, Heavy							P
87. Mineral Removal	C	C	C	C	C	C	C
88. Mobile Home Park		P	P				
89. Mobile Home Sales Lot		S	S				
90. Municipal Buildings	P	P	P	P			
91. Offices: Business & Professional		P	P	P	P	P	
92. Optical, Scientific & Jewelry Manufacturing		S	S		P	P	P
93. Paint Stores, Sign Painting Shops		P	P		P		
94. Pawnshop, Second Hand Store, Auction Store		P	P				
95. Personal Care Boarding Home for Adults		S	S	S			
96. Petroleum products & fuel manufacturing and storage						P	S
97. Photographic Services, Supplies & Equipment		P	P	P	P		
98. Printing, Industrial: Wallpaper, etc.		P	P		P	P	P
99. Printing, Publishing & Reproduction Establishments		P	P		P	P	P
100. Public Charitable Institutions	P	P	P	P			

\*Any commercial or industrial activity or enterprise not listed shall fall under Paragraph 6.2 and is subject to consideration under a Special Exception.

C = Conditional Use P = Use by Right S = Special Exception

Table 5: Commercial/Industrial Districts-Permitted Uses

Page 5 of 6

USE*	DISTRICT						
	C	C-1	C-1A	C-2	PEDD-1	PEDD-2	I
101. Public clinic, medical clinic		P	P		P		
102. Public Garages, Bus and Taxi Service, Parking Lot		P	P				P
103. Public Utilities: Maintenance garage and service area		P	P		S	S	
104. Public Parks, Playgrounds & Other Recreation	P	P	P	P			
105. Pulp, Paper, Cardboard and Building Board Manufacturing							P
106. Quarry, rock crusher (See mining Ord.)							P
107. Radio and Television Stations and Masts		S	S		P	P	S
108. Restaurant, Tavern, Cafe (Includes entertainment and liquor)		P	P	P	P		
109. Sand and Gravel Pit (No crushing or clay extraction) See mining ordinance							P
110. Saw Mill, Planing Mill							P
111. Schools: Public & Private	P	P	P	P			
112. Shoe Repair Shop		P	P	P	P		P
113. Signs (Article 8)	P	P	P	P	P	P	P
114. Shopping Center (3 Acres +)		C	C	C	C		
115. Skilled Nursing Facility		S	S	S			
116. Slaughter House, Abattoirs, Stock Yards							P
117. Stone and Monument Works							P
118. Storage, Sorting, Baling and Processing (junk, wood, glass & paper)							P
119. Swimming Pool (Commercial Use)		P	P				
120. Synthetics and Plastics Manufacturing							P
121. Tanning, Curing or Storing Hides							P
122. Tourist Courts and Homes		P	P				
123. Truck Terminals, Storage & Parking		P	P			P	P
124. Veterinary Hospitals, Kennels, Bird Store & Taxidermist		P	P		P		

\*Any commercial or industrial activity or enterprise not listed shall fall under Paragraph 6.2 and is subject to consideration under a Special Exception.

C=Conditional Use P=Use by Right S=Special Exception

**Table 5: Commercial/Industrial Districts-Permitted Uses**

Page 6 of 6

USE*	DISTRICT						
	C	C-1	C-1A	C-2	PEDD-1	PEDD-2	I
125. Wearing Apparel: Fabrication & processing		S	S		P	P	P
126. Wholesale Distribution Plants		P	P		S	S	P
127. Wholesale Business, Storage Building, Warehouses & Mini Warehouse		P	P		P	P	P
128. Wool Pulling or Scouring; manufacturing of shoddy							P
129. Wool or Bone Distillation							P
130. Yards for Storage and Repair							P

\*Any commercial or industrial activity or enterprise not listed shall fall under Paragraph 6.2 and is subject to consideration under a Special Exception.

C = Conditional Use P = Use by Right S = Special Exception

## ARTICLE 7

### NON-CONFORMING BUILDINGS STRUCTURES AND USES

- 701 Statement of Purpose
- 702 Registration of Non-Conforming Uses
- 703 Non-Conforming Lots of Record
- 704 Non-Conforming Structures of Record
- 705 Non-Conforming Use of Structures or Land
- 706 Repairs and Maintenance of Non-Conforming Buildings

#### 701 INTENT AND PURPOSE

Within the districts established by this ordinance or due to amendments that may later be adopted, there exist lots, structures and uses of land which were lawful before this ordinance was passed or amended but which would be prohibited, regulated or restricted under terms of this ordinance or future amendment.

- 701.1 It is the intent of this ordinance to permit these non-conformities to continue until they are removed but not to encourage their survival. Such uses are declared by this ordinance to be incompatible with permitted uses in the districts involved. It is further the intent of this ordinance that non-conformities may not be enlarged upon, expanded or extended nor be used as grounds for adding signs, structures or uses prohibited elsewhere in the same district.
- 701.2 To avoid undue hardship, nothing in this ordinance shall be deemed to require a change in the plans, construction or designated use of any building on which actual construction has been diligently carried on. Actual construction is hereby defined to include the placing of construction materials in permanent position and fastened in a permanent manner, except that where demolition or removal of an existing building has been substantially begun preparatory to rebuilding, such demolition or removal shall be deemed to be actual construction provided that work shall be diligently carried to completion of the building involved.

702 REGISTRATION OF NON-CONFORMING USES

All non-conforming uses shall be registered with the Zoning Officer.

703 NON-CONFORMING 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.

- 703.1 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 the 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. Variation of area, width and yard requirements shall be obtained only through action of the Zoning Hearing Board as provided for by Article 9, Section 910.
- 703.2 If two (2) or more lots or combinations of lots and portions of lots with continuous frontage in single ownership are of record at the time of passage or amendment of this ordinance, and if all or part of the lots do not meet the requirements for lot width and area as established by this ordinance, the lands involved shall be considered to be an undivided parcel and shall not be used or sold, nor shall any divisions of the parcel be made which leave remaining any lot with width or area below the requirement stated in this ordinance.

704 NON-CONFORMING STRUCTURES OF RECORD

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 restrictions 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:

- 704.1 No such structure may be enlarged or altered in any way which increases its non conformity except when the Zoning Hearing Board may determine undue hardship and may authorize a reasonable modification of such structure.
- 704.2 In the event of damage or destruction, 100 percent or less than the replacement cost of the structure, repairs and reconstruction may be undertaken provided such restoration is started within twelve (12) months of the date of damage. Upon completion of repairs, the building must continue with its original use.
- 704.3 Should such structure be moved for any reason for and distance whatsoever, it shall thereafter conform to the regulations for the district in which it is located after it is moved.

#### 705 NON-CONFORMING USES OF STRUCTURES OR LAND

If a lawful use of a structure, or of structure and or land in combination or separately 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, subject to Section 704 and the following provisions:

- 705.1 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.
- 705.2 Any non-conforming 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.
- 705.3 If no structural alterations are made, any non-conforming use of a structure, and premises, may be changed to another non-conforming use provided that the Zoning Hearing 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 non-conforming use. In permitting such change, the Zoning Hearing Board may require appropriate conditions and safeguards in accord with the provisions of this ordinance.

- 705.4 Any structure, or structure and land in combination, in or on which a non-conforming use is superseded by a permitted use, shall thereafter conform to the regulations for the district in which such structure is located, and the non-conforming use may not thereafter be resumed.
- 705.5 When a non-conforming use of a structure or structure and land in combination, or separately, is discontinued or abandoned for twelve (12) consecutive months or for eighteen (18) months during any three (3) year period, 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.
- 705.6 Where non-conforming use status applies to a structure and land in combination, or separately, the destruction of the structure shall eliminate the non-conforming status of the land.

#### 706 REPAIRS AND MAINTENANCE OF NON-CONFORMING STRUCTURES

On any building devoted in whole or in part to any non-conforming use, work may be done in any period of twelve (12) consecutive months on ordinary repairs, or on repair or replacement of non-bearing walls, fixtures, wiring or plumbing, to an extent not exceeding ten (10%) per cent of the current replacement value of the building, provided that the cubic content of the building as it existed at the time of passage or amendment of this ordinance shall not be increased.

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.

## ARTICLE 8

### SPECIAL REGULATIONS

801	Accessory Uses, Buildings and Structures	816	Massage Business
802	Amusement Centers	817	Mineral and Topsoil Removal
803	Attached Multi Family Dwelling Regulations	818	Mobile Homes
804	Boats	819	Off-street Loading Regulations
805	Canopies	820	Off-street Parking Regulations
806	Condominiums	821	Rear Dwelling Regulations
807	Day Care	822	Rear Lot Subdivisions
808	Essential Services Height Exception for Structures	823	Sign and Billboard Regulations
809	Exotic Animals	824	Smoke Detectors
810	Exterior Wall Surfaces	825	Subdivisions
811	Farms and Livestock	826	Swimming Pools
812	Floodplain Regulations	827	Township Caretaker Residence
813	Group Residence and Group Care Facilities	828	Transient Business and Sale of Goods from Parked Trucks
814	Home Occupations	829	Unit Group Development Standards
815	Location of Deposits of Fluid or Solid Waste Material		

#### 801 ACCESSORY USES, BUILDINGS AND STRUCTURES

- 801.1 No accessory building, accessory structure or accessory use shall be allowed on any residential lot prior to the time of construction of the principal use to which it is an accessory. Where temporary tool housing is necessary, written permits must be obtained from the North Huntingdon Township Zoning Officer.
- 801.2 No accessory building or use shall be permitted in the required front or side yard setback area of any residential district.
- 801.3 No accessory building, structure or use that exceeds ten (10) feet in height shall be permitted in the required rear yard of any residential district except for antennas by Special Exception.
- 801.4 No accessory shed of less than one hundred (100) square feet or less in area shall require a building permit and such accessory shed may be located five (5) feet from the side setback. Only one shed is permitted per lot.

801.5 No accessory building, structure or use shall be placed in the required rear yard within a ten (10) feet setback from the property line of any residential district. On corner lots in a residential district the front yard setback shall be maintained for all accessory uses on the street side of a lot.

802 AMUSEMENT CENTERS

802.1 Location:

1. Amusement games machines shall be located at least 1,500 feet from school building or property, and church buildings or property.
2. Furthermore, Amusement games complexes shall be at least 1,500 feet from each other.

802.2 Rest Room Facilities:

All establishments and places where amusement games machines are located shall provide rest room facilities for the patrons.

802.3 Space:

Adequate space shall be provided for each machine so as to allow its use without overcrowding.

1. A minimum width of 2 feet shall be provided per machine where the machine is designed for use by one player, and 3 1/2 ft. where the machine is designed for use by two players.
2. The depth of space in front of the machine shall be at least 5 ft. and there shall be a minimum aisle width beyond this 5 ft. of an additional 3 ft.
3. Fire Underwriters Code requirements shall also be complied with as applicable.

802.4 Exemptions:

Private clubs and lodges shall be exempted from all of the above requirements of Section 802.

803 ATTACHED MULTI-FAMILY DWELLING REGULATIONS

The regulations set forth in this section qualify or supplement, as the case may be, the district regulations elsewhere in this ordinance.

803.1 When more than one multiple-family dwelling building is erected upon a single lot or tract, the minimum distances between main buildings shall be the following:

1. Front to Front - seventy (70) feet. Front to rear - sixty (60) feet.

2. Side to side - twenty (20) feet.
3. Front to side - thirty (30) feet. Rear to side - thirty (30) feet.
4. Rear to rear - fifty (50) feet.

803.2 Where multi-family attached dwelling units are designed to face upon an open or common access court rather than upon a public street, this open court shall meet the following minimum width requirements:

1. Court width - (no parking) - 22 feet.
2. Court width - (parking one side) - 42 feet.
3. Court width - (parking two sides) - 62 feet.

803.3 Where a multiple-family attached unit building is erected with the intent that the attached units are to be sold as separate dwelling units, the following regulations shall apply:

1. The number of dwelling units per acre shall be governed by the applicable provisions of the zoning district in which the perspective development shall occur.
2. The following height, area, yard and bulk regulations shall apply to the individual attached dwelling units which are intended to be sold. Each dwelling unit shall have as a minimum the following requirements:
  - (1) Lot area - a minimum of 2,000 sq. ft. per dwelling unit.
  - (2) Lot width at building line - a minimum of sixteen (16) feet.
  - (3) Front yard setback - as per the applicable zoning district.
  - (4) Rear yard setback - as per the applicable zoning district.
  - (5) Height - As per the applicable zoning district.
  - (6) Lot coverage - as per the applicable zoning district.
  - (7) A minimum two (2) parking spaces shall be required for each unit. When an attached dwelling unit contains an integral garage, this may be considered as one parking space toward the requirement of two per dwelling unit.
  - (8) A minimum common open space area of twenty (20) feet depth shall be required to be placed along the side of the end lots and along the rear of all lots where individual units in a multiple-family building are intended to be sold. The

purpose of this twenty (20) feet common open space is to provide access to the rear yards of the lots intended to be sold. This twenty (20) foot common open space area shall not be part of the area of any lot and shall be in addition to any rear yard requirements.

- (9) Where multi-family attached dwelling unit lots are designed to face upon an open or common access court, the front setback line or building line shall be measured from the edge of the common access court. The front setback line or building line shall meet the requirements of the zoning district where the development is located.

#### 804 BOATS

All recreational type vehicles shall be parked off public rights-of-way and streets. On site parking must be provided by the owner of the vehicles.

#### 805 CANOPIES

A canopy shall be permitted in any Commercial District 1 (C-1), Limited Commercial District 1-A (C-1A) and Neighborhood Business District(C) so long as compliance is made with the provisions set forth herein.

- 805.1 The maximum encroachment into the required front yard area or the required building setback line shall be 15 feet.
- 805.2 The minimum height between the bottom edge of the canopy and the ground surface shall be 10 feet. If a concrete pad is constructed under the canopy, the height requirement shall be measured from the top of the concrete pad.
- 805.3 No canopy shall be enclosed.
- 805.4 No structure, sign or building extension shall be constructed above the canopy.
- 805.5 No signs or ornamental decorations shall be hung on the canopy so as to protrude into the 10 foot minimum height area required.
- 805.6 Furthermore, even if the above requirements are met, no canopy shall be permitted where the Zoning Officer, Planning Commission or Zoning Hearing Board, whoever is the reviewing agency, determines that the erection of a

canopy shall be detrimental to public safety relating to visibility for one or more of the following reasons.

1. Clear sight triangles violations.
2. Topographic conditions.
3. Adjacent structure alignment conditions.
4. Vehicle cartway alignment conditions.
5. Parking space requirement violations.

805.7

**Freestanding Canopies:**

1. The maximum setback from the property line to the nearest overhanging edge of a freestanding canopy shall be fifteen (15) feet.
2. The minimum height between the bottom edge of the canopy and the ground surface shall be 14 feet. If a concrete pad is constructed under the canopy, the height requirement shall be measured from the top of the concrete pad.

## 806 CONDOMINIUMS

806.1

A condominium ownership arrangement for a residential building is allowed in any district designated as a Residential District and allowing apartments or townhouses.

1. Any proposed condominium whether to be created by new construction or by the conversion of an existing construction shall first be reviewed and recommended to the Board of Commissioners by the Planning Commission, and approved by the Board of Commissioners.
2. Condominiums must also comply with all zoning and building codes that apply to the proposed structure.

806.2

Condominium plans and proposals must include in addition to other applicable requirements:

1. A reference to the unit property act and an expression of the intention and procedure to be used to comply with the unit property act.
2. A description of the land and the proposed building.
3. The name by which the property will be known.
4. The statement by which the common elements and the living units will be governed in the plan.

5. A description of the common elements including wash areas, common or individual recreation areas and divided or individual interests that are assigned to each unit of the condominium. Where percentages of a common element are divided among the units, the final tally shall equal 100% and no part of common area shall be left unaccounted for.
6. A statement that the individual interests of the condominium are owned proportionately by the occupants and that alterations of the individual interests must be by the recording of an amendment to the condominium charter and duly executed by 3/4 owners affected by the amendment. Such an amendment shall also be sent to the North Huntingdon Township Board of Commissioners for approval or denial.
7. Where the amendment violates the original intent and rules in the condominium charter, the Board of Commissioners may deny the requested alteration or amendment.
8. A statement of the purposes or use for which each unit is intended and the restrictions, penalties and methods of enforcement of the rules governing the intended uses.
9. The names and addresses of the condominium governing council members. This roster or list must be kept current and all changes must be reported to the North Huntingdon Township Planning Agency within a period of thirty (30) days.
10. Any further details in connection with the property which the party or parties executing the declaration may deem appropriate and consistent with the subdivision codes of North Huntingdon Township. In addition, any other details or information that the Board of Commissioners or the Planning Commission may require to properly review the proposal and to assure the public's health, welfare, safety and property rights are protected.

806.3 Approval of a Condominium Proposal:

1. Upon a declaration of recommended approval by the Planning Commission, the plans and proposal will be forwarded to the Board of Commissioners. Such a declaration shall include the recommendation for approval or denial, the time in which the Board of Commissioners shall act on the proposal and the necessary advertising to the public plus any required open hearings.

2. After the Board of Commissioners has approved or denied the proposal, duly certified copies shall be distributed as follows:
  - (1) One (1) copy to the applicant.
  - (2) One (1) copy to the Recorder of Deeds where the proposal is approved.
  - (3) One (1) copy to the Westmoreland County Planning Commission.
  - (4) One (1) copy to the Township files.
  - (5) One (1) copy to the Planning Agency.

806.4 The Plan Declaration must include:

1. Submit four (4) copies of the proposal to the Planning Director or Zoning Officer for registration and distribution.
2. The declaration shall show the property, the location, the location of the proposed building or buildings, the layout of the floors and the layout of the common elements, the name of the property as it shall be known upon completion, the unit designations and a statement from a licensed engineer declaring that the plans fully and accurately set forth the foregoing conditions.

806.5 The Code of regulations for the condominium shall include:

1. At least four (4) copies of the codes shall be submitted to the Planning Director or the Zoning Officer for registration and distribution.
2. Identification of the property by reference to the place and address.
3. The method of calling meetings of the condominium owners and council.
4. The number of unit owners and the council which shall constitute a quorum for the transaction of business.
5. The number and names of members of the council, the duration of the term of council members and the method of filling any vacancies.
6. The duties of each officer, the compensation and the method of removal of such officers.
7. Trash, refuse and garbage removal from the units and the units snow removal from the common elements, police protection and security of the common elements, provision of the other services to the units and other elements. Methods of maintenance

and repair and the method of replacement of common elements or dwelling units, payment of costs of the foregoing; all must be included in the registration of the condominium and must be forwarded to the Planning Agency of North Huntingdon Township in a language assuring that all the foregoing will be promptly attended to and that the local or state government has no responsibility for the foregoing services.

8. The manner of collecting common expenses from the unit owners, which shall include a provision to the effect that all local government fines, penalties, and assessments against individual units or common elements may be imposed and liened directly against the various unit owners or common elements without reference to any duties or functions of the council.
9. The method of adopting and amending the code of regulations. Rules governing the operation of the property and use of the common elements and the requirement that the code and all amendments must be approved by the Board of Commissioners to become effective.
10. Any other provisions that the Board of Commissioners may require to assure the health, welfare and safety of the public.
11. The requirement that the Township Secretary and the Planning Agency receive immediate notification of any change in unit ownership, change in council members and the change of mailing address of any members of the council.

806.6

Code Approval:

After the code of regulations has been approved by the Board of Commissioners, the copies duly certified by the Township Secretary shall be distributed to:

1. The applicant for distribution to unit owners.
2. The Township files.
3. The Planning Agency.

806.7

Where existing structures are to be converted to a condominium, the following shall apply:

1. Whenever a multiple family dwelling structure which is designed for and occupied as a residency by two (2) or more persons living independent of each other is intended for conversion by the owner or owners into a condominium, the occupants of such dwellings shall be notified of such proposed conversion and shall not be required to vacate his dwelling until the expiration of his lease.

2. All provision restrictions and benefits as applied to newly constructed condominiums as set forth in this condominium ordinance shall apply to converted condominiums.

806.8 Fees and costs of condominiums:

1. The fees and cost of condominium applications shall be consistent with those of subdivision requests.
2. Condominium filing procedures shall follow the same procedure and shall be identified by the nomenclature as the subdivision applications, that being:
  - (1) Sketch plan.
  - (2) Tentative approval
  - (3) Final Approval.

807 DAY CARE

All care facilities shall comply with the following:

- 807.1 Said facility must be located on an arterial or collector street.
- 807.2 Said facility must protect residential areas against the hazards of fire, offensive noise, traffic, or vibration, smoke, odors, glare or other objectionable influences.
- 807.3 Said facility shall be permitted or denied operation only after inspection by the North Huntingdon Township Zoning Officer.
- 807.4 When said facility is one in which care givers reside, a minimum of four (4) off-street parking spaces are required, regardless of other conflicting regulations.
- 807.5 Said facility must operate in compliance with all applicable regulations of the Commonwealth of Pennsylvania and have a registration certificate from the Pennsylvania Department of Public Welfare, as well as complying with any applicable regulations of Westmoreland County and North Huntingdon Township.
- 807.6 Said facility must provide a minimum on-site outdoor play area of sixty-five (65) square feet per child which shall be fenced and leveled.
- 807.7 If located on a street where parking is restricted, said facility shall have safe access to an off-street area for discharging and picking up of persons to whom the service is rendered.

- 807.8      Types:  
1.      Day care centers.  
2.      Group day care home.  
3.      Family day care home.  
4.      Foster care home.

808      ESSENTIAL SERVICES HEIGHT EXCEPTION FOR STRUCTURES

- 808.1      The height requirements for structures related to Essential Services of the district wherein the use is located may be exceeded when the necessity has been demonstrated and when the following conditions are met: no structure shall exceed one hundred fifty (150) feet in height.
- 808.2      When in an "R" District, for every two (2) feet above the height limit, every portion of the structure be set back one (1) foot from lot lines with bordering or opposite properties.
- 808.3      Fences and/or enclosures shall be erected to ensure the safety of the facility.

809      EXOTIC ANIMALS

Exotic animals such as lions, tigers, bears, et cetera, shall not be permitted in any residential district.

810      EXTERIOR WALL SURFACES

810.1      Exterior Wall Surface in Residential Areas:

1.      No building shall be erected in a PRD District or in R-1, R-1A, R-2, R-3, and R-4 that has any part of its exterior wall surfaces, except rear, composed of concrete block or cinder block. Exterior surfaces of buildings in these districts shall be composed of the following materials.

Approved Materials:

- (1)      Brick
- (2)      Stone
- (3)      Wood
- (4)      Stucco
- (5)      Steel Siding
- (6)      Aluminum Siding
- (7)      Vinyl Siding
- (8)      Glass

2. When an applicant applies for a Zoning Certificate, the Zoning Officer shall review the approved list of materials to determine if the applicants proposed exterior wall surface is on the approved list of materials for that district. If it is and all other ordinance requirements are complied with, he shall issue the Zoning Certificate.
3. If the exterior surface requested is not on the approved list, the applicant may request a Special Exception from the Zoning Hearing Board for the proposed exterior surface. All materials on the approved list and any other subsequent proposed material must meet the appropriate building code requirements that are in effect at the time of the application.

810.2 Exterior Wall Surfaces in Commercial, Industrial, PEDD 1 and PEDD 2 Districts

1. No building shall be erected in Districts C, C1, C-1A, C-II, PEDD 1 and PEDD 2 that has any part of its exterior wall surfaces composed of any material except those listed as approved materials:

Approved Materials:

- (1) Brick
- (2) Stone
- (3) Wood
- (4) Stucco
- (5) Steel Siding
- (6) Aluminum Siding
- (7) Vinyl Siding
- (8) Glass
- (9) Decorative Block

2. If the exterior wall surface requested is not on the approved list, the applicant may request a Special Exception for the proposed exterior surface. This must be accomplished before any other approval procedures are commenced.

810.3 Special Exception Criteria for Exterior Wall Surface:

For approval of a material other than those previously listed, the requested exterior wall surface must meet the following criteria:

1. The material must be shown to meet the appropriate building codes that are in effect at that time.
2. The requested exterior surface must be compatible with the surrounding exterior surfaces in the area where it is to be located, so as not to be detrimental to the surrounding property values.

3. Standard concrete block may be approved as a special exception in any district on walls that shall not at any time be viewable to passersby or any part of the general public and in a manner so as not to jeopardize the general welfare and character of the adjacent properties. If the Planning Commission determines that standard concrete block will present a deleterious effect on adjacent properties by virtue of the intrinsic nature of concrete block, then the Planning Commission may recommend a substitute material which is substantially similar, but will be effectually compatible to the immediate vicinity. Materials which will be considered as acceptable shall be:
- (1) Concrete shadow block.
  - (2) Concrete grid or scored block.
  - (3) Concrete split faced ribbed block.
  - (4) Concrete split faced block.
  - (5) Utility brick.

## 811 FARMS AND LIVESTOCK

### 811.1 Area Requirements:

R-2	20 acres
R-3	15 Acres
R-4	10 Acres

811.2 Any housing or feeding structures shall be centrally located and in all cases shall be located a minimum of 250 ft. from property lines.

### 811.3 Recreational Horses by Special Exception:

Recreational horses shall be permitted in all zoning districts by Special Exception and shall meet the following criteria:

1. Three (3) acres per one (1) horse, each additional horse must have one (1) acre.
2. The maximum number of horses allowed shall be five (5), as finally determined by the Zoning Hearing Board based on the amount and type of land available and the location of the property in relationship to adjoining land uses. However, the Zoning Hearing Board may reduce the maximum number of horses permitted as above stated if all the acreage involved is not usable, that is, topographical and similar factors such as water supplies and similar factors, and as such as may be determined with relationship to the health, safety and welfare of the adjoining land uses and the residents affected thereby.

3. A buffer zone around the property shall be set by the Zoning Hearing Board as needed.
4. Any housing or feeding structure or structures shall be centrally located and in all cases have a minimum distance of 75 feet from the nearest property line.

## 812 FLOODPLAIN DISTRICT

All development and use of land and structures in floodplain districts shall comply with the North Huntingdon Township Floodplain Ordinance No. 507 as amended.

## 813 GROUP RESIDENCE AND GROUP CARE FACILITIES

- 813.1 Group residence and group care facilities, including commercial boarding homes, intermediate care facilities, skilled nursing facilities, and personal care boarding homes for adults, shall comply with the provisions of this section and with all applicable state and county regulations.
- 813.2 All required information, including documentation of licensing approval in the form of a letter of registration, shall be submitted with the application for Zoning Hearing Board approval of Special Exception. Upon approval of the Zoning Hearing Board, the license must be presented before any occupancy permit can be issued.
- 813.3 **Parking Spaces:**  
No parking space may access directly onto a public road. All parking space stalls must be laid out so as to be entered from a parking access aisle.
- 813.4 **Personal Care Boarding Home and Commercial Boarding Home:**  
The following general criteria shall be reviewed by the Zoning Hearing Board for any special exception request referenced in this section.
  1. Is it necessary for the public convenience at that location?
  2. Is it so designated, located and proposed to be operated that the public's health, safety and welfare will be protected?
  3. Will it cause any substantial injury to the value of other property in the neighborhood in which it is located?
  4. All requests must point out why a special exception is needed for the property or building in question.

813.5 The following specific criteria shall be reviewed by the Zoning Hearing Board as it pertains to each of the following special exception classifications listed on Table 6, Group Care and Group Residence Standards and Criteria.

1. Classification A: Skilled nursing facility and/or intermediate care facility.
2. Classification B: Personal care boarding home.
3. Classification C: Commercial boarding home.

**TABLE 6 Group Residence and Group Care Standards and Criteria**

SPECIFIC CRITERIA	CLASSIFICATION "A"	CLASSIFICATION "B"	CLASSIFICATION "C"
	Skilled Nursing and/or Intermediate Care Facility	Personal Care Boarding Home	Commercial Boarding Home
<b>Zoning District Permitted by Special Exception</b>	<b>ALL RESIDENTIAL &amp; COMMERCIAL ZONES</b>	<b>ALL RESIDENTIAL &amp; COMMERCIAL ZONES</b>	<b>ALL COMMERCIAL ZONES</b>
<b>Minimum Lot Area</b>	None	1 acre	7,500 square feet
<b>Parking Requirements (Section 820)</b>	As Per Section 820.5 - "Hospitals". Parking space locations to be compatible with area.	As per Section 820.5 - "Hospitals".	As per Section 820.5.
<b>Building Setbacks</b>	As per Commercial districts. Buffers required.	As per zoning district where site is located. (Buffer required in residential zones).	As per Commercial districts. Buffers required.
<b>Sign Requirements (Section 823)</b>	Commercial regulations will apply (Section 823.4).	In Residential districts Section 823.2 will apply. Commercial districts - Section 823.4 will apply.	Commercial regulations will apply (Section 823.4).
<b>Architectural Requirements</b>	Must be compatible with adjacent residential structures.	Must be compatible with adjacent residential structures.	

<b>SPECIFIC CRITERIA</b>	<b>CLASSIFICATION "A"</b>	<b>CLASSIFICATION "B"</b>	<b>CLASSIFICATION "C"</b>
<b>Landscaping Requirements</b>	In Commercial areas a landscaped outside sitting area must be provided.	In Commercial areas a landscaped outside sitting area must be provided.	In Commercial areas a landscaped outside sitting area must be provided.
<b>Public Water Service</b>	Required	Required	Required
<b>Public Sewage Service</b>	Required	Required	Required
<b>Location of similar facilities of the same classification</b>		No closer than 1,500 ft. in Residential districts.	No closer than 1,000 ft.
<b>Site Plan Submission (Section 914)</b>	Required	Required if new construction or major alteration.	Required if new construction or major alteration.
<b>Permitted number of occupants</b>	Not specified	The appropriate zoning district dwelling unit density/acre multiplied by three (3).	Not specified
<b>Additional information required:</b>			
<b>a. Name of owner</b>	Required	Required	Required
<b>b. Address of owner</b>	Required	Required	Required
<b>c. Number of beds</b>	Required	Required	Required
<b>d. Number of staff</b>	Required	Required	Not required
<b>e. Other information</b>	As determined by Zoning Hearing Board.	As determined by Zoning Hearing Board.	As determined by Zoning Hearing Board.
<b>Licensing approval documentation</b>	Letter of registration from Department of Health.	Letter of registration from Department of Health.	None required

814 HOME OCCUPATIONS

- 814.1 All home occupations shall require a permit.
- 814.2 Any service oriented occupation generally and regularly classified as a home occupation shall be determined on a case by case basis with a consideration of all circumstances and facts prevailing at the time by the Zoning Officer of North Huntingdon Township.
- 814.3 Home occupations shall include the office of a physician, dentist, clergyman, or other professional person, including musicians, writers, teachers giving instruction, dressmaker, ceramics, milliner, seamstress, insurance, real estate, beauty shop, barber shop and professional services, and where skilled services are offered to clients by one not professionally engaged in the purchase, sale or storage of retail goods.
1. Such occupation shall be carried on wholly within the principal building and no person outside the family shall be employed.
  2. There shall be no exterior storage of materials and no other exterior indication of the home occupation or variation from the residential character of the principal building.
- 814.4 The following standards and contingencies shall prevail:
1. No on-street parking.
  2. One sign - One (1) square foot for identification only, in addition to any state and federally required license signs.
  3. No lighted sign
  4. No noise and no neighborhood disturbances created by the home occupation.
  5. No more than two (2) students at one time.
  6. No commodities shall be sold that are not the result of the residents' handiwork.
  7. No more than one (1) home occupation shall be permitted in a dwelling unit.

In the event that a determination cannot be made by the Zoning Officer, a Special Exception shall be required from the Zoning Hearing Board. All home occupations shall require an occupancy permit.

815 LOCATION OF DEPOSITS OF FLUID OR SOLID WASTE MATERIAL

Solid and fluid waste materials including but not limited to solid and liquid waste materials resulting from mining, industrial, commercial, agricultural and residential activities shall be deposited only in an industrial zoned area.

816 MASSAGE BUSINESS

816.1 Business permit required:

No person shall engage in or carry on the business of massage unless he has a valid massage business permit issued by the Township of North Huntingdon pursuant to the provisions of Ordinance No. 481 for each and every separate office or place of business conducted by such person.

816.2 In the case of applications for massage business permits, the Zoning Officer shall cause to be conducted an investigation of the premises where the massage business is to be carried on, for the purposes of assuring that such premises comply with all the sanitation requirements as set forth in the Ordinance No. 481 and with the regulations of public health, safety, morals and welfare.

816.3 Masseur's permit required:

No person shall practice massage as a masseur, employee or otherwise, unless he has a valid and subsisting masseur's permit issued to him by the Township of North Huntingdon pursuant to the provisions of Ordinance No. 481.

816.4 Fee:

The permit fee for a massage business shall be one hundred (\$100.00) dollars per year or any part thereof. The permit fee for masseurs shall be twenty-five (\$25.00) dollars.

817 MINERAL AND TOPSOIL REMOVAL

The removal of top soil and minerals shall be in accordance with the following provisions.

817.1 Permit Required:

Notwithstanding the prior granting of permission no person shall remove from the Township of North Huntingdon any top soil or in place mineral, whether by deep or surface mining, without first obtaining from the Zoning Officer a written permit, therefore issued upon the order of the Township as hereinafter provided.

- 817.2 Application Procedure:  
The application shall follow the procedure for the issuance of a conditional use permit as provided for in Article 9, Section 906 and in Act 247, "The Pennsylvania Municipalities Planning Code", as amended.
- 817.3 The application shall consist of the following materials:
1. A letter to the North Huntingdon Township Board of Commissioners requesting a Conditional Use, and specifying:
    - (1) The type of mining activity proposed.
    - (2) The approximate area where the mine is to be located.
    - (3) The type of mineral which is expected to be extracted and,
    - (4) The name of the person, persons, partnership, corporation or other legal entity who will be responsible for the mining activity.
  2. Maps, diagrams or other documents:
    - (1) A location map prepared by a registered professional engineer showing:
      - (a) The total acreage to be excavated.
      - (b) The boundaries of the land to be affected by the mining operation.
      - (c) Boundaries of adjoining lands owned by persons other than the applicant and the existing uses of these adjoining lands.
      - (d) The location of all watercourses, bodies of water, public rights-of-way, public buildings, public recreation areas or other public property within 250 feet of the boundaries of the land to be affected by the mining operation.
      - (e) A transportation plan showing the roads to be utilized for access to and hauling from the mining operation.
    - (2) A site development plan for the area to be affected by the mining operation prepared by a registered professional engineer showing:
      - (a) The legal boundaries of the land to be affected by the mining operation.
      - (b) The present topography of the land with contour intervals of ten (10) feet shown.
      - (c) The location of all watercourses, bodies of water, roads which would be encompassed within the boundaries of the land to be affected by the mining operation.
      - (d) The location of:
        - a. Storage sites for overburden.
        - b. Access and haulage roads to be constructed.
        - c. Storage sites for equipment.

- d. Offices, structures or other appurtenances to be used in conjunction with the mining operation.
  - e. The location of any storm water management facilities.
  - f. A cross section showing the nature and depth of the various strata of overburden above and between mineral seams to be excavated.
  - g. The location and quality of underground water to be present on the site.
  - h. The location of known aquifers and the estimated elevation of the water table.
- (3) A detailed land reclamation plan of the area included within the permit, showing:
- (a) Proposed use or uses of the land following the mining operation.
  - (b) Proposed topography of the land following the mining operation indicated by contour lines of an interval of ten (10) feet.
  - (c) Actions to be taken during mining to conserve and replace topsoil removed during mining operations.
  - (d) The sedimentation and erosion control plan for the operation including the type of vegetation to be planted for soil stabilization purposes.
  - (e) Proposed location of future roads, private or public rights-of-way, drainage courses and other improvements.
- (4) A written summary addressing the following points:
- (a) The name and address of the applicant and the source of the applicants right to remove mineral deposit and whether applicant is an owner, lessee, licensee or permittee. In all cases, the consent of the owner fully acknowledged, or a memorandum of the contract with the owner must be attached.
  - (b) The purpose of the proposed mineral removal and the estimated amount of the mineral to be removed.
  - (c) The depth to which such removal is to be occasioned.
  - (d) A detailed description of the manner in which the material will be removed and processed.
  - (e) An evaluation prepared by a qualified geotechnical engineer or a hydro-geologist of the probable impact of the mining operation upon the community water supply.

- (f) An estimate of water runoff from the area to be affected by the mining operation including methods of calculations.
  - (g) An analysis of the potential noise and air pollution generated from the operation.
  - (h) Reasonable assurances that the applicant will be capable of reclaiming the land in accordance with the plan within a reasonable time after completion of the mining operation to be covered by the required permit.
  - (i) A list of proposed public utilities to serve the operation including method of sewage and rubbish disposal.
  - (j) A list of all permits which will be required before operation commences including but not limited to, all mining permits, sewer line extension permits and water obstruction permits.
  - (k) A timetable showing:
    - 1. Estimated time needed to obtain the necessary permits.
    - 2. Estimated date for start of operations.
    - 3. Estimated date for completion of the mining operation.
    - 4. Estimated time and completion date for reclamation of the affected area.
  - (l) Any and all other safeguards to be taken for protection of the general public and the citizens of the Township in particular.
  - (m) Any information the applicant feels the municipality should have in evaluating the proposed application.
- (5) The application fee of \$200 per year or any part thereof.

817.4

Hearing:

1. Upon receipt of the application as outlined in Section 817.3 by the Township Secretary, the Township Secretary shall forward to the Board of Commissioners the application, but the official receipt date of the application will be the date of the next regular meeting of the Board of Commissioners, which said regular meeting date will be the official filing date of the application.
2. The Board of Commissioners shall set a public hearing date to commence within sixty (60) days from the date of filing of the application.

3. Before voting on the application the Board of Commissioners shall hold a public hearing pursuant to public notice and the Board of Commissioners shall submit the application to the Planning Commission at least thirty (30) days prior to the hearing on the proposed application to provide the Planning Commission an opportunity to submit recommendations.
4. Within thirty (30) days following the public hearing, the Board of Commissioners shall vote on the proposed application.
5. Within fifteen (15) days after the decision of the Board of Commissioners, the decision will be communicated to the applicant in writing, at the applicants last known address, along with any conditions which may be attached to the decision by the Board of Commissioners.
6. The applicant has the right of appeal from the decision of the Board of Commissioners in accordance with Article 10 of Act 247 of Pennsylvania Municipalities Planning Code, as amended, entitled "Appeals".

817.5

Conditions for Approval:

Use of land for mineral removal shall be permitted as a conditional use in any Zoning District, provided that the applicant can show by sufficient substantial evidence that the mining operation:

1. Will not occur within 100 feet of the outside right-of-way lines of any public road except where mine access roads or haulage roads join the right-of-way line.
2. Will not occur within 100 feet of a stream, river, lake or water impoundment which is part of a public or agricultural supply source.
3. Will not occur within 300 feet of any public park, public building or other public institution, places having unique historic or patriotic interest or value, unless the owner of the site has consented thereto.
4. Within 300 feet from any occupied dwelling, unless the consent of the owner of the dwelling has been obtained in advance of the filing.
5. Will not substantially injure or detract from the lawful existing or permitted uses of neighboring properties.

6. Will not injure any public, private, residential, or agricultural water supply source.
7. Will not affect any public land or land used for a public purpose.
8. Will not adversely affect the logical, efficient and economical extension of the public services and facilities throughout the municipality.
9. Will serve the best interests of the municipality, the convenience of the community and the public welfare.
10. Will result in the land area subject to the application being placed into a condition which will allow the use of that land for economically and ecologically productive uses of the type permitted in the zoning district or districts in which that land is located upon completion of the mining operation.
11. Will not result in the quality of surface waters becoming negatively impacted.
12. Will not result in the public roads becoming economically burdensome to the party having maintenance responsibility.
13. Will not result in the area affected becoming an aesthetic blight on the surrounding property.
14. Will meet such reasonable conditions and safeguards as the Board of Commissioners may require to protect the public health, safety and welfare in accordance with the spirit and purpose of the zoning ordinance, including but not limited to, setback requirements, buffer zones, provisions for adequate access to the mine site and the routing and hours of operation of trucks and other vehicles serving the mine operation through the municipality, and the minimizing of noxious, offensive and hazardous conditions resulting from the existence and operation of the mine.

817.6 Bond:

1. The applicant must submit to the Board of Commissioners of the Township, a Bond in an acceptable form, either cash, or with corporate surety, conditioned upon the faithful compliance with the provisions contained herein. Any failure to comply with bonding requirements

shall cause any permit so issued and obtained to become null and void.

2. The Bond required in 817.6.1 above shall be used by the Township to pay for the repair of any damage to its roads caused by the operation of the trucks with transport mined materials directly originating from the mining operation of the permit holder.
3. The Township shall determine the cost of such damage. It may use the following factors, and other factors found appropriate under the circumstances.
  - (a) The cost per mile per year of repairs to the roads over which the trucks of the permit holder have traveled as compared to the average cost per mile per year of township road repairs.
  - (b) Historical cost of maintenance before use by permit holder's trucks as compared with costs after the trucks have traveled the road.
  - (c) Condition of road prior to beginning of transport activity.
  - (d) Extent of traffic not attributable to permit holder compared with the extent of the truck traffic of the permit holder.
  - (e) Cost of clearing mined material which has fallen as debris along the road.
4. If several permit holders use the same road, the Township shall adjust the amount to be contributed from each in accordance with a comparison of the total tonnage carried by each permit holder.
5. The Township shall determine when such road repairs are needed.
6. The Township shall return the unused portion of the Bond to the permit holder when the mined material directly originating from the permit holder's operation ceases to be carried on municipal roads.
7. No permit under this ordinance shall be used for more than one mining operation.

817.7

**Insurance:**

The applicant shall provide to the Zoning Officer before the issuance of a permit evidence of Public Liability Insurance with a copy authorized to do business in the Commonwealth of Pennsylvania in the amount of \$300.000 each person, \$500.000 each occurrence and \$300.000 property damage.

817.8

**Payments:**

The applicant shall pay to the Township such sums as fixed herein, but in any event not less than Twenty-five Cents (\$.25 per ton) for all minerals or other materials

removed as a result of this operation under such permit. Every thirty (30) days after the mining operation commences, payment shall be made to the Township. The final payment shall be made within thirty (30) days after the completion of the mining operation and verification of tonnage removed shall be by the identical copy of the monthly report, furnished to the Department of Environmental Resources or any other or subsequent applicable governmental agency either of the Commonwealth of Pennsylvania or the government of the United States of America.

817.9 **Regulations:**

Any and all regulations which pertain to mining operations or to any accessory uses, whether Federal, State or local must be complied with fully.

817.10 **Reports:**

1. Whether or not operations have commenced, the person to whom such permit is issued shall furnish monthly certifications by a registered land surveyor or registered professional engineer duly licensed by the state of the quantities of materials removed or deposited or, if none has been removed, or deposited, a certification to that effect and that there shall be attached to such certification a sketch showing the progress of the operations and any deviation from the terms of such permit. Such report and certification shall be filed with the Zoning Officer of the Township.
2. The Township at any time may inspect the area from which material is being deposited.

817.11 **Final Payment:**

The final payment under Section 8, hereunder shall be accompanied by a certificate by a registered land surveyor or registered professional engineer duly licensed by the State of the amount of material removed and that the removal operation has been in compliance with the provisions of this ordinance and the conditions imposed by the resolution directing the issuance of the permit. In computing the amount of material removed, the Township Board of Commissioners may in its discretion, accept a certification of the amount of material deposited or stored as a result of such removal operations as the equivalent of the amount removed.

817.12 **Standards:**

All operations under a permit issued pursuant to this ordinance shall be done in such a manner that the removal and/or deposition of material and the redepositing and storage, thereof, will neither weaken, nor deprive of support other lands in the vicinity, nor otherwise

adversely affect the watercourses and wetlands of the Township and the lands abutting, nor unless the permit issued pursuant thereto shall expressly provide otherwise, substantially change the course of any channel or the nature movement of flow of any waters or cause of acceleration to the drift of soil, shale, mud, or bog, upland or underwater, nor adversely affect fish, shellfish, wildlife, or other natural resources.

817.13 Completion:

Upon completion of the operations authorized hereunder, the person to whom the permit has been issued shall submit to the Township Board of Commissioners a certificate from a registered land surveyor or registered professional engineer duly licensed by the State that the work has been completed in accordance with this ordinance and with the requirements of the Township of North Huntingdon directing the issuance of the permit. A survey and topographical and hydrographical map shall show the depth of the slopes from which the material has been removed and/or on which it has been deposited and the slopes from which the material has been removed and/or on which it has been deposited connecting with adjoining lands. The horizontal control of said survey shall be based on the approved coordinate system. The vertical control for elevations and soundings shall be based on United States Coast and Geodetic Survey datum. Upon final completion and recognition of same by the Township of North Huntingdon, any and all securities posted with the Township will be released.

817.14 Suspension-Revocation of Permit:

If any person to whom a permit shall have been issued hereunder shall fail at any time to comply with the provisions of this ordinance or with the conditions imposed by the Township of North Huntingdon directing the issuance of such permit, he shall, upon the direction of the Township Zoning Officer immediately suspend all operations under such permit for such a period as may be prescribed by the Township Zoning Officer. Upon direction of the Township Zoning Officer, such person shall cease all operations and remove all equipment used.

817.15 Renewal:

Permits issued under authority of this ordinance shall be valid for a maximum period of one (1) year and in the event the applicant desires to continue operations beyond that time, the applicant must request a renewal of his permit for each succeeding one (1) year period, and pay the cost of same.

817.16 Nullification of Permit:

In the event applicant does not begin operations within ninety (90) days of issuance of the permit, the permit

shall be null and void and the applicant may not proceed without a new permit.

817.17 Fine and Penalty:

1. Any person, partnership or corporation who or which has violated or permitted the violation of the provisions of this zoning ordinance shall, upon being found liable therefor in a civil enforcement proceeding commenced by the Township, pay a judgment of not more than \$500 plus all court costs, including reasonable attorney fees incurred by the Township as a result thereof. No judgment shall commence or be imposed, levied or payable until the date of the determination of a violation by the district justice. If the defendant neither pays nor timely appeals the judgment, the Township may enforce the judgment pursuant to the applicable rules of civil procedure. Each day that a violation continues shall constitute a separate violation, unless the district justice determining that there has been a violation further determines that there was a good faith basis for the person, partnership or corporation violating the ordinance to have believed that there was no such violation, in which event there shall be deemed to have been only one such violation until the fifth day following the date of the determination of a violation by the district justice and thereafter each day that a violation continues shall constitute a separate violation. All judgments, costs and reasonable attorney fees collected for the violation of Zoning Ordinances shall be paid over to the Township.
2. 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.
3. Nothing contained above shall be construed or interpreted to grant to any person or entity other than the Township the right to commence any action for enforcement pursuant to this section.

818 MOBILE HOMES

- 818.1 Mobile home parks shall be permitted only in Commercial I areas.
- 818.2 Double wide mobile homes and modulars on permanent foundations shall be permitted.
- 818.3 Mobile Homes, double wide mobile homes and modulars shall be considered as single family dwellings for building permit purposes.

819 OFF-STREET LOADING REGULATIONS

819.1 Off-street loading berths accessory to uses allowed in Residential, Business or Industrial Districts shall be provided in accordance with the regulations set forth hereinafter as well as in Section 4.5.

819.2 General Provisions:

1. Location - All required loading berths shall be located on the same zoning lot as the use served.
2. No loading berth for vehicles over two (2) ton capacity shall be closer than 30 feet to any property in a residential district unless completely enclosed by building walls or a uniformly painted wall or fence, or any combination thereof, not less than five (5) feet in height.
3. No permitted or required loading space shall be located within 30 feet of the nearest point of intersection of any two (2) streets.
4. No loading or unloading of automobiles, trucks, or other material shall be carried out on public streets. Sales lots and other commercial or industrial establishments shall provide proper loading and unloading zones. Where unusual delivery problems require temporary use of the public right-of-way, the Zoning Officer shall be notified and safety measures carried out.
5. Size:  
Unless otherwise specified, a required loading berth shall be at least 25 feet in length by at least ten (10) feet in width, exclusive of aisle and maneuvering space.
6. Off-street loading and unloading space(s) shall not be constructed between the street right-of-way line and the building setback line.
7. No truck shall be allowed to stand in:
  - (a) a right-of-way;
  - (b) automobile parking area (including aisles);
  - (c) in any way block the effective flow of persons or vehicles.

819.3 Vehicular Access:

Each required off-street loading space shall be designed with appropriate means of vehicular access to a street in a manner which will least interfere with traffic movements.

- 819.4 **Surfacing:**  
All drives and loading berths shall be surfaced with a bituminous or other dust-free surface.
- 819.5 **Repair and Service:**  
No motor vehicle repair work or service shall be permitted in conjunction with loading spaces.
- 819.6 Space allocated to off-street loading shall not be used to satisfy the space requirements for off-street parking.
- 819.7 **Quantity:**  
Loading berths adequate in number and size, shall be provided as determined by the Planning Commission.  
1. At least one (1) off-street loading space shall be provided for all commercial or industrial concerns in excess of 3,500 square feet of floor area.  
2. The number of loading and unloading spaces shall be left to the discretion of the developer; however, the standards of this section shall be maintained and the number of proposed spaces approved by the Planning Commission.

## 820 OFF-STREET PARKING REGULATIONS

- 820.1 Off-street parking spaces for private passenger automobiles and accessories to those uses allowed in Residential, Commercial or Industrial Districts shall be provided in accordance with the regulations set forth in this ordinance.
- 820.2 The following standards shall apply to all districts:  
1. Vehicles in all districts shall be parked or stored only in designated parking or driveway areas. In no event shall vehicles be parked on grassy or open areas not designed for parking or storage of such vehicles.  
2. **General Standards:**  
Off-street parking space(s) with a proper and safe access shall be provided within a structure or in the open to serve adequately the uses on each lot within the district.  
3. **Computation:**  
When determination of off-street parking results in a requirement of a fractional space, any fraction shall be counted as one parking space.

4. **Size:**  
A required off-street parking space shall be at least nine (9) feet wide by twenty (20) feet in length, exclusive of drives, aisles, or ramps.
5. **Access:**  
Each required off-street parking space in Commercial and Industrial 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. No driveway across public property or curb shall exceed a width of twenty-five (25) feet.
6. **Surfacing:**  
All open off-street parking spaces, except a single parking space accessory to a one-family dwelling, shall be improved with a bituminous or other dust-free surface.
7. **Lighting:**  
All parking areas in Business and Industrial Districts shall be suitably illuminated for night use. Any lighting used to illuminate off-street parking areas shall be directed away from property in a residential district. All luminaires shall have a total cutoff angle no greater than 90 degrees from the vertical.
8. **One Ton Commercial Vehicles:**  
No commercial vehicles larger than one ton shall be parked in a residential area. Heavy trucks such as but not limited to tractors, tractor trailers, highlifts, and similar vehicles, shall not be parked in residential districts except where they are being used as part of a construction project on a temporary basis.
9. **Screening and Landscaping:**
  - (a) All Commercial or Industrial automobile parking areas containing more than five (5) parking spaces shall be effectively screened in on any side adjoining or abutting any residential or institutional premises including but not limited to public school grounds, homes for the elderly, churches, etc. Such screening may be a fence, wall or a densely planted evergreen buffer.
  - (b) Any evergreen buffer must be a minimum of three (3) feet high when planted. Maintenance of hedges and screening shall be the responsibility of the property owner on which the screening is planted.

- (c) Any screening may be placed in the required setback and may be considered as part of the required setback.
- (d) Screening plantings shall not be less than ten (10) feet thick and shall be planted such as to prevent access to the adjoining property.

820.3

Residential Standards:

- 1. Residential districts may provide off-street parking in any yard except the front yard, excluding that part of the front yard used as driveways or garage access routes.
- 2. For single-family and two-family structures, the required parking spaces shall be designed as an enclosed garage (either totally enclosed or a carport) and shall have a paved or dust-free surfaced driveway from street or alley to the parking space.
- 3. Additional paved parking space may be provided in the front yard provided the street access does not exceed the 25 feet as set forth by this and other ordinances and provided that such parking does not limit the visibility of the access route.

820.4

Commercial, PEDD, and Industrial Standards:

- 1. All parking areas in business and industrial districts shall be suitably illuminated for night use. Any lighting used to illuminate off-street parking areas shall be directed away from property in a residential district.
- 2. All parking spaces required in a C-1 District shall be located within 300 feet walking distance of a main entrance to the use served.
- 3. In a C-1 District, off-street parking may be located in any yard provided proper residential abutment considerations as provided in (820.2.9), "Screening and Landscaping" are met.
- 4. Parking spaces shall be clearly delineated by painted lines or markers.
- 5. Stalls shall be provided with bumper guards or wheel stops when necessary for safety or protection to adjacent structures or landscaped areas.
- 6. Surface drainage shall be connected to the existing or proposed drainage system.
- 7. All vehicular entrances and exits to parking areas shall be clearly designated for all conditions.

8. Short-term visitor parking spaces shall be differentiated from long-term employee spaces by suitable markings.
9. Additional Parking: Additional parking spaces may be granted as a Special Exception for Commercial or Industrial areas where the distance and suitable walkway between the principal use and the parking spaces are deemed acceptable by the Zoning Hearing Board. Acceptable shall be interpreted to mean safe passage for pedestrians and passing motorists. Zoning of the parking areas to be granted a Special Exception must conform to the requirements of the North Huntingdon Township zoning ordinance.

820.5 Minimum Requirements:

Required off-street parking space(s) for new construction, enlargement or change in use, shall conform to the following minimums:

<u>Residential Uses</u>	<u>Minimum Parking Spaces per Dwelling Unit</u>
Single-family residence . . . . .	2 per dwelling unit
Two-family or duplex structure . . . . .	2 per dwelling unit
Multi-family structure (more than two (2) units per structure . . . . .	2.33 spaces per dwelling unit (in garden apartment areas, parking for service vehicles shall also be pro- vided in required front yards).
 <u>Commercial and Industrial Uses</u>	
<u>At Least One (1) off-street Parking Space for Each:</u>	
Amusement Centers. . . . .	50 sq. ft. floor area.
Automobile laundry . . . . .	Sufficient space to handle 45 min. of capacity of the maximum hourly operation of auto washing facility.
Automobile service stations . . . . .	Two (2) employees.

Commercial and Industrial Uses

At Least One (1) off-street  
Parking Space for Each:

Automobile sale yards . . . . .	Two (2) employees and one (1) additional space for every 1,000 square feet of sale area or fraction thereof.
Banks, business or professional offices and public administration buildings . . . . .	200 sq. ft. of net floor area exclusive of the area used for storage, utilities and building service areas.
Colleges and universities . . . . .	Three (3) employees and one (1) parking space for each ten (10) students based on the maximum number of students attending classes on the premises at any one time.
Commercial boarding home . . . . .	Bed
Convention halls, dance halls, skating rinks, sports arenas, auditoriums and gymnasiums . . . . .	Four (4) seats or parking spaces equal to 25% of the capacity in persons.
Medical and dental offices and clinics . . . . .	Two (2) employees plus four (4) spaces per doctor.
Manufacturing, assembling or processing and warehouses . . . . .	Two (2) persons employed on the largest shift.
Motel (or hotel) . . . . .	Separate sleeping unit in addition to five (5) visitor parking spaces per 100 units or fraction thereof; and one (1) space for each employee. (Additional parking for related uses shall be provided in accordance with the requirements of those uses.)

<u>Commercial and Industrial Uses</u>	<u>At Least One (1) off-street Parking Space for Each:</u>
Personal service establishment . . . . .	100 sq. ft. of customer service area in addition to one (1) for each employee.
Private clubs and lodges . . . . .	Two (2) lodging rooms, plus parking spaces equal in number to 25% of the capacity in persons.
Private recreation facilities . . . . .	1.5 members.
Production processing, etc. . . . .	Two (2) employees (largest shift) or 900 sq. ft. gross floor area.
Recreation buildings, or community centers - nonprofit . . . . .	Three (3) employees plus adequate spaces as determined by the Planning Commission
Retail stores . . . . .	150 sq. ft. gross floor area
Restaurants, bars or other eating establishments . . . . .	3 seats or one (1) for each 50 sq. ft. of patron floor area, whichever is greater.
Schools. . . . .	Fifteen (15) students in elementary schools, 10 classroom seats in other schools or for each four (4) seats of auditorium space provided, whichever is greater.
Theaters . . . . .	Four (4) patron seats.
Trade schools . . . . .	Two (2) employees plus one space for each six (6) students.
Other commercial uses . . . . .	100 square feet of public floor space.
<u>Other Uses, Including Public and Semi-Public</u>	<u>At Least One (1) off-street Parking Space for Each:</u>
Church, school, college and other institutional auditoriums . . .	Four (4) seats.

<u>Other Uses, Including Public and Semi-Public</u>	<u>At Least One (1) off-street Parking Space for Each:</u>
Fraternities, sororities, and dormitories . . . . .	Five (5) sleeping accommodations.
Hospitals . . . . .	Three (3) hospital beds, plus one (1) parking space for each two (2) doctors assigned to the staff, plus one (1) parking space for each employee on largest shift.
Libraries, museums, etc. . . . .	500 square feet of gross floor area.

820.6 For other uses not covered herein, parking spaces shall be provided as determined by the Planning Commission basing the parking requirements on like use as listed above. These uses shall include but shall not be limited to the following:

Airports or Heliports.  
 Crematories and Mausoleums.  
 Government Operated Health Centers.  
 Outdoor amusement establishments, fair grounds, permanent carnivals and other similar amusement centers.  
 Penal or Correction Institutions.  
 Public Utility and Public Services Uses.  
 Rectories, Parish houses, Convents and Monasteries.  
 Swimming Pools.

## 821 REAR DWELLING REGULATIONS

- 821.1 No building in the rear of a principal structure and on the same lot not extending through a block from street to street shall be used in whole or in part as a dwelling, unless there is provided for such structures an unobstructed deeded access at least twenty (20) feet wide to a street and within lines of such easement shall be constructed a gravelled or other paved way sufficient in width and thickness to accommodate fire apparatus or other emergency equipment.
- 821.2 Such building shall conform to all density district requirements for a principal building and the rear line of the required rear yard for the principal building in front shall be considered the street lot line for the building in the rear.

821.3 Group dwellings and accessory buildings occupied by employees on the premises for the purpose of residence shall be granted by Special Exception Only.

822 REAR LOT SUBDIVISIONS

822.1 Rear Lot Subdivisions shall be permitted in all zoning districts and shall be reviewed by the Planning Commission.

822.2 All Rear Lot Subdivisions shall conform to all density and lot area requirements for the district in which they are located. (See Appendix Cases 1 and 2 for specifications).

823 SIGN AND BILLBOARD REGULATIONS

The following signs are permitted in the following use districts:

823.1 Permitted Signs in R-1, R-1A, R-2, R-3, and R-4 Districts:

In residential districts the following classes of signs are permitted in accordance with the regulations set forth in this ordinance. Where three (3) or more continuous lots in common ownership are offered for sale simultaneously an advertising sign not exceeding 32 square feet in area shall be permitted on the properties for sale. Such a sign shall not be constructed unless:

1. An application for a permit to erect such a sign is applied for to the Zoning Officer of North Huntingdon Township and the permit issued.
2. Such a sign shall be removed not later than one (1) year from the issuance of the sign permit unless the sign permit is renewed by the property owner.
3. Failure to remove the sign as described above at the end of the expiration of the sign permit shall constitute a zoning violation and be subject to zoning violation.

823.2 In residential districts designated as R-1, R-1A, R-2, R-3 and R-4, the following non-flashing, non-illuminated signs are permitted under the following conditions:

1. Name Plates and/or identification signs are subject to the following:
  - (1) There shall be no more than one (1) name plate not exceeding one (1) square foot in area for each dwelling unit, indicating the name or address of the occupant or a permitted

- occupation, except that on a corner lot two (2) such signs, one (1) facing each street shall be permitted.
- (2) For all other buildings, a single identification sign not exceeding eight (8) square feet in area and indicating only the name and address of the building and the name of the management thereof shall be displayed except that on a corner lot such signs, one facing each street shall be permitted.
- (3) No sign shall project beyond the property line into a public right-of-way.
- (4) No sign shall project higher than ten (10) feet above the level of the ground over which it is located.

823.3 For Sale, For Rent signs shall be subject to the following:

1. There shall not be more than one (1) such sign per lot except that on a corner lot two (2) signs, facing each street shall be permitted. No sign shall be more than ten (10) square feet in area nor be closer than ten (10) feet to any other zoning lot.
2. No sign shall project beyond the property line into a public right-of-way.
3. No sign shall project higher than ten (10) feet above curb level.
4. Church Bulletins subject to the following:
  - (1) There shall not be more than one (1) sign per lot except that on a corner lot two (2) signs - one (1) facing each street shall be permitted. No sign shall be more than fifteen (15) square feet in area nor be closer than ten (10) feet to any other zoning lot.
  - (2) No sign shall project beyond the property line into a public right-of-way.
  - (3) No sign shall project higher than ten (10) feet above ground level.

823.4 Signs Permitted in Commercial and Planned Economic Development Districts

1. In all Commercial Districts, non-flashing and flashing business signs are permitted subject to the following:
  - (1) A permit from the Zoning Officer or his duly authorized representative shall be required before a business sign of any kind may be erected, altered, or enlarged.
  - (2) All requests for erection, alteration or enlargement of any business sign must be accompanied by a plan drawn to scale, showing the exact size, shape and dimensions of such

- sign and its proposed location or placement upon any structure or property.
- (3) The surface area of all signs on one (1) zoning lot shall not exceed one (1) times the lineal front footage of the zoned lot.
  - (4) Where more than one business is located on a zoned lot, stacking of signs will be permitted. Total square footage of stacking signs shall not exceed one (1) times the lineal front footage of the zoned lot.
  - (5) For every permanent sign permit, the applicant shall pay a fee of \$20.00.
  - (6) Where a commercial lot is bounded by more than one public street, and front yard setback requirements are followed on all streets, then the front footage shall be calculated from all frontage when the front yard setback is enforced.
  - (7) Only one (1) free standing sign per lot. The surface area of any free standing sign shall not exceed one hundred fifty (150) square feet.
  - (8) Reader boards at a maximum of sixty (60) square feet attached to the existing free standing sign will be permitted in addition to items 1 and 2.
  - (9) No flashing sign facing a public street or highway shall be illuminated or flashed to simulate a traffic signal or a temporary traffic hazard signal. In no case shall any lighting project into streets or highways such that a motorist or any person using the highway or street may temporarily have the view of the street or highway partially or wholly obstructed.
  - (10) No sign shall project across the property line into the public right-of-way.
  - (11) No sign shall project higher than thirty (30) feet above level of the ground over which it is located.
  - (12) Temporary signs or mobile signs shall be permitted for new businesses without a permanent sign, for a period of twelve (12) months.
  - (13) Signs which make use of words such as "Stop", "Look", "One-Way", "Danger", "Yield", or any similar words, phrases, symbols, lights or characters in such a manner as to interfere with, mislead, or confuse traffic are prohibited.
  - (14) No projected business sign shall be placed to face an abutting residential district except when authorized as a special exception.

- (15) Any sign which obstructs free ingress to or egress from a fire escape, door, window or other required exitway is prohibited.
- (16) Any sign or sign structure which constitutes a hazard to public safety or health is prohibited.

823.5 Permitted Signs in an Industrial I District:

In an Industrial I District signs are permitted subject to the following:

1. Signs on awnings shall be exempt from the limitations imposed by this ordinance on the projection of signs in Industrial Districts across property lines into public right-of-ways, provided that any sign located on an awning shall be affixed flat to the surface thereof, shall be non-illuminated and shall indicate only the name and/or address of the establishment.
  - (1) The gross area in square feet of all signs on a zoning lot shall not exceed one (1) times the lineal feet of frontage of a zoning lot.
  - (2) In no case shall any lighting project into streets or highways such that a motorist or any person using the highway or street may temporarily have the view of the street or highway partially or wholly obstructed.
  - (3) No sign shall project across property lines into the public right-of-way.
  - (4) No sign shall project higher than thirty (30) feet above the level of the ground over which it is located.

824 SMOKE DETECTORS

824.1 All newly constructed one (1) and two (2) family dwellings shall be equipped with at least one (1) smoke or combustion detector per dwelling unit.

824.2 In multi-family (more than two) dwellings, under construction or existing, a minimum of one (1) smoke or combustion product detector shall be installed in each dwelling. Installation of detector sites shall be based upon the most probable fire site with assured alarm warning for the occupants.

824.3 Where new or existing buildings consisting of rented rooms for transient customers or where accommodations for people are rented on a non-transient basis such as hotels, motels, major apartment houses, etc., a smoke or combustion product detector shall be installed in corridors, hallways, public areas, and storage areas.

824.4 Smoke or combustion product detectors shall mean any of those devices which causes an alarm to be sounded when smoke or other combustion products are detected. The selection of power source either house current or battery operated, shall be made by the home owner or the builder.

825 SUBDIVISIONS

All subdivisions must comply with the applicable zoning regulations pertinent to the particular subdivision in question and under consideration.

826 SWIMMING POOLS

826.1 Commercial Swimming Pools:

1. Commercial swimming pools shall be permitted in any Commercial District other than Neighborhood Business.
2. Commercial swimming pools shall provide sufficient parking space for all users of the swimming pool. The operator and/or owner of the swimming pool is responsible for providing off-street public parking.
3. All health and safety needs of any commercial pool shall again be the responsibility of the operator and/or the owner of the facilities.
4. Front yard, rear yard and side yard setback requirements shall be those of a Commercial District as set forth in Article 5, Sections 503.7, 503.8, 503.9 and 503.10 and in Tables 1, 2 and 3 of this ordinance.

826.2 Private Swimming Pools:

Swimming Pools for non-commercial use of residents or non-profit club members shall be permitted in all Residential Districts with the following contingencies:

1. No swimming pools shall be located within the side and rear yard setback lines. In no case shall a residential district swimming pool be placed in the front yard set-back area.
2. Where private clubs and/or multi-family swimming pools are installed, they must be placed near the club house or the buildings to be serviced and each pool must be enclosed by a solid fence of a minimum of six (6) feet in height to prevent the disturbance of any adjacent residential property.
3. All swimming pool lights shall be directed toward the pool and in no case shall the lighting be

directed on or toward any adjacent residential housing.

4. Fencing not less than four (4) feet in height above the underlying ground level and having a self-closing, self-latching gate shall be installed so as to completely enclose the pool area.

#### 827 TOWNSHIP CARETAKER RESIDENCE

A structure such as a dwelling or mobile home may be located in a township park for use as a permanent residence by an individual and his family subject to the express conditions of use:

- 827.1 The occupant shall be responsible for the supervision and protection of park facilities in which the residence is located.
- 827.2 The park shall exceed ten (10) acres in size.
- 827.3 The residence shall be located no nearer than two hundred (200) feet from a park boundary line.
- 827.4 The residence shall be served by an on lot sewer service or off site municipal sewer service.
- 827.5 The residence shall be suitably landscaped to minimize its impact upon the park setting. A landscaping plan shall be submitted to and approved by the Planning Commission.

#### 828 TRANSIENT BUSINESS AND SALE OF GOODS FROM PARKED TRUCKS

- 828.1 Sales of goods and merchandise from parked trucks shall only be permitted along highways in Commercial Districts as regulated by Ordinance No. 596, "Transient Retail Business Ordinance" of the Township of North Huntingdon.
- 828.2 License Required:  
No person shall engage in business as a transient merchant unless the transient merchant agent shall first have obtained a license to do so from the Zoning Officer of the North Huntingdon Township.
- 828.3 Exemptions:  
Nothing contained in this section shall be construed to apply to:
  1. Farmers selling their own produce;
  2. To the sale of goods, wares, and merchandise, donated by the owners thereof, the proceeds whereof

are to be applied to any charitable or philanthropic purpose;

3. To any manufacturer or producer in the sale of break and bakery products, meat and meat products, or milk and milk products.

## 829 UNIT GROUP DEVELOPMENT STANDARDS

- 829.1 A pedestrian circulation system may be required in the case of unit group developments dependent upon the location of internal and external community facilities.
- 829.2 On-site security illumination shall be required in parking areas, building entry ways, along paths of pedestrian travel and recreation areas.
- 829.3 Buffering in the form of planting screens may be required along property lines to eliminate adverse effects to or from other use districts or uses.
- 829.4 Adequate recreation facilities designed to accommodate the anticipated development population may be provided concurrently with development, and recommends approval by the Planning Commission and Township Board of Commissioners.
- 829.5 A minimum of three (3) acres shall be required as the minimum area for a unit group development.
- 829.6 A site plan submission as defined in Article 9, Section 914 shall be required.

## ARTICLE 9

### ADMINISTRATION AND ENFORCEMENT

901	Statement of Purpose	909	The Zoning Hearing Board
902	Interpretative Clause	910	Variances
903	Board of Commissioners	911	Special Exceptions
904	Zoning Amendments or Rezoning Requests	912	The Planning Director
905	Curative Amendment	913	The Planning Commission
906	Conditional Uses	914	Site Plan Submission
907	The Township Zoning Officer	915	Enforcement
908	Building Permits and Occupancy Permits	916	Fees
		917	Public Notice
		918	Performance Zoning
		919	Appeals

#### 901 STATEMENT OF PURPOSE

The administration of the ordinance is hereby vested in the following office in North Huntingdon Township.

- a. Board of Commissioners
- b. Zoning Officer
- c. Planning Commission
- d. Zoning Hearing Board.
- e. Planning Director.

#### 902 INTERPRETATIVE CLAUSE

Where the provisions of any other ordinance heretofore passed by the North Huntingdon Township Board of Commissioners are inconsistent with this ordinance, they are hereby replaced and superseded by this ordinance.

#### 903 BOARD OF COMMISSIONERS

All legislative functions of this ordinance such as amendments, hiring of personnel (except as provided for in Pennsylvania Act 247 or its amendments) appointment of the Planning Commission, appointment of the Zoning Hearing Board, assignment of monies to finance the necessary action of the Zoning Officer shall be vested in the North Huntingdon Township Board of Commissioners.

#### 904 ZONING AMENDMENTS OR REZONING REQUESTS

- 904.1 The Township Board of Commissioners may from time to time amend, add to, change, or repeal in its entirety this Zoning Ordinance. In order to process any of the foregoing actions, the Board of Commissioners must by

resolution at a legally held meeting set the time and place of the meeting at which passage will be considered, a reference to a place within the municipality where copies of the proposed ordinance or amendment may be examined without charge or obtained for a charge not greater than the cost thereof. The governing body shall publish the proposed circulation in the municipality not more than 60 days nor less than seven days prior to passage. Publication of the proposed ordinance or amendment shall include either the full text thereof or the title and a brief summary, prepared by the municipal solicitor and setting forth all the provisions in reasonable detail. If the full text is not included:

1. A copy thereof shall be supplied to a newspaper of general circulation in the municipality at the time the public notice is published.
2. An attested copy of the proposed ordinance shall be filed in the county law library or other county office designated by the county commissioners, who may impose a fee no greater than that necessary to cover the actual costs of storing said ordinances.
3. In the event substantial amendments are made in the proposed ordinance or amendment, before voting upon enactment the governing body shall, at least ten days prior to enactment, readvertise, in one newspaper of general circulation in the municipality, a brief summary setting forth all the provisions in reasonable detail together with a summary of the amendments.

904.2 All areas to be rezoned or to be changed or modified by any zoning amendment shall be posted at least one week prior to the date of the hearing. All posting shall be placed such that any adjacent properties within 200 feet of the zoning change shall be aware of the public hearing.

904.3 Amendments shall include rezoning requests.

904.4 Procedure for rezoning requests, PEDD 1 & PEDD 2 requests and amendments other than those proposed by the Planning Commission:

1. Upon receipt of the application for rezoning or amendment, the Township Secretary shall forward to the Board of Commissioners the application, but the official receipt date of the application will be the date of the next regular meeting of the Board of Commissioners, which said regular meeting date will be the official filing date of the application.

2. The Board of Commissioners shall set a public hearing date to commence within sixty (60) days from the date of filing of the application.
3. Before voting on the application the Board of Commissioners shall hold a public hearing pursuant to public notice and the Board of Commissioners shall submit the application to the Westmoreland County Department of Planning and to the North Huntingdon Planning Commission at least thirty (30) days prior to the hearing on the proposed application to provide the county and the Planning Commission an opportunity to submit recommendations.
4. Within forty-five (45) days following the public hearing, the Board of Commissioners shall render a decision on the proposed application.
5. Within fifteen (15) days after the decision of the Board of Commissioners, the decision will be communicated to the applicant in writing, at the applicants last known address, along with any conditions which may be attached to the decision by the Board of Commissioners.
6. The applicant has the right of appeal from the decision of the Board of Commissioners in accordance with Article 10 of Act #247 of the Pennsylvania Municipalities Planning Code, as amended, entitled "Appeals".

904.5

Amendments proposed by the Planning Commission:

1. Amendments shall be sent to the Board of Commissioners.
2. The Board of Commissioners shall commence a public hearing within sixty (60) days.
3. The Board of Commissioners shall submit the proposed amendment to the Westmoreland County Department of Planning for review at least thirty (30) days prior to the public hearing.
4. Within forty-five (45) days after the public hearing the Board of Commissioners shall take action on the proposed amendment.

905 CURATIVE AMENDMENT

- 905.1 Procedure for Landowner Curative Amendments:  
A landowner who desires to challenge on substantive grounds the validity of a zoning ordinance or map or any provision thereof, which prohibits or restricts the use or development of land in which he has an interest may submit a curative amendment to the governing body with a written request that his challenge and proposed amendment be heard and decided as provided in Act 247 as amended.
- 905.2 The Board of Commissioners shall commence a public hearing pursuant to public notice within sixty (60) days of the date the application was received.
- 905.3 The Board of Commissioners shall submit the request to the Planning Commission for recommendations, at least thirty (30) days prior to the public hearing date.
- 905.4 The Board of Commissioners, upon determining that a validity challenge has merit, may accept a landowner's curative amendment which will cure the challenged defects. The commissioners 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 provisions 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 features;
  4. 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

5. The impact of the proposal on the preservation of agriculture and other land uses which are essential to public health and welfare.
- 905.5 The landowner's request for a Curative Amendment is denied when:
1. The Board of Commissioners notifies the land-owners that it will not adopt the amendment.
  2. The Board of Commissioners adopt another amendment which is unacceptable to the landowner.
  3. The Board of Commissioners fails to act on the landowners request in which event the denial is deemed to have occurred on the thirtieth (30) day after the close of the last hearing on the request unless the time is extended by mutual consent between the landowner and the municipality.
- 905.6 If the township does not accept a landowner's curative amendment 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.
- 905.7 Procedure for Municipal Curative Amendments:
1. If North Huntingdon Township determines that its zoning ordinance or any portion thereof is substantially invalid, it shall declare by formal action, its zoning ordinance or portions thereof substantively invalid and propose to prepare a curative amendment to overcome such invalidity.
  2. Within 30 days following such declaration and proposal, the governing body of the municipality shall:
    - (1) By resolution make specific findings setting forth the declared invalidity of the zoning ordinance which may include:
      - (a) references to specific uses which are either not permitted or not permitted in sufficient quantity;
      - (b) reference to a class of use or uses which require revision or
      - (c) reference to the entire ordinance which requires revisions.
    - (2) Begin to prepare and consider a curative amendment to the zoning ordinance to correct the declared invalidity.

3. Within 180 days from the date of the declaration and proposal, the municipality shall enact a curative amendment to validate, or reaffirm the validity of, its zoning ordinance pursuant to the provisions of Act 247 in order to cure the declared invalidity of the zoning ordinance.

## 906 CONDITIONAL USES

- 906.1 The Board of Commissioners shall have the power to approve conditional uses when this ordinance specifically requires the obtaining of such approval and for no other use or purpose.
- 906.2 In granting or denying a conditional use, the Board of Commissioners shall make findings of fact consistent with the provisions of this ordinance. The Commissioners shall not approve a conditional use except in conformance with the conditions and standards outlined in this ordinance.
- 906.3 General Requirements and Standards:  
The Commissioners shall grant a conditional use only if it finds adequate evidence that any proposed development will meet all of the following general requirements as well as any specific requirements and standards listed herein for the proposed use. The Commissioners shall, among other things, require that any proposed use and location be:
  1. In accordance with the Comprehensive Plan and the statement of community objectives and is consistent with the spirit, purposes, and the intent of this ordinance;
  2. In the best interests of the municipality, the convenience of the community, the public welfare, and be a substantial improvement to the property in the immediate vicinity;
  3. Suitable for the property in question, and designed, constructed, operated, and maintained so as to be in harmony with and appropriate in appearance to the existing or intended character of the general vicinity;
  4. In conformance with all applicable requirements of this ordinance and all municipal ordinances;
  5. Suitable in terms of effects on highway traffic and safety with adequate access arrangements to protect streets from undue congestion and hazard; and
  6. In accordance with sound standards of subdivision and land development practice where applicable.

- 906.4 The Board of Commissioners may impose whatever reasonable conditions it deems necessary to insure that any proposed development will secure substantially the objectives in this ordinance.
- 906.5 Review by the Planning Commission:  
The Commissioners shall request an advisory opinion from the Planning Commission on any application for a conditional use; the Planning Commission shall submit a report of such advisory opinion prior to the date of the public hearing held by the governing body on an application.
- 906.6 Conditional use applications shall be governed by the following:
1. The landowner shall make a written request to the Board of Commissioners that it hold a hearing on his application. The request shall contain a statement reasonably informing the governing body of the matters that are in issue.
  2. The application shall be accompanied by plans and other material describing the use or development proposed. Such plans and other materials shall provide a sufficient basis for evaluating the applicant's request. Information required by provisions of Article 8 of this ordinance and of Article 9, Section 914, "Site Plan Submission", shall accompany the application.
  3. Upon the request of the applicant, the Commissioners shall hold a hearing in compliance with Act 247 as amended, pursuant to public notice, commencing not later than 60 days after the request is filed, unless the applicant requests or consents in writing to an extension of time.
  4. The applicant for any hearing on a conditional use request before the Commissioners shall at the time of making application, pay a fee in accordance with a fee schedule adopted by resolution of the Board of Commissioners or such schedule as may be amended from time to time.

907 THE TOWNSHIP ZONING OFFICER

For the administration of the Zoning Ordinance, a Zoning Officer shall not hold any elective office in the municipality and shall be appointed. The Zoning Officer shall administrate the 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 that does not conform to the Zoning Ordinance.

- 907.1 The Zoning Officer shall issue all Building Permits and shall maintain and keep records of all permits issued.
- 907.2 The Zoning Officer shall issue all land and building use permits and shall maintain and keep records of all such permits issued.
- 907.3 The Zoning Officer shall maintain and keep current the Zoning Ordinance of North Huntingdon Township. This will include all zoning maps, all Special Exceptions, all Variances, Non-Conforming uses, appeals and applications for appeals and copies of all hearings and decisions concerning the zoning of North Huntingdon Township.
- 907.4 The Zoning Officer shall provide and maintain all public information relative to all matters arising from this ordinance.
- 907.5 Receive and maintain a list of all non-conforming use buildings, structures and land areas.
- 907.6 Receive, file and forward to the Zoning Hearing Board all applications for appeals, variances, special exceptions and all other requests for action by the Zoning Hearing Board which are provided for in this ordinance or by Pennsylvania Act 247, or its amendments.
- 907.7 The Zoning Officer shall be responsible for the enforcement of all Zoning Ordinances of North Huntingdon Township.
- 907.8 The Zoning Officer of North Huntingdon Township shall receive all fees which are payable under this ordinance and shall remit these fees to the Township Treasurer.
- 907.9 All appeals from the actions of the North Huntingdon Township Zoning Officer shall be taken in the manner prescribed in Pennsylvania Act 247 as amended.

908 BUILDING PERMITS AND OCCUPANCY PERMITS

- 908.1 Before the erection, alteration, or enlargement of any building or structure in a Residential, Commercial, Industrial, or Planned Economic Development district is undertaken, a building permit shall be applied for and issued by the Zoning Officer. Remodeling or improvement of existing buildings which does not alter the basic structure, create additional lot area coverage or change the use of the parcel or building is exempt from this specific requirement provided the estimated cost of such activities does not exceed 50% of the fair market value.
- 908.2 An application for a building permit in a Residential, Commercial, or Industrial district shall be accompanied by the following information and no application shall have been deemed to have been received until all this information shall have been submitted and is in a form and content satisfactory to the Zoning Officer.
1. A plot plan which shall show the lot, the location of all present and proposed buildings, streets, alleys, highways, streams and land features within the lot.
  2. Architectural plans for any building, which shall be in conformity with the provision of the building codes of North Huntingdon Township.
  3. Any other data, evidence or statements that may assist the Zoning Officer in determining the compliance of the proposed building or structure or land use with the provisions of this ordinance and any other building codes of North Huntingdon Township. The Zoning Officer may require any reasonable number of duplicates to complete the various files and for presentation to the Board of Commissioners as needed.
- 908.3 Once the Zoning Officer is assured that the permit request is complete, he shall stamp the request and note on the application the official application date which shall be used for future hearings and starting dates. The applicant will be made aware of the official filing date which shall be written and stamped approval or denial of the permit request. Where further action is needed, the official application filing date shall determine all timing.
- 908.4 In all Residential, Commercial, Industrial, and Planned Development Districts where there is a change in the use or character of occupied or vacant land, or a change in the use or character of occupancy in an existing building, or where any new building is to be occupied

for any purpose, it is required that an occupancy permit be applied for and issued by the Zoning Officer. An occupancy permit shall be issued only if the request has complied with all provisions of this ordinance.

Specifically, occupancy permits are required for the following:

1. Occupancy of a new building.
2. Occupancy and use of a building hereafter moved or altered so as to require a building permit.
3. Change in the use of an existing building or the change in the use of a parcel of land.
4. Occupancy and use of vacant land.

908.5 Every application for a building permit in a Residential area shall be deemed to be an application for an occupancy permit. Every application for an occupancy permit for a new or changed use of land in a Residential district, and where no building permit is required, shall be issued by the Zoning Officer if all requirements are met.

908.6 No occupancy permit shall be issued until the erection, construction or alteration of a building or structure or land change has been completed, or the use established, and inspected and approved by the Zoning Officer. No building or premise shall be occupied until an occupancy permit has been issued.

908.7 A building permit or occupancy permit in any zoning district may be revoked or withdrawn by the Zoning Officer if he finds that the holder of any issued building permit or occupancy permit has failed to comply with all conditions stated in the issued permit or the Zoning Officer shall find that the occupancy of the building or land use fails to comply with the requirements of this ordinance, or if the holder of any building, or occupancy permit has been found to have falsely defined the proposed building, structure or land use, or provided any other material misinformation in the permit application.

908.8 All issued building permits shall be posted in such manner that they are visible from the property line. Permits shall be suitably protected such that they shall not become illegible within the use time period of the permit.

3. To hear and decide all appeals for variances to the Zoning Ordinance pursuant to Section 910, such variance shall not be contrary to the public interest and the spirit of the Zoning Ordinance.
- 909.3 In exercising the above mentioned powers, the Zoning Hearing Board may, in conformity with the provisions of this ordinance, reverse or affirm wholly or partially or may modify the order, requirement, decision or determination appealed from, and may make such order, requirements, decision or determination as ought to be made, and to that end, shall have all the powers of officer from whom the appeal is taken. Notice of such decision shall be forwarded to all parties of interest.
- 909.4 The Zoning Hearing Board shall hear challenges to the validity of any land use ordinance or map except those brought before the Board of Commissioners in compliance with Act 247 as amended.
- 909.5 Upon filing of any proceedings before the Zoning Hearing Board, a stay of proceedings shall be deemed to be in effect where it is certified to the Zoning Hearing Board that eminent peril to life or property would exist by the stay of proceedings.
- 909.6 Members of the Zoning Hearing Board shall hold no other office in the municipality.
- 909.7 The North Huntingdon Township Zoning Hearing Board shall set and publicly advertise the official date of its monthly meetings and all hearings shall be held pursuant to public notice publicly advertised in the local official newspaper. Official monthly hearing dates shall be set at the reorganization meeting or the first official meeting of the fiscal year.

## 910 VARIANCES

- 910.1 The Zoning Hearing Board shall grant variances from the regulations of this ordinance in conformity with the powers granted to the Zoning Hearing Board under Article 9, Section 909 of this ordinance. All variance applications shall be decided such that they will be in conformity with the general purpose of this ordinance and follow standards and principles herein prescribed. All practical difficulties or particular hardships shall be decided in strict compliance with the regulations of this ordinance.
- 910.2 Applications for a variance shall be filed with the North Huntingdon Township Zoning Officer who shall forward a copy of this application to the Zoning Hearing Board.

908.9 Zoning Certificates shall read as follows: "The granting of this zoning certificate does not imply or suggest that the Township of North Huntingdon bears any responsibility whatsoever pertaining to the subsurface, including but not limited to, mines and springs, or to those conditions reflected as flood areas, or to these properties subject to, or possibly subject to flooding in general, and that the aforesaid will not be the legal burden of the Township of North Huntingdon or any of its officers, agencies or officials."

909 THE ZONING HEARING BOARD

909.1 The North Huntingdon Township Zoning Hearing Board shall consist of not less than three (3) members appointed by the Board of Commissioners. The Zoning Hearing Board shall consist of three (3) members and the terms of office shall be three (3) years and appointed such that one member shall be appointed each year.

909.2 The following powers are vested in the Zoning Hearing Board:

1. To hear and decide appeals pursuant to Section 919, where it is alleged that there has been an error in any order, requirements, decision or determination made by any administrative official in the enforcement of any land use ordinance, including:
  - (1) 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.
  - (2) Appeals from a determination by a municipal 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.
  - (3) Appeals from the determination of the zoning officer or municipal engineer in the administration of any land use ordinance or provision 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 applications.
2. To hear and decide all requests for Special Exceptions to the Zoning Ordinance pursuant to Section 911.

The Zoning Officer shall arrange for public notice as called for under Article 9, Section 916 of this ordinance and set the public hearing for the requested variance on the agenda for the next monthly meeting of the Zoning Hearing Board pursuant to public notice. Where an emergency exists, the Zoning Hearing Board shall call for an additional hearing to accommodate the emergency provided the required public notice has been carried out. Costs of all emergency meetings shall be borne by the hearing appellant. Such notice shall also be mailed to the Township Commissioners representing the Election District or Ward in which the lot or building is located.

910.3 The Zoning Hearing Board shall not grant a variance from the regulations of this ordinance unless the Board has made a finding of fact based upon the evidence as presented in each specific case. The Board may grant a variance, provided that all of 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, not substantially or permanently impair the appropriate use or development of adjacent property, nor be detrimental to the public welfare.

910.4 A validity variance may be considered where the land owner can prove that the zoning ordinance so severely restricts an applicant as to deny him any use of his land.

- 910.5 A use variance may be considered where the zoning boundaries are so located or where the placement of roads, utilities, or other public functions places the property in such a position that its zoned use is impossible or highly impractical.
- 910.6 A dimensional variance may be considered where a single lot is located such that the area, setback and/or yard size requirements can not be met and no adjacent land is owned by the appellant. In no case may a dimensional variance be considered where:
1. The dimensional difficulties are self-made.
  2. The property has been taken or partially taken by public condemnation and the owner has been properly reimbursed.
- 910.7 No variance will be granted when the final use will alter the character of the neighborhood.
- 910.8 Where a variance is granted, the Zoning Hearing Board shall attach such contingencies as necessary to protect the adjacent property or the neighborhood itself with safeguards that will assist in implementing the zoning ordinance.
- 910.9 Any variance granted shall represent the least modification of the zoning ordinance that will give relief to the appellant.
- 910.10 In the request for a variance from the zoning ordinance, notice is hereby given to the appellant that the burden of proof of the need for a variance rests with appellant.
- 910.11 The granting of a variance by the Zoning Hearing Board shall entitle the applicant to commence utilization of the provision or provisions of the variance for a period of one hundred eighty (180) days from the date of the decision.
- If the applicant fails to commence utilization of the variance within one hundred eighty (180) days of the decision by either obtaining a Zoning Certificate or Use Permit, then the variance shall be considered null and void and any further request to commence utilization of the variance shall require a new approval by the Zoning Hearing Board.

## 911 SPECIAL EXCEPTIONS

- 911.1 Special Exceptions shall be authorized by the Zoning Hearing Board in conformity with the powers granted to the Zoning Hearing Board under Article 9, Section 909 of this ordinance.
- 911.2 All applications for a Special Exception shall be filed with the Zoning Officer of North Huntingdon Township who shall forward a copy of this application to the Zoning Hearing Board. The Zoning Officer shall arrange for public notice of the requested hearing as called for under Article 9, Section 916 of this ordinance. The Zoning Officer shall then place the request for a Special Exception on the agenda for the next monthly meeting of the Zoning Hearing Board. Where an emergency exists, the Zoning Hearing Board shall call for an additional meeting to accommodate the emergency provided all necessary advertising and posting has been carried out. Costs of all emergency meetings shall be borne by the appellant. Such notice shall also be mailed to the Township Commissioner representing the Election District or Ward in which the Special Exception is requested.
- 911.3 The Zoning Hearing Board shall not grant any Special Exceptions unless:
1. It is necessary for the public convenience at that location.
  2. It is so designated, located and proposed to be operated that the public's health, safety and welfare will be protected, and
  3. It will not cause any substantial injury to the value of other property in the neighborhood in which it is located.
  4. The Zoning Hearing Board may prescribe as deemed necessary, such conditions and safeguards upon the construction, location and operation of a Special Exception, including but not limited to provisions for off-street parking and loading, as shall be deemed necessary to secure the general objectives of this ordinance and to reduce any possible injury to the value of property in the neighborhood.
  5. A Special Exception is a matter of right and shall be provided for in this ordinance by special standards found in Article 8. In the granting of Special Exceptions, the Zoning Hearing Board may require certain conditions or safeguards as are deemed necessary to assure the safety, health and value of any adjacent property.

6. All requests for a Special Exception must point out why a Special Exception is needed for the property or building or structure in question. Each request must point out in the North Huntingdon Township Zoning Ordinance, or its amendments, where provision for the request for a Special Exception has been provided.
7. In a request for a Special Exception, the burden of proof rests upon the Zoning Hearing Board who must show where the request is not provided for in the Zoning Ordinance.

## 912 THE PLANNING DIRECTOR

912.1 The Planning Director shall be appointed, by a majority vote of the Board of Commissioners, upon recommendation of the Planning Commission. The duties of the Planning Director will be as follows:

1. He shall be responsible for organizing and coordinating the activities of planning and zoning; he shall recommend to and/or advise the Planning Commission regarding matters in these areas.
2. He shall assist and coordinate compliance with subdivision regulations and all related codes and ordinances.
3. He shall interpret regulations and recommend changes in applicable Township Ordinance.
4. He shall determine departmental policies, plan long-term programs and submit such plans to the governing body for referral to the Planning Commission.
5. He shall attend regular meetings of the Planning Commission, interview individuals requesting action and advise them as to proper procedures; submit studies and reports.
6. He shall confer with contractors, architects and owners on questions about plans and subdivisions.
7. He shall promote public interest in and the understanding of the comprehensive plan and planning.
8. He shall do such other acts or make such studies as may be necessary to fulfill the duties and obligations as from time to time directed by the Board of Commissioners.

## 913 THE PLANNING COMMISSION

- 913.1 The Planning Commission shall consist of a maximum of nine (9) persons as appointed by the Board of Commissioners to terms of four (4) years as authorized by the Pennsylvania Municipalities Planning Code (Act 247 as amended) and is hereby vested with the following jurisdiction and powers:
1. To receive from the office of the Planning Director or the Zoning Officer of North Huntingdon Township copies of all applications for amendments to the North Huntingdon Township Zoning Ordinance that have been filed with his office, to make findings and recommendations on the proposed amendments and to forward written copies of such findings and recommendations to the North Huntingdon Township Board of Commissioners within the allotted times set forth in Pennsylvania Act 247 as amended. These allotted times shall be as specified in Section 904 and Section 905 of this ordinance.
  2. To initiate, direct and review from time to time a study of the provisions of this ordinance, and to make reports of its findings and recommendations to the Township Board of Commissioners in a written form.
- 913.2 The Planning Commission shall receive from the Office of the Planning Director all applications for subdivisions in North Huntingdon Township. All subdivision applications shall receive written recommendations and such recommendations approving or denying shall be submitted by findings of fact.
- 913.3 The Governing Body may from time to time assign to the Planning Commission such tasks as are deemed necessary for the advancement of the community zoning.
- 913.4 The Planning Commission must set and publicly advertise the date of its monthly official meeting each year after the fiscal seating of the new Board.
- 913.5 All applications must be submitted three (3) weeks prior to the scheduled monthly meeting for advertising purposes.

## 914 SITE PLAN SUBMISSION

- 914.1 Site Plan Submission:  
The site plan must be completed and submitted to the Zoning Officer at least three (3) weeks prior to the

regular monthly meeting of the Planning Commission. This plan shall be accompanied by a check in the amount of \$30.00 made payable to North Huntingdon Township.

914.2 The site plan shall show, in addition to any specific requirements set forth in the district regulations herein, the following:

1. The location of principal and accessory buildings existing and planned, and the topography;
2. Traffic circulation features within the site;
3. The location of vehicular access onto the site: Department of Transportation Permit, if necessary.
4. The height and bulk of structure;
5. The provisions for off-street parking and loading facilities.
6. The provisions of open space;
7. The landscaping, paving, fencing, walks and signs on the site.
8. The location of storm sewers and storm water management facilities including Department of Environmental Resources permits, if necessary.
9. The location of sanitary sewers and water lines.
10. The location of fire hydrants.
11. An erosion and sedimentation plan approved by the Westmoreland County Conservation District.
12. Any other requirements for that specific zoning district.

914.3 The site plan shall be reviewed by the North Huntingdon Township Planning Commission and a recommendation made to the North Huntingdon Township Board of Commissioners. A decision by the Board of Commissioners shall be made in compliance with the provisions of this ordinance and of the Pennsylvania Municipalities Planning Code (Act 247 as amended).

915 ENFORCEMENT

915.1 Enforcement Notice:

1. The zoning officer is hereby authorized and directed to enforce the provisions of this ordinance and any amendments thereto and to institute civil enforcement proceedings as provided for in Section 915.2 when acting within the scope of his employment.
2. If it appears that a violation of this ordinance has occurred, the zoning officer shall initiate enforcement proceedings by sending an enforcement notice 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.
3. An enforcement notice shall state the following:
  - (1) The name of the owner of record and any other person against whom the municipality 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 this ordinance.
  - (4) That the owner of record or other person against whom the municipality intends to take action has fifteen (15) days to commence steps to comply with this ordinance and thirty (30) days within which to complete such steps to be in compliance with this ordinance, unless such times are extended in writing by the zoning officer, for cause shown.
  - (5) That the recipient of the notice has the right to appeal to the zoning hearing board within thirty (30) days of the date of the enforcement notice or not later than the expiration of any extension granted, in writing, by the zoning officer.
  - (6) That the failure to comply with the enforcement notice within the time specified, unless extended by appeal to the zoning hearing board, constitutes a violation with sanctions clearly described.

915.2 Enforcement Remedies:

1. Any person, partnership or corporation who or which has violated any of the provisions of this ordinance, upon being found liable therefore in a civil enforcement proceeding commenced by the Township, shall pay a judgment of not more than

\$500.00 plus all court costs plus reasonable attorney fees incurred by the Township as a result thereof. No judgment shall commence or be imposed, levied or payable until the date of the determination of a violation by the district justice. If the defendant neither pays nor timely appeals the judgment, the Township may enforce the judgment pursuant to the applicable rules of civil procedure. 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 this ordinance to have believed that there was no such violation, in which event there shall be deemed to have been only one such violation until the fifth day following the date of the determination of a violation by the district justice and thereafter each day that the violation continues shall constitute a separate violation.

2. The court of common pleas, upon petition of the defendant, may grant an order of stay, upon cause shown, tolling the per diem judgment pending a final adjudication of the violation and judgment.
3. Nothing contained herein shall be construed or interpreted to grant to any person or entity other than the Township the right to commence any action for enforcement pursuant to this section.

#### 916 FEES

- 916.1 All fees collected from the application or from the violation of this ordinance shall be forwarded to the North Huntingdon Township Treasurer. Receipts for such monies shall be filed and maintained by the North Huntingdon Township Zoning Officer.
- 916.2 Fees to be included with the zoning application shall include, but not be limited to, the following:
1. Fee for the registration of a non-conforming use shall be twenty-five dollars (25.00) per year. The fiscal year beginning with June 1.
  2. The fee for a public hearing by the Zoning Hearing Board shall be one hundred and fifty dollars (\$150.00) to be paid upon the filing of the application for a hearing.
  3. The fee for a public hearing by the Planning Commission shall be seventy-five dollars (\$75.00) to be paid upon the filing of the application.

4. The fee for public hearing for a Planned Residential Development by the North Huntingdon Township Board of Commissioners shall be \$500.00 to be paid upon the filing of the application.
5. Where a continuance or a special public hearing is held at the request of the applicant or the appellant the entire cost of such hearing shall be borne by the applicant or the appellant.
6. The fee for a Use and Occupancy Permit shall be fifty dollars (\$50.00).
7. The fee for a Sign Permit shall be twenty (\$20.00) plus \$2.00 per square foot of sign area.
8. The fee for Temporary Sign Permit shall be thirty (\$30.00) per three (3) months.
9. The fee for a rezoning request or Curative amendment shall be \$500.00 upon filing a letter and plot plan to the Board of Commissioners.
10. Building Permit Fees:
  - (1) Residential dwellings - \$.05 per square foot living area plus \$15.00 per bathroom facilities for plumbing.
  - (2) Residential additions - \$2.00 per thousand for additions, alterations, etc. minimum charge of \$30.00.
  - (3) Temporary structures - \$30.00 (permit must be reviewed every three months).
  - (4) Commercial or industrial buildings - \$5.00 per thousand for all construction with a minimum charge of \$30.00).
11. The fee for a transient merchant license shall be at the rate of two hundred (\$200.00) dollars for each thirty (30) day period or fractional part thereof.

#### 917 PUBLIC NOTICE

- 917.1 All public notices shall be carried out as prescribed in this ordinance. Notice shall be published once a week for two successive weeks in a newspaper of general circulation in the municipality. 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 be not more than thirty (30) days or less than seven (7) days from the date of the hearing.

- 917.2 Public notice shall be deemed to mean the advertising of any required meeting or hearings or proposal in the Official Township newspaper as designated by the North Huntingdon Township Board of Commissioners. Such advertisement shall be placed in the columns of the newspaper under the heading of Legal Notices.
- 917.3 The number and timing of the advertisement must comply with the requirements as set forth for each required meeting, hearing or proposal in this ordinance and in the Pennsylvania Municipalities Planning Code, Act 247 as amended.

#### 918 PERFORMANCE ZONING OPTION

In areas of the Township where the slope is 25% or greater, the developer may implement a performance zoning option. The performance zoning option shall only be considered for developments in Residential 3 (R-3) and Residential 4 (R-4) areas where land improvements shall occur which may be dedicated to the Township. Furthermore, at least 50% of the proposed area for development must have a slope of 25% or greater.

The performance zoning option shall entitle the developer to decrease the zoning classification standards for that area to zoning standards for the next lower classification. In other words, the standards for R-4 would be reduced to an R-3 and the standards for an R-3 would be reduced to an R-2. All applicable provisions of the zoning, subdivision or other applicable Township ordinance requirements shall be complied with. The remainder of the undeveloped land must then be left in permanent open space in accordance with the provisions of Article 5, Section 504.1, 21.

#### 919 APPEALS

The proceedings set forth in this article shall constitute the exclusive mode for securing review of any ordinance, decision, determination or order of the governing body of a municipality, its agencies or officers adopted or issued pursuant to this ordinance and of Act #247, Pennsylvania Municipalities Planning Code.

##### 919.1 Time Limitations:

No person shall be allowed to file any proceeding with the board later than 30 days after an application for development, preliminary or final, has been approved by an appropriate municipal officer, agency or body if such proceeding is designed to secure reversal or to limit the approval in any manner unless such person alleges and proves that he had no notice, knowledge, or reason to believe that such approval had been given.

- 919.2 All appeals from determinations adverse to the landowners shall be filed by the landowner within 30 days after notice of the determination is issued.
- 919.3 The failure of anyone other than the landowner to appeal from an adverse decision on a tentative plan or from an adverse decision by a zoning officer on a challenge to the validity of an ordinance or map shall preclude an appeal from a final approval except in the case where the final submission substantially deviates from the approved tentative approval.
- 919.4 Upon filing of any proceedings before the Zoning Hearing Board, a stay of proceedings shall be deemed to be in effect 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.
- 919.5 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.

## ARTICLE 10

### ZONING MAP DIAGRAMS AND ILLUSTRATIONS

1001	Zoning Map	1009	Illustration: Yards on Rectangular Lots
1002	Interpretation of District Boundaries	1010	Illustration: Yards on Non-rectangular Lots
1003	Procedure Diagram for Amending Zoning Ordinance	1011	Illustration: Yard Requirements for Corner Lots
1004	Procedure Diagram for Conditional Use	1012	Illustration: Types of Residential Buildings
1005	Procedure Diagram for Variance	1013	Illustration: Application of Height Regulations to Different Types of Roofs
1006	Procedure Diagram for Special Exception	1014	Illustration: Required Access Case 1
1007	Illustration: Types of Lots	1015	Illustration: Required Access Case 2
1008	Illustration: Percentage of Lot Coverage		

#### 1001 ZONING MAP

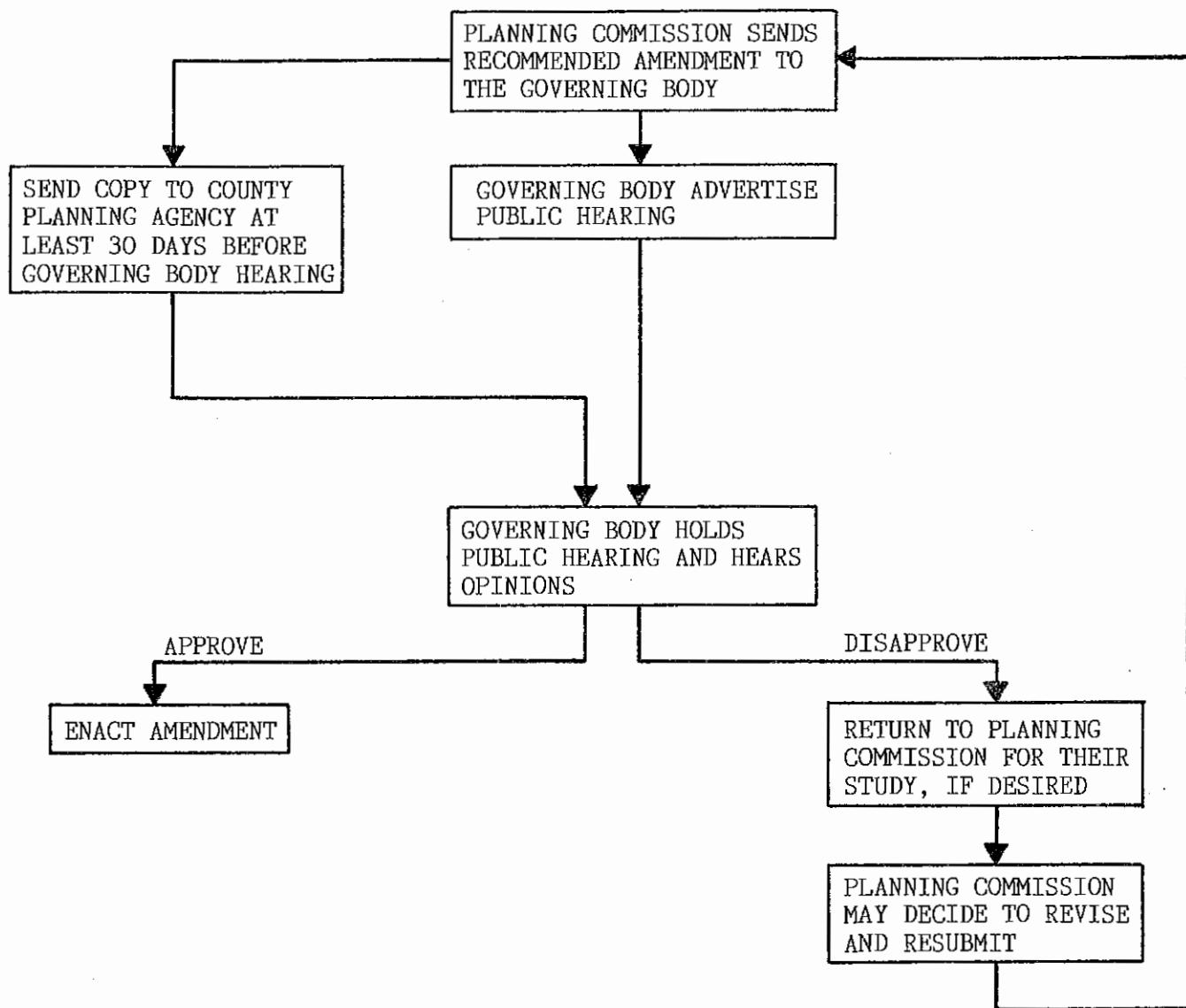
- 1001.1 The location and boundaries of the Zoning Districts shall be as shown on the official North Huntingdon Township Zoning Map which is hereby incorporated in this Ordinance.
- 1001.2 The Zoning Map together with everything shown thereon and all amendments to the zoning districts shall be marked on the Zoning Map and shall become as much a part to this Ordinance as if fully set forth and described herein.
- 1001.3 The Township Official Zoning Map shall be marked and dated with each subdivision and/or development annually. This shall be the responsibility of the Zoning Officer.
- 1001.4 It shall be the responsibility of the Chairman of the Planning Commission to notify the Zoning Officer of all recommended approvals of subdivisions. The Zoning Officer shall then, upon the approval of the recommended subdivision or those subdivisions not recommended, see that the Zoning Map is properly marked and dated with the subdivision locations annually.

#### 1002 INTERPRETATION OF DISTRICT BOUNDARIES

- 1002.1 The boundaries of districts shall be shown on the North Huntingdon Township Zoning map.

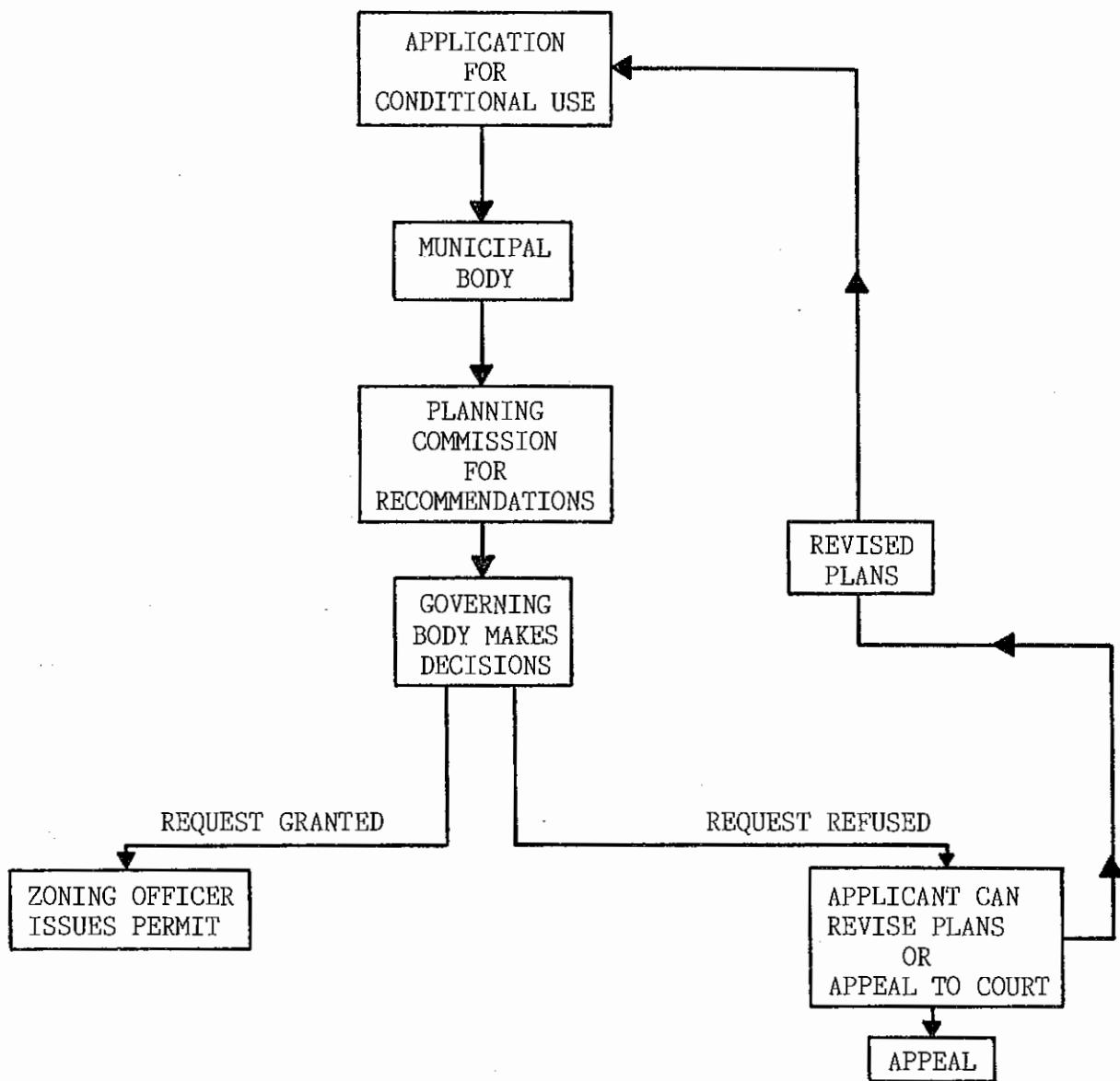
- 1002.2 Where doubt exists as to the precise location of the boundary of any of the aforesaid districts, the following shall apply:
1. A district boundary indicated within a street or way shall be construed to follow the center line thereof.
  2. Boundaries shown as approximately following platted lot lines shall be construed as exactly following such lot line.
  3. Boundaries indicated as approximately following Township limits shall be construed as exactly following such Township lines.
  4. Boundaries indicated as following railroad lines shall be construed to be midway between the main tracks.
  5. The zoning boundary line for commercial areas shall be construed as either 400 feet from the center line of the road right-of-way or the rear property line of abutting parcels whichever is less, unless previously designated otherwise.
  6. Boundaries following streams or other natural or man-made features shall be construed as the centerline of these features.
  7. Where boundaries of the various zoning districts are not those of the lot lines, in the case of unsubdivided property, and where the zoning boundaries are given in dimensions such that a firm and legal boundary can not be determined, then the Township Engineer shall be called to make an official measurement setting up the zoning boundary.
  8. Where physical or cultural features existing on the ground used to demarcate district boundaries, are at variance with those shown on the Zoning Map, or in other circumstances not covered by subsection 4 above, the Zoning Hearing Board shall engage engineering services to determine the proper district boundaries based upon the comprehensive plan, engineering studies and the trend of the area.

1003 PROCEDURE FOR AMENDING ZONING ORDINANCE (See also Article 9, Section 905)

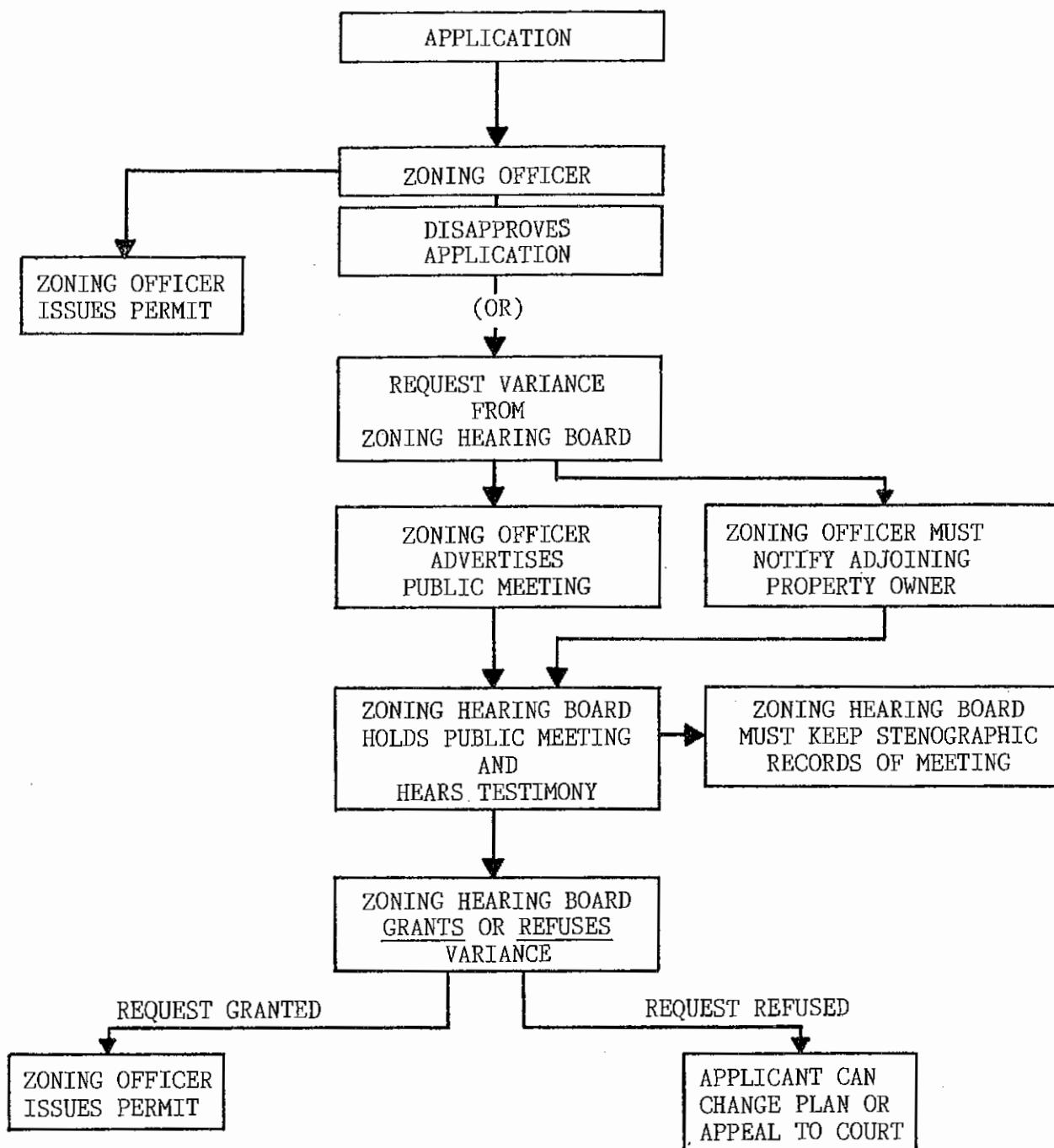


Note: See Section 609, Act 247. If the amendment is prepared by someone other than the Planning Commission, the governing body must send the proposed amendment to the Planning Commission for at least 30 days consideration. The process then is the same as it is outlined above.

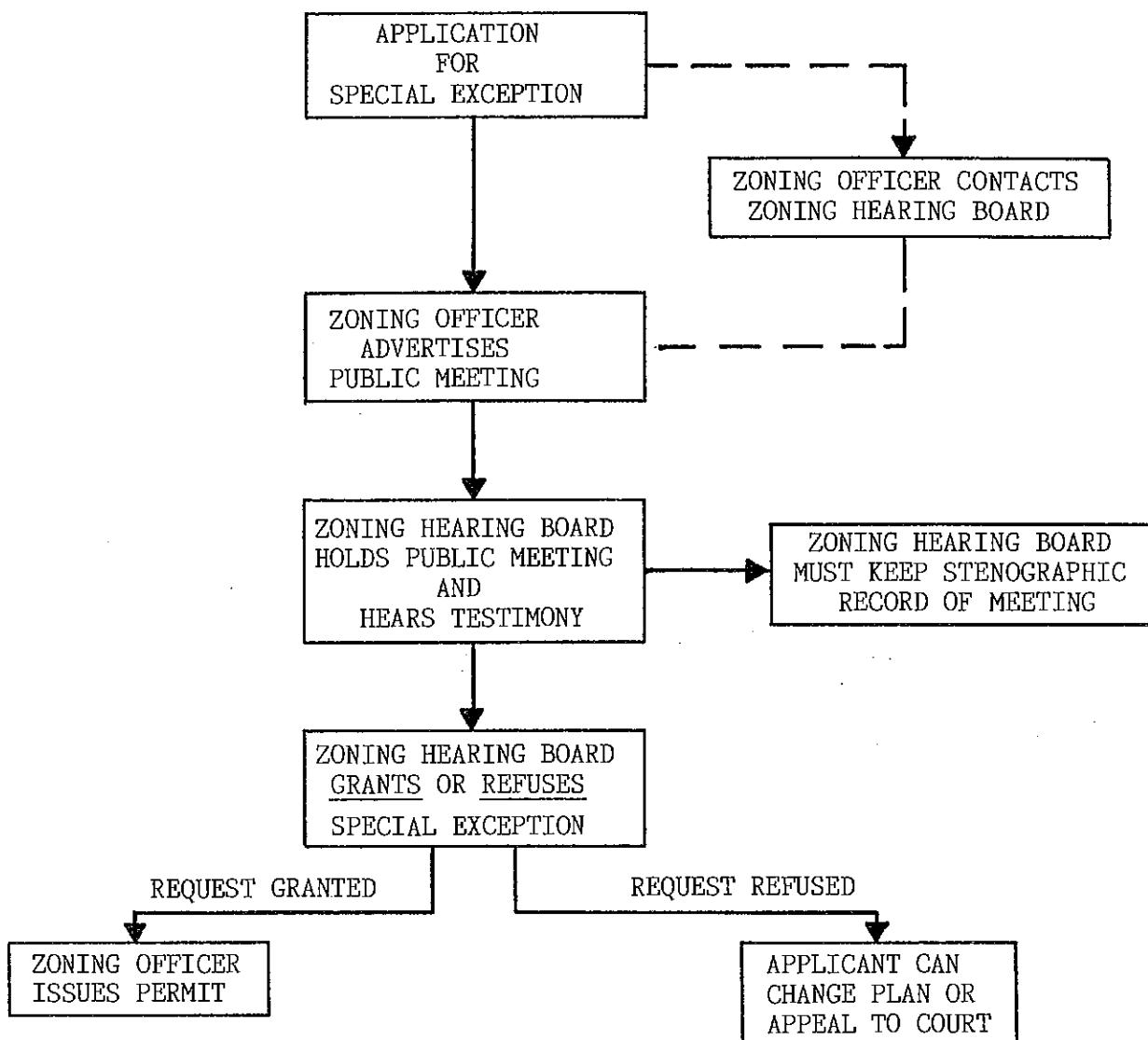
1004 PROCEDURE DIAGRAM FOR CONDITIONAL USE (See also Article 9,  
Section 906)



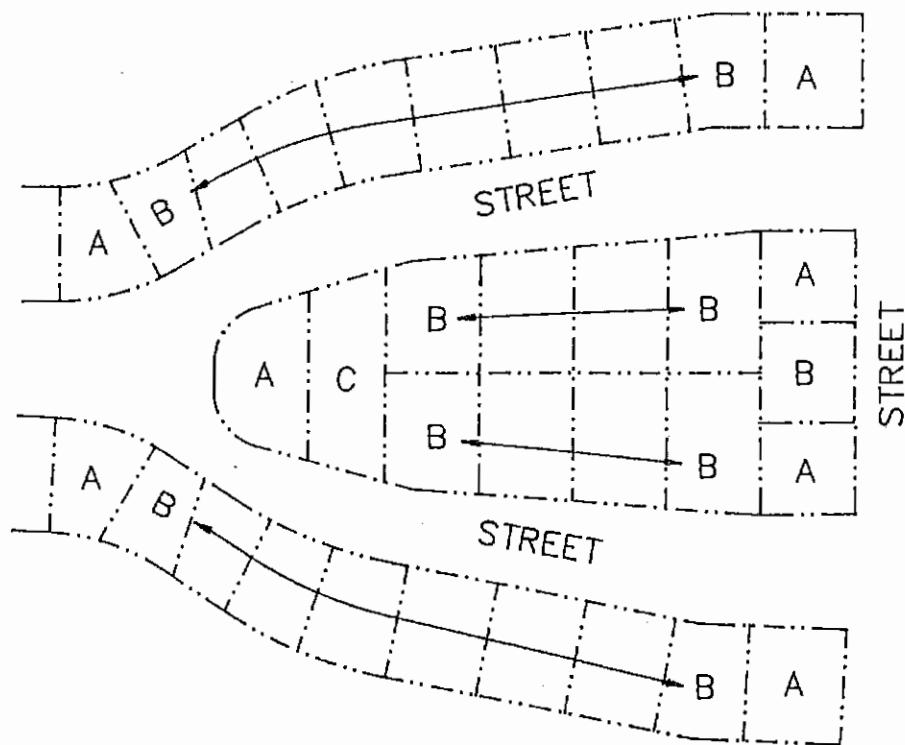
1005 PROCEDURE DIAGRAM FOR VARIANCE (See also Article 9,  
Section 910)



1006 PROCEDURE DIAGRAM FOR SPECIAL EXCEPTION

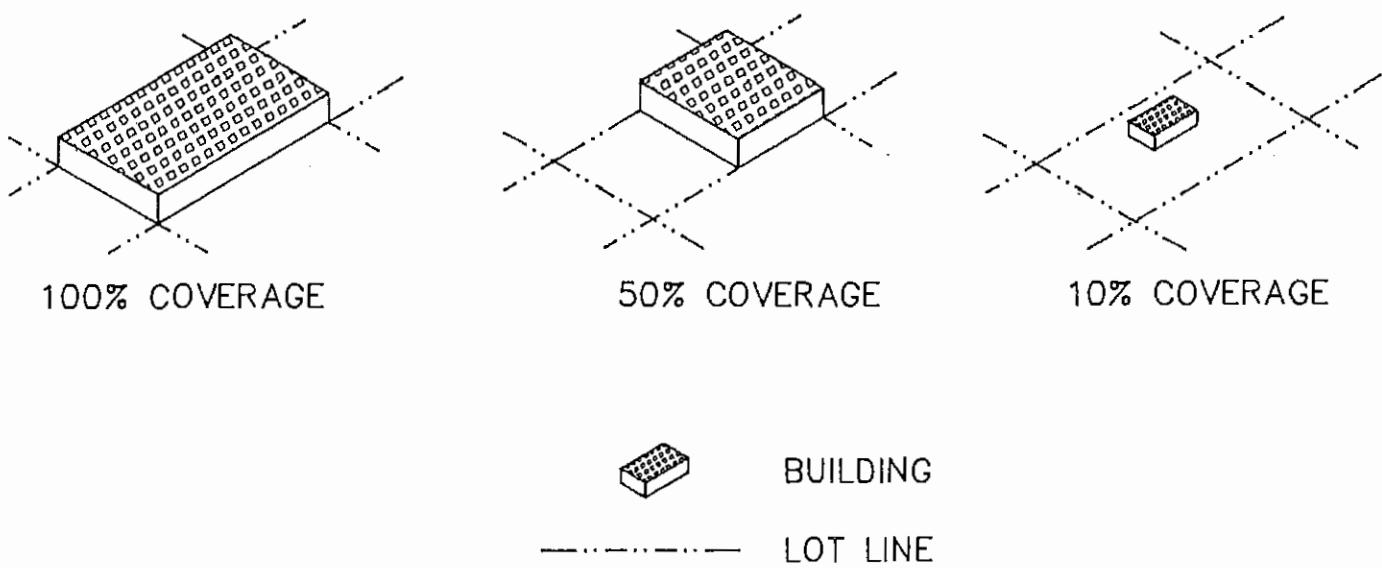


1007 ILLUSTRATION: TYPES OF LOTS



- A CORNER
- B INTERIOR
- C DOUBLE FRONTAGE (THROUGH LOTS)

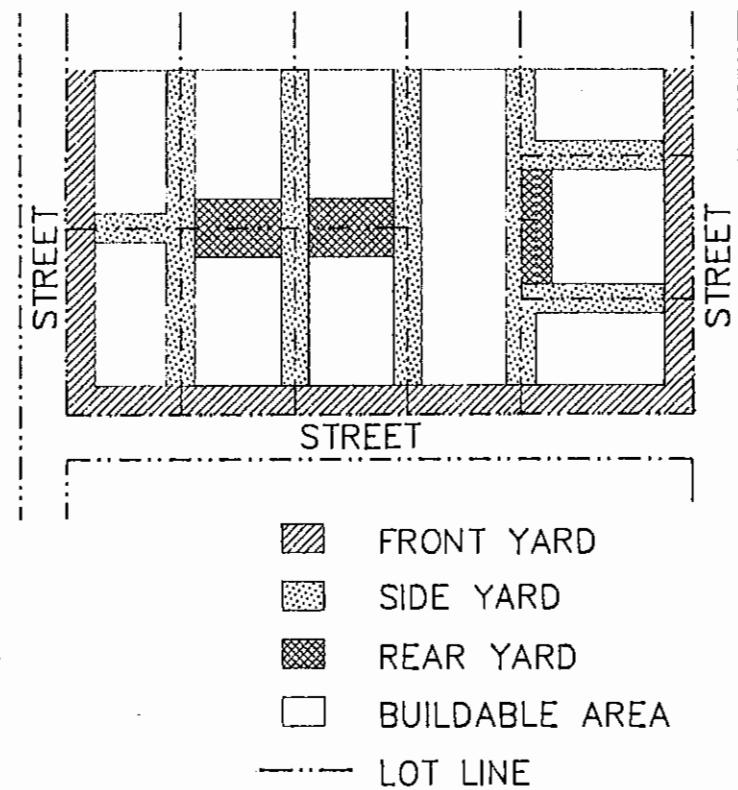
1008 ILLUSTRATION: PERCENTAGE OF LOT COVERAGE



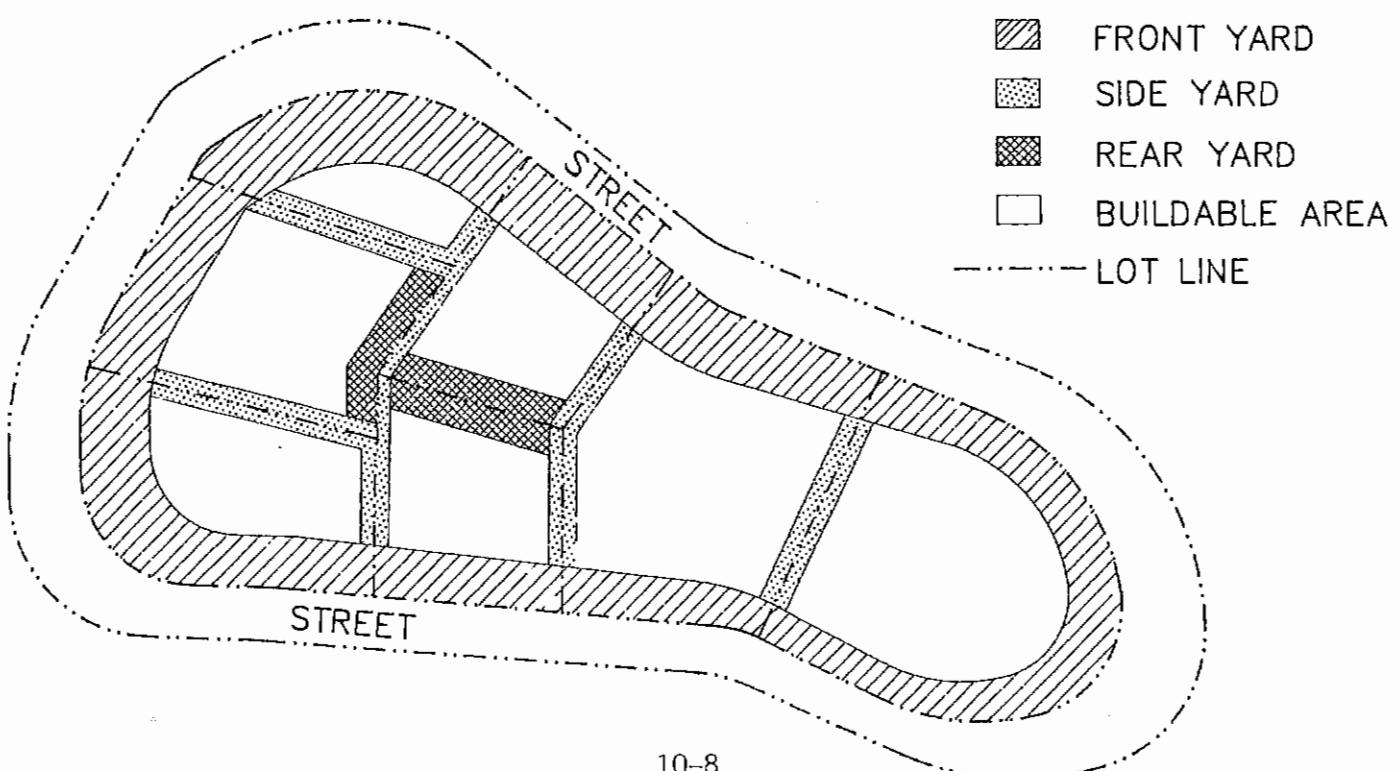
BUILDING

— — — — — LOT LINE

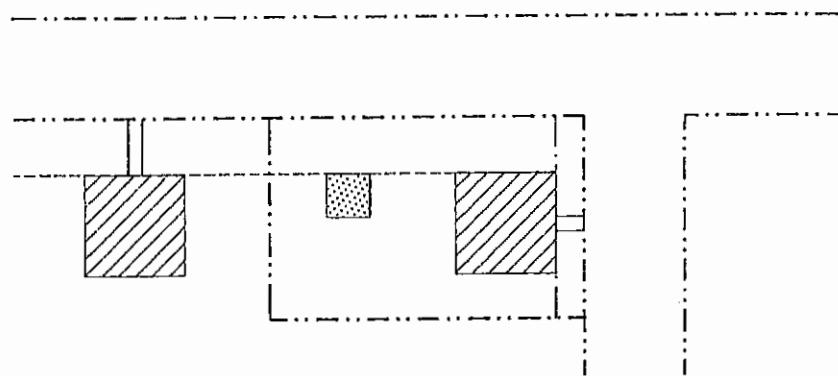
1009 ILLUSTRATION: YARDS ON RECTANGULAR LOTS



1010 ILLUSTRATION: YARDS ON NON-RECTANGULAR LOTS



1011 ILLUSTRATION: YARD REQUIREMENTS FOR CORNER LOTS



████ PRINCIPAL BUILDING

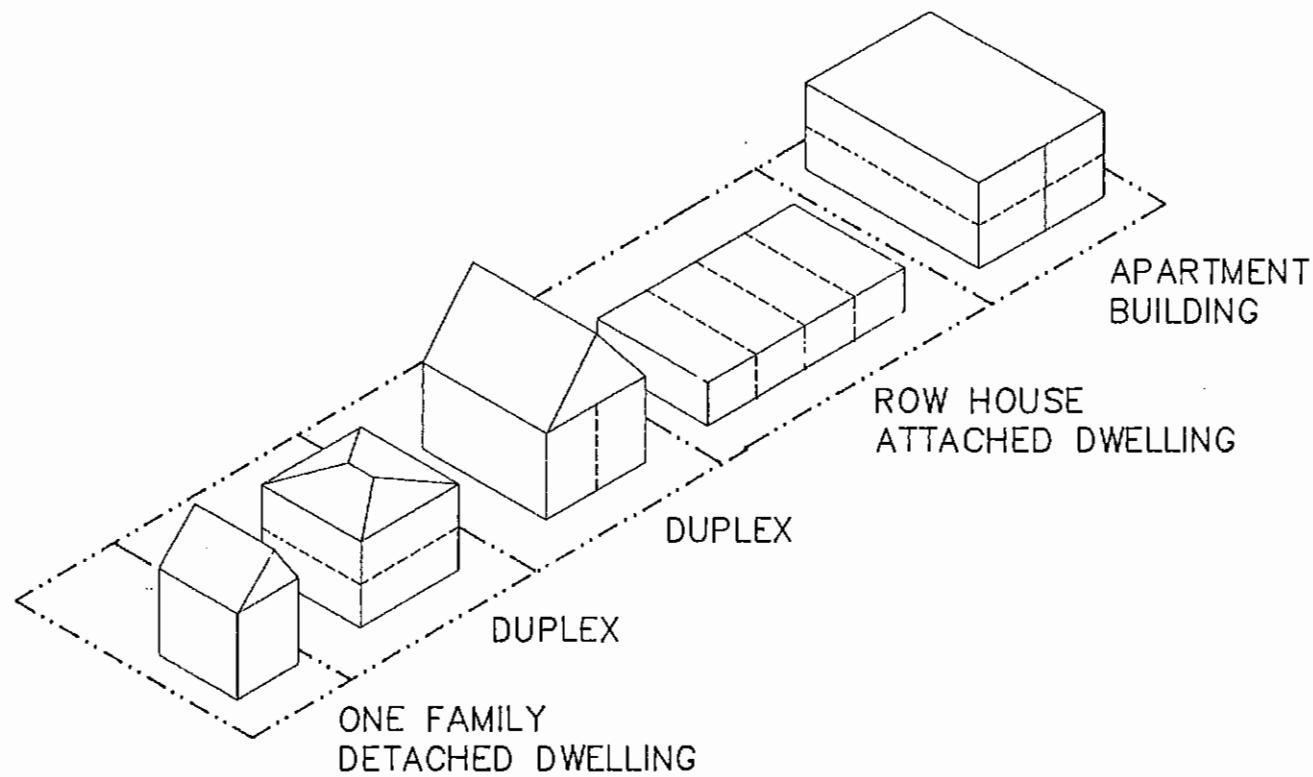
███ ACCESSORY BUILDING

----- LOT LINE

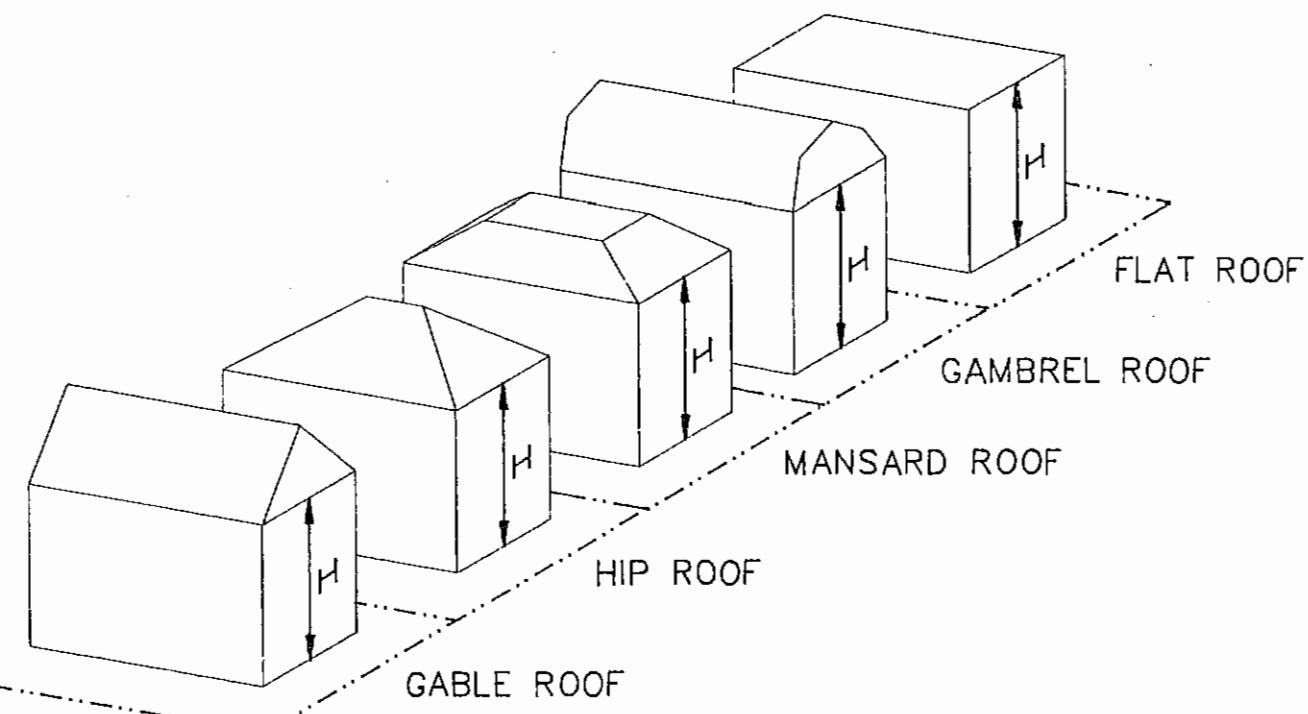
----- FRONT BUILDING LINE

----- LINE TO WHICH SIDE OF PRINCIPAL  
BUILDING SHALL BE PERMITTED

1012 ILLUSTRATION: TYPES OF RESIDENTIAL BUILDINGS

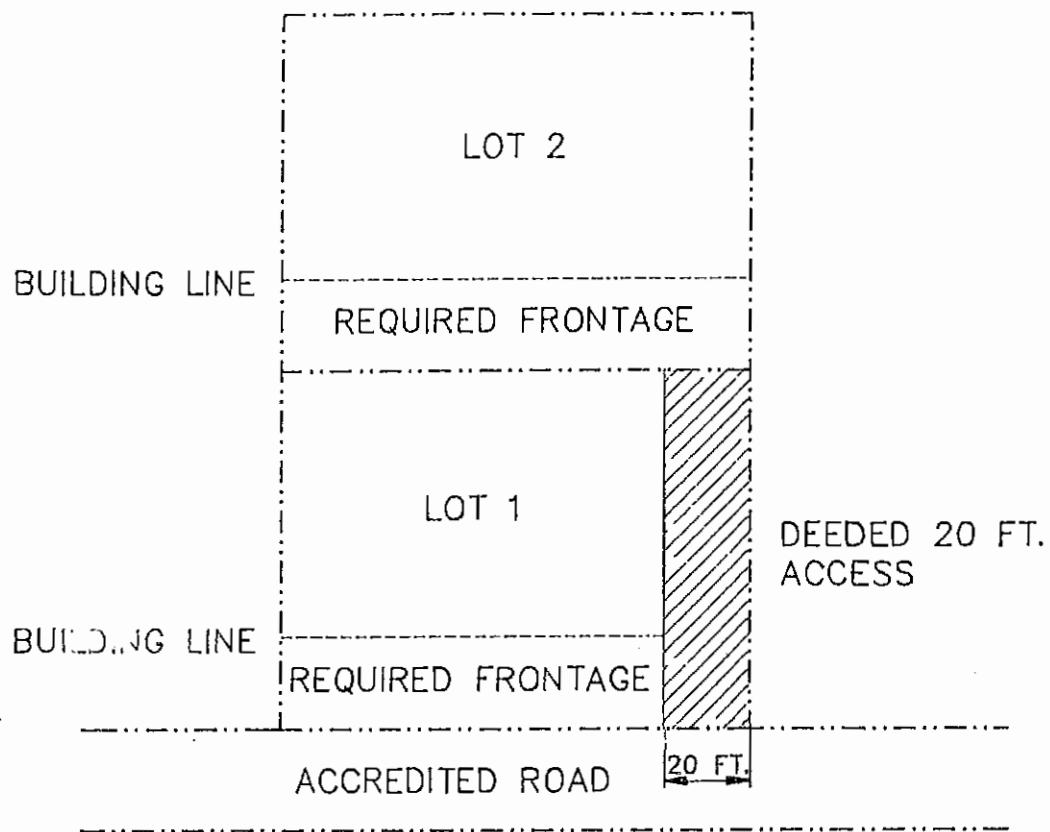


1013 ILLUSTRATION: APPLICATION OF HEIGHT REGULATIONS TO DIFFERENT TYPES OF ROOFS

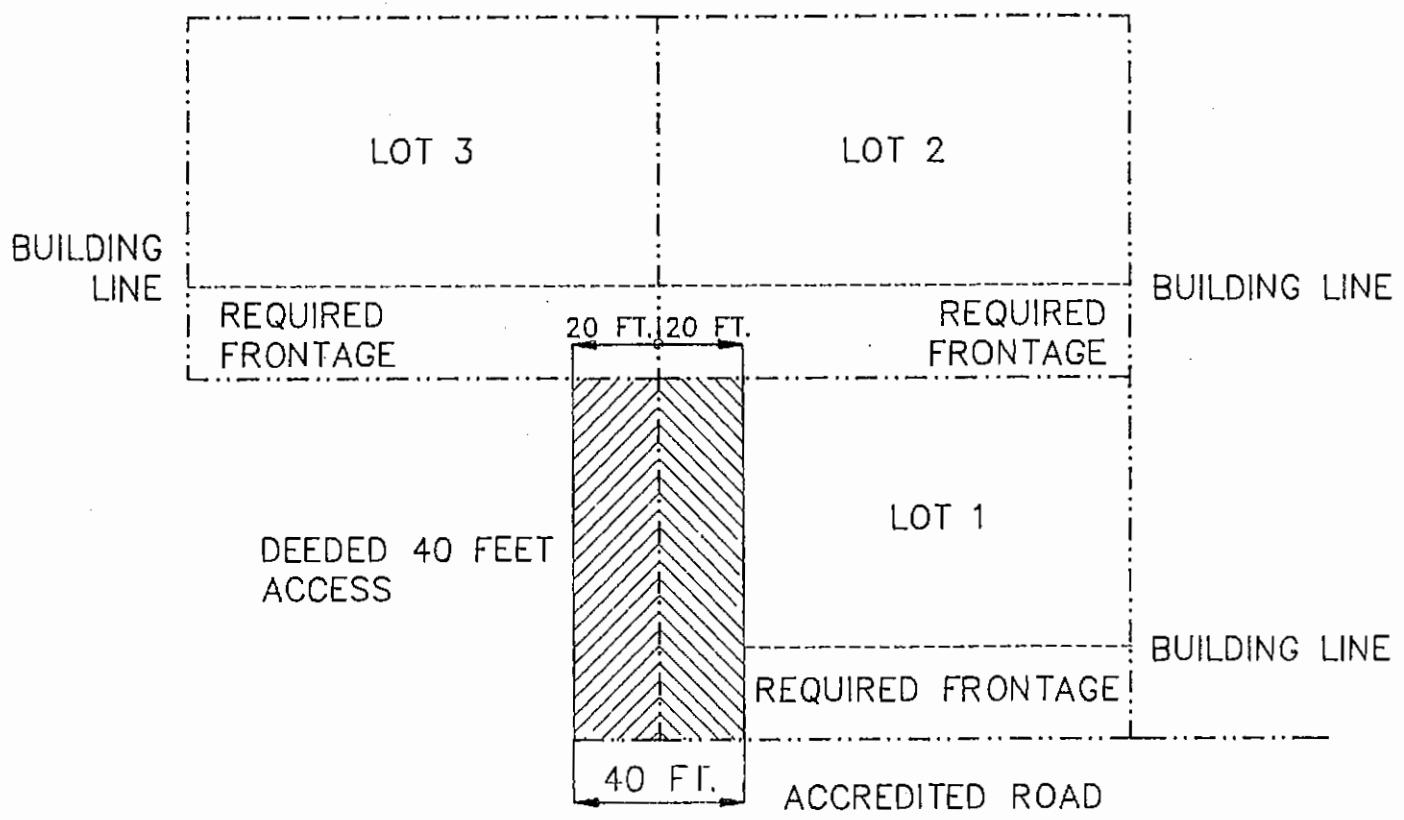


H = HEIGHT

1014 ILLUSTRATION: REQUIRED ACCESS CASE 1



1015 ILLUSTRATION: REQUIRED ACCESS CASE 2



## ARTICLE 11

### REPEALER, NON-CONFORMING USES AND STRUCTURES, SEVERABILITY CLAUSE AND EFFECTIVE DATE

1101 Repealer  
1102 Non-conforming Uses and Structures  
1103 Severability Clause  
1104 Effective Date

#### 1101 REPEALER

The passage of this Ordinance acts as an automatic repeal to previous Zoning Ordinance No. 542 enacted by the Board of Commissioners on March 26, 1980 and the following substantive amending ordinances with reference to Zoning Ordinance No. 542 being:  
Ordinance No. 559 enacted April 8, 1981, Ordinance No. 562 enacted May 13, 1981, Ordinance No. 564 enacted June 10, 1981, Ordinance No. 572 enacted October 14, 1981, Ordinance No. 593 enacted January 12, 1983, Ordinance No. 595 enacted April 13, 1983, Ordinance No. 597 enacted May 11, 1983, Ordinance No. 622 enacted October 10, 1984, Ordinance No. 624 enacted November 14, 1984, Ordinance No. 634 enacted December 11, 1985, Ordinance No. 637 enacted July 10, 1985, Ordinance No. 643 enacted December 12, 1985, Ordinance No. 661 enacted November 19, 1986, Ordinance No. 679 enacted July 8, 1987, Ordinance No. 702 enacted September 14, 1988, Ordinance No. 705 enacted November 9, 1988, Ordinance No. 706 enacted November 9, 1988, Ordinance No. 733 enacted January 17, 1990 and Ordinance No. 745 enacted June 21, 1990. The repeal of the previous Zoning Ordinance No. 542 and amendments thereto does not in any way affect actual zoning changes or other matters processed during the validity period of time of Ordinance No. 542, but only repeals actual Zoning Ordinance No. 542 and any amendments thereto of a substantive nature.

#### 1102 NON-CONFORMING USES AND STRUCTURES

The passage of this Ordinance shall in no way whatsoever affect those recognized and registered non-conforming uses and structures as established under previous Zoning Ordinance No. 542 enacted March 26, 1980 and previous Zoning Ordinance No. 230 enacted July 9, 1964, even though said previous Zoning Ordinances shall hereinafter be repealed by the passage of this new Zoning Ordinance.

1103

SEVERABILITY CLAUSE

Each section of this Ordinance is an independent section and the holding of any section, or part thereof, to be unconstitutional, void or ineffective for any cause shall not be deemed to affect the validity or constitutionality of any other sections or parts thereof.

1104

EFFECTIVE DATE

The effective date of this Ordinance shall be Thursday, February 21, 1991.

ORDAINED AND ENACTED at a regular meeting of the Board of Commissioners of the Township of North Huntington, County of Westmoreland, Commonwealth of Pennsylvania, a full quorum being present, this Wednesday, the 20th day of February, 1991.

TOWNSHIP OF NORTH HUNTINGDON

BY: \_\_\_\_\_

Russell L. Auberle, President  
Board of Commissioners

ATTEST:

Charlene A. Riggins, Secretary

SEAL

REVIEWED AND APPROVED:

Katherine B. Petrosky  
Township Manager

SOLICITOR: Thomas P. Cole, II

### **Index of Amendments (See Appendix)**

### **Index of Amendments (See Appendix)**

O F F I C I A L

TOWNSHIP OF NORTH HUNTINGDON

PROPOSED ORDINANCE NO. 5 OF 1992

ORDINANCE NO. 798

AN ORDINANCE AMENDING ORDINANCE NO. 765 BEING THE ZONING ORDINANCE ENACTED FEBRUARY 20, 1991 FOR THE TOWNSHIP OF NORTH HUNTINGDON WHICH SAID ZONING ORDINANCE INCLUDES NUMEROUS DEFINITIONS, THE INCLUSION OF PREVIOUS ORDINANCE NO. 490 REGARDING PLANNED RESIDENTIAL DEVELOPMENTS AND CHANGES IN THE ENFORCEMENT REMEDIES FOR VIOLATIONS AND AS REQUIRED BY PENNSYLVANIA ACT 170.

WHEREAS, this amendment includes various corrections and clarifications set forth in Ordinance No. 765, the amendment primarily addresses front yard depth minimum requirements in all zoned districts with the determination by the North Huntingdon Township Planning Commission that said requirements were inadvertently placed in all zoned districts and also by recommendation of the said Planning Commission to remove that portion of the verbiage addressed in Ordinance No. 765 regarding said front setback requirements.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED by the Board of Commissioners of the Township of North Huntingdon, County of Westmoreland, Commonwealth of Pennsylvania following a public input hearing held on Wednesday, March 18, 1992 at 6:00 o'clock P.M. at the Town House at 11279 Center Highway, North Huntingdon, Pennsylvania that Zoning Ordinance No. 765 be amended as follows:

SECTION 1: Resolution No. 109 of 1992 consisting of four (4) pages is attached hereto, made a part hereof and marked Exhibit "A" and incorporated by reference thereto as fully as though the same has been set forth herein at length.

SECTION 2: The proposed amendments to Ordinance No. 765 are as follows:

Article 5, Section 503.5; Paragraph (4) - Page 5-7 (R-3)

Front Yard Depth Minimum - 30 feet minimum.

Remove - If both adjacent dwellings have a front yard less than 30 feet deep, the minimum front yard depth is then the greater of the two adjacent yard depths.

Article 5, Section 503.6; Paragraph (4) - Page 5-8 (R-4)

Front Yard Depth Minimum - 40 feet minimum.

Remove - Remaining statement.

Article 5, Section 503.8; Paragraph 2, Item (1) - Page 5-38  
(NB)

Front Yard Depth Minimum - 30 feet minimum.

Remove - Remaining statement.

Article 5, Section 503.9; Paragraph 2, Item (1) - Page 5-40  
(C-1)

Front Yard Depth Minimum - 50 feet minimum.

Remove - Remaining statement.

Article 5, Section 503.11; Paragraph 2 - Item (2) - Page 5-43  
(C-2)

Front Yard Depth Minimum - 40 feet minimum.

Remove - Remaining statement.

Article 5, Section 503.12; Paragraph 2, Item (1) - Page 5-45  
(I)

Front Yard Depth Minimum -- 50 feet minimum.

Remove - Remaining statement.

The Front Yard Depth Minimum requirements remain as stated for those areas zoned R-1 and R-2. In these zoned classifications are the areas

of Shafton, Larimer, Westmoreland City, and Hahntown, or older areas of the Township in which setback requirements were not established at the time of development and in most cases would be impossible to meet by todays standards.

In the R-3, R-4, NB, C-1, C-2 and I districts, any future development would have to meet the standard setback requirement or the applicants for use of those properties in these districts would have the right of appeal to the Zoning Hearing Board for relief from same.

SECTION 3: All other provisions contained in Ordinance No. 765 remain unchanged and in full force and effect.

SECTION 4: Severability clause. Each section of this Ordinance is an independent section and the holding of any section, or part thereof, to be unconstitutional, void or ineffective for any cause shall not be deemed to affect the validity or constitutionality of any other sections or parts thereof.

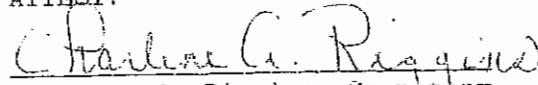
SECTION 5: Effective date. The effective date of this Ordinance shall be Wednesday, April 15, 1992.

ORDAINED AND ENACTED at a regular meeting of the Board of Commissioners of the Township of North Huntingdon, County of Westmoreland, Commonwealth of Pennsylvania, a full quorum being present, this Wednesday, the 15th day of April, 1992.

TOWNSHIP OF NORTH HUNTINGDON

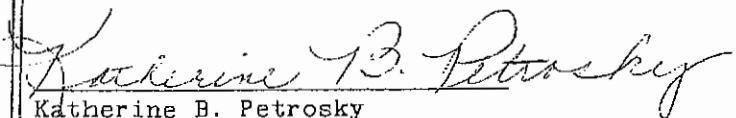
BY   
Eugene Walczyk, President  
Board of Commissioners

ATTEST:

  
Charlene A. Riggins, Secretary

SEAL

REVIEWED AND APPROVED:

  
Katherine B. Petrosky  
Township Manager

SOLICITOR: Thomas P. Cole, II

O F F I C I A L

TOWNSHIP OF NORTH HUNTINGDON

RESOLUTION NO. 109 OF 1992

WHEREAS, the Board of Commissioners of the Township of North Huntingdon has determined that there is a need to amend Zoning Ordinance No. 765 enacted February 20, 1991; and

WHEREAS, the North Huntingdon Township Planning Commission has reviewed Ordinance No. 765 as it addresses front yard depth minimum requirements in all zoned districts with the determination that said requirements were inadvertently placed in all zoned districts; and

WHEREAS, the North Huntingdon Township Planning Commission has recommended that Zoning Ordinance No. 765 be amended to remove that portion of the verbiage addressed in the ordinance regarding said front setback requirements.

NOW, THEREFORE, BE IT RESOLVED AND IT IS HEREBY RESOLVED that in accordance with the provisions of Zoning Ordinance No. 765, Article 9, Sub-article 904 entitled "Zoning Amendment or Rezoning Requests", Sub-sub-article 904.1, said Ordinance No. 765 shall be amended, added to or changed and the Board of Commissioners in accordance with the provisions thereof sets Wednesday, March 18, 1992 at 6:00 o'clock P.M. for a public input hearing on the proposal received from the North Huntingdon Township Planning Commission and at which public input hearing passage of the amendments, additions and/or changes will be considered.

This Resolution may be examined without charge at the Town

EXHIBIT "A"

House during regular business hours from 9:00 A.M. to 5:00 P.M. and a copy of this Resolution containing the proposed amendment may be obtained for a charge not greater than the cost thereof. The Township of North Huntingdon shall publish the proposed circulation within the Township not more than 60 days nor less than 7 days prior to passage of an ordinance amending Ordinance No. 765 and publication of the proposed ordinance amending Ordinance No. 765 when approved by the Board of Commissioners shall include either the full text thereof or the title and a brief summary, prepared by the Township Solicitor and setting forth all of the provisions in reasonable detail and specifically in accordance with Paragraphs 1 through and including 3 of Sub-Sub-article 904.1.

The proposed amendments to Ordinance No. 765 are as follows:

Article 5, Section 503.5; Paragraph (4) - PAGE 5-7 (R-3)

Front Yard Depth Minimum - 30 feet minimum.

Remove - If both adjacent dwellings have a front yard less than 30 feet deep, the minimum front yard depth is then the greater of the two adjacent yard depths.

Article 5, Section 503.6; Paragraph (4) - Page 5-8 (R-4)

Front Yard Depth Minimum - 40 feet minimum.

Remove - Remaining statement.

Article 5, Section 503.8; Paragraph 2, Item (1) - Page 5-38  
(NB)

Front Yard Depth Minimum - 30 feet minimum.

Remove - Remaining statement.

Article 5, Section 503.9; Paragraph 2, Item (1) - Page 5-40  
(C-1)

Front Yard Depth Minimum - 50 feet minimum.

Remove - Remaining statement.

Article 5, Section 503.11; Paragraph 2 - Item (2) - Page 5-43  
(C-2)

Front Yard Depth Minimum - 40 feet minimum.

Remove - Remaining statement.

Article 5, Section 503.12, Paragraph 2, Item (1) - Page 5-45  
(I)

Front Yard Depth Minimum - 50 feet minimum.

Remove - Remaining statement.

The Front Yard Depth Minimum requirements remain as stated for those areas zoned R-1 and R-2. In these zoned classifications are the areas of Shafton, Larimer, Westmoreland City, and Hahntown, or older areas of the township in which setback requirements were not established at the time of development and in most cases would be impossible to meet by todays standards.

In the R-3, R-4, NB, C-1, C-2 and I districts, any future development would have to meet the standard setback requirement or the applicants for use of those properties in these districts would have the right of appeal to the Zoning Hearing Board for relief from same.

RESOLVED AND ENACTED at a regular meeting of the Board of Commissioners of the Township of North Huntingdon, County of Westmoreland and Commonwealth of Pennsylvania, a full quorum being present, this Wednesday, the 19th day of February, 1992.

TOWNSHIP OF NORTH HUNTINGDON

ATTEST:

BY: /s/ Eugene Walczyk  
Eugene Walczyk, President  
Board of Commissioners

/s/ Charlene A. Riggins  
Charlene A. Riggins, Secretary

SEAL

REVIEWED AND APPROVED:

/s/ Katherine B. Petrosky  
Katherine B. Petrosky  
Township Manager

SOLICITOR: Thomas P. Cole, II

0 F F I C I A L

TOWNSHIP OF NORTH HUNTINGDON

PROPOSED ORDINANCE NO. 1 OF 1995

ORDINANCE NO. 867

AN ORDINANCE AMENDING ZONING ORDINANCE NO. 765 BEING THE ZONING ORDINANCE ENACTED FEBRUARY 20, 1991 FOR THE TOWNSHIP OF NORTH HUNTINGDON AND SPECIFICALLY AMENDING SECTION 801.3 RELATING TO ACCESSORY STRUCTURES.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED AND IT IS HEREBY ORDAINED AND ENACTED by the Board of Commissioners of the Township of North Huntingdon, County of Westmoreland and Commonwealth of Pennsylvania following a public input hearing held on Wednesday, March 15, 1995 at 6:45 o'clock P.M. at 11279 Center Highway, North Huntingdon, Pennsylvania 15642, that Zoning Ordinance No. 765, Section 801.3 be amended as follows:

SECTION 1: Resolution No. 110 of 1995 is attached hereto, made a part hereof and marked Exhibit "A" and incorporated by reference thereto as fully as though the same has been set forth herein at length.

SECTION 2: The proposed amendment to Ordinance No. 765, Section 801.3 is as follows:

"801.3 No accessory building or structure or use that exceeds the maximum height at the peak of the roof of fourteen (14) feet or a maximum area of 624 square feet shall be permitted in the required rear yard in a residential district. Accessory structures including antennae in excess of the maximum requirements may be granted by Special Exception. No Special Exception will be granted for an accessory structure other than an antennae unless the lot area is in excess of one (1) acre."

REVIEWED AND APPROVED:

Charlene A. Riggins  
Charlene A. Riggins, <sup>30</sup>  
Township Manager

SOLICITOR: Thomas P. Cole, II

OFFICIAL  
TOWNSHIP OF NORTH HUNTINGDON  
PROPOSED ORDINANCE NO. 1 OF 1998  
ORDINANCE NO. 935

AN ORDINANCE AMENDING ZONING ORDINANCE NO. 765,  
BEING THE ZONING ORDINANCE ENACTED FEBRUARY 20,  
1991 FOR THE TOWNSHIP OF NORTH HUNTINGDON AND  
SPECIFICALLY AMENDING ARTICLE 9, SECTION 915.1 (3)  
RELATING TO CONTENTS OF ENFORCEMENT NOTICES.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED AND IT IS  
HEREBY ORDAINED AND ENACTED by the Board of Commissioners of the  
Township of North Huntingdon, County of Westmoreland, Commonwealth of  
Pennsylvania, following a Public Input Hearing held on Wednesday, February 11, 1998 at  
6:00 o'clock P.M. at 11279 Center Highway, North Huntingdon, Pennsylvania  
15642, that Zoning Ordinance No. 765, Article 9, Section 915.1 (3) be amended as  
follows:

SECTION 1: Resolution No. 109 of 1997 is attached hereto, made a part  
hereof and marked Exhibit "A" and incorporated by reference thereto as fully as though  
the same has been set forth herein at length.

SECTION 2: The proposed amendment to Ordinance No. 765, Article 9,  
Section 915.1 (3) is as follows:

provisions thereof sets Wednesday, the 11th day of February, 1998 at 6:00 o'clock P.M. for a public input hearing on the proposal received from the North Huntingdon Planning Commission and at which public input hearing passage of the amendments, additions and/or changes will be considered.

This Resolution may be examined without charge at the Town House during regular business hours Monday through Friday from 9:00 A.M. to 5:00 P.M. and a copy of this Resolution containing the proposed amendment may be obtained at the established costs thereof. The Township of North Huntingdon shall publish the proposed amendment within the Township not more than sixty (60) days nor less than seven (7) days prior to passage of the Ordinance amending Ordinance No. 765 and publication of the Proposed Ordinance amending Ordinance No. 765 when approved by the Board of Commissioners shall include either the full text thereof or the title and a brief summary, prepared by the Township Solicitor and setting forth all of the provisions in reasonable detail and specifically in accordance with Paragraphs 1 through and including 3 of Sub-Sub-Article 904.1.

The proposed amendment to Article 9, Section 915.1 (3) is as follows:

"915.1

3

(7) Notwithstanding Subparagraphs (4) and (5) of this paragraph, if the conditions existing, which initiated the Zoning Enforcement Notice are immediate and serious and likely to cause irreparable harm to the Township, or its residents or landowners, then the time periods provided in said Zoning Enforcement Notice may be

shortened to any period necessary to abate the violation, and prevent further harm or damage."

The Board of Commissioners will consider passage of Proposed Ordinance No. 1 of 1998 with reference to this Resolution at the regular meeting scheduled for Wednesday, February 18, 1998.

RESOLVED AND ENACTED at a regular meeting of the Board of Commissioners of the Township of North Huntingdon, County of Westmoreland, Commonwealth of Pennsylvania, a full quorum being present, this Wednesday, the 21st day of January, 1998.

TOWNSHIP OF NORTH HUNTINGDON

BY: Thomas L. Kerber  
Thomas L. Kerber, President  
Board of Commissioners

ATTEST:

Charlene A. Riggins  
Charlene A. Riggins, Secretary

SEAL

SOLICITOR: Thomas P. Cole, II

OFFICIAL

TOWNSHIP OF NORTH HUNTINGDON

RESOLUTION NO. 109 OF 1998

WHEREAS, the Board of Commissioners of the Township of North Huntingdon has determined that there is a need to amend Zoning Ordinance No. 765 enacted February 20, 1991; and

WHEREAS, the North Huntingdon Township Planning Commission has recommended that Ordinance No. 765 at Article 9, Section 915.1 (3) is as follows:

"915.1

3

(7) Notwithstanding Subparagraphs (4) and (5) of this paragraph, if the conditions existing, which initiated the Zoning Enforcement Notice are immediate and serious and likely to cause irreparable harm to the Township, or its residents or landowners, then the time periods provided in said Zoning Enforcement Notice may be shortened to any period necessary

NOW, THEREFORE, BE IT RESOLVED AND IT IS HEREBY RESOLVED by the Board of Commissioners of the Township of North Huntingdon, County of Westmoreland and Commonwealth of Pennsylvania that in accordance with the provisions of Zoning Ordinance No. 765, Article 9, Sub-article 904 entitled "Zoning Amendments or Rezoning Requests", Sub-Sub-Article 904.1, said Ordinance No. 765 shall be amended, added to or changed and the Board of Commissioners in accordance with the

EXHIBIT "A"

"915.1

3.

(7) Notwithstanding Subparagraphs (4) and (5) of this paragraph, if the conditions existing, which initiated the Zoning Enforcement Notice are immediate and serious and likely to cause irreparable harm to the Township, or its residents or landowners, then the time periods provided in said Zoning Enforcement Notice may be shortened to any period necessary to abate the violation, and prevent further harm or damage."

SECTION 3: All other provisions contained in Ordinance No. 765 or prior amendments thereto remain unchanged and in full force and effect.

SECTION 4: Severability clause. Each section of this Ordinance is an independent section and the holding of any section, or part thereof, to be unconstitutional, void or ineffective for any cause shall not be deemed to affect the validity or constitutionality of any other sections or parts thereof.

ORDAINED AND ENACTED at a regular meeting of the Board of Commissioners of the Township of North Huntingdon, County of Westmoreland, Commonwealth of Pennsylvania, a full quorum being present, this Wednesday, the 18th day of February, 1998.

TOWNSHIP OF NORTH HUNTINGDON

BY Thomas L. Kerber  
Thomas L. Kerber, President  
Board of Commissioners

ATTEST:

Charlene A. Riggins  
Charlene A. Riggins, Secretary

SEAL

SOLICITOR: Thomas P. Cole, II

OFFICIAL

TOWNSHIP OF NORTH HUNTINGDON

PROPOSED ORDINANCE NO. 2 OF 1998

ORDINANCE NO. 936

AN ORDINANCE OF THE TOWNSHIP OF NORTH HUNTINGDON, WESTMORELAND COUNTY, PENNSYLVANIA, AMENDING ORDINANCE NO. 765 OF THE TOWNSHIP, BEING THE "NORTH HUNTINGDON TOWNSHIP ZONING ORDINANCE," MODIFYING AND ADDING DEFINITIONS OF WORDS, MODIFYING PROVISIONS AS TO MEDICAL CLINICS AND TELECOMMUNICATIONS FACILITIES, ADDING THERETO OR MODIFYING SAME AS TO CONDITIONAL USE STATUS, AND ESTABLISHING STANDARDS FOR THE USE AND OCCUPANCY OF SAID LAND USE CLASSIFICATIONS.

BE IT ORDAINED AND ENACTED AND IT IS HEREBY ORDAINED AND ENACTED by the Board of Commissioners of the Township of North Huntingdon, County of Westmoreland, Commonwealth of Pennsylvania, under and pursuant to the authority of the First Class Township Code, the Pennsylvania Municipalities Planning Code, being Act No. 247 of 1968, as amended, and related laws and regulations, the following:

SECTION I. In Article 3 of Ordinance No. 765, Rules and Definitions, the following definitions and terms are hereby inserted in alphabetical order:

1. **Broadcast and Relay Towers:** A freestanding support structure, attached antenna, and related equipment intended for transmitting, receiving or retransmitting commercial television, radio, telephone, cellular or other telecommunication services.
2. **Co-Location:** The placement and arrangement of multiple antenna and equipment on a single support structure and equipment pad area.
3. **Telecommunications Company:** Any person providing Fiber Optics Communications System Service, Telecommunications Service, or Open Video System Service in the Township.

4. **Telecommunications Facilities:** The plant, equipment and property, including, but not limited to, cables, wires, conduits, ducts, pedestals, antennae, towers, electronics, and other appurtenances used or to be used to transmit, receive, distribute, provide or offer Fiber Optics Communication System Service, Telecommunications Services, or Open Video System Service.
5. **Telecommunications Provider:** Means and includes every person who provides Telecommunications Service over, through, and by means of Telecommunications Facilities without having any ownership, management or control of the facilities.
6. **Telecommunications Service:** Any transmission of interactive switched and non-switched signs signals, writing, images, sounds, messages, data or other information of any nature by wire, radio lightwave, or any other electromagnetic means (including access services), which originate or terminate in the Township and are offered to or for the public, or some portion thereof, for compensation.
7. **Telecommunications Carrier:** Means and includes every person that directly or indirectly owns, controls, operates or manages, plant, equipment or property within the Township, used or to be used for the purpose of offering or providing telecommunications services.

**SECTION II.** In Article 6 of Ordinance No. 765, District Use Regulations, Section 601, Table 4 (Residential Districts Permitted Uses), a new line #34, Telecommunications Facilities is hereby added as follows:

	O	R-1	R-1A	R-2	R-3	R-4
34. Telecommunications facilities						C

**SECTION III.** In Article 6 of Ordinance No. 765, District Use Regulations, Section 602, Table 5, (Commercial/Industrial Districts Permitted Uses), line #101, Public clinic, medical clinic, is hereby revised as follows:

	C	C-1	C-1A	C-2	PEDD -1	PEDD -2	I
101. Public clinic, medical		C	C		C	C	

SECTION IV. In Article 6 of Ordinance No. 765, District Use Regulations, Section 602, Table 5 (Commercial/Industrial District permitted Uses), a new line #122 is hereby added as follows and all subsequent lines renumbered consecutively:

	C	C-1	C-1A	C-2	PEDD -1	PEDD -2	I
122. Telecommunications facilities		C			C	C	P

SECTION V. In Article 8 of Ordinance No. 765, Special Regulations, a new Section #806, entitled Clinics, Medical, is hereby inserted and all subsequent sections renumbered in consecutive order:

#### **SECTION 806 CLINICS, MEDICAL**

**806.1** A development narrative shall be submitted which accurately describes the nature of the medical services being offered and by whom.

**806.2** An existing structure proposed for adaptive reuse shall be brought into compliance with all current building codes and other applicable Township, County, and State regulations prior to occupancy.

**806.3** Any clinic with direct access to a major highway (carrying more than 10,000 Average Week Day Trips) shall prepare and submit a traffic impact analysis. Such analysis shall demonstrate the following:

1. The number of vehicle trips expected to be generated during an average week day and during both a.m. and p.m. peak hours of adjacent street traffic.

2. The number and types of vehicles, with an origin or destination at the subject site, the need for which is generated by said use.
3. The routes or roadways used to reach the clinic.
4. Impact on the levels-of-service at intersections within one mile of said clinic.
5. Recommended traffic control devices designed to mitigate the documented impact on adjacent roadways.

**806.4** Operation of such use shall be approved or denied following submittal of a completed application and required information for land development approval as per the provisions of the North Huntingdon Township Subdivision and Land Development Ordinance.

**SECTION VI.** In Article 8 of Ordinance No. 765, Special Regulations, Section 820, Off-Street Parking Regulations, Subsection 820.5, Minimum Requirements, is hereby revised as follows:

Medical and dental offices and clinics	One space per each 150 sq. ft. of gross floor area, plus one space per employee, plus four (4) spaces per doctor or practitioner.
--	---

**SECTION VII.** In Article 8 of Ordinance No. 765, Special Regulations, a new Section 830, entitled Telecommunications Facilities, is hereby added as follows:

#### **Section 830 TELECOMMUNICATIONS FACILITIES**

**830.1** All proposed telecommunications facilities proposed in North Huntingdon Township, whether classified as conditional or permitted uses shall comply

with the requirements of this section.

830.2 Co-location on existing broadcast or relay towers shall be investigated by the telecommunications carrier. Where co-location has been demonstrated to be impractical, new broadcast and relay towers shall be located only following review and approval by the Township.

830.3 The following information shall be submitted with all applications:

1. A site plan, drawn at a scale not less than one inch (1") per fifty feet (50'), showing the boundaries and dimensions of the parcel or site, including any adjacent public streets or easements.
2. An elevation of the proposed facility, including any buildings, existing or proposed, associated with the facility, and which shall include all dimensions of existing and proposed structures.
3. A topographic map, based upon the most recent site survey or information available, at no less than five foot (5') contour intervals.

830.4 The applicant shall demonstrate that the antenna is the minimum height required to function satisfactorily. No antenna that is taller than this minimum height shall be approved. In addition, no antenna shall exceed two hundred feet (200') in height.

830.5 All broadcast and relay towers must be stealth towers. A stealth tower is a Broadcast And Relay Tower which is not recognizable as a conventional Broadcast And Relay Tower (e.g. a metal lattice structure), but instead is disguised or concealed in such a fashion as to conform to its surroundings.

Examples of such stealth towers include a tower which looks like a tree or one which is concealed in a church steeple.

**830.6** The Township Commissioners may waive the stealth tower requirement where the applicant can demonstrate that the requirement is not necessary to protect the health, safety and welfare, considering items such as impact on surrounding and abutting property values; height; screening; number of uses per tower, including public uses; location; and actual setbacks.

**830.7** If a new broadcast and relay tower is constructed (as opposed to mounting the antenna on an existing structure), the minimum distance between the base of the support structure or any guy wire anchors and any property line shall be the largest of the following:

1. One hundred percent (100%) of antenna height.
2. The minimum setback in the underlying zoning district.
3. Fifty feet (50') minimum.

**830.8** A fence shall be required around the broadcast and relay tower and other equipment, unless the antenna is mounted on an existing structure. The fence shall be a minimum of eight feet (8') in height.

**830.9** The following landscaping shall be required to screen as much of the broadcast and relay tower as possible, the fence surrounding the support structure, and any other ground level features (such as a building), and in general soften the appearance of the telecommunications facilities site. North

Huntingdon Township may permit any combination of existing vegetation, topography, walls, decorative fences or other features instead of landscaping, if they achieve the same degree of screening as the required landscaping. If the antenna is mounted on an existing structure, and other equipment is housed inside an existing structure, landscaping shall not be required.

1. An evergreen screen shall be required to surround the site. The screen can be either a hedge (planted three feet [3'] on center maximum) or a row of evergreen trees (planted ten feet [10'] on center maximum). The evergreen screen shall be a minimum height of six feet (6') at planting, and shall grow to a minimum of fifteen feet (15') at maturity.
2. In addition, existing vegetation on and around the site shall be preserved to the greatest extent possible.

**806.10** In order to reduce the number of telecommunications facilities needed in the community in the future, the proposed broadcast and relay tower shall be required to accommodate other users, including other telecommunications service, and local police, fire, ambulance services and municipal authority and road departments. In addition, a linear two (2) mile separation shall be maintained between broadcast and relay towers, measured from the base of the structure.

**806.11** The telecommunications company must demonstrate that it is licensed by the Federal Communications Commission.

**806.12** Broadcast and relay towers under two hundred feet (200') in height should be painted silver or have a galvanized finish retained, in order to reduce the

visual impact. Structures near airports, shall meet all Federal Aviation Administration regulations. No broadcast or relay tower may be artificially lighted except as provided for and required by the FAA.

**806.13** A land development plan shall be required for all telecommunications facilities sites, showing the broadcast and relay tower, building, fencing, buffering, access to public rights-of-way, and all other items required in this Ordinance and the North Huntingdon Township Subdivision and Land Development Ordinance. The site plan shall not be required if the antenna is to be mounted on an existing structure.

**806.14** In granting the use, the Commissioners may attach reasonable conditions warranted to protect the public health, safety and welfare, including, but not limited to, location, fencing, screening, increased setbacks and the right to use said facilities for public purposes.

**806.15** All approvals shall be only for specific telecommunications facilities set forth in the application. No additions or alterations thereto will be permitted without a new application.

**SECTION VIII.** Should any section or provision of this Ordinance be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of this Ordinance as a whole, or of any other part thereof, nor the provisions of Ordinance No. 765, which this Ordinance amends.

ORDAINED AND ENACTED at a regular meeting of the Board of Commissioners of the Township of North Huntingdon, County of Westmoreland, Commonwealth of

Pennsylvania, a full quorum being present, this Wednesday, the 18th day of February, 1998.

TOWNSHIP OF NORTH HUNTINGDON

By: Thomas L. Kerber

Thomas L. Kerber, President  
Board of Commissioners

ATTEST:

Charlene A. Riggins

Charlene A. Riggins, Secretary

SEAL

SOLICITOR: Thomas P. Cole, II

OFFICIAL

TOWNSHIP OF NORTH HUNTINGDON

PROPOSED ORDINANCE NO. 2 OF 1999

ORDINANCE NO. 966

AN ORDINANCE OF THE TOWNSHIP OF NORTH HUNTINGDON, WESTMORELAND COUNTY, PENNSYLVANIA, AMENDING THE ZONING ORDINANCE, ARTICLE 8 TO REGULATE ADULT-RELATED BUSINESSES.

SECTION 1. LEGISLATIVE FINDINGS, PURPOSE, AND INTENT

A. Findings. The Township Commissioners of North Huntingdon Township finds the following with respect to adult-related business.

1. Adult-related businesses in any given area will cause blight and deterioration in that area.
2. Properties that are adjacent to adult-related businesses will decrease in value.
3. Businesses which are not adult-related in nature will not locate in an area with adult-related businesses.
4. Neighborhoods adjacent to adult-related businesses are adversely affected by the conduct of patrons of the adult-related businesses, who interfere with the quiet, peaceful, and lawful enjoyment and use of the neighboring properties.
5. Criminal activity has increased in connection with certain adult-related businesses.

B. Purpose. The purpose of this Ordinance is to protect the retail trade of the Township, prevent neighborhood blight, maintain stable property values, maintain the quality of residential neighborhoods, and reduce the potential for criminal activity.

C. Intent. The intent of this Ordinance is not aimed at the content of the material sold, conduct within, or content of films or books of adult-related businesses, but rather to minimize and control the adverse secondary effects of such businesses on the surrounding community and protect the health, safety and welfare of its citizens; protect the citizens from increased crime; preserve the quality of life; preserve the property values and character of surrounding neighborhoods and deter the spread of blight. Accordingly, this Ordinance permits adult-related businesses in certain zoning districts, but regulates the time, place, and manner of adult-related businesses.

SECTION 2. ENACTMENT

BE IT DULY ENACTED AND ORDAINED by the Board of Commissioners of the Township of North Huntingdon, County of Westmoreland and Commonwealth of Pennsylvania, that Article 8 of the Zoning Ordinance is amended by the addition of the following provisions.

A. Section 302. Definitions

(1) Adult Arcade - any place to which the public is permitted or invited wherein coin-operated or slug-operated or electronically, electrically, or mechanically controlled still or motion picture machines, projectors, or other image-producing devices are maintained to show images to five or fewer persons per machine at any one time, and where the images so displayed are

distinguished or characterized by the depicting or describing of "sexual activities" or "nudity".

- (2) Adult Bookstore or Adult Video Store - an establishment, having as a substantial or significant portion of its stock in trade, for sale or rental, books, magazines, video tapes, computer disks, or other materials which are distinguished or characterized by their emphasis on matter depicting, describing or relating to "sexual activities" or "nudity" as defined herein.
- (3) Adult Cabaret - a cabaret, tavern, bar, nightclub, theater, or similar club which features strippers, female topless and/or bottomless waitresses or employees or bottomless male waitresses or employees, male or female impersonators, or similar entertainers who exhibit, display, or engage in nudity, sexual conduct, or sadomasochistic abuse, as defined in this Ordinance and the Pennsylvania Obscenity Code.
- (4) Adult Mini-Motion Picture Theater - an enclosed building or structure offering video presentations or other visual media distinguished or characterized by an emphasis or matter depicting, describing, or relating to "sexual activities" or "nudity", as defined herein, for observation by patrons within private viewing booths and/or by use of token or coin-operated projectors or other video machines.

- (5) Adult-Related Business - any adult arcade, adult bookstore, adult video store, adult cabaret, adult mini-motion picture theater, or adult theater as defined herein and which, under the Pennsylvania Obscenity Code, must exclude minors or may not knowingly disseminate to minors. Also, a massage establishment as defined herein.
- (6) Adult Theater - any business which exhibits an indoor motion picture show or other presentation which, in whole or in part, depicts nudity, sexual conduct, or sadomasochistic abuse as defined in the Pennsylvania Obscenity Code. Any adult theater which proposes to exhibit a motion picture show or other presentation as defined above, outside the confines of a building or structure, is prohibited.
- (7) Holiday - the entire 24 hour period of the days of New Year's Day (January 1<sup>st</sup>), Good Friday, Election Day (both primary and general elections), Memorial Day, July 4<sup>th</sup>, Labor Day, Thanksgiving Day, and Christmas Day.
- (8) Massage Establishment - any establishment or business which provides the services of massage and body manipulation, including exercises, heat and light treatments of the body, and all forms of physiotherapy, unless operated by a medical practitioner, chiropractor, or professional physical therapist licensed by the State of Pennsylvania. This definition does not

include an athletic club, school, gymnasium, reducing salon, spa, or similar establishment where massage or similar manipulation of the human body is offered as an incidental or accessory service.

(9) Nudity - shall be defined as completely without clothing; or the showing of the human male or female genitals, pubic area, or buttocks with less than a full opaque covering or the showing of the female breast with less than a fully opaque covering of any portion thereof below the top of the nipple, or the depiction of covered male genitals in discernible turgid state.

(10) Sexual Activities - shall be defined as: (1) acts of masturbation, homosexuality, sexual intercourse, or physical contact with a person's clothed or unclothed genitals, pubic area, buttocks, or if such a person is a female, breast; (2) the condition of human male or female genitals when in a state of sexual stimulation or arousal; and/or (3) flagellation or torture by or upon a person clad in undergarments, a mask or bizarre costume, or the condition of being fettered, bound, or otherwise physically restrained on the part of one so clothed.

B. Section 830. Adult-Related Businesses

1. Adult-related businesses which are defined in this Ordinance shall only be permitted in the C-1, Commercial District when approved as a Conditional Use by

the Board of Commissioners and if all of the requirements of this section are adhered to. Adult-related businesses shall not be permitted in any other zoning district.

2. Adult-related businesses shall only be permitted in the C-1, Commercial District and shall also meet or exceed the following setback requirements. The building shall be setback as follows:

(a) The building shall be at least 250 feet in any direction from any residential dwelling, (including multi-family buildings), also at least 500 feet from any public park property (including such uses in adjacent municipalities);

(b) The building shall be at least 1000 feet in any direction from any school property, church property, preschool property, or child day care center property (including such uses in adjacent municipalities);

(c) The building shall be at least 100 feet in any direction from any hotel or motel (including such uses in adjacent municipalities);

and

(d) The building shall be at least 2500 feet in any direction from any other building which is utilized for any other adult-related business which is defined in this Ordinance (including such uses in adjacent municipalities).

3. All activities pertaining to the adult-related business shall be conducted entirely within the confines of the building. No theater which shows adult-related films shall project the film outside the confines of a building. No music or sound

emitting from the business shall be audible to normal human hearing at any time at any exterior property line of the business. Adult related businesses shall at all times comply with Ordinance No. 800, adopted June 17, 1992 regulating permissible noise levels.

4. No adult-related business shall utilize a local road as defined in the North Huntingdon Township Subdivision Ordinance, for access to the site or egress from the site.

5. Any adult-related business which has liquor for sale shall abide by all rules and regulations of the Pennsylvania Liquor Control Board. If any of the applicable regulations of the Liquor Control Board are more stringent than the regulations specified in this section, those regulations shall be adhered to by the applicant.

6. Unless governed by more stringent regulations by the Pennsylvania Liquor Control Board, the following hours of operation shall be adhered to by all adult-related businesses.

(a) No adult-related business shall be open from 2:00 A.M. to 11:00 A.M. daily.

(b) No adult-related business shall be open on Sunday and holidays except that an adult-related business open on Saturday may remain open until 2:00 A.M. on Sunday morning.

7. The maximum gross floor area of any building which is utilized for an adult-related business shall be 5,000 square feet.

8. No adult-related business shall display an exterior sign which displays obscene materials or which depicts nudity or sexual explicit activities. All other regulations pertaining to commercial signs shall be complied with.

9. Parking, landscaping, exterior lighting, and other required site improvements shall be in accordance with the applicable sections of this Ordinance.

10. To insure the regulations of this section are adhered to by the applicant, the following information shall be provided with the application for a conditional use.

(a) A site survey of the property and building proposed for the adult-related business and a survey illustrating the distance to the location, size, and type of all buildings and uses within 2500 feet of the building proposed for the adult-related business. The survey shall be prepared and sealed by a surveyor licensed by the State of Pennsylvania and shall be at a scale no less than 1 inch to 100 feet. The survey shall indicate the scale, date drawn, north point, tax parcel number of all parcels illustrated, the names of any roads or highways illustrated, and shall be on paper measuring 24 inches by 36 inches. Twenty (20) copies of the survey shall be submitted with the application.

(b) The above-referenced site survey shall indicate the proposed parking layout, landscaping, lighting, sign location, building location, and any other exterior improvements.

- (c) If liquor for sale is proposed, a copy of the license issued by the Pennsylvania Liquor Control Board shall be submitted.
11. In addition to a conditional use permit, a site plan shall be required for the development of the site. Requirements for the site plan are in the North Huntingdon Township Zoning Ordinance.
12. An applicant proposing an adult-related business shall satisfy all requirements of the Zoning Ordinance which relate to general requirements for approval of conditional uses.
13. This Ordinance shall be construed not to invalidate any portion of the North Huntingdon Township Code and shall be read and interpreted in part materia with the ordinances of North Huntingdon Township.

#### SECTION 3 REPEALER

Any provisions or parts of other ordinances inconsistent with this Ordinance are hereby repealed.

#### SECTION 4 SEVERABILITY

The provisions of this Ordinance are severable. If any provision of this Ordinance is found unconstitutional or unenforceable by a Court of competent jurisdiction, the remaining provisions of the Ordinance shall be unaffected.

#### SECTION 5 ENACTMENT

This Ordinance shall become effective immediately after the enactment thereof.

ORDAINED AND ENACTED at a regular meeting of the Board of Commissioners of the Township of North Huntingdon, County of Westmoreland, Commonwealth of Pennsylvania, a full quorum being present, this Wednesday, the 17th day of March, 1999.

BOARD OF COMMISSIONERS  
TOWNSHIP OF NORTH HUNTINGDON

By: Thomas L. Kerber  
Thomas L. Kerber, President.

ATTEST:

John M. Shepherd, Jr.  
John M. Shepherd, Township Secretary

SEAL

SOLICITOR: Thomas P. Cole, II

OFFICIAL

TOWNSHIP OF NORTH HUNTINGDON  
PROPOSED ORDINANCE NO. 12 OF 1999  
ORDINANCE NO. 977

AN ORDINANCE OF THE TOWNSHIP OF NORTH HUNTINGDON, WESTMORELAND COUNTY, PENNSYLVANIA, AMENDING THE TOWNSHIP ZONING ORDINANCE, ORDINANCE NO. 765, TO ADD REQUIREMENTS WITH RESPECT TO THE LOCATION AND HOURS OF OPERATION OF METHADONE OR OTHER DRUG MAINTENANCE OR TREATMENT FACILITIES, TO AMEND THE REQUIREMENTS AND STANDARDS FOR ALL CONDITIONAL USES, AND TO LIMIT OFF-STREET PARKING IN THE REQUIRED FRONT AND SIDE YARDS IN C-1 COMMERCIAL DISTRICTS.

BE IT DULY ENACTED AND ORDAINED by the Board of Commissioners of the Township of North Huntingdon, County of Westmoreland, Commonwealth of Pennsylvania, that the Township Zoning Ordinance, Ordinance No. 765, is amended as follows:

SECTION 1: Section 806 of Ordinance No. 765, Special Regulations: Clinics, Medical, is hereby amended by adding the following new Section 806.5:

806.5 Any methadone or other drug maintenance or treatment facility shall also meet the following requirements:

1. The building shall be a minimum of 500 feet in any direction from any residential dwelling, including any multi-family building.
2. The building shall be a minimum of 500 feet in any direction from any public park property.
3. The building shall be a minimum of 1000 feet in any direction from any school property, church property, preschool property or child daycare center property.
4. The building shall be a minimum of 2500 feet in any direction from any other methadone or other drug maintenance or treatment facility.

5. In measuring compliance with the requirements of subparagraphs 806.5.1 through 806.5.4, any uses or buildings located in adjacent municipalities shall also be considered.
6. The building shall be located within 1000 feet of a public transit stop.
7. The hours of any such facility shall be limited to 7 a.m. to 5 p.m. daily.

SECTION 2. Section 906.3 of Ordinance No. 765, Conditional Uses: General Requirements and Standards, is hereby amended by deleting Section 906.3 in its entirety and substituting the following:

#### 906.3 Requirements and Standards

The Commissioners shall grant a conditional use only if the applicant meets the burden of proving that the following criteria are met:

1. That the development will not create detrimental visual impacts, such that the size and visual bulk of the proposed development is determined to create an incompatible relationship with the surrounding built environment, public streets and open spaces and land use patterns;
2. That the development will not create detrimental transportation impacts, such that the proposed development is determined to adversely affect the safety and convenience of residential neighborhoods or of vehicular and pedestrian circulation in the vicinity of the subject tract, including traffic reasonably expected to be generated by the proposed use and other uses in the area given the existing zoning, existing land uses and proposed land uses in the area;
3. That the development will not create detrimental transportation impacts, such that the proposed development will result in traffic volumes or circulation patterns that substantially exceed the capacity of streets and intersections likely to be used by traffic to and from the proposed development;
4. That the development will not create detrimental operational impacts, including potential impacts of hours of operation, management of traffic servicing and loading operations, and any on-site operations associated with the ongoing functions of the use on the site, in consideration of adjacent and surrounding land uses which may have differing sensitivities to such operational impacts;
5. That the development will not create detrimental health and safety

impacts, including but not limited to potential impacts of noise, emissions, or vibrations from the proposed development, or functions within the proposed site which would otherwise affect the health or safety of others as a direct result of the operation of the proposed use.

6. That the development will not create detrimental impacts on the future and potential development of parcels in the vicinity of the proposed site of the development; and
7. That the development will not create detrimental impacts on property values.

SECTION 3. Section 820.4.3 of Ordinance No. 765, Off-Street Parking Regulations:

Commercial, PEDD and Industrial Standards, is hereby amended by adding the following underscored language:

In a C-1 District, off-street parking may be located in any rear yard provided proper residential abutment considerations as provided in (820.2.9), "Screening and Landscaping" are met. In a C-1 District, off-street parking may be located in any front yard or any side yard provided any such parking area is set back at least 15 feet from the property line and further provided that the area between the parking spaces and the property line is landscaped in such a fashion so as not to conflict with the safe and efficient access to the property.

ORDAINED AND ENACTED at a regular meeting of the Board of Commissioners of the Township of North Huntingdon, County of Westmoreland, Commonwealth of Pennsylvania, a full quorum being present, this Wednesday the 21st day of July, 1999.

Attest:

BOARD OF COMMISSIONERS  
TOWNSHIP OF NORTH HUNTINGDON

John M. Shepherd  
John M. Shepherd, Secretary

By Thomas L. Kerber  
Thomas L. Kerber, President

Thomas P. Cole, II, Solicitor  
(SEAL)

OFFICIAL  
TOWNSHIP OF NORTH HUNTINGDON  
PROPOSED ORDINANCE NO. 28 OF 2000  
ORDINANCE NO. 1028

AN ORDINANCE TO REQUIRE ADULT ORIENTED BUSINESSES TO OBTAIN A LICENSE AND TO ESTABLISH FEES, FINES, AND PENALTIES FOR VIOLATIONS THEREOF.

**BE IT ORDAINED AND ENACTED** by the Board of Commissioners of the Township of North Huntingdon, County of Westmoreland, Commonwealth of Pennsylvania, and it is hereby ordained and enacted as follows:

**SECTION 1: PURPOSE AND FINDINGS**

A. **PURPOSE:** The Township of North Huntingdon desires to promote the health, safety and welfare of its citizens; pursuant to the authority of the First Class Township Code.

B. **FINDINGS:** The Board of Commissioners of the Township of North Huntingdon find as follows:

1. A reasonable licensing procedure is an appropriate mechanism to place the burden of that reasonable regulation on the owners and the operators of the sexually oriented businesses. Further, such a licensing procedure will place a heretofore nonexistent incentive on the operators to see that the sexually oriented business is run in a manner consistent with the health, safety and welfare of its patrons and employees, as well as the citizens of the Township. It is appropriate to require reasonable

- assurances that the licensee is the actual operator of the sexually oriented business, fully in possession and control of the premises and activities occurring therein.
2. Requiring licensees of sexually oriented businesses to keep information regarding current employees and certain past employees will help reduce the incidence of certain types of criminal behavior by facilitating the identification of potential witnesses or suspects and by preventing minors from working in such establishments.
  3. The disclosure of certain information by those persons ultimately responsible for the day-to-day operation and maintenance of the sexually oriented business will help limit and control the adverse secondary effects of such businesses.
  4. It is desirable in the prevention of the spread of communicable diseases to obtain a limited amount of information regarding certain employees who may engage in the conduct which this Ordinance is designed to prevent or who are likely to be witnesses to such activity.
  5. The fact that an applicant for a sexually oriented business license has been convicted of a sexually related crime leads to the rational assumption that the applicant is likely to engage in that conduct in contravention of this Ordinance.
  6. The barring of such individuals from the management of sexually oriented businesses for a period of years serves as a deterrent to and prevents conduct which leads to the transmission of sexually transmitted diseases.

## SECTION 2: DEFINITIONS

A. Adult Oriented Business – means any adult arcade, adult bookstore, adult video store, adult cabaret, adult motel, adult motion picture theater, adult theater, escort agency, nude model studio, or sexual encounter center.

B. Adult Arcade – means any place to which the public is permitted or invited wherein coin-operated or slug-operated or electronically, electrically, or mechanically controlled stiff or motion picture machines, projectors, or other image-producing devices are maintained to show images to five or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by the depicting or describing of “specified sexual activities” or “specified anatomical areas.” All Adult Arcades must be constructed according to the attached Exhibit A.

C. Adult Bookstore or Adult Video Store – means a commercial establishment which, as one of its principal business purposes, offers for sale or rental for any form of consideration any one or more of the following:

1. books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, videocassettes or video reproductions, slides, or other visual representations which depict or depict or describe “specified sexual activities” or “specified anatomical areas;” or
2. instruments, devices, or paraphernalia, which are designed for, use in connection with “specified sexual activities.”

A commercial establishment may have other principal business purposes that do not involve the offering for sale or rental of material depicting or describing “specified sexual activities or specified anatomical areas” and still be categorized as “Adult Bookstore or Adult Video

Store." Such other business purposes will not serve to exempt such commercial establishment from being categorized as an "Adult Bookstore or Adult Video Store" so long as one of its principal business purposes is the offering for sale or rental for consideration the specified materials which depict or describe "specified sexual activities" or "specified anatomical areas."

D. Adult Cabaret – means a nightclub, bar, restaurant or similar commercial establishment, which regularly features:

1. persons who appear in the state of nudity; or
2. live performances which are characterized by the exposure of "specified anatomical areas" or by "specified sexual activities;" or
3. films, motion pictures, videocassettes, slides, digital imaging, photographic reproductions or any and all visual media using the most recent technology, which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas."

E. Adult Motel – means a hotel, motel or similar commercial establishment which:

1. offers accommodations to the public for any form of consideration; provides patrons with closed circuit television transmissions, films, motion pictures, videocassettes, slides, digital imaging, photographic reproductions or any visual media using current technology which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas;" and has a sign visible from the public right of way which advertises the availability of this adult type of photographic reproductions; or

2. offers sleeping rooms for rent four (4) or more times in one calendar day during five (5) or more calendar days in any continuous 30-day period.

F. Adult Motion Picture Theater – means a commercial establishment where, for any form of consideration, films, motion pictures, videocassettes, slides or similar photographic reproductions are regularly shown which are characterized by the depiction or description of “specified sexual activities” or “specified anatomical areas.”

G. Adult Theater – means a theater, concert hall, auditorium or similar commercial establishment which regularly features persons who appear in a state of nudity or live performances which are characterized by the exposure of “specified anatomical areas” or “specified sexual activities.”

H. Code Enforcement Officer – means the authorized individual or individuals designated by the Board of Commissioners of North Huntingdon Township or any member of the North Huntingdon Township Police force.

I. Escort Agency – means a person or business association who furnishes, offers to furnish or advertises to furnish escorts as one of its primary business purposes for a fee, tip or other consideration.

J. . Knowingly – means having a general knowledge of; or reason to know, or a belief or ground for belief which warrants further inspection or inquiry of both:

1. the character and content of any material or performance described herein which is reasonably susceptible of examination by a permittee or persons;
2. the age of a minor; provided, however, that an honest mistake shall constitute an excuse from liability hereunder if the permittee or person made a reasonable bona fide attempt to ascertain the true age of such minor.

K. Municipality - means the Township of North Huntingdon, Westmoreland County, Pennsylvania.

L. Nude Model Studio - means any place where a person who appears in a state of nudity or displays "specified anatomical areas" is provided to be observed, sketched, drawn, painted, sculptured, photographed or similarly depicted by other persons who pay money or any form of consideration. Nude Model Studio shall not include a proprietary school licensed by the Commonwealth of Pennsylvania as a college, junior college or university supported entirely or in part by public taxation; a private college or university which maintains and operates educational programs in which credits are transferable to a college, junior college or university supported entirely or partly by taxation; or in a structure under the following conditions:

1. that there is no sign visible from the exterior of the structure and no other such advertising which indicates that a nude or semi-nude person is available for viewing; and
2. where, in order to participate in a class, a student must enroll at least three (3) days in advance thereof; and
3. where no more than one nude or semi-nude model is on the premises at any one time.

M. Permittee - means a person in whose name a permit to operate a sexually oriented business has been issued, as well as the individual or individuals listed as the applicants on any permit application.

N. Person - means an individual, proprietorship, partnership, corporation, association or other legal entity.

O. Sexual Encounter Center – means a business or commercial enterprise that, as one of its primary business purposes, offers for any form of consideration:

1. physical contact in the form of wrestling or tumbling between persons of the opposite sex; or
2. activities between male and female persons and/or persons of the same sex when one or more of the persons is in a state of nudity or semi-nude.

P. Sexual Misconduct – means any conviction for a violation of Chapter 31 (sexual offenses) or Chapter 59 (public indecency) or Section 6312, of the Pennsylvania Crimes Code, or any conviction for a violation of a similar statute in any other state or federal jurisdiction.

### **SECTION 3: PERMIT REQUIRED**

A. Any person who operates an adult oriented business without a valid permit issued by the Municipality is guilty of a violation of this Ordinance.

B. An application for a permit to operate an adult oriented business must be made on a form provided by the Code Enforcement Officer.

C. The applicant must be qualified hereunder and the premises must be inspected and found by the Code Enforcement Officer to be in compliance with the law.

D. If a person who wishes to operate an adult oriented business is an individual, he must sign the application for a permit as applicant. If a person who wishes to operate an adult oriented business is other than an individual, each individual who has a ten (10%) percent or greater interest in the business must sign the application for a permit as applicant.

If a corporation is listed as owner of an adult oriented business or as the entity which wishes

to operate such a business, the President of the corporation must sign the application for a permit as applicant.

E. The fact that a person possesses other types of permits issued by the Municipality shall not exempt the person from the requirement of obtaining an adult oriented business permit under the provisions hereof.

#### **SECTION 4: ISSUANCE OF PERMIT**

A. The Code Enforcement Officer shall approve the issuance of a permit to an applicant within forty-five (45) days after receipt of an application unless he finds one or more of the following to be true:

1. An applicant is under eighteen (18) years of age.
2. An applicant or an applicant's spouse is overdue in his payment to the Municipality of taxes, fees, fines or penalties assessed against him or imposed upon him in relation to a sexually oriented business.
3. An applicant has failed to provide all information required for issuance of the permit or has falsely answered a question or request for information on the application form.
4. The premises to be used for the sexually oriented business have been reviewed and have been disapproved by the Code Enforcement Officer as not being in compliance with applicable laws and ordinances.
5. The permit fee required by this Ordinance has not been paid.
6. An applicant of the proposed establishment is in violation of or is not in compliance with any of the provisions of this Ordinance.

7. An individual applicant or any individual holding a direct or indirect interest of more than ten (10%) percent of a corporate applicant, or any of the officers and directors of a corporate applicant, if the applicant is a corporation; or any of the partners, including limited partners, if the applicant is a partnership; or the manager or other person in charge of the operation of the applicant's business, has or have been convicted of an offense involving sexual misconduct. In order for approval to be denied pursuant to this subsection, the person or person's conviction or release in connection with the sexual misconduct offense must have occurred within two (2) years of the date of application if the sexual misconduct is a misdemeanor and within five (5) years of the date of application if the sexual misconduct is a felony.

B. The permit, if granted, shall state on its face the name of the person or persons to whom it is granted, the expiration date, and the address of the adult oriented business. The permit shall be posted in a conspicuous place at or near the entrance to the sexually oriented business so that it may be easily read at any time.

C. The Code Enforcement Officer shall complete his certification that the premises are or are not in compliance within forty-five (45) days of receipt of the application by the Code Enforcement Officer. Failure to complete such certification shall be deemed a denial of the permit application.

#### SECTION 5: FEES

The annual fee for an adult oriented business is Five Hundred (\$500.00) Dollars.

## **SECTION 6: INSPECTION**

A. As a condition of the approval of a permit, an applicant, or permittee, shall permit an administrative inspection of the premises by the Code Enforcement Officer at any time that the permitted business operation is open for business in order to ensure continued compliance with the law.

B. Any person (or his agent or employee) who operates an adult oriented business violates this Ordinance if such person refuses to permit a lawful inspection of the premises as set forth above, and the permit shall immediately be revoked.

## **SECTION 7: EXPIRATION OF PERMIT**

A. Each permit shall expire one (1) year from the date of issuance and may be renewed only by making application as provided in Section 4. Application for renewal should be made at least sixty (60) days before the expiration date and, when made fewer than sixty (60) days before the expiration date, the pendency of the application will not prevent the expiration of the permit.

B. If the Code Enforcement Officer denies renewal of a permit, the applicant shall not be issued a permit for one year from the date of denial, except that after ninety (90) days have elapsed since the date of denial, the applicant may be granted a permit if the Code Enforcement Officer finds that the basis for denial of the renewal permit has been corrected or abated.

## **SECTION 8: SUSPENSION OF PERMIT**

The Code Enforcement Officer shall suspend a permit for a period not to exceed thirty (30) days if he determines that a permittee or an employee of a permittee has:

A. violated or is not in compliance with any section of this Ordinance;

- B. refused to allow an inspection of the adult oriented business premises as authorized by this chapter; or
- C. knowingly permitted gambling by any person on the adult oriented business premises.

#### **SECTION 9: REVOCATION OF PERMIT**

- A. The Code Enforcement Officer shall revoke a permit if a cause for suspension set forth in Section 8 occurs and the permit has been suspended within the preceding twelve (12) months.
- B. The Code Enforcement Officer shall revoke a permit if he determines that:
  1. A permittee has been convicted of any sexual misconduct.
  2. A permittee gave false or misleading information in the material submitted to the Municipality during the application process.
  3. A permittee or an employee of a permittee has knowingly allowed possession, use or sale of controlled substances on the premises.
  4. A permittee or an employee of a permittee has knowingly allowed prostitution on the premises.
  5. A permittee or an employee of a permittee knowingly operated the adult oriented business during a period of time when the permittee's permit was suspended.
  6. A permittee or an employee of a permittee has knowingly allowed any act of sexual intercourse, sodomy, oral copulation, masturbation, or other explicit sexual conduct to occur in or on the permitted premises.
  7. A permittee is delinquent in payment to the Municipality or the Commonwealth of Pennsylvania of any taxes or fees relating to sexually oriented businesses.

C. When the Code Enforcement Officer revokes a permit, the revocation shall continue for one (1) year, and the permittee shall not be issued an adult oriented business permit for one (1) year from the date revocation became effective, except that if the revocation is pursuant to (B) (1) above, the revocation shall be effective for two (2) years in the event of a misdemeanor or five (5) years in the case of a felony.

D. All permit denial, renewal, suspension or revocation decisions shall be sent in writing to the applicant and/or permittee. All such decisions which deny, refuse to renew, suspend or revoke a permit shall state specifically the ordinance requirement not met and any other basis for the decision. After denial of an application, or denial of a renewal of an application, or after suspension or revocation of any permit, the applicant or permittee may appeal pursuant to procedures set forth hereinafter. Any such appeal must be filed, in writing, with the Code Enforcement Officer, within twenty-five (25) days from the date of the mailing of the decision appealed from and shall specify, in detail, the basis for the appeal. Failure or refusal to file said appeal or specify the basis of said appeal with the Code Enforcement Officer shall be deemed a conclusive determination as to the issues or matters addressed by the written decision. If an appeal is timely filed, the Board of Commissioners of North Huntingdon Township will then schedule a public hearing and shall render a written decision within forty-five (45) days thereafter. In the case of a denial or renewal, or in the case of a permit suspension or revocation, the permittee may continue to operate to the same extent as immediately prior to the suspension or revocation until the earlier of: (1) the expiration of the ten (10) day appeal period without filing an appeal; or (2) the date of a final decision dismissing any appeal.

E. Any person aggrieved by a decision of the Board of Commissioners of North Huntingdon Township may appeal to a court of competent jurisdiction, within thirty (30) days of the date of the decision.

#### **SECTION 10: TRANSFER OF PERMIT**

A permittee shall not transfer his permit to another person. A permittee shall not operate a sexually oriented business under the authority of a permit at any place other than the address designated in the application.

#### **SECTION 11: INJUNCTION**

A person who operates or causes to be operated an adult oriented business without a valid permit or in violation of this Ordinance is subject to an action in equity or a suit for injunction.

#### **SECTION 12: VIOLATIONS AND PENALTIES**

Any person, firm or corporation who violates or permits the violation of any provisions of this Ordinance or the rules and regulations approved and hereinafter adopted shall pay a fine not exceeding \$600.00 for each violation. Whenever such person shall have been officially notified by the Township that said person is committing a violation of this Ordinance or the rules and regulations approved and hereinafter adopted, each day that said person shall continue such violation after such notification shall constitute a separate violation punishable by a like fine. Any person who violates or permits the violation of this Ordinance shall pay, in addition to the fine set forth above, all court costs and reasonable attorney's fees incurred by the Township in connection with any civil enforcement proceedings brought to enforce this Ordinance.

The Township may commence civil enforcement proceedings to assess fines for violations of this Ordinance. In addition to such civil enforcement proceedings, the Township may commence, at any time, appropriate actions in equity or otherwise to prevent, restrain, correct, enjoin or abate violations of this Ordinance.

#### **SECTION 13: ENFORCEMENT**

The enforcement of all provisions contained in this Ordinance shall be by the Code Enforcement Officer, or such other person as designated in the absence of the Code Enforcement Officer by the Township Manager.

#### **SECTION 14: SEVERABILITY**

The provisions of this Ordinance are severable and, if any section, subsection, clause, sentence, part or portion hereof shall be held or declared illegal, invalid or unconstitutional by any court of competent jurisdiction, such determination shall not affect or impair any of the remaining sections, subsections, clauses, sentences or parts hereof, of this Ordinance; it is hereby declared to be the intent of the Board of Commissioners of the Township of North Huntingdon that this Ordinance would have been adopted if such illegal, invalid or unconstitutional section, subsection, clause, sentence, part or portion thereof had not been included herein.

#### **SECTION 15: EFFECTIVE DATE**

This Ordinance shall be effective five (5) days following its enactment.

**ORDAINED AND ENACTED** at a regular meeting of the Board of Commissioners of the Township of North Huntingdon, County of Westmoreland and Commonwealth of Pennsylvania, a full quorum being present, this Wednesday, the 17th day of January, 2001.

TOWNSHIP OF NORTH HUNTINGDON

BY: Thomas L. Kerber

Thomas L. Kerber, President  
Board of Commissioners

ATTEST:

John M. Shepherd  
John M. Shepherd, Township Secretary

SEAL

SOLICITOR: Thomas P. Cole, II

EXHIBIT "A" TO ORDINANCE NO. \_\_\_\_\_  
BEING AN ORDINANCE TO REQUIRE ADULT  
ORIENTED BUSINESSES TO OBTAIN A LICENSE  
AND TO ESTABLISH FEES, FINES AND  
PENALTIES FOR VIOLATIONS THEREOF

EXHIBIT "A" PROVIDES FOR REGULATIONS PERTAINING TO EXHIBITION OF SEXUALLY EXPLICIT FILMS, VIDEOS, DVD'S OR LIVE ENTERTAINMENT IN VIEWING ROOMS.

A. A person who operates or causes to be operated a sexually oriented business, which exhibits on the premises in a viewing room of less than one hundred fifty (150) square feet of floor space, a film, video cassette, DVD, live entertainment, or other video reproduction which depicts specified sexual activities or specified anatomical areas, shall comply with the following requirements:

1. Upon application for a sexually oriented business license, the application shall be accompanied by a diagram of the premises showing a plan thereof specifying the location of one or more manager's stations and the location of all overhead lighting fixtures and designating any portion of the premises in which patrons will not be permitted. A manager's station may not exceed thirty-two (32) square feet of floor area. The diagram shall also designate the place at which the permit will be conspicuously posted, if granted. A professionally prepared diagram in the nature of an engineer's or architect's blueprint shall not be required; however, each diagram should be oriented to the north or to some designated street or object and should be drawn to a designated scale or with marked dimensions sufficient to show the various internal dimensions of all areas of interior of the premises to an accuracy of plus or minus six (6) inches. The Township may waive the foregoing diagram for renewal applications if the applicant adopts a diagram that was previously submitted and certifies that the configuration of the premises has not been altered since it was prepared.
2. The application shall be sworn to be true and correct by the applicant.
3. No alteration in the configuration or location of a manager's station may be made without the prior approval of the Township.
4. It is the duty of the licensee of the premises to ensure that at least one (1) licensed employee is on duty and situated in each manager's station at all times that any patron is present inside the premises.

5. The interior of the premises shall be configured in such a manner that there is an unobstructed view from a manager's station of every area of the premises to which any patron is permitted access for any purpose excluding restrooms. Restrooms may not contain video reproduction equipment. If the premises has two or more manager's stations designated, then the interior of the premises shall be configured in such a manner that there is an unobstructed view of each area of the premises to which any patron is permitted access for any purpose from at least one of the manager's stations. The view required in this subsection must be by direct line of sight from the manager's station.
6. It shall be the duty of the licensees to ensure that the view area specified in subsection (5) remains unobstructed by any doors, curtains, partitions, walls, merchandise, display racks or other materials and, at all times, to ensure that no patron is permitted access to any area of the premises which has been designated as an area in which patrons will not be permitted in the application filed pursuant to subsection (1) of this Exhibit.
7. No viewing room may be occupied by more than one person at any time.
8. The premises shall be equipped with overhead lighting fixtures of sufficient intensity to illuminate every place to which patrons are permitted access at an illumination of not less than five (5) foot candles as measured at the floor level.
9. It shall be the duty of the licensees to ensure that the illumination described above is maintained at all times that any patron is present in the premises.
10. No licensee shall allow openings of any kind to exist between viewing rooms or booths.
11. No person shall make or attempt to make an opening of any kind between viewing booths or rooms.
12. The licensee shall, during each business day, regularly inspect the walls between the viewing booths to determine if any openings or holes exist.
13. The licensee shall cause all floor coverings in viewing booths to be nonporous, easily cleanable surfaces, with no rugs or carpeting.

14. The licensee shall cause all wall surfaces and ceilings surfaces in viewing booths to be constructed of, or permanently covered by, nonporous, easily cleanable material. No wood, plywood, composition board or other porous material shall be used within forty-eight (48) inches of the floor.
15. A licensee shall brief all employees as to the approved infectious control plan and OSHA regulations before and during employment at intervals of at least six (6) months.

B. A person having a duty under subsection 1 through 15 of subsection A above commits a violation of this Ordinance if he/she knowingly fails to fulfill that duty.

OFFICIAL

TOWNSHIP OF NORTH HUNTINGDON  
PROPOSED ORDINANCE NO. 29 OF 2000  
ORDINANCE NO. 1033

AN ORDINANCE OF THE TOWNSHIP OF NORTH HUNTINGDON, WESTMORELAND COUNTY, PENNSYLVANIA, AMENDING THE TOWNSHIP ZONING ORDINANCE, ORDINANCE NO. 765, TO DEFINE SHOPPING CENTERS, TO AUTHORIZE SHOPPING CENTERS AS CONDITIONAL USES IN THE C-1 AND PEDD-1 DISTRICTS, TO ELIMINATE SHOPPING CENTERS AS CONDITIONAL USES IN THE C1-A AND C-2 DISTRICTS AND TO SET FORTH REQUIREMENTS AND STANDARDS FOR CONDITIONAL USES.

BE IT DULY ENACTED AND ORDAINED by the Board of Commissioners of the Township of North Huntingdon, County of Westmoreland, Commonwealth of Pennsylvania, that the Township Zoning Ordinance, Ordinance No. 765, is amended as follows:

SECTION 1: Section 302 of Ordinance No. 765, Definitions, is amended by adding the following new definitions:

LOT COVERAGE - That percentage of a lot which when viewed directly from above would be covered by a structure or structures. For purposes of calculating lot coverage, access drives and parking areas shall not be considered structures.

\* \* \* \* \*

SHOPPING CENTER - Any retail use or uses developed in accordance with a common scheme or design, which initially or cumulatively either (a) are situated on a parcel or parcels exceeding three acres or (b) occupy more than 75,000 square feet of building floor area.

BUFFERYARDS - Landscaped area of a specified depth around the perimeter of the shopping center designed to shield or buffer neighboring properties and uses from light and sound generated by the shopping center and to act as a visual screening from the center.

SECTION 2. Table 5 of Section 602 of Ordinance No. 765, Use Regulations for Commercial and Industrial Districts, is hereby amended

1. by adding a double asterisk (\*\*) adjacent to each of the following use line items: Line Item Nos: 10, 12, 15, 16, 17, 18, 19, 40, 41, 43, 53, 54, 59, 61, 67, 68, 71, 93, 97, 99 and 108; and

2. by adding the following notation at the bottom of Table 5:

\*\*Any such use falling within the definition of "shopping center" shall only be permitted as a conditional use in the C-1 and PEDD-1 Districts in accordance with the requirements of Section 906.7.

SECTION 3. Table 5 of Section 602 of Ordinance No. 765, Use Regulations for Commercial and Industrial Districts, is further amended by deleting the following bracketed text from line number 114:

USE	DISTRICT						
	C	C-1	C-1A	C-2	PEDD-1	PEDD-2	I
114. Shopping Center[(3 Acres +)]		C	[C]	[C]	C		

SECTION 4: Section 906 of Ordinance No. 765, Conditional Uses, is hereby amended by adding a new Section 906.7 as follows:

#### **906.7 Shopping Centers, Requirements and Standards.**

##### **1. Applicability**

In addition to the requirements of Section 906.1 through 906.6, an applicant has the burden of proving that the requirements of this Section 906.7 are met. These criteria are in addition to and not in lieu of any requirements applicable to the underlying zoning district. In the event of a conflict between the provisions of this Section 906.7 and any other section of this Ordinance, the Township Subdivision and Land Development Ordinance or other Township ordinance, the more stringent requirement shall apply.

##### **2. General Statement for Conditional Use Review**

Shopping center conditional use applications shall be reviewed in terms of location, transportation and traffic impacts, impacts on applicable infrastructure, overall design scheme,

including landscaping and buffering, architecture, parking layout, pedestrian circulation, lighting and signage, and shall adhere to the specific requirements contained herein.

- A. The shopping center shall conform to the underlying district and conditional use provisions and all general regulations of this Ordinance.
- B. The shopping center shall meet all special standards which are set forth in this Ordinance.
- C. The shopping center shall be sited, oriented and landscaped as required by this Ordinance, so that the relationship of its buildings and grounds to adjacent buildings and properties does not impair health, safety or comfort and does not adversely affect values of adjacent property.
- D. The shopping center shall produce a total effect which is consistent with, and not harmful to, the environment of the neighborhood;
- E. The shopping center vehicular access and parking shall be configured so as to minimize conflicting traffic movement on adjacent streets.
- F. The shopping center shall promote the objectives of this Ordinance and shall be consistent with the Comprehensive Plan for the Township.

### **3. Bulk Standards for Shopping Centers**

- A. Minimum lot area: Three (3) acres
- B. Minimum front lot width along any right-of-way: One hundred fifty (150) feet
- C. Minimum front setback: Fifty (50) feet
- D. Minimum side setback: Fifty (50) feet
- E. Minimum rear setback: Fifty (50) feet
- F. Minimum Setback from adjacent residentially zoned parcels: One hundred (100) feet.
- G. Maximum building height: Thirty-five (35) feet. Height may be increased to a maximum of fifty (50) feet, provided the minimum front, side and rear

yard setbacks are increased two (2) feet for each foot of height in excess of thirty-five (35) feet.

- H. Maximum Building Footprint: 200,000 square feet for each building.
- I. Maximum lot coverage: Thirty-five (35%) percent.
- J. Minimum distance between buildings: Fifty (50) feet.

4. **Off-Street Parking**. The off-street parking requirements of Article 8 of this Ordinance shall apply in their entireties, with the following modifications:

- A. The minimum number of off-street parking spaces shall be one (1) space per two hundred (200) square feet of gross floor area.
- B. The maximum number of off-street parking spaces shall be one (1) space per one hundred fifty (150) square feet of gross floor area.

5. **Bufferyards**

A. Bufferyards shall be required in conjunction with the development of any shopping center as follows:

- (1) Bufferyard A: Minimum bufferyard bordering any residentially zoned property: forty (40) feet.
- (2) Bufferyard B: Minimum bufferyard from any public or private right-of-way: thirty (30) feet.
- (3) Bufferyard C: Minimum bufferyard in all other instances: twenty (20) feet.

B. No structures or uses, including but not limited to buildings, accessory structures, parking spaces, and curbs. Access drives and light devices may be located in any required bufferyard except that access drives and signs may be located in the bufferyard intersecting the main access point to the shopping center, if otherwise in accordance with applicable setback requirements.

C. Bufferyards shall be landscaped in accordance with the illustrations set forth in Appendix A.

D. When any bufferyard as specified in this Section 906.7.5 is in conflict with the bulk regulations set forth in Table 1 of this Ordinance or any other ordinance of the Township, the greater distance shall apply. The planting requirements of this section shall be adhered to regardless of what the minimum setback requirement is.

E. All trees and shrubs required to be planted within a bufferyard shall be of the minimum diameters and heights set forth in the illustrations to Appendix A.

F. Any existing trees within the required bufferyard which are a minimum of four (4) inches in diameter at a point three (3) feet above the ground shall be preserved and shall count as a required tree within the bufferyard. At no point, however, shall any existing trees and required trees be separated at a distance greater than the distances specified in the required bufferyard.

G. It shall be the responsibility of the owner/applicant to insure the continued growth of all required landscaping and/or to replace the same in the event of freezing or drought, vandalism, disease or other reasons for the discontinued growth of the required trees and shrubs.

H. In addition to the requirements of Appendix A, a row of low-level evergreen shrubs or hedges or earthen mounding shall be installed or constructed in the bufferyard. These aforementioned requirements shall provide a year round visual screen. Hedges or shrubs shall be at least three feet in height at planting. Earthen moulding shall be at least four (4) feet in height. Planning Commission may recommend alternative minimum or maximum height requirements as long as the visual

barrier suffices to block direct light from vehicles and equipment circulating through the shopping center.

## 6. Landscaping.

Landscaping shall be provided in accordance with the following specifications:

- A. Planting required in bufferyards as outlined in Section 906.7.5 cannot be substituted for any required planting mandated in this section.
- B. A landscaping plan, with appropriate details, shall be prepared by a licensed landscape architect and submitted at the time of site plan or subdivision and land development application. This landscaping plan must contain and show the following information:
  - (1) All required bufferyards with proposed plantings (identifying each proposed tree, bush or shrub) drawn to scale and identifying the height and width of any proposed mounds (provide illustrated section).
  - (2) All required planting independent of any bufferyard requirements (identifying each tree, shrub, the use of sod or seeding, etc.) drawn to scale.
  - (3) Any planting in excess of the requirements in Section 906.7.5 and this section.
  - (4) Any existing trees or vegetation which are to be preserved, accurately identifying their relative location.
  - (5) Any existing trees or vegetation which will be removed, accurately identifying their relative location.
- C. At least one (1) deciduous tree must be planted for each five thousand (5,000) square feet of the site area. Any existing deciduous trees that are at

least four (4) inches in diameter at a point three (3) feet from the ground shall count towards the total requirement.

D. All trees which are required to be planted as per the regulations of this section shall be of the minimum diameters and heights set forth in the illustrations to Appendix A, and shall be planted in accordance with Appendix A and accepted conservation practices.

E. Landscaping of Parking Areas

(1) Parking area perimeter. Perimeter parking area landscape screening shall be provided in accordance with the bufferyard standards as defined and required in Section 906.7.5. The perimeter parking landscape area shall be a minimum of ten (10) feet wide.

(2) Parking area interior.

(a) Interior landscaping shall be required for new parking areas or for the alterations and additions to existing shopping centers which meet the definition of a shopping center and are thus regulated as a conditional use under this ordinance. Interior landscaping for the entire parking area shall be provided and not merely to the extent of its alteration or expansion.

(b) At least ten percent (10%) of the total parking area (all paved and interior landscaped areas) must be landscaped in accordance with this subsection (E).

(c) Interior landscape islands shall be a minimum ten (10) feet wide with a total area of at least one hundred eighty (180) square feet. One (1) internal landscape island shall be provided for every twenty (20) parking spaces.

- (d) No more than twenty (20) parking spaces shall be provided in an unbroken row without the provision of interior landscape islands.
- (e) At least one (1) shade tree shall be provided in each interior landscape island. The remaining area of the required interior landscaped area shall be landscaped with shrubs or perennials not to exceed two (2) feet in height, or turf grass.
- (f) Required plantings for interior landscape islands shall be in accordance with the conceptual illustrations set forth in Appendix A. All trees and shrubs required to be planted by this Section 906.7.6 shall be of the minimum diameters and heights set forth in the illustrations to Appendix A.
- (g) There shall be a minimum distance of five (5) feet from the edge of paving to the base of all shade trees.
- (h) Interim landscape islands shall be enclosed by appropriate curbing or a similar device at least six (6) inches wide and six (6) inches in height above the paving surface (wedge curbing is acceptable).

F. Landscaping for service structures. All service structures shall be fully screened. For the purposes of this subsection (G), service structures shall include propane tanks, dumpsters, air conditioning units and condensers, electrical transformers and other equipment or elements providing service to a building or a site.

- (1) Location of screening. A continuous planting, hedge, fence, wall or earth mound shall enclose any service structure on all sides unless such structure must be frequently moved, in which case screening

on all but one (1) side is required. The average height of the screening material shall be one (1) foot more than the height of the enclosed structure, but shall not be required to exceed eight (8) feet in height. Whenever service structures are screened by plant material, such material may count towards the fulfillment of required landscaping.

- (2) Protection of screening material. Whenever screening material is placed around any trash disposal unit or waste collection unit that is emptied or removed mechanically on a regular basis, a fixed barrier to contain the placement of the container shall be provided within the screening material on those sides where there is such material. The barrier shall be at least eighteen (18) inches from the material and shall be of sufficient strength to prevent possible damage to the screening when the container is moved or emptied. The minimum front opening of the screening material shall be twelve (12) feet to allow service vehicles access to the container.

- G. All areas not utilized for structures, driveways, planting strips or parking facilities must be seeded, sodded or landscaped within two (2) weeks after construction activities are completed, unless those activities are completed between a time period of November 1 through April 1. In such case, the required sodding or seeding must occur within two (2) weeks of April 1.
- H. Planning Commission may recommend additional landscaping at a ratio as noted in Appendix A. Said landscaping may be located around building perimeters, detention ponds, and other areas as recommended.

7.

#### Building Materials and Facade Treatment

- A. Purpose. The purpose of these standards is to ensure that the physical characteristics of proposed buildings and uses are compatible when

considered in the context of the surrounding area and community as a whole. They are intended to promote the design of an environment that is built to human scale and consistent with the goals and objectives of the Township Comprehensive Plan

- B. Every portion of any exposed exterior wall surface shall be composed of brick, stone, decorative split-face block, glass, or marble, with wood used for trim only, except as provided herein. A minimum of 50% of the facade of any structure shall be composed of brick, decorative split-face block or stone.
- C. The Board of Commissioners may approve alternative materials only if such material is determined to be equal or superior compared to approved material.
- D. Building Design. Building design shall contribute to the uniqueness of the zoning district in which the shopping center is located and the Township, with predominant materials, elements, features, color range and activity areas tailored specifically to the site and its context, in consultation with the Township.
- E. Multiple-Building Developments. Buildings in multiple-building developments shall possess common design characteristics including, but not limited to, consistent rooflines, use of compatible proportions in building mass and outdoor spaces, complementary relationships to the street, similar window and door patterns, and the use of similar building materials in terms of color, shades and textures.
- F. Maximum Horizontal Wall Dimension of All Walls Facing the Front Yard of a Shopping Center. Building elements shall have a wall surface no longer than one hundred (100) feet without a break. A break shall consist of (1) a recess or offset measuring at least twenty feet in depth or one-quarter of

the building in length or (2) a series of recesses or offsets, at intervals of not more than forty feet, that vary the depth of the building wall by a minimum of four feet. Not less than twenty-five percent of the building wall shall be varied in this way. The objective of this standard is to avoid large, undifferentiated wall surfaces.

G. Buildings over thirty (30) feet in height shall include architectural features that mimic two story structures, such as windows or similar components. Buildings with flat roofs shall have mansard roof facades or gabled roofs over the required offset areas.

## 8. Signage

A. A sign plan for the entire shopping center shall be submitted with the first land development application. Said plan shall include all wall, ground, and directional signs along with construction details for each sign. Said plan shall be evaluated using the following criteria :

1. The design scheme of sign styles as part of the entire shopping center.
2. Safety of ingress and egress.
3. Integration of signs with the building architecture and style.
4. All requirements of this Ordinance.

B. Permitted types of signs:

1. Wall signs
2. Directional signs
3. One free standing sign
4. Temporary signs as specified in this Ordinance.
5. Hanging Directional Sign

C. All other sign types, including the following, are prohibited:

1. Roof signs
  2. Flashing and animated signs
- D. Freestanding signs
1. One freestanding sign is permitted for a shopping center.
  2. The lowest copy area of a freestanding sign must be located at least but not more than ten (10) feet above the average grade upon which it is placed.
  3. The structure upon which the signs are placed may not extend more than three (3) feet above the highest sign affixed to that structure nor more than three (3) feet to either side of the sign.
  4. The sign shall not have more than two (2) faces.
  5. Structures supporting such signs may consist of the following:
    - (a) Two poles supporting the sign at opposite ends.
    - (b) A monument style sign.
    - (c) A single pylon sign where the width of the pylon is at least seventy five (75%) percent of the width of the sign copy area
    - (d) The maximum height of a freestanding sign shall be twenty (20) feet.
  7. The background area of any sign shall not extend more than two (2) feet beyond the copy area of the sign.
  8. Multiple signs may be attached to the freestanding sign structure.
  9. The cumulative square footage of such signs may not exceed two hundred (200) square feet.
  10. Lights directed at the sign or the sign itself shall not interfere with site distance or visibility.

E. Wall Signs.

1. Each business occupying a wall space and having a main entrance on that wall shall be permitted one wall sign per wall subject to the following limitations and conditions.
2. Said wall or walls shall consist of only the exterior walls housing the occupation of the business.
3. The total square footage of one business's wall signs shall not exceed one hundred (100) square feet for each wall.
4. The square footage of the sum of said signs shall not exceed twenty (20%) percent of the surface area of the exterior face of the wall to which they are affixed.
5. The maximum square footage of any wall sign, excluding canopy and projected signs, may be increased to one hundred fifty (150) feet, provided there is no internal illumination.
6. Projected signs may not project more than five (5) feet from the building to which they are attached.
7. Canopy signage is permitted in lieu of wall signage. The square footage of the copy area of canopy signage shall count towards the maximum wall signage permitted for the business, the occupation of which the canopy abuts.
8. No more than ten (10) square feet of the area allotted for each business's signage under this section shall consist of changeable signs.
9. The background area of any sign shall not extend more than two (2) feet beyond the copy area of the sign.

F. Directional Signs.

1. Directional ground signs shall not exceed three (3) feet in width and two (2) feet in height.

2. Directional ground signs must conform to a uniform style throughout the shopping center.
  3. The number and placement of directional ground signs are subject to approval by the Board of Commissioners. At least two signs are permitted at each point of ingress or egress to a public right-of-way or from an out parcel complex to a central retail area.
- G. The following definitions shall apply to this Section 906.7.8.
1. Copy area: The area of the sign the edges of which are tangent to displayed graphic images, letters, numerals, and symbols on that sign. The copy area also includes the additional area of the immediate background of the sign excluding building facades.
  2. Roof signs: Any sign attached to the roof of a structure or extending more than five feet above the structure. Roof signs shall not include those signs attached to the side of a mansard roof and not extending above that roof, which shall be considered wall signs.
  3. Changeable signs: Signs, the lettering of which is manually changeable.
  4. Animated Signs: Signs with flashing lights and electronic animated text.
  5. Canopy: A multisided overhead structure with a roof-like projection that is attached to a building as a cantilever or supported by columns or similar structures.
  6. Projected sign: A sign attached to a building's face that projects more than eighteen (18) inches beyond the building's face. A projected sign includes hanging signs under canopies or roofs.
  7. Wall sign: A sign attached to a building's face including projected and canopy signs.

8. Freestanding sign: A sign that is attached to, erected on or supported by some structure (such as a pole, mast, frame or other structure) that is not itself an integral part of or attached to a building or other structure whose principal function is something other than the support of a sign.
9. Hanging Directional Sign: A sign that hangs under and from a canopy structure, the copy area of which faces perpendicular from a storefront. The purpose of a hanging directional sign is to direct pedestrians to a store in a strip mall environment. Hanging signs to not exceed two (2) square feet.

9. **Traffic Flow, Internal Circulation and Impact**

- A. The requirements of Section 416 of the Township's Subdivision and Land Development Ordinance shall also apply to an application for shopping center conditional use.
- B. Ingress and egress for the site shall be designed so as not to constrict the flow of traffic on the public road.
- C. No conditional use approval shall be granted without permit approval from applicable state or county transportation agencies.

10. **Lighting**

- A. All lighting shall be in accordance with the requirements of the Township's Subdivision and Land Development Ordinance.
- B. In addition, no lighting standard shall be higher than twenty-five (25) feet in height.

11. **Deliveries and Operation Hours and Other Nuisances**

- A. Deliveries, collection of refuse and other activities incident to the operation of a shopping center shall be confined to such hours and such type as will not create any unreasonable disturbance to neighboring residential areas. No deliveries to the

premises or collection of refuse shall be permitted between the hours of 10:00 p.m. and 6:00 a.m.

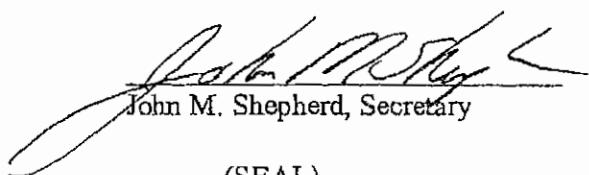
- B. Truck loading and unloading areas shall be provided so as to permit the transfer of goods and materials on the premises rather than on a public street or in the off-street parking area on the premises. A landscaping screen of no less than six (6) feet in height shall be required where off-street loading and unloading areas abut residential uses, so that such operations shall be shielded from view from such residences.

12. Submission Requirements and Review

- A. An applicant proposing a shopping center shall comply with the general application submission and drafting standards and requirements applicable to major land developments in accordance with the Township Subdivision and Land Development Ordinance.

DULY ORDAINED AND ENACTED at a regular meeting of the Board of Commissioners of the Township of North Huntingdon, County of Westmoreland, Commonwealth of Pennsylvania, a full quorum being present, this 21st day of March, 2001.

Attest:



John M. Shepherd, Secretary

(SEAL)

Thomas P. Cole, II, Solicitor

BOARD OF COMMISSIONERS  
TOWNSHIP OF NORTH HUNTINGDON

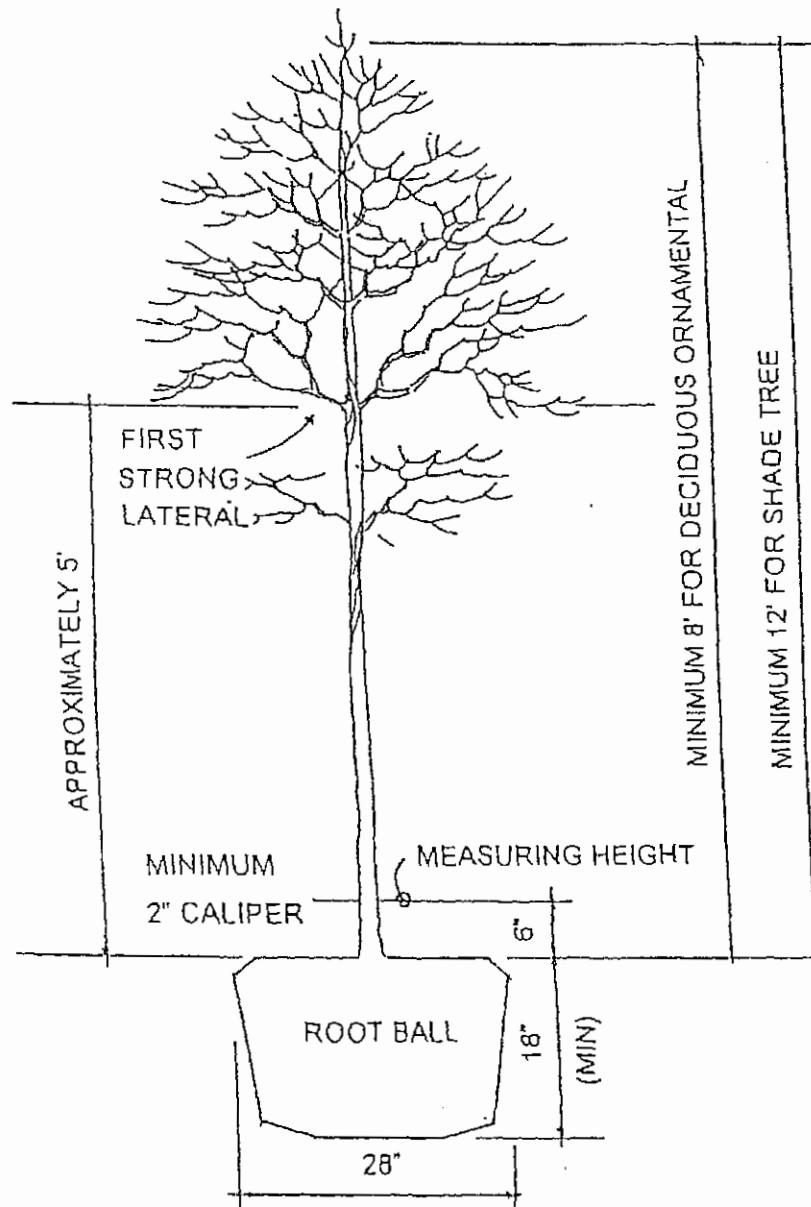


By Thomas L. Kerber  
Thomas L. Kerber, President

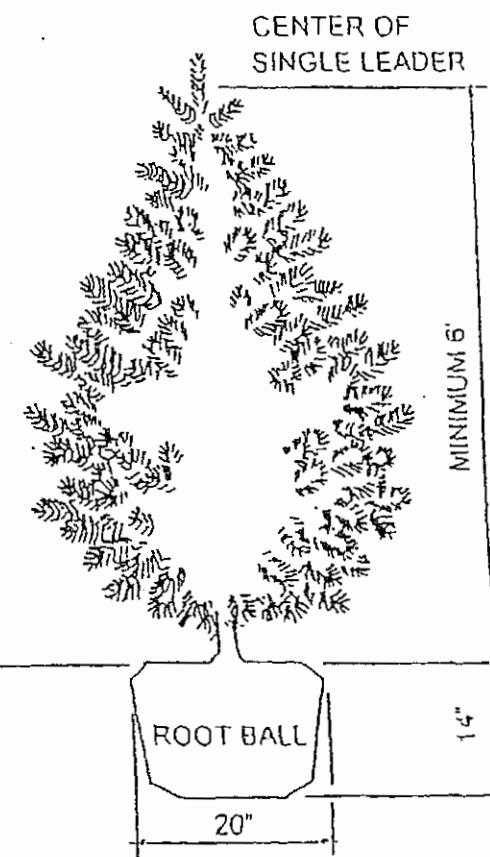
## APPENDIX 'A'

The following pages provide concepts and a basic selection of plant materials that may be applied to the described bufferyards and parking lots.

As provided for in this chapter, the Township of North Huntingdon encourages creative interpretation and welcomes an innovative approach to site enrichment with the use of plants and land forms



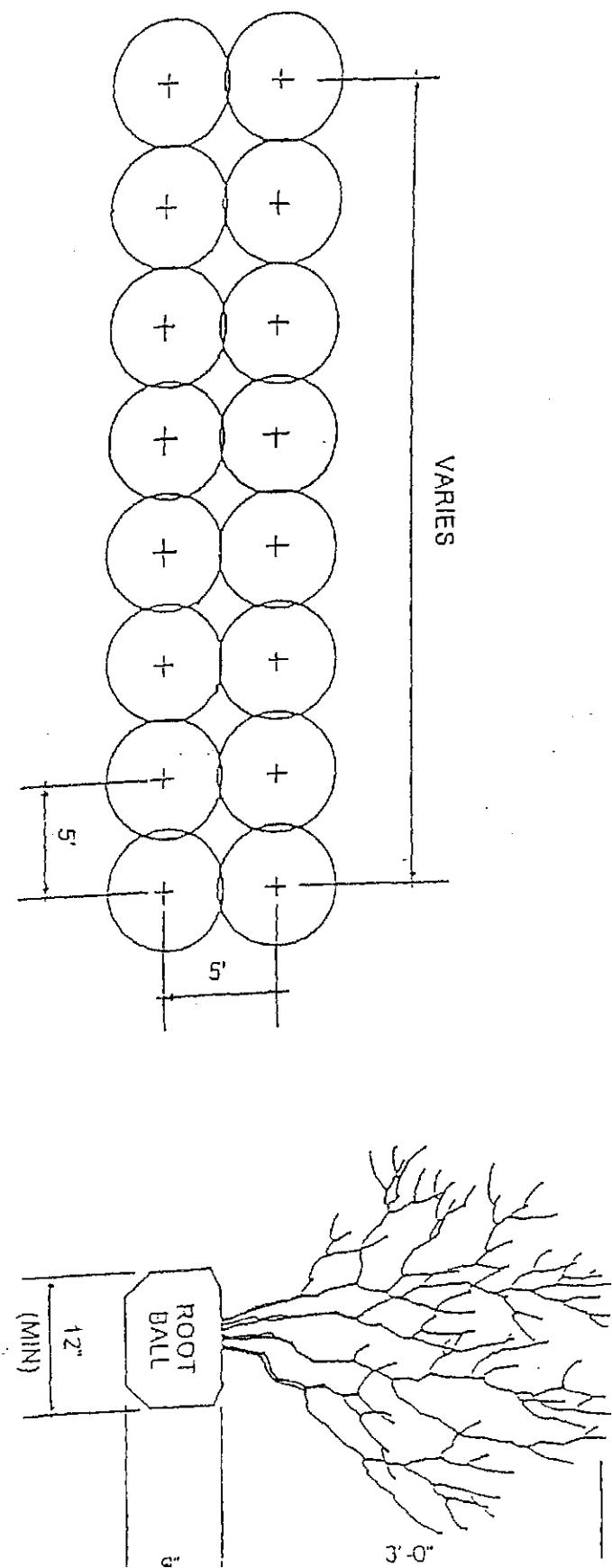
MINIMUM STANDARDS FOR DECIDUOUS  
ORNAMENTAL & SHADE TREES



MINIMUM STANDARDS FOR  
CONIFEROUS / EVERGREEN TREES

DOUBLE ROW SHRUB HEDGE PLAN FOR BUFFERYARDS 'A', 'B'  
AND MINIMUM DECIDUOUS SHRUB STANDARDS

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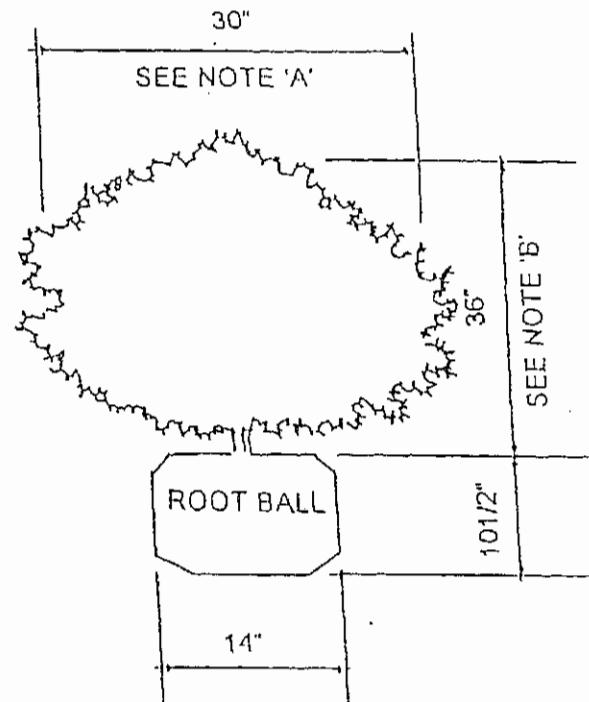
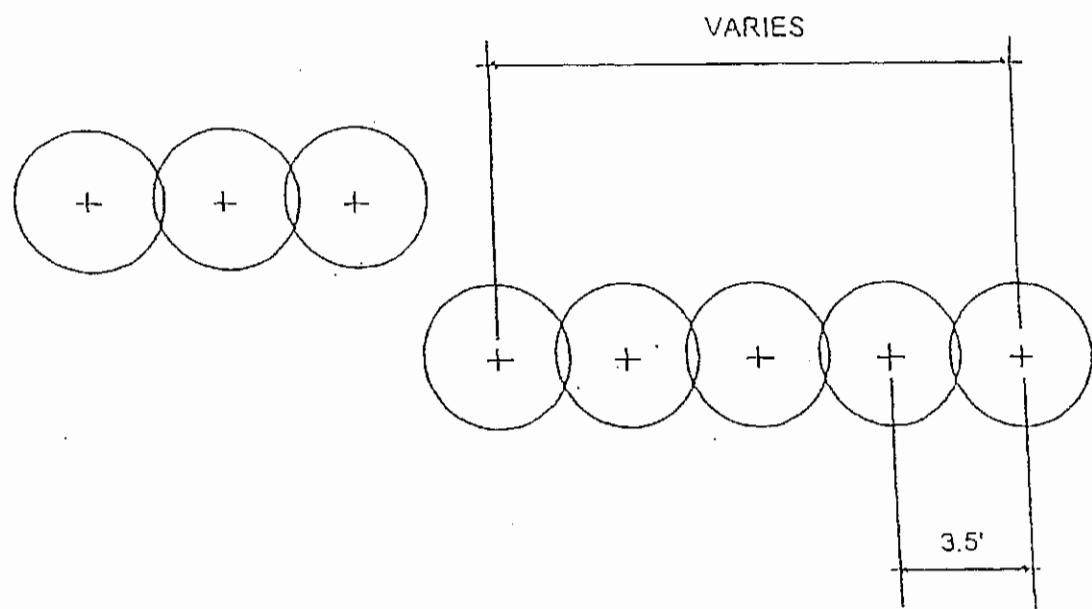


NOTE A

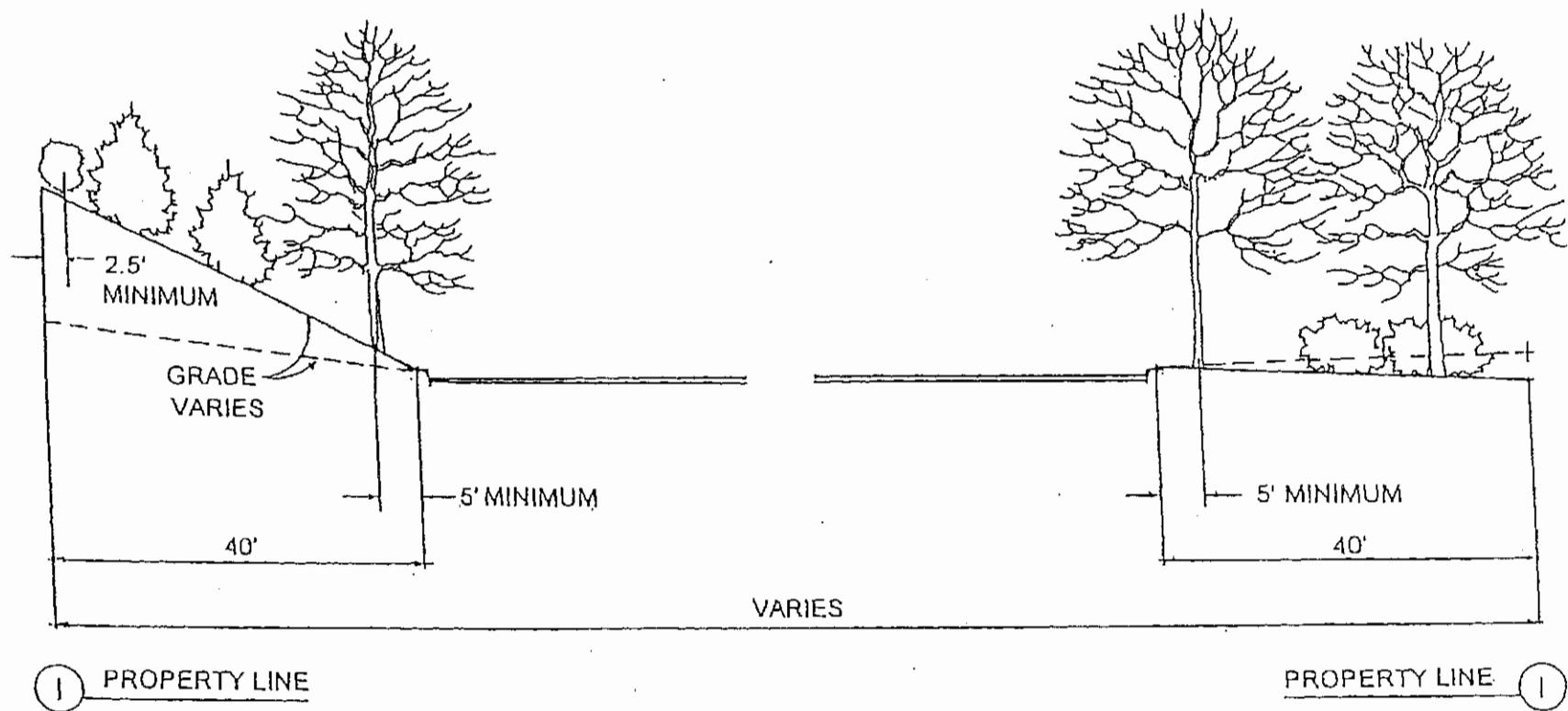
AVERAGE MINIMAL SPREAD FOR SPREADING, SEMI-SPREADING OR GLOBE SHAPED EVERGREEN SHRUBS.  
THE HEIGHT VARIES.

NOTE B

AVERAGE MINIMAL HEIGHT FOR CONICAL AND BROAD UP-RIGHT EVERGREEN SHRUBS.  
THE SPREAD VARIES.

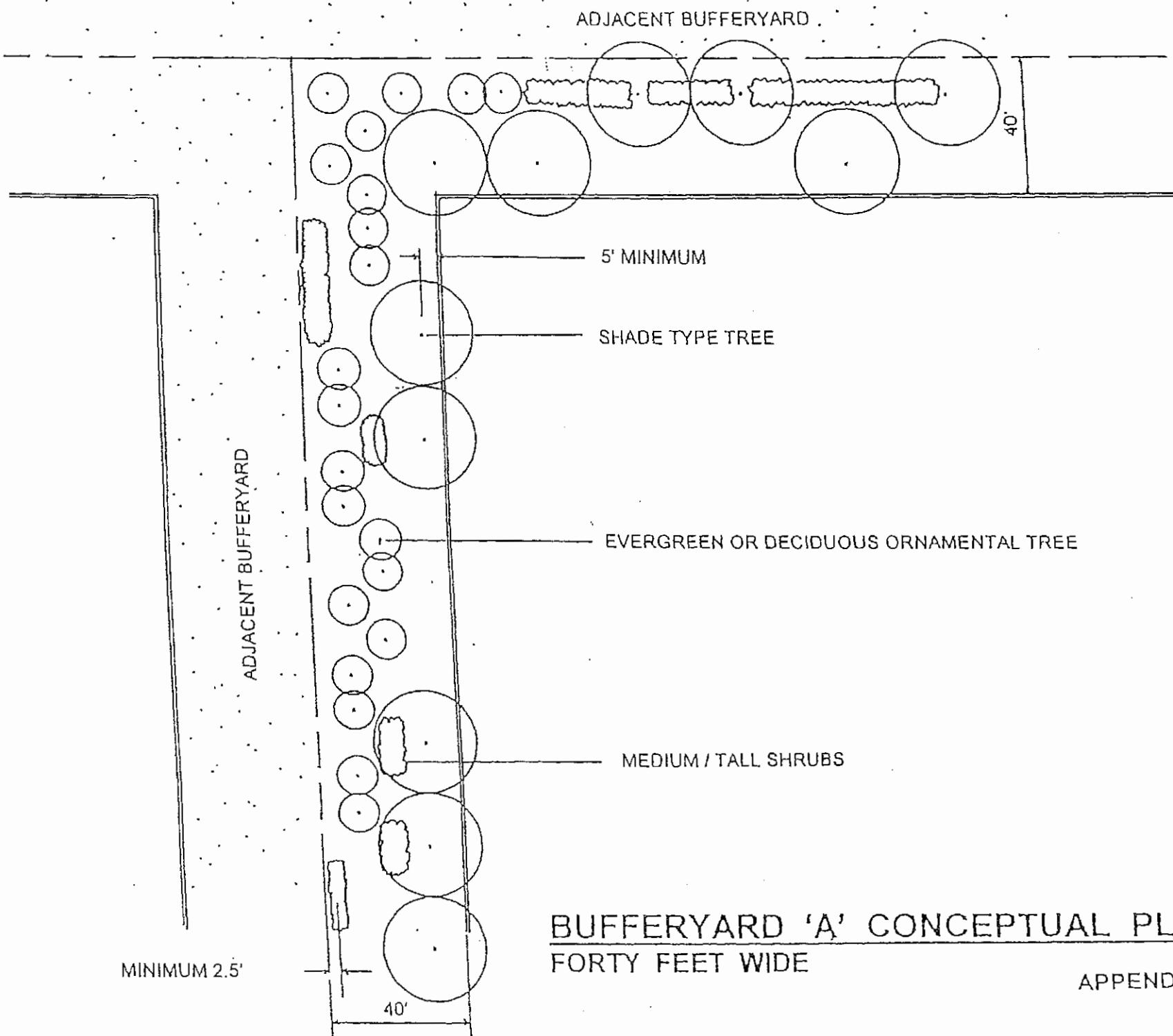


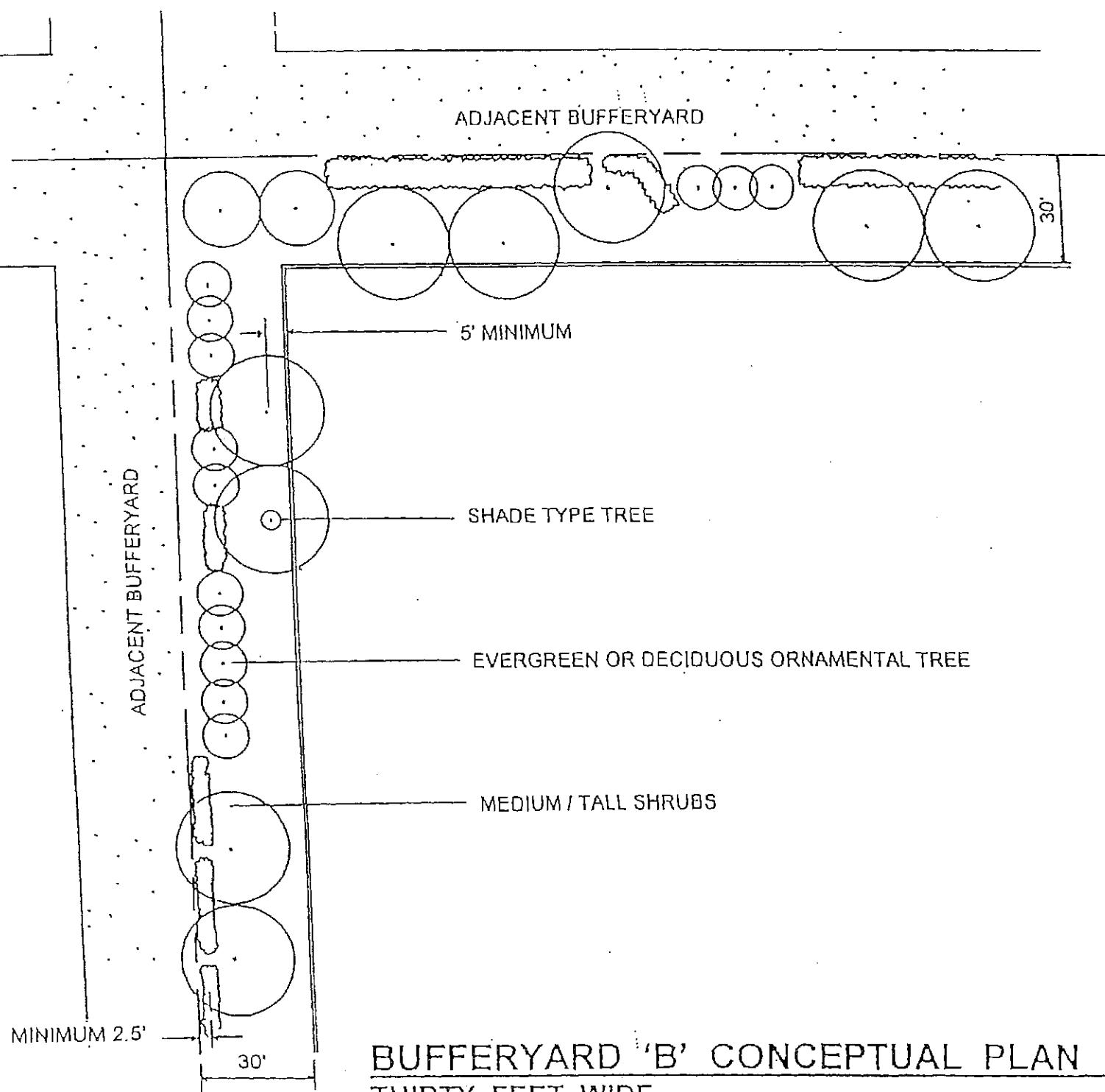
## SINGLE ROW EVERGREEN HEDGE PLAN AND MINIMUM EVERGREEN SHRUB STANDARDS



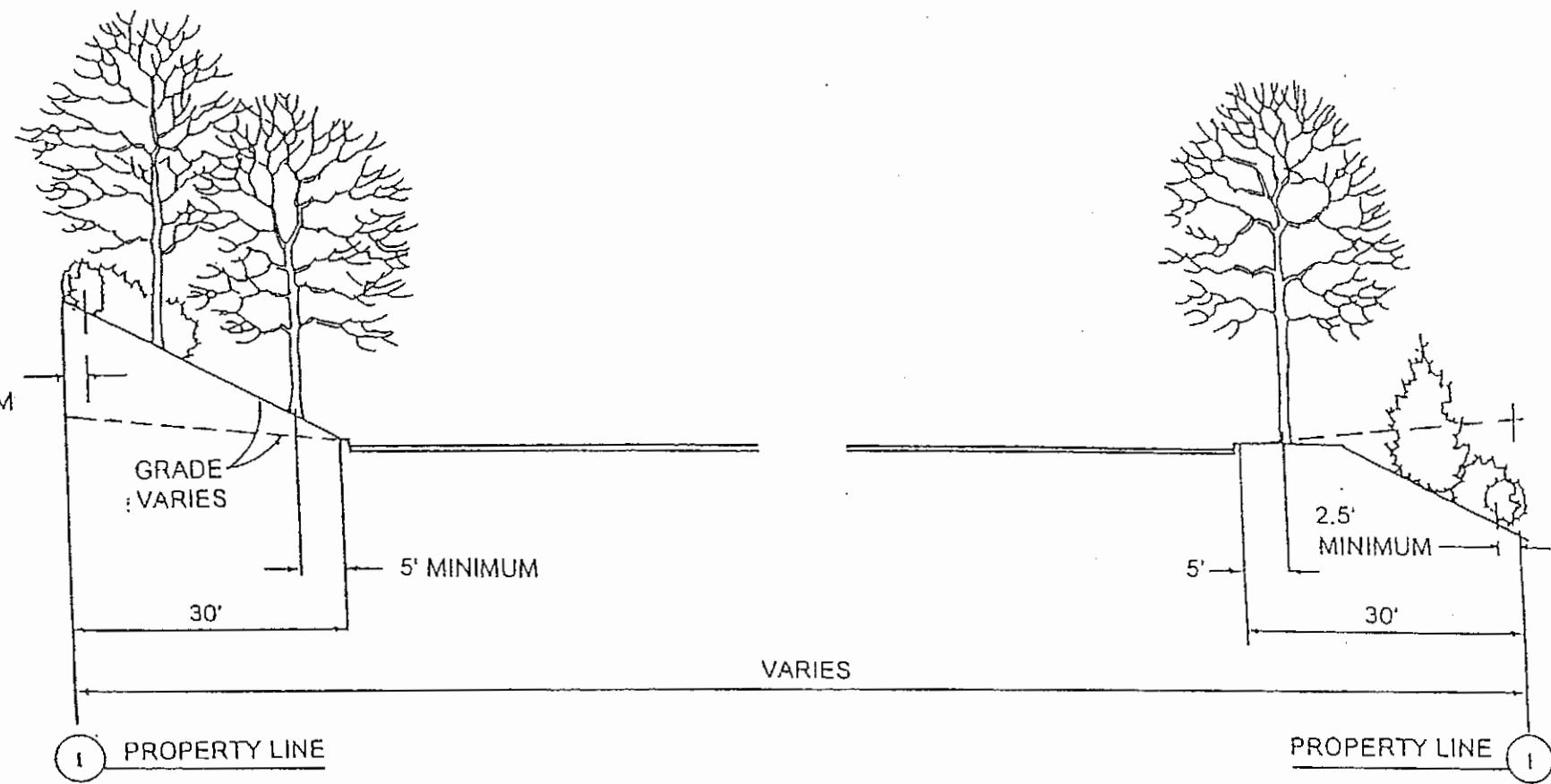
BUFFERYARD 'A' CONCEPTUAL SECTION  
FORTY FEET WIDE

APPENDIX 'A'



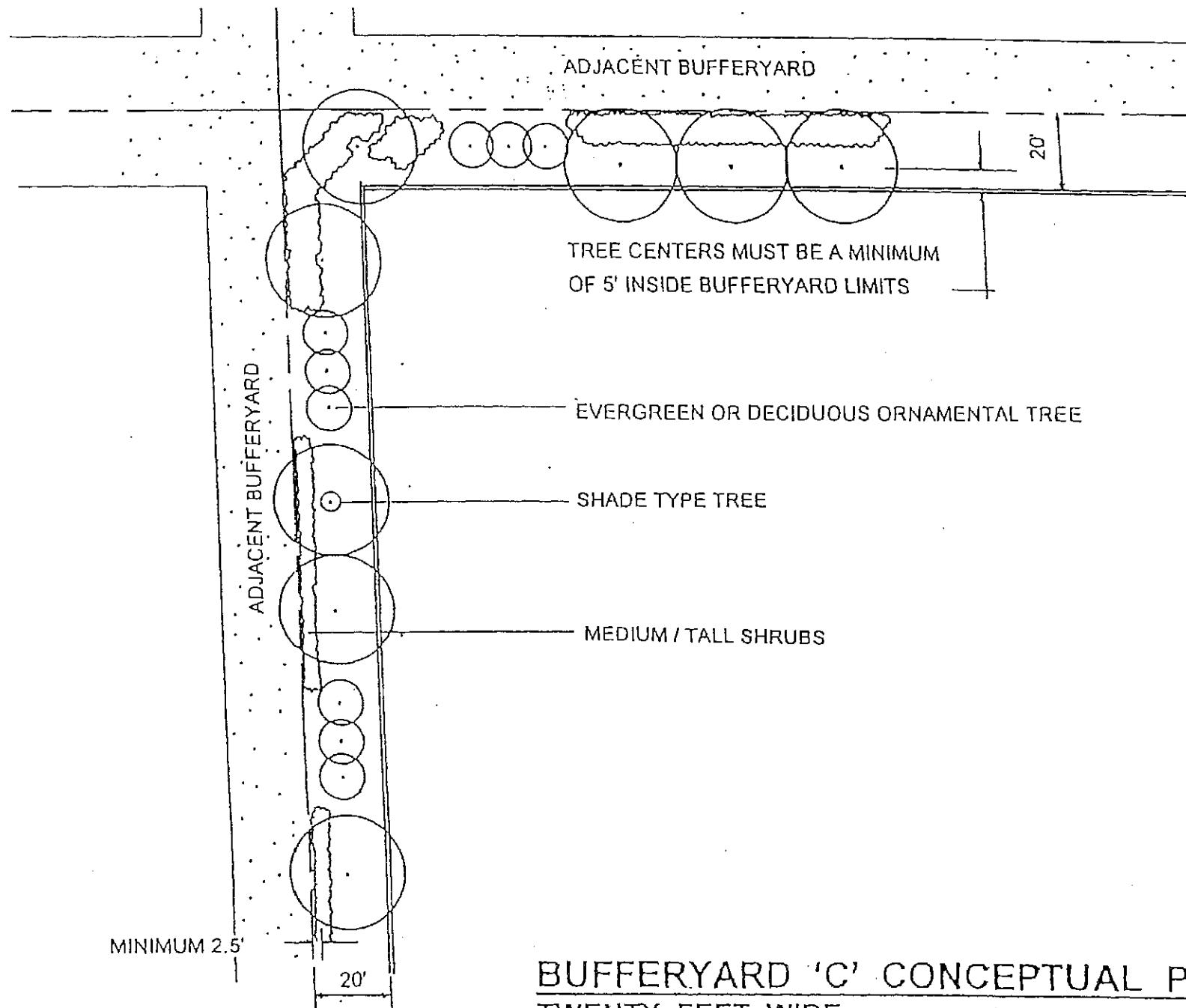


**BUFFERYARD 'B' CONCEPTUAL PLAN**  
**THIRTY FEET WIDE**



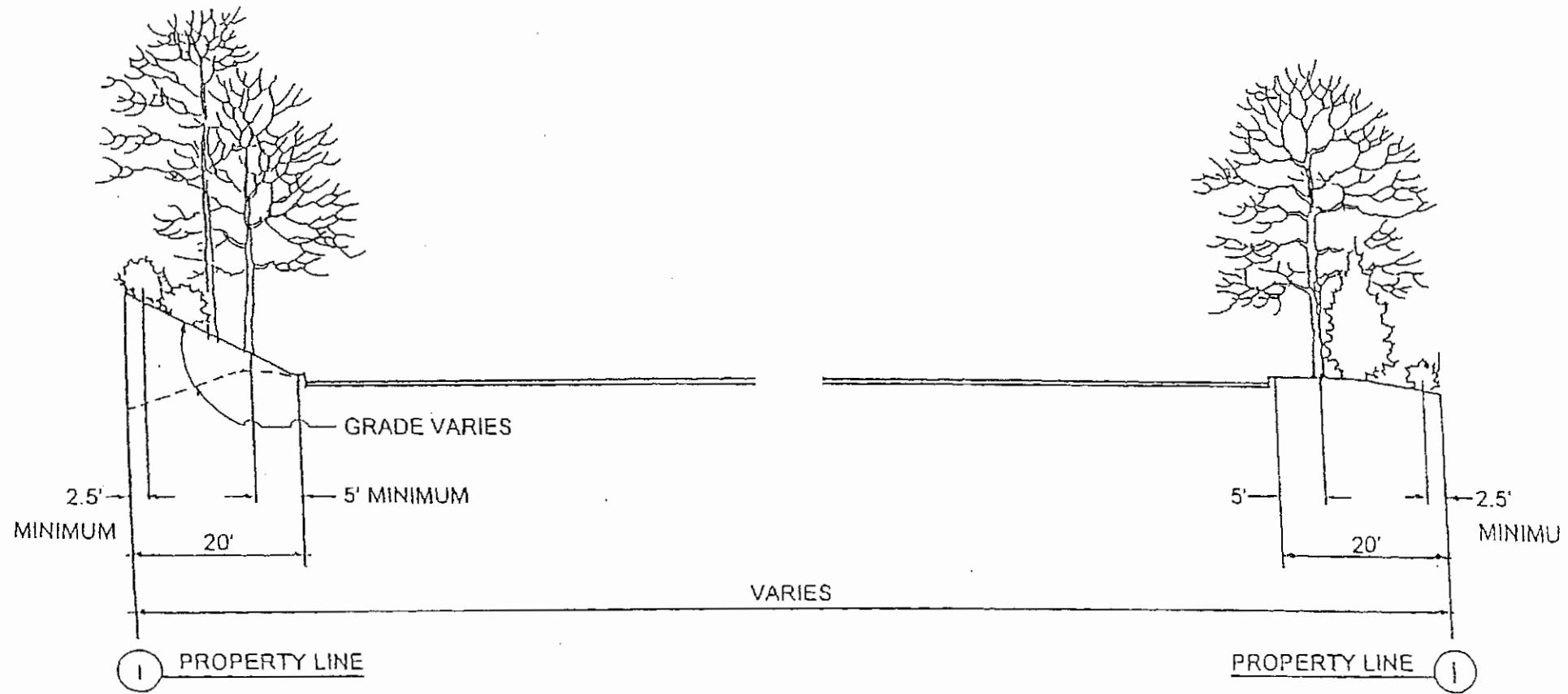
BUFFERYARD 'B' CONCEPTUAL SECTION  
THIRTY FEET WIDE

APPENDIX 'A'



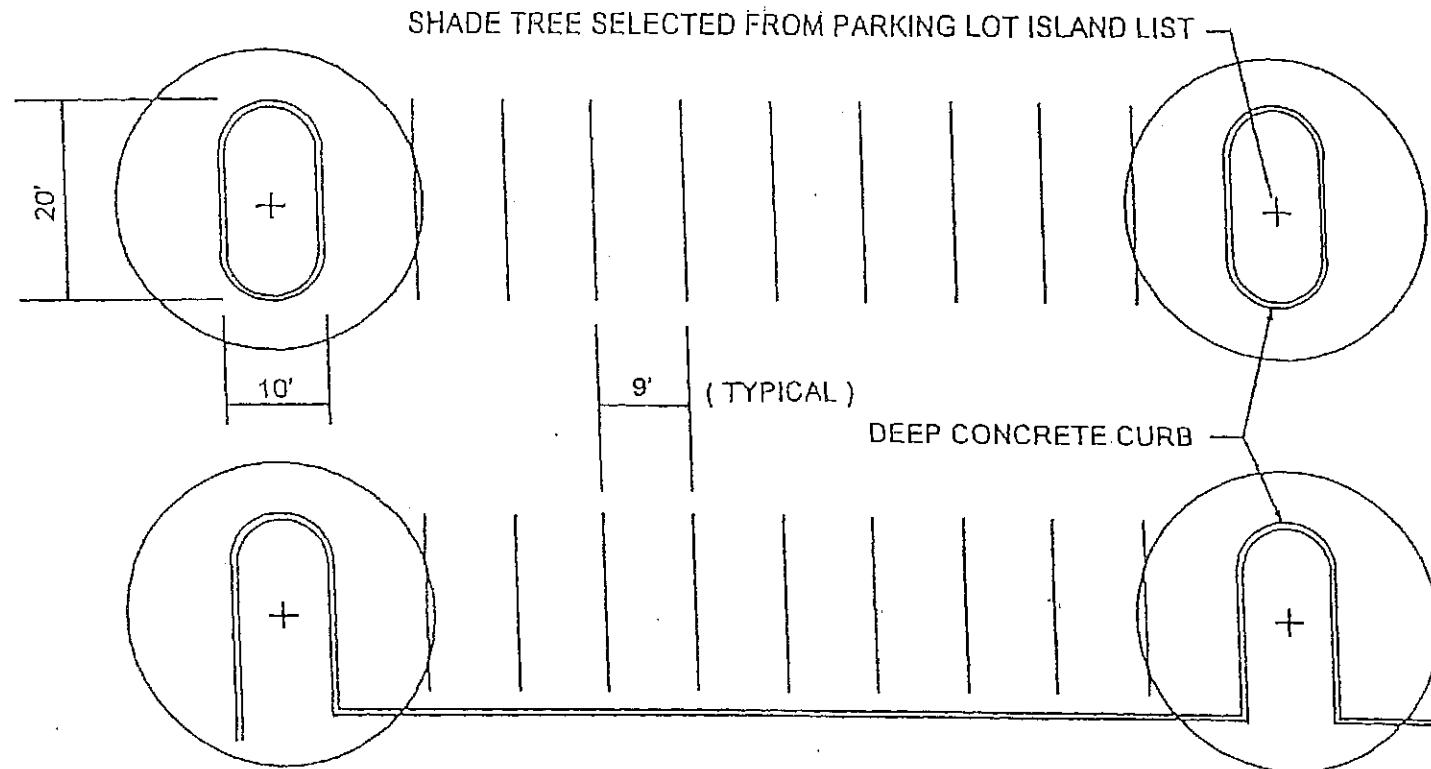
BUFFERYARD 'C' CONCEPTUAL PLAN  
TWENTY FEET WIDE

## APPENDIX 'A'



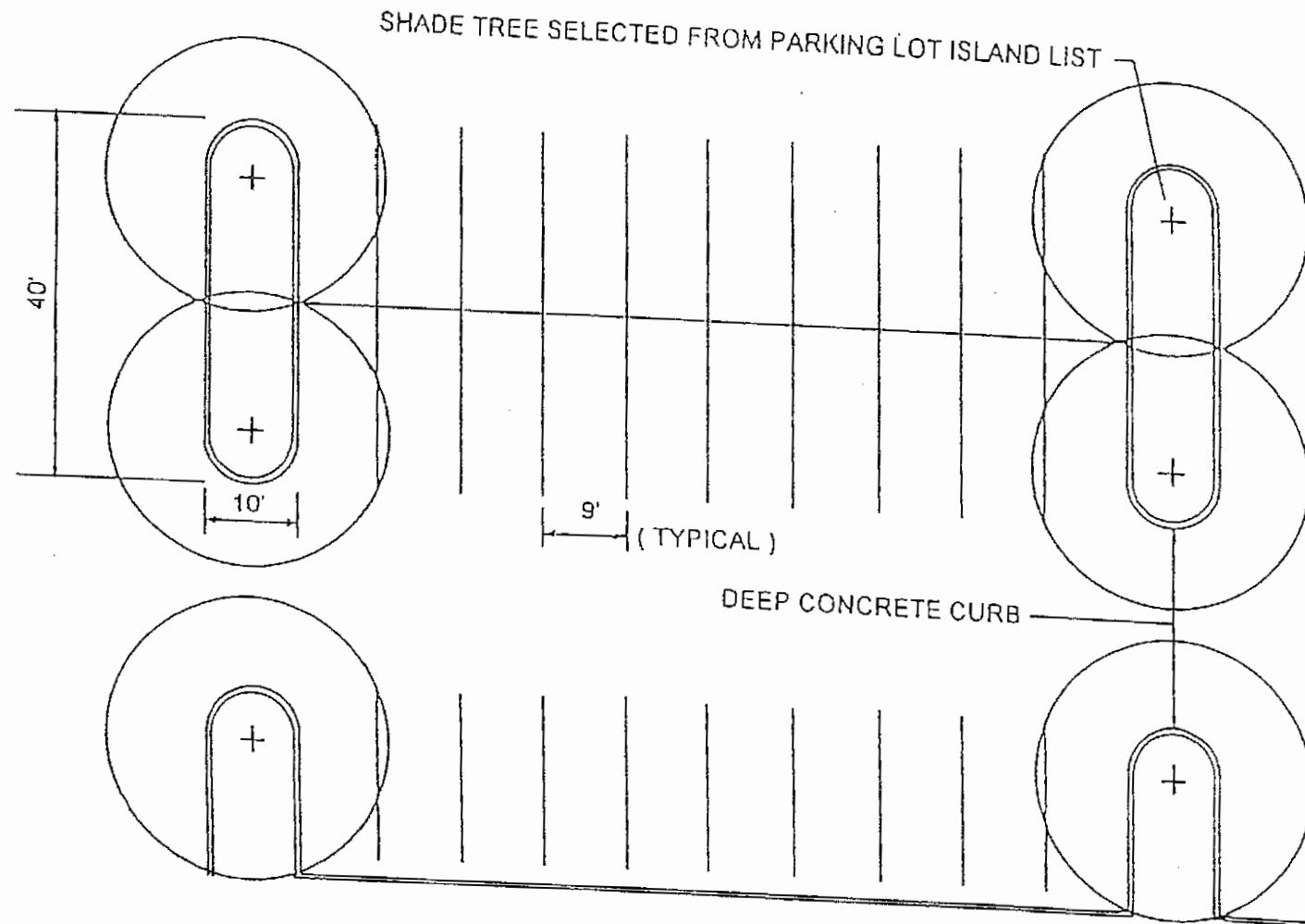
BUFFERYARD 'C' CONCEPTUAL SECTION  
TWENTY FEET WIDE

APPENDIX 'A'



CONCEPTUAL PARKING LOT ISLAND PLANTER PLAN  
FOR ISLANDS 10' W X 20' L

APPENDIX 'A'



CONCEPTUAL PARKING LOT ISLAND PLANTER PLAN  
FOR ISLANDS 10' W X 40' L

## Bufferyard Minimal Plant Quantities

### Bufferyard A

per 400 L.F.	Average per 100 L.F.
10 shade trees	2.5
20 conifer or deciduous ornamentals	5 ( 3 conifer / 2 deciduous)
96 medium / tall plants	24

### Bufferyard B

per 400 L.F.	Average per 100 L.F.
8 shade trees	2
16 conifer / deciduous ornamentals	4 ( 3 conifer / 1 deciduous)
34 medium / tall shrubs	21

### Bufferyard C

per 400 L.F.*	Average per 100 L.F.**
3 shade trees	2
2 conifer / deciduous ornamentals	3 ( 2 conifer / 1 deciduous)
12 medium / tall shrubs	13
2 evergreen shrubs	8

\*Per 8000 square feet for additional landscape area per Section 906.7.6.J

\*\*Per 2000 square feet for additional landscape area per Section 906.7.6.J

## RECOMMENDED TREES AND SHRUBS FOR FUTURE PLANTINGS

Common Name	Scientific Name
<b>Deciduous Shrubs</b>	
Red Barberry	<i>Berberis thunbergii</i> atropurpurea
Pygmy Red Barberry	<i>Berberis thunbergii</i> atropurpurea
*Summersweet	<i>Clethra alnifolia</i>
*Muskingum Gray Dogwood	<i>Cornus racemosa</i> 'Muskingum'
Silverblotch Dogwood	<i>Cornus alba</i> elegantissima
Redvein Enkianthus	<i>Enkianthus campanulatus</i>
Dwarf Burningbush	<i>Euonymus alatus</i> compactus
Siebold Weeping Forsythia	<i>Forsythia suspensa</i> sieboldii
Dwarf Fothergilla	<i>Fothergilla gardenii</i>
P.G. Hydrangea	<i>Hydrangea paniculata</i> 'P.G.'
Oakleaf Hydrangea	<i>Hydrangea quercifolia</i>
*Sparkleberry Winterberry	<i>Ilex x</i> 'Sparkleberry'
Virginia Sweetspire	<i>Itea virginica</i>
*Northern Bayberry	<i>Myrica pensylvanica</i>
Black Jetbead	<i>Rhodotypos scandens</i>
Anthony Waterer Spirea	<i>Spirea x. bumalda</i> 'Anthony Waterer'
Improved Red Dwarf Spirea	<i>Spirea x. bumalda</i> 'Coccinea'
Little Princess Spirea	<i>Spirea japonica</i> 'Little Princess'
Gold Flame Spirea	<i>Spirea x. bumalda</i> 'Gold Flame'
Koreanspice Viburnum	<i>Viburnum carlesii</i>
Maries Doublefile Viburnum	<i>Viburnum p. t. mariesii</i>
Doublefile Viburnum	<i>Viburnum plicatum</i> tomentosum
*Black Haw Viburnum	<i>Viburnum prunifolium</i>
*Arrowwood Viburnum	<i>Viburnum dentatum</i>

\* Indigenous species in Eastern United States

## Evergreen Shrubs

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Common Name	Scientific Name
Korean Boxwood	<i>Buxus koreana</i>
Tiny leafed Boxwood	<i>Buxus microphylla compacta</i>
Common Boxwood	<i>Buxus communis</i>
*Inkberry	<i>Ilex glabra</i>
**Blue Holly	<i>Ilex x meservae</i> cultivars
Compact Pfitzer Juniper	<i>Juniperus c. pfitzeriana</i> comp.
Saybrook Gold Juniper	<i>Juniperus c. 'Saybrook Gold'</i>
Sea Green Juniper	<i>Juniperus c. 'Sea Green'</i>
Tam Juniper	<i>Juniperus sabina tamariscifolia</i>
Grey Owl Juniper	<i>Juniperus virginiana 'Grey Owl'</i>
**Oregon Grape Holly	<i>Mahonia aquifolium</i>
English Yew	<i>Taxus baccata</i> repardens
Dense Yew	<i>Taxus m. densiformis</i>

\*\*pruning / shearing required to control height

## Shade Trees for Bufferyards / Street Trees

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*Red Sunset Red Maple	<i>Acer rubrum 'Red Sunset'</i>
*Sugar Maple	<i>Acer saccharum</i>
*Hackberry	<i>Celtis occidentalis</i>
*American Beech	<i>Fagus grandifolia</i>
European Beech	<i>Fagus sylvatica</i>
Maidenhairtree	<i>Gingko biloba</i> (male)
*Thornless Honeylocust	<i>Gleditsia tria. inermis</i>
American Sweetgum	<i>Liquidambar</i>
*Sourgum	<i>Nyssa sylvatica</i>
Bloodgood London Planetree	<i>Platanus acerifolia 'Bloodgood'</i>
Swamp White Oak	<i>Quercus bicolor</i>
*Northern Red Oak	<i>Quercus borealis</i>
Pin Oak	<i>Quercus palustris</i>
Shumard Oak	<i>Quercus shumardi</i>
European Linden	<i>Tilia cordata</i>

\* Indigenous species in Eastern United States

## Ornamental Deciduous Trees

Common Name	Scientific Name
Hedge Maple	<i>Acer campestre</i>
Amur Maple	<i>Acer ginnala</i>
Japanese Maple	<i>Acer palmatum</i>
*Shadblow Serviceberry	<i>Amelanchier canadensis</i>
*Apple Serviceberry	<i>Amelanchier x grandiflora</i>
*River Birch	<i>Betula nigra</i>
Pyramidal European Hornbeam	<i>Carpinus betulus fastigiata</i>
*Gray Dogwood	<i>Cornus racemosa</i>
Chinese Dogwood	<i>Cornus kousa</i>
*Flowering Dogwood	<i>Cornus florida</i>
*Ohio Pioneer Dotted Hawthorn	<i>Crataegus punctata 'Ohio Pioneer'</i>
*Winter King Hawthorn	<i>Crataegus viridis 'Winter King'</i>
Star Magnolia	<i>Magnolia stellata</i>
*Sweetbay Magnolia	<i>Magnolia virginiana</i>
Snowdrift Crabapple	<i>Malus 'Snowdrift'</i>
Sugar Tyme Crabapple	<i>Malus 'Sugar Tyme'</i>
*American Hop hornbeam	<i>Ostrya virginiana</i>
Sourwood	<i>Oxydendron arboreum</i>

## Evergreen Trees for Bufferyards A, B and C

Concolor Fir	<i>Abies concolor</i>
American Holly	<i>Ilex opaca</i>
Norway Spruce	<i>Picea abies excelsa</i>
White Spruce	<i>Picea alba</i>
Serbian Spruce	<i>Picea omorika</i>
*Eastern White Pine	<i>Pinus strobus</i>
Scots Pine	<i>Pinus sylvestris</i>
Douglasfir	<i>Pseudotsuga menziesii</i>
*Canadian Hemlock	<i>Tsuga canadensis</i>

\* Indigenous species in Eastern United States

### Shade Type Trees for Island Planters in Parking Lots

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Common Name	Scientific Name
*Green Mountain Sugar Maple	<i>Acer saccharum</i> 'Green Mountain'
*Hackberry	<i>Celtis occidentalis</i>
*Thornless Honeylocust	<i>Gleditsia tria. inermis</i>
Columbia London Planetree	<i>Platanus x acerifolia</i> 'Columbia'
Liberty London Planetree	<i>Platanus x acerifolia</i> 'Liberty'

### Special Interest Tree Species

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Katsuratree	<i>Cercidiphyllum japonicum</i>
Maidenhairtree	<i>Gingko biloba</i> (male)
Dawn Redwood	<i>Metasequoia glyptostroboides</i>
English Oak	<i>Quercus robur</i>
Baldcypress	<i>Taxodium distichum</i>

\* Indigenous species in the Eastern United States

**PROPOSED ORDINANCE NUMBER 1 OF 2002  
ORDINANCE NO. 1050**

**AN ORDINANCE TO AMEND ORDINANCE #765, THE NORTH HUNTINGDON TOWNSHIP ZONING ORDINANCE TO ESTABLISH NEW STANDARDS AND REGULATIONS FOR THE PEDD-1 ZONING DISTRICT, AND TO MODIFY EXISTING DEVELOPMENT STANDARDS IN THE C-1 ZONING DISTRICT, AND TO MODIFY AND AMEND THE EXISTING PEDD-1 AND PEDD-2 PROVISIONS OF THE ORDINANCE TO REPEAL PEDD-1 REFERENCES IN ORDER TO CREATE A SEPARATE AND DISTINCT PEDD-2 DISTRICT FROM THE MODIFIED PEDD-1 DISTRICT**

**WHEREAS**, The Township of North Huntingdon, Westmoreland County, adopted a Comprehensive Plan in March ,2000, and

**WHEREAS**, The adopted Township Comprehensive Plan included goals, objectives and action strategies to promote economic development within the Township and to preserve community character and natural resources, and

**WHEREAS**, the adopted Comprehensive Plan recommended specifically the creation of a new Office District, and

**WHEREAS**, the existing PEDD-1 and PEDD-2 districts of the Zoning Ordinance, (#765) while providing for economic development opportunities within the Township have been found not to provide for development of a mixed-use variety, and

**WHEREAS**, it was the finding and recommendation of the Planning Commission in a report to the Board of Commissioners in March, 2001 that a new PEDD district be created to accommodate quality mixed use development within the Township, and

**WHEREAS**, the Board of Commissioners authorized the Planning Commission to study this issue and prepare an ordinance for a new mixed use district, and

**WHEREAS**, the Planning Commission, working with the Planning and Zoning Department and a professional planning consultant, conducted six (6) public meetings to solicit ideas and input from Township residents and developers for the a new mixed use district, and

**WHEREAS**, the Planning Commission reviewed this Ordinance on October 8,2001 as being consistent with the goals and objectives of the adopted Township Comprehensive Plan and recommended approval of this Ordinance as an amendment to Ordinance #765, the Township Zoning Ordinance

**BE IT DULY ENACTED AND ORDAINED** by the Board of Commissioners of the Township of North Huntingdon, County of Westmoreland, Commonwealth of Pennsylvania that the Township Zoning Ordinance, Ordinance No. 765 is amended as follows by adding sections 1 through 8, and referenced appendices of this ordinance and making modifications and deletions to Ordinance No. 765 contained in Section 9 of this Ordinance.

**Section 1: Purpose and Intent**

Consistent with the goals and objectives of the adopted Township Comprehensive Plan, the purpose of these regulations are to facilitate the development and redevelopment of large underutilized or vacant tracts of land which may be suitable for a variety of new uses, so arranged, designed and balanced in a manner consistent with community and economic development objectives of the Township. It is the intent of the Planned Economic Development 1 (PEDD-1) district to promote flexibility in design, while assuring the following community development objectives are promoted, encouraged and controlled:

- A. Promote orderly and unified development and redevelopment in response to changes in market conditions, while assuring that the timing and location of such development is consistent with available

- capacities of transportation and public utilities as well as the overall land use goals, as expressed in the Township Comprehensive Plan.
- B. Through the provision of the variations within this district, contained herein, control the negative effects of commercial and residential sprawl than can result from more traditional single-use commercial and residential developments.
  - C. Encourage economic growth consisting of a well-balanced and regulated mix of appropriate residential and non-residential uses, oriented more toward a predomination of office and research and development facilities, advanced technology firms, health, education and other service industries and non-polluting light industrial uses. Provide for limits to the amount, type and location of retail development within the site, and require residential development within the site for larger developments. The purposes of all required uses and limitations on uses being the employment and consumer needs of occupants of the district and township residents while strengthening existing businesses.
  - D. Encourage, to the fullest extent possible, development of a type that provides for quality employment opportunities for residents of the community that pay more than minimum wages, and contribute to the creation of a diversified community job base for the area.
  - E. Provide for an adequate mixture of quality housing types to serve the needs of the elderly persons and young families within the Township, as well other household sizes, ages, and income levels than can well-situated and integrated with other non-residential uses.
  - F. Provide for the transition of uses through adequate buffers and setbacks to avoid conflicts between incompatible land uses adjoining the development and within the development site. Provide for a transition of uses through the location of uses at areas within the development, such as requiring residential development to adjoin residentially zoned properties and allowing large-scale retail to be allowed only next to commercially and industrially zoned properties.
  - G. Provide for minimum requirements and standards for open spaces and environmental protection within the development site to serve as both buffering and transitional areas as well as providing for the integration of passive, active and functional open spaces of a public and semi-public nature as part of the overall design scheme.
  - H. Provide for design requirements to create pedestrian orientation, streetscape amenities, and other design treatments which includes sidewalks, bikeways, ornamental street lighting, street trees and screened parking areas.
  - I. Provide for opportunity for the creative redevelopment of existing commercially zoned site and shopping centers, which may have blight and high vacancy rates and underutilization of existing retail structures, by providing for opportunity to re-develop these sites with greater zoning flexibility than traditional commercial zoning standards, allow for residential-mix development, while adequately more intense uses from adjoining residential properties
  - J. Provide for the safe movement of people, goods, and vehicles without increasing congestion or creating hazards within the district or within the area of impact in the larger community through requirements on access to the development and standards for trip generation consistent with the capacity of highway systems and intersections intended to serve the development site

## Section 2: Definitions

In addition to the definitions contained in Article 3 of Ordinance #765, the following terms shall have specific meanings indicated for the purpose of interpreting this Ordinance governing the PEDD-1 district.

**Active Recreation** – Any recreation use otherwise not included in the definition of passive recreation whose purpose is to provide a greater sports and exercise oriented resource.

**Buildable Area:** The gross area of a development site minus those areas are categorized as Environmentally Sensitive Areas.

**Building Coverage:** The percentage of a lot which when viewed directly from above would be covered by a structure or structures. For purposes of calculating building coverage, access drives, parking areas and landscaping shall not be considered structures.

**Environmentally Sensitive Overlay:** A mapped area, compiled and maintained by the North Huntingdon Township Planning Department, the boundaries of which are composed of flood plains, wetlands, and steep slopes.

**Floor Area Ratio:** The specified percentage of a lot, in square feet, which determines and equals the maximum amount of gross floor area permitted on that lot.

**Garden Apartment/Condominium:** A multi-dwelling unit building not exceeding three (3) stories or thirty-five (35) feet in height whichever is less.

**High Rise Apartment/Condominium:** A multi-family dwelling having a height of five (5) stories or no more than sixty (60) feet from ground level at the front of the building.

**Illustrative Site Plan:** A master plan for the development site submitted as part of the tentative approval of the PEDD. The purpose of the illustrative site plan is to visually describe how the development plan for all phases meets the standards and guidelines expressed in this Ordinance.

**Land Use Categories:** Those uses that are permitted with the development site of a PEDD as grouped by similar uses. Included as land use categories within a PEDD are: offices; limited manufacturing; ancillary commercial; large commercial; and residential.

**Limited Manufacturing:** The processing or fabrication of materials and products which by the nature of the materials, equipment and processes used is quiet and free of any objectionable or hazardous element and which is not objectionable by reason of odor, noise, vibration, cinders, gas, fumes, dust, smoke refuse matter or water carried waste. Limited manufacturing uses includes those categorized and listed in the NAICS use table included in this ordinance, or those uses that can be demonstrated by conditional use to have similar impacts per standards contained within this ordinance.

**Mid Rise Apartment/Condominium:** A multi-dwelling building having a height of four (4) stories and no more than fifty (50) feet in height from the ground level at the front of the building.

**Mixed Use Building:** A building on a development site that is comprised of several land use categories, including: residential, ancillary retail, small retail, offices and limited manufacturing.

**Multi-Family Apartment/Condominium:** Any residential building containing three (3) or more dwelling units where the dwelling units contain share an entrance through a common corridor, including garden apartments, mid-rise apartments or high-rise apartments, but not including townhouses as defined by this Ordinance.

**Offices:** A building or unit which is devoted exclusively to business or professional services, not involving any retail or wholesale sales of the principal nature of the business, and excluding any industrial activity.

**Open Space:** The total land and water area within a Planned Economic Development site, not individually owned, which is designed and intended for the common use or enjoyment of the residents and occupants of the development. Common open space includes environmentally sensitive areas, secondary environmentally sensitive areas, passive recreation areas, active recreation areas, and plazas, but specifically excludes required bufferyards, streets, rights-of-way, parking areas, detention ponds and access to detention ponds.

**Passive Recreation:** Facilities for leisure and entertainment which do not involve sports, exercise, or other forms of active participation, including but not limited to sitting areas, picnic areas, game tables, gazebos, observation areas, wildlife sanctuaries and nature areas.

**Planning Area, Commercial:** That portion of a Type 2 PEDD that is reserved to provide for opportunity for large retail development, but also permits office development, limited manufacturing, small retail, ancillary retail and residential. Commercial planning areas are limited to areas within 600 feet from boundaries with existing commercial or industrially zoned properties and from Comprehensive Plan designated collector or arterial roads.

**Planning Area, Core:** That portion of a Type 2 PEDD-1 or a Type 1 PEDD-1 with greater than 50 acres, that is reserved for a variety of uses, specifically, office development, limited manufacturing, small retail, ancillary retail and residential that is typically located in the middle of the development site, bordered by the residential and commercial planning areas (for a Type 2 PEDD)

**Planning Area, Office:** The area of a Type 1 PEDD with less than 50 acres that is reserved for the development of offices, limited manufacturing, ancillary retail and residential uses. The office planning encompasses the entire development site for a Type 1 PEDD with less than 50 acres.

**Planning Area, Redevelopment:** The entire development site of a Type R PEDD that provides for redevelopment of an existing commercially or industrially zoned property meeting specifications contained in this ordinance.

**Planning Area, Residential:** That portion of a Type 2 PEDD or a Type 1 PEDD with greater than 50 acres that is specifically reserved for the residential development as a Planned Residential Development. The Residential Planning Area consists of a minimum of twenty (20%) and a maximum of fifty (50%) percent of the development site and borders all residentially zoned properties.

**Planting, High Level:** Consists of trees of a deciduous nature with a minimum height of six (6) feet at planting and a caliper of 1 ½ inches at planting and trees of an evergreen nature with a minimum of six (6) feet at planting. All measurements and plant quality shall be consistent with the American Standards for Nursery Stock published by the American Association of Nurserymen, Inc., Washington, D.C.

**Planting, Low-Level:** Consists of shrubs and other plant species that is greater than two (2) feet in height at planting and less than six (6) feet in height at planting. All measurements and plant quality shall be consistent with the American Standards for Nursery Stock published by the American Association of Nurserymen, Inc., Washington, D.C.

**Planting, Ornamental:** Consists of trees of a deciduous nature with a minimum height of four (4) feet and caliper of one (1) inch at planting consistent with the character of the trees noted in Appendix A of this ordinance and trees of an evergreen nature with a height of four (4) feet at planting. All measurements and plant quality shall be consistent with the American Standards for Nursery Stock published by the American Association of Nurserymen, Inc., Washington, D.C.

**Plaza:** An open space that may be improved, landscape or paved usually surrounded by buildings or streets and used for passive recreational activities and recreation.

**Retail:** Any establishment which sells products or services to the ultimate consumer.

**Retail, Ancillary -** A use classified as retail use (R ) in the NAICS table within this ordinance that is involved in the sale of goods or services, that contains less than 5,000 square feet of gross floor area.

**Retail, Large -** A use classified as retail use (R ) in the NAICS table within this ordinance that is involved in the sale of goods or services and contains greater than 7,500 square feet of gross floor area.

**Retail, Small:** - A use classified as retail use (R ) in the NAICS table within this ordinance that is involved in the sale of goods or services and contains greater than 5,000 square feet and less than 7,500 square feet of gross floor area.

**Secondary Environmentally Sensitive Area:** Those lands having features of lesser environmental sensitivity as the environmentally sensitive areas. These areas may be developed on a limited basis, but are preferred to be preserved as part of the open space. The features included within these areas are included in Section 8 (M) (3) of this ordinance.

**Steep Slopes:** Areas of existing topography, where in over a one-hundred foot horizontal distance, or where the difference in elevation is over twenty (20) feet, the slope equals or exceeds twenty five (25%) percent from the top to bottom of the break in grade.

**Substantial Revision** – Any change to the illustrative site plan which involves a change to ingress or egress, any increase in dwelling unit density, any increase in the approved amount of square footage for retail development, any change of use which results in the total parking or loading berths required, an increase of more than ten (10%) percent of all buildings, a change in the phasing or tiers, or the proposal of a use that was not originally proposed as part of the tentative approval application.

**Tier:** A segment of the implementation of the total approved development plan of the PEDD that establishes the amounts of development permitted among the various land use categories

**Townhouse:** A residential building consisting of a minimum of two (2) and a maximum of six (6) attached single family dwelling units, separated from each other by vertical walls without openings

**Wetlands:** All areas regulated as wetlands by the Pennsylvania Department of Environmental Protection or Federal agencies.

### **Section 3: Application Procedures and PEDD-1 Classifications**

#### **A. TYPES OF PEDD-1 DISTRICTS**

The following types of PEDD-1 districts are established by this Ordinance. The provisions of this Ordinance shall apply to all types described herein, unless otherwise specified in this Ordinance.

##### **1. Type I:**

**Purpose:** The purpose of the Type 1 PEDD-1 district is to provide the opportunity for development that results in a development site with a greater emphasis on offices and limited manufacturing uses, and limits retail development to those uses that are ancillary to the larger development located on the site. Type 1 sites may be located on medium size parcels with a minimum of fifteen (15) contiguous acres under single ownership or agreement for ownership. Type 1 development sites of fifty (50) acres or more shall include required residential development to serve as a transition area between adjoining residential uses, per standards contained in Section 5 of this ordinance.

**2. Type 2:** The purpose of the Type 2 PEDD-1 district is to provide the opportunity for development of large-scale mixed use projects that encompass office development, limited manufacturing, residential development, ancillary retail development, small retail development and limited large retail development. Development sites includes a required transition area for residential development per Section 5 of this ordinance, bufferyards and defined planning areas to protect the public, health, safety and welfare and are located on sites with greater than fifty (50) contiguous acres under single ownership or agreement for ownership

**3. Type R:** The purpose of the Type R PEDD-1 is to provide opportunity for redevelopment of existing or vacant commercial and industrial sites located on Route 30 or Route 993 through the provisions to allow for greater flexibility in development standards and allowing for more intense development of a mixed use nature than would otherwise be provided through existing C-1 and I zoning district regulations. Development sites shall have a minimum of 15 acres that are currently zoned C-1 (Commercial 1), C-1A (Commercial 1-A) or Industrial (I) and are under single ownership or agreement for ownership.

## B. APPLICATION PROCEDURES

In order to provide an expeditious method for processing the development plan for a Planned Economic Development District -1 and to avoid delay and uncertainty which would arise if it were necessary to secure approval by a municipality of local procedures, of a plat of subdivision and/or land development as well as approval of a change of zoning regulations otherwise applicable to the property, it is hereby declared to be in the public interest that all procedures with respect to the approval or disapproval of a development plan for a Planned Economic Development District - 1 and the continuing administration thereof shall be consistent with the following provisions:

### 1. Effect of Ordinance on Properties on the Official Zoning Map with a PEDD-1 zoning designation:

- (a) All properties currently designated with the PEDD-1 zone on the Official Zoning Map shall remain zoned as such, unless otherwise amended through procedures established by this Ordinance
- (b) The provisions of this Ordinance shall apply to the development or redevelopment or enlargement of any site currently zoned PEDD-1 in the following manner:
  - (1) Vacant properties and properties with abandoned uses: All provisions of the ordinance apply
  - (2) Properties with existing occupied structures: The regulations of Ordinance #765, Article 7, Non-Conforming Uses shall apply to the redevelopment or expansion of sites currently zoned PEDD-1 with existing uses.

### 2. Procedures for the Creation of New PEDD-1 Zoned Property

This ordinance establishes the PEDD-1 district as it affects those properties not currently zoned PEDD-1 on the official zoning map of the Township as an overlay district. The creation of a PEDD-1 zone is subject exclusively to the provisions of this Ordinance providing that land requested for this overlay zone satisfies all standards for PEDD-1 eligibility for the overlay, and satisfies all requirements for tentative and final approvals, as prescribed by this Ordinance.

To be eligible for development under the PEDD-1 zoning district, the following requirements shall be met for each type of PEDD-1 district in which an applicant is seeking the overlay zone

#### (a) Type 1

- (1) Parcel Size: Minimum of fifteen (15) contiguous acres under single ownership or agreement of ownership at the time of application
- (2) A minimum of one side of a length greater than two hundred and fifty (250) feet of the property bordering one of the following zones: C-1, C-1A, I or PEDD-2
- (3) Having one of the property lines of the proposed PEDD-1 located no further than one-half mile from U. S. Route 30 or State Route 993 and with existing or proposed direct access to Route 30;
- (4) The site has access to public sewer and water service.
- (5) Having an underlying zoning district of one of the following zones; C-1; C-1A; R-1, R-2, R-3, R-4 or I.

#### (b) Type 2:

- (1) Minimum of fifty (50) contiguous acres under single ownership or agreement of ownership at the time of application
- (2) A minimum of one side, of a length greater than five hundred (500) feet bordering one of the following zones: C-1, C-1A, I or PEDD-2
- (3) Being located no further than one-half (1/2) mile from U. S. Route 30 or SR 993 with existing or proposed direct access to Route 30 or SR 993;
- (4) The site has access to public sewer and water service.
- (5) Having an underlying zoning district of one of the following zones; C-1; C-1A; R-1, R-2, R-3, R-4 or I.
- (6) Exception: No Type 2 PEDD-1 shall be permitted contiguous to a previously approved Type 2 PEDD-1 that has been abandoned under the provisions of Section 3 (C) (10) (c) of this ordinance.

(c) Type R:

- (1) Minimum of fifteen (15) acres and maximum of fifty (50) acres under single ownership or agreement of ownership at the time of application
- (2) Having contiguous frontage on U.S. Route 30 or State Route 993
- (3) Having an underlying zoning district of one of the following zones; C-1; I

2. Informal Review (Optional):

- (a) An applicant may review conceptual plans with the Planning Commission by requesting to be placed on the meeting agenda. Such discussions and informal review will alert the Commission to major new developments, familiarize the applicant with plan requirements and submission procedures and identify potential problem areas with the proposed development. This informal review procedure shall not constitute a formal application for development.
- (b) Submission requirements for informal review. An applicant requesting an informal review shall:
  - (1) Complete an application for informal review indicating the type of PEDD-1 district request with an application form for the same shall be provided by the Township.
  - (2) Prepare a sketch plan that comprises the entire site proposed for development; the sketch plan shall:
    - [a] Be legibly drawn and clearly show the proposed development and the date prepared
    - [b] Include information known by the applicant which will assist the Planning Commission and township staff in providing guidance to the applicant
- (c) Submission for informal review must be received ten (10) calendar days to the regular Planning Commission meeting where the review is requested. Twelve (12) copies of the sketch plan must be received by the Planning and Zoning Department for informal review.
- (d) At the informal review, the Planning Commission and administrative staff can review the sketch plans, recommend guidelines to meet district standards and identify potential conflicts in the plan with township development standards
- (e) The Planning Commission shall not formally act on plans presented for informal review. The Planning Commission may offer suggestions to may assist the applicant in complying with the district's development standards.

C. Submission Requirements for Tentative Approval

- 1. The application for tentative approval of a proposed PEDD-1 development shall contain all information required by this section and shall be submitted to the Township Planning and Zoning Department within twenty (25) days of the next regularly scheduled Planning Commission meeting
- 2. Twenty-five (25) copies of the application and all plans and reports, as required by this Ordinance, shall be filed with the Planning and Zoning Department for dissemination to the Planning Commission, the Board of Commissioners and to required review agencies. The application fee as prescribed by the Fee Ordinance shall accompany the application.
- 3. The applicant shall be required, at his expense, to conspicuously post the perimeter of the development site at points deemed sufficient by the Township to notify potentially interested citizens of the pending development of the site. Such notices shall be posted at least one (1) week prior to the first consideration of the development by the Planning Commission and shall remain posted throughout the time the development plan is being considered by the Planning Commission and the Board of Commissioners.
- 4. Illustrative Site Plan: The applicant shall submit an illustrative site plan with the application for Tentative Approval. The purpose of the illustrative site plan is to visually describe how the development plan for all phases meets the standards and guidelines expressed in this Ordinance. The illustrative site plan shall be legibly drawn to a scale not to exceed one (1) inch equals one hundred (100) feet on a sheet not to exceed thirty (30) by forty (40) inches. It shall at a minimum;

- (a) Be prepared and sealed by a licensed architect, landscape architect, engineer or surveyor in accordance with standards architectural and engineering practices.
- (b) Delineate all required buffers and transition areas as prescribed by this Ordinance
- (c) Delineate areas for all proposed land use categories (office and limited industrial, ancillary retail, small retail, large retail, residential, planned residential development and open space designated for each lot or parcel within the entire development
- (d) The illustrative site plan may also indicate specific uses by right, as allowed by this ordinance proposed for each lot or parcel
- (e) Include a written description of the various proposed uses for each lot or parcel, when known. When not known at time of submission the proposed land use categories of each lot or parcel, and the allowed square footage or densities of each use, as permitted by provisions of this ordinance shall be provided in the written description and noted on the illustrative site plan.
- (f) The illustrative site plan shall be accompanied by evidence that the tract can be serviced by public water and sewer systems of sufficient capacity
- (g) The illustrative site plan shall include the layout of roads per the classification of roads as indicated in Section 8 (N) (6) of this ordinance, within the development site to provide safe and sufficient flow of traffic throughout the site
- (h) The illustrative site plan shall include the zoning district of all properties contiguous to the development site.
- (i) The illustrative site plan shall include the frontage or direct access that the development site provides the required arterial streets as defined by this ordinance
- (j) The illustrative site plan shall include designation of phases of the site development plan.
- (k) The illustrative site plan shall include all areas to be designated as preserved as open space as environmentally sensitive areas, secondary environmentally sensitive areas, passive recreation areas and active recreation areas.
- (l) The illustrative site plan shall be accompanied by a plan narrative which shall contain:
  - [1] A statement outlining the proposed uses of all building lots, when known, or when not known a detail of the land use categories of all building lots;
  - [2] Any requested waivers or modifications from specified township regulations and standards otherwise applicable to the subject property with statements as to why the granting of the waivers requested are necessary and in the public interest
  - [3] A schedule, when development is to be phased over a period of years, showing proposed times for the filing of applications for final approval of each phase of the proposed development plan, compliance with tier requirements of this Ordinance, and estimates of construction times for each phase
  - [4] A statement of public interest setting forth the reasons why the proposed development plan is in the public interest, and how it meets the applicable density and build-out standards, and how it is consistent with the Comprehensive Plan, the community development objectives of this Ordinance, and meets other community development standards
  - [5] A tabulation of densities and build-out standards proposed that includes the amount of total square feet proposed for each planning area and per land use category
  - [6] A statement outlining proposed open spaces within the development site and a description of the purposes they serve
- (m) Review of illustrative site plan. The illustrative site plan, accompanied by any additional plans and reports as required by this ordinance shall be reviewed to determine if the overall development concept satisfies the provisions of this ordinance, in terms of the following items:
  - [1] That the proposed amounts of the various land use categories permitted in the PEDD-1 district (offices, residential, retail-commercial, etc.) satisfy the minimum and maximum amounts permitted prescribed by this ordinance
  - [2] That the location requirements of various land use categories as prescribed by this ordinance are satisfied
  - [3] That the minimum requirements for open spaces, buffer areas and transition areas are satisfied;
  - [4] That the uses, when known, are permitted with the PEDD-1 district

- [5] That the proposed system of roads throughout the site are of sufficient design and capacity to handle projected traffic flow throughout the site, as required by Section 8 of this ordinance
- [6] That proposed access points to the site are of a design to adequately offer safe ingress and egress to the development site;
- [7] That the proposed collector roads accessing the site are of sufficient capacity to handle the projected traffic volume generated by the site
- [8] That the development site is adequately serviced or will be serviced by all public utilities
- [9] That the proposed development site by findings meets all community development objectives as expressed in the purposes statement of this ordinance

#### 6. Drafting Standards and Plan Requirements:

Unless exceeded or specifically excluded by this Ordinance the application and detailed plans for the development site shall meet all applicable requirements as described in the following sections of the North Huntingdon Township Subdivision and Land Development Ordinance (#1011), as amended: 304.1; 304.3; 304.4; 304.5; 304.6. It is strongly suggested that prior to the submission of an application for a development site in the applicant meet with the Planning and Zoning Director to determine which sections are applicable in the application.

#### 7. Public Hearing and Notification

- (a) The Planning and Zoning Department shall forward the complete and accepted application for the Planned Economic Development to the following persons and officials: all members of the Planning Commission; all members of the Board of Commissioners; the Township Secretary; the Township Solicitor; the Township Engineer; the Westmoreland County Department of Planning; the North Huntingdon Township Municipal Authority. Additional copies of plans shall remain on file at the offices of the Planning and Zoning Department and shall be available for review during regular office hours.
- (b) Notices to Neighboring Property Owners. In addition to the required posting of the property by the applicant, the Township shall make every possible effort to send notices to property owners within two-hundred (200) feet of the perimeter of the development site. Such notice sent to the most recent owner of that property and shall include a brief description of the application for development, a schedule of scheduled meetings and the place and time when plans for the development can be reviewed.

#### 8. Review and Recommendations by the Planning Commission

- (a) The Planning Commission shall place the proposed development plan on its agenda at its next regular meeting following the twenty-five (25) day submission requirement. The Planning Commission shall review the plans, with consult from the Planning Director, the Township Solicitor and the Township Engineer, and shall make recommendation(s) in writing to the Board of Commissioners
- (b) Within sixty (60) days after the filing of a complete application for tentative approval of a proposed planned economic development pursuant to this Ordinance (unless the time for the same be extended by mutual agreement between the Township and the applicant), the Board of Commissioners shall hold a public hearing, pursuant to public notice. The Board of Commissioners may continue the hearing from time to time and may refer the matter back to the Planning Commission for a report; provided, however, that in any event the public hearing or hearings shall be concluded within sixty (60) days after the first public hearing, unless such time be extended by mutual agreement between the township and the applicant.

#### 9. Grant of denial or approval

- (a) Action of the Board of Commissioners. The Board of Commissioners, within sixty (60) days following the conclusion of the public hearing provided for in this Article (unless such time shall be extended by mutual agreement between the Township and the applicant), shall by official written communication to the landowner, either:

- (1) Grant tentative approval of the development plan as submitted

- (2) Grant tentative approval subject to specified conditions not included in the development plan as submitted; or
  - (3) Deny tentative approval of the development plan.
- (b) Failure to act. Failure to act within said period or any agreed extension thereof shall be deemed to be a grant of tentative approval of the development as submitted.
- (c) Approval with conditions. . In the event, however, that tentative approval is granted subject to conditions, the landowner may, within thirty (30) days after receiving a copy of the official written communication of the Board of Commissioners notify the Board of Commissioners of his refusal to accept all conditions, in which case the Board of Commissioners shall have been deemed to have denied approval of the development plan. In the event that the landowner does not, within said period, notify the governing body of his refusal to accept all said conditions, tentative approval of the development plan, with all said conditions, shall stand as granted.
- (d) Findings of Fact. The proposed planned economic development plan shall be approved if and only if it meets the following criteria and standards, which shall be part of the findings of fact in the decision on the development plan by the Board of Commissioners:
- (1) Comprehensive Plan: The proposed development plan preserves the community development objectives of this ordinance and is consistent with the Comprehensive Plan.
  - (2) Variations. Where the proposed development plan departs from zoning and subdivision regulations otherwise applicable to the subject property, such departures are in the public interest and pursuant to the health, safety and welfare of the public.
  - (3) Land Use Categories and Ratios. That the development plan includes uses as permitted by this ordinance not exceeding the amounts and ratios as permitted, and that all proposed land uses to be within the development plan are located in the appropriate planning areas as permitted by this ordinance.
  - (4) Buffers and Transition Areas. That the development plan includes all of the required buffers, both internal and external and transition areas for areas adjoining residential zoning.
  - (5) Common open space . The proposals for the provision, maintenance and conservation of the propose common open space areas are reliable, and the amount and extent of improvements of such common open space are adequate with respect to the purpose, use and type of development proposed.
  - (6) Infrastructure. The physical design of the proposed development plan adequately provides for public services, pedestrian and vehicle traffic facilities and parking, light, air, recreation and visual enjoyment.
  - (7) Neighborhood. The total environment of the proposed development plan is complementary to and consistent with the neighborhood in which it is proposed to be established.
  - (8) Environment. The proposed development plan will afford a greater degree of protection of sensitive environmental areas and prevention of landslides, erosion, siltation, and flooding, than if the subject property were developed in accordance with the provisions of the zoning and subdivision ordinances which otherwise apply.
  - (9) Safety. The proposed 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 all of the performance standards of this ordinance.
  - (10) Timing of improvements and Tiers. In the case of a development plan which proposes development over a period of years , the development plan will be developed consistent with the limitations of minimum and maximum building of various land use categories as prescribed by this ordinance. For each phase of development there shall be a sufficient portion of common open space, planned facilities or amenities as required in this Ordinance to protect the interests of the public and the residents and occupants of the development and in the integrity of the development plan.
- (a) Timing. In the event that a development plan is granted tentative approval, with or without conditions, the Board of Commissioners may set forth in the official written communication the time within which an application for final approval of the development plan shall be filed, or in the case where a development plan which provides for development over a period of years, the periods of time which

the applications for each part shall be filed. Except upon the consent of the landowner, the time so established by between grant of tentative approval and application for final approval shall not be less than three (3) months, and in the case of development over a period of years, the time between applications for final approval shall not be less than twelve (12) months.

- (b) Certification of communications. The official written communication provided for in this Ordinance shall be certified by the Township Secretary and shall be filed in his office and a certified copy shall be mailed to the homeowner. Where tentative approval has been granted the same shall be noted on the Township Zoning Map, except that the official change of the zoning of that property shall not take effect until each phase of the development plan is granted final approval.

#### 10. Effect of Tentative Approval and Revocation

- (a) Recording of Plats and Issuance of Permits. Tentative approval of a development plan shall not qualify a plat of the planned economic development for recording nor authorize the issuance of any permits by the Township.
- (b) Consent to Revoke. A development plan which has been given tentative approval, as submitted or which has been given tentative approval with conditions which have been accepted by the landowner (and provided that the landowner has not defaulted nor violated any of the conditions of tentative approval), shall not be modified nor revoked or otherwise impaired by action of the township pending an application or applications for final approval without the consent of the landowner, provided that an application for final approval is filed, or in the case of development over a period of years, provided that applications are filed within the periods of time specified in the official written communication granting tentative approval.
- (c) Revocation of tentative approval. In the event that a development plan is given tentative approval and thereafter, but prior to final approval, the landowner shall elect to abandon said development plan and shall notify the Board of Commissioners in writing or in the event that the landowner shall fail to file application(s) for final approval within the required period of time(s) as the case may be, the tentative approval shall be deemed to be revoked, all that portion of the area included in the development plan for which final approval has not been given shall be subject to those township ordinances otherwise applicable thereto as they may be amended from time to time, and the same shall be noted on the township's zoning map and on the records of the Township Secretary.

#### D. Final Approval

1. An application for final approval may be for all land included in the development plan, or to the extent set forth in the tentative approval, for a section thereof.
2. An application for final approval for any phase shall be consistent with the tier requirements set forth by this ordinance and detailed in the written communication of tentative approval of the development plan.
3. An application that is not in compliance with these requirements will not be accepted, unless otherwise modified under the provisions of this Ordinance.
4. An application shall be filed within the time specified by the written communication granting final approval and shall be accompanied by the required application fee as established by ordinance.
5. A public hearing on the application shall not be required, provided that the development plan or the part thereof submitted is in compliance both with the development plan given tentative approval and with any specified conditions thereof and no substantial revisions are proposed in the application for final approval.
6. Application for final approval shall contain the following and adhere to the following procedures:
  - (a) The application for final approval shall be reviewed by the Planning Commission, which shall make recommendations to the Board of Commissioners
  - (b) Submission for final approval consideration containing twenty-five (25) copies must be received by the Planning and Zoning Department twenty-five (25) days prior to the next Planning Commission meeting when the review is requested.
  - (c) Submission requirements for an application for final approval shall include:
    - (1) A written report indicating the amount of the land use categories requested for development approval for the proposed phase, consistent with provisions of the ordinance and the tentative approval. The land

use categories may be specified by building type or as parcels to be developed for that land use category.

- (2) All applicable plans and reports as would be required for final subdivision or land development approval per the Subdivision and Land Development Ordinance, as indicated in Article III \_\_\_\_\_ of that ordinance. In addition to those requirements, final development plans shall include the following information:

- [a] The required transition areas for the various land use categories included in the final plan
- [b] A detail on the plan of the proposed square footage of the various land use categories included in the final plan
- [c] The location and design of the proposed common open space, together with the proposed ownership and maintenance arrangements for such open space.
- [d] The location and design of all recreation areas, plazas and courtyards, walks, sidewalks, trails and bikeways including detail and design and location of these areas at scale sufficient to show the areas and facilities proposed.
- [e] The location and design of required bufferyards and landscaping, showing the height and type of screening, including a detail of the proposed bufferyards and landscaping areas at a scale sufficiently to show these areas.
- [f] The location and dimensions of entrances, common areas, parking facilities, signs, lighting facilities, fences and/or walls, fire lanes, and other site improvements or amenities, including a detail of each proposed site improvement or amenity at a scale to sufficiently show the improvement or the amenity.
- [g] Formal covenants to be imposed upon the use of the land, buildings and structures
- [h] Final Stormwater Management Report prepared in accordance with the North Huntingdon Township Stormwater Management Ordinance
- [i] A complete copy of the Illustrative Site Plan as approved as part of the Tentative Approval by the township so that such can be compared to the plan submitted for final approval
- [j] Engineering cost estimate of all required public improvements for implementation of this phase
- [k] Any other reports, documents or plans as specified in the Tentative Approval

7. Final approval, if warranted, shall be given in accordance with the time limits (unless extended by mutual consent) and procedures set forth in Pennsylvania Municipalities Planning Code (Article VII).

8. Denial of Approval. Denial of approval shall, if warranted, be given in accordance with the time limits (unless extended by mutual consent) and procedures set forth in the Pennsylvania Municipalities Planning Code (Article VII).

9. Recording. A finally approved development plan shall be recorded at the Westmoreland County Courthouse according to the provisions of the Pennsylvania Municipalities Planning Code.

10. Approval procedures for Final Plans not Including Building Details. The approval of any final plan that does not include building details for lots or parcels to be developed shall require the submission of a site plan for each proposed building, meeting all requirements of the Subdivision and Land Development Ordinance and applicable provisions of this Ordinance and the Zoning Ordinance. No site plan shall be approved for any building that is in any way inconsistent with terms of the Tentative Approval, unless the Board of Commissioners has approved modifications under the provisions of this Ordinance.

11. Failure to develop. In the event that a development plan or section thereof, is given final approval and thereafter the landowner abandons such plan or section thereof that has been finally approved and shall so notify the Board of Commissioners in writing or in the event that the landowner shall fail to commence and carry out the planned economic development within the time periods set forth in Section 508 the Pennsylvania Municipalities Code, no development of further development shall take place on the property until after said property is resubdivided and is reclassified by enactment of an amendment to the zoning provisions of the township in a manner prescribed for such amendments. These provisions do not prevent the landowner from transferring the rights of development to another landowner, provided that the Township is notified of such transfer and the Township Solicitor reviews the assurances that the new landowner will complete all phases of the development plan with adequate financial guarantees.

#### E. Enforcement and Modifications

1. Enforcement and Modifications of Provisions of the Plan. To further the mutual interest of the residents of the planned economic development and of the public in the preservation of the integrity of the development plan as finally approved and to insure that modification in the development plan, if any, shall not impair the reasonable reliance of said 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 they are recorded by plat, covenant, easement or otherwise, shall be subject to the following provisions and procedures:
2. Provisions in favor of the township. The provisions of the development plan relating to the use, bulk, and location of buildings and structures, the quantity and location of common open space and bufferyards, and the intensity of use or density of residential and non-residential uses shall run in favor of the township, and as provided by law, shall be enforceable in law, or in equity by the township, without limitation of any powers of regulation otherwise granted the township by law.

#### F. Modifications to the Tentative Approval

All those provisions of the development plan authorized to be enforced by the township under this ordinance may be modified, removed or released by the township, except grants or easements relating to the service or equipment of a public utility, subject to the following conditions and procedures for minor or substantial revisions

1. Minor revisions. Minor revisions between the illustrative site plan and any final plan such as moving the preliminary locations of buildings, within the approved planning areas and proposing minor engineering adjustments to lot lines, bufferyards and other plan details shall not require a public hearing as part of the application for final approval.
2. Any revision as listed below to the approved Illustrative Site Plan constitutes a substantial revision of the Tentative Approval
  - (a) Any proposed changes in the approved square footage of any retail use categories of the phase or applicable tier of development that comprises an addition of 15,000 square feet or ten (10%) of the approved retail square footage whichever is greater.
  - (b) A change in the layout of the major street network and/or principal points of ingress or egress
  - (c) Modification to the amount, design and layout of open space and bufferyard
  - (d) Other revisions consistent with above, determined to be substantial by the Zoning Officer
3. No substantial revision, as defined above, to the tentative approval shall be approved as part of final approval, except upon finding by the Board of Commissioners, following a public hearing thereon pursuant to public notice called and held with the provisions of this Ordinance, that the same is consistent with the efficient development and preservation of the entire planned economic development, does not adversely affect either the enjoyment of land abutting upon or across the street from the planned economic development or the public interest and is not granted solely to confer a special benefit upon any person.
4. Any change of use of a lot or parcel or space within an existing building or structure from any approved land use category to retail use (other than specialty commercial-retail located on the first floor of a building) that constitutes a ten (10%) or greater increase in the approved amounts of square footage for retail use for the entire development site shall be subject to the approval of the Board of Commissioners under the procedures of the Subdivision and Land Development Ordinance and provisions of this Ordinance.
5. No such modification, removal or release of the provisions of the development plan by the municipality shall affect the rights of the residents of the planned economic development to maintain and enforce those provisions, at law or equity, as provided in this section, unless those provisions have been broken or not enforced as per the original planned commercial and industrial development proposal.

6. No modification, removal or release of the provisions of the development plan by the municipality shall be permitted except upon the findings by the governing body or its designated agency, following a public hearing thereon pursuant to public notice called and held in accordance with the provisions of the "Pennsylvania Municipalities Planning Code". These findings must indicate that the changes are consistent with the efficient development and preservation of the entire planned commercial and industrial development, do not adversely affect the enjoyment of land abutting across the street from the planned commercial and industrial development or the public interest and are not granted solely to confer a special benefit upon any person.

G. Release of Rights:

1. Residents of the Planned Economic Development may, to the extent and in the manner expressly authorized by the provisions of the development plan, modify, remove or release rights to enforce the provisions of the development plan, but no such action shall affect the right of the municipality to enforce the provisions of the development plan in accordance with the provisions of this section.
2. No release of rights shall accommodate the Planned Economic Development where the Planned Economic Development has been constructed as an entity and not subject to the North Huntingdon Township Subdivision Ordinance. Should this type of construction be found faulty and in need of change, it shall be the responsibility of the Planned Economic Development residents and/or the Planned Economic Development owner to rectify any faulty construction and the Township of North Huntingdon shall not be held responsible.

H. Penalties :

Any person, partnership or corporation, who or which has violated the Planned Economic Development provisions of this ordinance or prior township ordinances shall, upon being found liable therefor in a civil enforcement proceeding commenced by a municipality, be subject to the penalties and provisions of Article 9, Section 915 of this ordinance.

I. Compliance with other Ordinances

1. Except where specifically exempted by this Ordinance; or by formal action of the Board of Commissioners, a planned economic development shall comply with all other standards and requirements of the North Huntingdon Township Zoning Ordinance (#765), the North Huntingdon Township Subdivision and Land Development Ordinance (#1011) and all ordinances cross-referenced in those ordinances including all Appendices thereto. The Board may approve modifications or changes in such standards subject to the waiver or modification provisions of the Subdivision and Land Development Ordinance, where the applicant can demonstrate that a modification is consistent with the purposes of this ordinance and is to accommodate innovative site design.

J. Completion Guarantees

The Board of Commissioners shall, as a condition to any tentative or final approval, require that the applicant file a certificate of completion of improvements, approved as to form by the Township Solicitor, for all conditions imposed on a tentative or final approval. The Board of Commissioners shall also require any applicant to execute a developer's agreement, approved as to form by the Township Solicitor, which shall state all conditions and improvements which the applicant shall perform as part of a conditional approval. In either case, the Board of Commissioners shall require financial security for the improvements by the applicant in a form approved by the Township Solicitor and pursuant to provisions of Section 509 of the Pennsylvania Municipalities Code, conditioned upon the completion of all required improvements and fulfillment of all conditions of approval.

#### **Section 4: PEDD Planning Areas**

A. Planning Areas. Development sites utilizing the PEDD 1 District are comprised of the following Planning Areas: Residential, Core Area, Commercial, Office and Redevelopment, which are defined by and subject to specific standards per the District designation as well as the general bulk standards of PEDD1 – Planning Areas. The types of land use categories permitted within each planning area are included in Section 7, Table 2 of this ordinance. The amount of square footage permitted for the permitted land use categories are listed in Section 7 of this ordinance.

##### **1. Residential Planning Area – (Type 2 and Type 1 PEDD-1 development sites over 50 acres)**

The Residential Planning area shall consist of a minimum of twenty (20%) percent and a maximum of fifty (50%) percent of the buildable area of the total development site and shall permit the development of a Planned Residential Development as a transition area per standards of Section 5 of this ordinance.

##### **2. Commercial Planning Area (Type 2 PEDD-1 development sites)**

- (a) The Commercial Planning Area shall consist at a maximum of the areas of land six (600) hundred feet from abutting parcels which are commercially or industrially zoned and the land area six (600) hundred feet from roadways classified as primary and secondary arterials.
- (b) Within the commercial planning area any cumulative build out that constitutes a shopping center, per ordinance #1033, shall be noted on the illustrative site plan; and shall be subject to the standards of that ordinance as part of the application process of the PEDD as well as any additional standards defined in this section, in which case the stricter of those standards shall apply.

##### **3. Core Planning Area (Type 2 PEDD-1 development sites)**

- (a) The core planning area consists of the land remaining after the designation of the aforementioned planning areas located in a Type 2 PEDD-1.
- (b) Large retail is not permitted in the core planning area, with the exception of the following uses: Hotels and Conference/Training Center

##### **4. Office Planning Area (Type 1)**

The office planning area consists of the entire development site for a Type 1 PEDD of less than fifty (50) acres, and that area other than the residential planning area for a Type 1 PEDD with fifty (50) acres or greater.

##### **5. Redevelopment Area (Type R)**

The redevelopment area comprises the entire development site of a Type R PEDD-1

#### **Section 5 : Development Standards for Residential Planning Area: Planned Residential Development**

A. An area of the development site for all Type 2 developments and Type 1 developments of fifty (50) acres or greater shall be designated as a Planned Residential Development (PRD) which shall encompass no less than twenty (20%) percent and no more than fifty (50%) of the total buildable area of the development site. Procedures for approval of the PRD shall follow requirements of Article VII of the Pennsylvania Municipalities Planning Code and Section 503.7 of the North Huntingdon Zoning Ordinance, unless specifically modified by this Ordinance. The area for the PRD shall be delineated as follows:

- (1) From all areas that are residentially zoned, a straight line of a minimum of one-hundred and fifty (150') feet shall be drawn from the property line of the residentially zoned property adjoining the development and connected at that point to delineate the minimum planned residential development area. (see Appendix B for example of delineation of PRD zone)
- (2) Should this area total less than the required minimum twenty (20%) percent of the total development site, additional area shall be added to satisfy this minimum standard. The minimum twenty (20%) percent area shall be contiguous.

B. Residential Planning Area Requirements for Contiguous PEDD Developments. In the event that a developer receives approval for a Type I PEDD of less than 50 acres and subsequently an application is filed for a Type 1 PEDD that is contiguous to that site and in combination with the previously approved Type 1 PEDD the total acreage would be fifty (50) acres or greater, the following requirements shall apply:

- (1) The developer of the second PEDD shall be required to include a residential planning area, per requirements of this section within the second PEDD I site being developed;
- (2) In meeting the requirements of this section, the minimum area for the residential planning area shall be determined by multiplying the total the sum of both development sites by twenty (20%) percent

C. The internal road system of a PRD shall be designed to assure that projected street use will be residential in nature and that traffic that does not have a destination within the PRD will not need to travel through the PRD site. Appropriate traffic calming measures shall be utilized to accomplish this objective;

D. A PRD shall be designed for safe and convenient pedestrian movement. Vehicular and pedestrian traffic shall be separated to the maximum extent possible;

E. A PRD is encouraged to contain a variety of dwelling unit types

F. Except as modified by this section, a PRD shall be in accordance with the design standards of the Subdivision and Land Development Ordinance of the Township including design and construction of streets, sidewalks (waiver provisions shall not be applicable), utilities, parking, landscaping and other site development standards.

G. The PRD shall include a minimum of twenty five (25%) percent of the total area designated as such in open space. There shall be provided within this twenty five (25%) percent open space, no less than four hundred (400) square feet of active recreation area for each dwelling unit contained in one-family, two-family, townhouses and not less than two hundred (200) square feet of active recreation for each dwelling unit contained in a multi-family apartment building. Such active recreation area shall be located in areas of access to a public road and linked to residents of the development via sidewalks or trails. The Township adopted Comprehensive Recreation and Open Space Plan shall be used as a guide to review active recreation areas. H. Provisions for the continued maintenance of all open space located within a PRD shall be made which are acceptable to the Township and which are in accordance with Section 705(f) of the Pennsylvania Municipalities Planning Code, as amended from time to time.

I. Permitted uses in a Planned Residential Development:

1. Single Family
2. Townhouse
3. Garden Apartment
4. Mid-Rise Apartment
5. High-Rise Apartment
6. Open Space
7. Parks and Recreation Facilities
8. Essential Services
9. Home Occupations, per Section #814 of the Zoning Ordinance
10. Accessory Uses to Above

J. Determination of Density of the Planned Residential Development:

- a. The density of the Planned Residential Development shall be determined according to the following formula:

Table 1

1. Determine the area of the land designated as Planned Residential Development
2. Determine the area of land designated ESA
3. Subtract Line 2 from Line 1
4. Determine the Zoning District(s) of the property underlying the development site and list the permitted base number of dwelling units permitted

(note: use the bonus density figure if 40% or more of the PRD site is designated as open space.

Adjoining Zoning	Base DU/Acre	Bonus Density (DU/ACRE)
R-1	6	7.2
R-1A	6	7.2
R-2	4	4.8
R-3	2	2.4
R-4	1	1.2
Other	6	7.2

5. Multiply line 3 by line 4 to determine base yield dwelling units for the PRD

**K. Rear and Side Setbacks and Buffer for Types of Residential Development located within the PRD**

The location of any structure as listed below, shall be located no closer to any property line zoned residential than the following schedule:

- |                           |  |
|---------------------------|--|
| 1. Single Family Dwelling | Rear Setback of the host zoning district of the PEDD   |
| 2. Townhouse              | Rear Setback of the host zoning district plus 35 feet  |
| 3. Garden Apartment       | Rear Setback of the host zoning district plus 50 feet  |
| 4. Mid-Rise Apartment     | Rear Setback of the host zoning district plus 75 feet  |
| 5. High Rise Apartment    | Rear Setback of the host zoning district plus 125 feet |

**L. Timing of Development of the PRD**

The developer shall deed or lot off the required percentage of residential land area for the Planned Residential Development at or before build-out of fifty (50%) percent of the non-residential area of the site. No final approval shall be granted for any non-residential portion of the development site until this requirement is met.

**Section 6: TIERS AND PHASING REQUIREMENTS FOR TYPE 2 PEDD-1 DEVELOPMENT SITES**

- A. In order to provide for the opportunity for a landowner to gain approval for a portion of the development as retail, prior to the development of other permitted uses, and to assure that the overall development is balanced in its implementation of phases, the following regulations shall apply. Nothing in this section shall preclude a developer from submitting final plans for the non-retail component of the development site prior to the submission of final plans for the allowed retail component.
- B. Report Requirements. Each year, based on the anniversary of the final approval, a report shall be filed by the developer with the Township Planning and Zoning Office showing that the structures as applied for in the first year or period (or subsequent year or period) are completed as approved. The purpose of such report is to verify that the approved plan is progressing with the conditions of approval. The Township shall allow no further construction until the first (or prior) year's application has been completed, according to the provisions of this section.

**C. TIER ONE:**

Within the first tier, the landowner shall be permitted to submit final plans consistent with tentative approval, provided that a maximum of thirty (30%) percent of the total approved square footage for the development, as determined by the provisions of this Ordinance, may be designated as retail development. This first tier of development may encompass one or more phases.

**D. TIER TWO**

In order to proceed for additional retail within the development beyond the thirty (30%) percent maximum allowed, the landowner shall be required to submit final plans that include an amount, equal to or greater than the retail component consisting of office development. Any portion of office development that was included during the first tier of development counts toward meeting this threshold requirement. This second tier of development may encompass one or more phases. Credit shall be given to the landowner for approval of final plans for the residential portion of the development site at the rate of one thousand five hundred (1,500) square feet for each dwelling unit approved in meeting the threshold requirement.

**E. TIER THREE:**

Once the amount of square footage, as approved by final plan, for office and retail development is at the equal (up to the thirty (30%) percent initial retail approval), the landowner may submit final plans that include up to fifty (50%) percent of the total approved square footage for the development designated as retail development. This third tier of development may encompass one or more phases.

**F. FINAL TIER**

1. In order to proceed for additional retail within the development beyond the fifty (50%) percent maximum allowed, the landowner shall be required to submit final plans that include an amount, equal to or greater than the retail component consisting of office development. Any portion of office development that was included during the first tier of development counts toward meeting this threshold requirement. Credit shall be given to the landowner for approval of final plans for the residential portion of the development site at the rate of one thousand five hundred (1,500) square feet for each dwelling unit approved in meeting the threshold requirement.
2. This final tier of development may encompass one or more phases. Once the landowner, through approval of final plans, has met the threshold where office development is equal to or greater to retail development, at the defined maximum, the landowner may complete the development site in one or additional phases with no limitation or control on the percentages of retail or office development per phase, except that the maximum amount of development, per type, shall be consistent with the square footage approved as part of tentative approval.

**G. MODIFICATIONS TO TIERS FOR TYPE 2 PEDD-1**

The landowner, as part of submission of final approval for any phase may seek a modification of the tier development requirements for retail development as described. Such a modification shall be considered a substantial revision, and shall be processed according to provisions of Section 4 (F) of this Ordinance. Such modification shall be granted only by findings of fact by the Board of Commissioners that the proposed modification to the retail development tier is in the public interest and not harmful to the public health, safety and welfare of the citizens of the Township. In granting such a modification findings of the Board shall be consistent with the following:

1. the modification sought provides no greater traffic impact than the capacity of level of service to roadways and intersections serving the development, or is accompanied by transportation improvements as part of that phase to address traffic concerns;
2. the modification is necessary to the successful implementation of the development project as demonstrated by the landowner that results in economic benefit to the Township;

**H. Development of Planned Residential Development (PRD) within Type 2 and Type 1 (with more than 50 acres) PEDD Districts**

The developer shall deed or lot off the required percentage of residential land area for the Planned Residential Development at or before build-out of 50% of the non-residential area of the site. No final approval shall be granted for any non-residential portion of the development site until this requirement is met.

**Section 7: Permitted and Conditional Uses within the PEDD-1 District and Determination of Permitted Building Areas**

A. The tables contained in this section listed uses that are permitted within development sites and the various planning areas of the different types of permitted PEDD districts. This Ordinance in Table 1-A utilizes the North American Industrial Classification System, adopted by the federal government in 1997, as published by the Office of Management and Budget, to define permitted uses, and shall be interpreted as follows:

1. The interpretation of each industry's classification is based on the principal use of its establishment or physical location.
2. Only the sectors listed in Table 1-A constitute permitted uses, (unless otherwise listed as conditional uses) inclusive of their subsectors.
3. Where uses permitted within Table 1-A conflict with other provisions of this or any Township ordinance, the stricter standards and processes shall apply.
4. The codes within the proceeding tables are defined by the following:
  - C- Core Uses (Office, Manufacturing, and Public Uses)
  - R- Retail Oriented Uses
  - P - Permitted Use by Right
  - CU -Conditional Use – (Permitted in all Planning Areas as Conditional Use)

**Table 1-A.**  
**PERMITTED ACTIVITIES IN PEDD 1 PLANNING AREAS (PRD Uses listed in Section 5)**

NAICS CODE	ACTIVITY	USE CATEGORY
323	Printing and Related Support Activities	C
334	Computer and Electronic Product Manufacturing	C
4413	Automotive Parts, Accessories, and Tire Stores (uses of this type that include the servicing of vehicles are only permitted in the Commercial Planning Area of a Type 2 PEDD-1 development)	R
442	Furniture and Home Furnishings Stores	R
443	Electronics and Appliance Stores	R
444	Building Material and Garden Equipment and Supplies Dealers	R
445	Food and Beverage Stores	R
446	Health and Personal Care Stores	R
448	Clothing and Clothing Accessories Stores	R
451	Sporting Goods, Hobby, Book, and Music Stores	R
452	General Merchandise Stores	R
453	Miscellaneous Store Retailers except Manufactured (Mobile) Home Dealers	R
51	Information	C
52	Finance and Insurance	C
531120	Lessors of Nonresidential Buildings	C
54	Professional, Scientific, and Technical Services	C
551	Management of Companies and Enterprises	C
561	Administrative and Support Services	C
61	Educational Services	C
6111	Elementary and Secondary Schools	C

6112 Junior Colleges	C
6113 Colleges, Universities, and Professional Schools	C
6114 Business Schools and Computer and Management Training	C
6115 Technical and Trade Schools	C
611511 Cosmetology and Barber Schools	C
611519 Other Technical and Trade Schools	C
6116 Other Schools and Instruction	C
62 Health Care and Social Assistance	CC
712 Museums, Historical Sites, and Similar Institutions	C
71391 Golf Courses and Country Clubs	R
71394 Fitness and Recreational Sports Centers	R
71395 Bowling Centers	R
72111 Hotels (except Casino Hotels) and Motels	R
721191 Bed-and-Breakfast Inns	R
722 Food Services and Drinking Places	R
8111 Automotive Repair and Maintenance uses of this type that include the servicing of vehicles are only permitted in the Commercial Planning Area of a Type 2 PEDD-1 development)	R
8112 Electronic and Precision Equipment Repair and Maintenance	R
812 Personal and Laundry Services	C
813 Religious, Grantmaking, Civic, Professional, and Similar Organizations	C
92 Public Administration except Correctional Institutions	C

B. Conditional Uses within the PEDD District:

All uses classified under NAICS sectors 31-33, 44-45, and 51-92 and not listed in Table 1-A as permitted uses shall be classified as conditional uses, per Section 906 of the Zoning Ordinance and shall subject to the performance standards in of this Ordinance. It shall be the burden of the applicant to demonstrate the compliance of the proposed use with the performance standards of the preceding section.

Table 1-B:

The purpose of Table 1-B is to list uses that are not specifically classified by NAICS category or classified by use category, but are either permitted uses by right or conditional uses in all planning areas of the PEDD.

**USES PERMITTED BY RIGHT OR CONDITIONAL USE IN ALL PLANNING  
AREAS (Planned Residential Development uses listed in Section 5)**

ACTIVITY	Type of Use
Townhouse	P
Garden Apartment	P
Mid-Rise Apartment	P
High Rise Apartment	P
Mineral Removal	CU
Outdoor Recreation/Public Park	P
Essential Services	P
Open Space	P
Telecommunications Tower (per Ordinance # 927 and #936)	CU
Agriculture	P
Forestry	P
Accessory Uses to any Permitted Use	P
Transit Terminals and Rights of Way	P
Parking Garages and Park and Ride Facilities	P

Table 2 – Uses by Planning Areas

The type of land use categories permitted within each planning area for the various types of PEDD-1 development sites, and the extent to which they are permitted are listed in the table and sections below:

Table 2

Planning Area	Mixed Use Building	Large Retail	Small Retail	Ancillary Retail	Residential	C Use Categories
Residential Planning Area (Type 2 and Type 1 with >50 acres)					As PRD per Section	
Core Planning Area (Type 2)	P		P	P	P (max 6 du/acre)	P
Commercial Planning Area (Type 2)	P	P	P	P	P (max 6 du/acre)	P
Office Planning Area (Type 1 with less than 50 acres)	P		P, in mixed use buildings	P	P (max 6 du/acre)	P
Office Planning Area (type 1 with 50 acres or more)	P		P	P	P (max 6 du/acre)	P
Redevelopment Planning Area	P	P	P	P	P (max 6 du/acre)	P

C. Calculation Formulas for Allowable Floor Area permitted by Land Use Categories for the various types of PEDD districts

1. Type 1 (< 50 acres)

The total maximum allowable non-residential floor area an applicant may propose for a PEDD-1 (Type 1 with less than 50 acres) shall be calculated according to the table below:

**TABLE 3 – CALCULATION OF NON-RESIDENTIAL FLOOR AREA FOR A TYPE 1 PEDD-1 (less than 50 acres) DEVELOPMENT SITE**

1. Total Area of the Site (acres)	
2. Acreage of the Site Devoted to New Streets and Stormwater Detention Facilities	
3. Minimum Acreage for Open Space Area (25% times line 1)	
4. Environmentally Sensitive Area (amount Line above 3 in acres)	
5. Net Area of the Site (acres)(Line 1 minus the sum of Lines 2, 3, and 4)	
6. Square Footage Conversion (Line 6 times 43,560)	
7. Floor Area Ratio	.60
8. Total Square footage permitted on site(line 8 times line 7)	

9. Permitted Ancillary Retail Percentage Square Footage	.15
10. Total Square Footage Permitted as Ancillary Retail (Line 8 times Line 7)	_____
11. Total Square Footage Permitted as Non-Retail (Line 1 minus Line 10)	_____

(c) The maximum total amount of permitted ancillary gross square footage, as indicated in Table 3, line 10, may be increased up to a maximum of thirty (30%) of line 8 of Table 3, provided that the additional square footage is located in a mixed use building that includes a minimum of twenty five (25%) percent of its total floor area for residential use. Small retail shall also be permitted in a mixed use building with the above required residential component

(d) Residential Development Bonus: Developers that submit plans that include a minimum of twenty (20%) of the total site area devoted for residential development (including mixed use buildings) shall be permitted to apply a higher floor area ratio standard within Table 3, Line 7. The floor area ratio standard would be sixty-five (.65) hundredths in this case.

2. Type 1 PEDD (50 acres or more)

The total maximum allowable non-residential floor area an applicant may propose for a PEDD-1 (Type 1 with 50 acres or greater) is as follows:

**TABLE 4 – CALCULATION OF NON-RESIDENTIAL FLOOR AREA FOR A TYPE 1 PEDD-1 (greater than 50 acres) DEVELOPMENT SITE**

1. Total Area of the Site (acres)	_____
2. Acreage of the Site Devoted to New Streets and Stormwater Detention Facilities	_____
3. Minimum Acreage for Open Space Area (25% times line 1)	_____
4. Environmentally Sensitive Area (amount Line above 3 in acres)	_____
5. Minimum Acres for Planned Residential Development (Line 1 times 20%)	_____
7. Net Area of the Site (acres)(Line 1 minus the sum of Lines 2, 3, 4 and 5)	_____
8. Square Footage Conversion (Line 6 times 43,560)	_____
8. Floor Area Ratio	.60
9. Total non-residential Square footage permitted on site (line 8 times line 7)	_____
10. Permitted Ancillary and Small Retail Percentage	.15
11. Total Square Footage Permitted as Ancillary and Small Retail (Line 8 times Line 7)	_____
12. Total Square Footage Permitted as Non-Retail (not including PRD area) (Line 1 minus Line 11)	_____

(a) The maximum total amount of permitted ancillary and small retail gross square footage, as indicated in Table 3, line 10, may be increased up to a maximum of thirty (30%) of line 9 of Table 4, provided that the additional square footage is located in a mixed use building that includes a minimum of twenty five (25%) percent of its total floor area for residential use.

4. Type 2 PEDD .

The total maximum allowable non-residential floor area an applicant may propose for a PEDD1 (Type 2) in tentative approval shall be calculated according to the table below:

**TABLE 5 – CALCULATION OF NON-RESIDENTIAL FLOOR AREA FOR A TYPE 2 PEDD-1 DEVELOPMENT SITE**

1. Total Area of the Site (acres)	
2. Acreage of the Site Devoted to New Streets and Stormwater Detention Facilities	
3. Minimum Acreage for Open Space Area (25% times line 1)	
4. Environmentally Sensitive Area (amount Line above 3 in acres)	
5. Minimum Acres for Planned Residential Development (Line 1 times 20%)	
6. Net Area of the Site (acres)(Line 1 minus the sum of Lines 2, 3, 4 and 5)	
7. Square Footage Conversion (Line 6 times 43,560)	
8. Floor Area Ratio	.60
9. Total non-residential Square footage permitted on site (line 8 times line 7)	
10. Permitted Retail Percentage	.25
11. Total Square Footage Permitted as Retail (Line 8 times Line 7)	
12. Permitted Large Retail Percentage	.35
13. Total Square Footage Permitted as Large Retail (Line 10 times Line 9)	
14. Total Square Footage Permitted as Non-Retail (not including PRD area) (Line 1 minus Line 10)	

- (a) Under the provisions of this Ordinance large retail calculated in Table 5, line 12 shall only permitted to be located in the Commercial Planning Area.
- (b) Retail bonus in mixed use buildings: For the purpose of encouraging mixed-use development within buildings, any retail located in a mixed use building that has a minimum of twenty five (25%) percent of its gross floor area devoted to residential use, is not counted against the total amount of retail permitted within the site as calculated in Table 5, line 10.
- (c) Hotels and Conference Centers are permitted to be located in the Core Planning Area. The limitation in terms of gross floor footage for individual retail uses in the core planning area does not apply to these uses.

4. Type R PEDD

The total maximum allowable non-residential floor area an applicant may propose for a PEDD1 (Type 2) in tentative approval shall be calculated according to the table below:

**TABLE 6 – CALCULATION OF NON-RESIDENTIAL FLOOR AREA FOR A TYPE R PEDD-1 DEVELOPMENT SITE**

1. Total Area of the Site (acres)	_____
2. Acreage of the Site Devoted to New Streets and Stormwater Detention Facilities	_____
3. Minimum Acreage for Landscaping (20% times line 1)	_____
4. Environmentally Sensitive Area (amount Line above 3 in acres)	_____
5. Net Area of the Site (acres)(Line 1 minus the sum of Lines 2, 3, and 4)	_____
6. Square Footage Conversion (Line 6 times 43,560)	_____
7. Floor Area Ratio	.50
8. Total Square footage permitted on site (line 8 times line 7)	_____

(b) Floor Area Ratio Bonus: The FAR is increased to .60, provided that a minimum of twenty five (25%) percent of the total uses located within the PEDD, Type R, as part of the Tentative Approval, are categorized as "C" categories, according to Table 1.

**Section 8: Development Standards**

It is the intent of these regulations to allow flexibility in the intensity of various uses, in the size of structures, and in the arrangement of structures and on their sites in accordance with the requirements outlined hereunder. The allowable overall intensity of development within the PEDD-1 shall be established at the time of Tentative Approval, in accordance with the following provisions:

A. Lot Sizes: No minimum

B. Setbacks for all yards:

1. Five (5) feet minimum, Thirty (30) feet when abutting an existing public rights-of-way or a boulevard.
2. Thirty (30) feet minimum separation between buildings.
3. Zero lot lines are permitted when structures are deeded separately and possess party walls.
4. The above stated minimum setback shall increase by one foot for every foot above three stories.
5. Fifty (50) feet maximum for all frontyards.
6. Buildings, which are part of shopping centers, shall be setback a minimum of one hundred and fifty (150) feet from the boundary of adjacent residentially zoned properties

C. Maximum Coverage by Building Areas: Fifty (50%) percent in all non-residential building areas.

D: Height

Maximum Building Height: Five Stories or sixty (60) Feet, whichever is less.

E. Off-Street Parking Requirements

1. It is the intent of these requirements to ensure that a sufficient number of off street parking spaces are provided for each use in the district to accommodate the vehicles of employees, residents, visitors, customers, clients or other people who may be present on the site at any one time. It is also the intent of these requirements to discourage excessive and unnecessary parking and to thus reduce the area of impervious surface coverage.
2. The requirements listed hereunder shall be minimal requirements.
3. Parking Requirements in PEDD Districts are subject to the requirements of Section 820 of the Zoning Ordinance with the exceptions of Section 820.5 and 820.6.
4. Maximum Provision of Parking Spaces. The maximum amount allowed per use shall be equal to 125% of the minimum requirements as outlined in Table 3.
5. Any expansion in floor area, employment, dwelling units, or other index which is the basis for calculation of required parking subsequent to the initial use or occupancy shall require the provision of additional parking.
6. The Planning Commission may recommend and the Board of Commissioners may approve departures from the parking requirements of this Ordinance and the applicable sections of the Zoning Ordinance if the applicant provides acceptable evidence that an alternative standard will achieve the intent of this ordinance more closely than the standards listed below.

Table 1 . Minimum Parking Requirements.

Use	Minimum Requirements
Office	1/300 gross square feet
Retail	1/200 gross square feet
Restaurant	1/100 gross square feet or one per 3 seats, whichever is greater.
Assembly	One per each person for 25% of the estimated seating capacity.
Production	1/500 gross square feet
Schools	One per 10 students
Hotels	One per Room, and one per employee on peak shift.
Hospitals	One per every three beds and one per employee on peak shift.

7. The Zoning Officer shall interpret the minimum and maximum parking requirements based on Table 3. In the event that a proposed use cannot be entirely classified into one of the categories in Table 3, the Zoning Officer shall interpret minimum and maximum requirements based on similarities of the uses or parts of the proposed uses to those listed above. For example, significant office uses, which are in and of themselves principal uses, may be located within a production area. Each requirement then, would be calculated based on the use listed in Table 3, which applies. The Zoning Officer shall forward the interpretation and recommendation to the Planning Commission, which shall evaluate the recommendation.

#### F. Off-Street Loading Requirements

1. The provision of off-street loading shall comply with Section 819 of the Zoning Ordinance, except that the Planning Commission may recommend to the Board of Commissioners that this requirement be waived if the applicant presents evidence that the uses to be located within the structure would not require said space. The waiver shall be approved with the condition that all future changes of use shall be brought before the Planning Commission and the Board as a land development through Ordinance #1011, Subdivision and Land Development Ordinance.

#### G. Bufferyards

1. Bufferyards. A variety of land uses are permitted in the various types of PEDD-1 districts within the designated planning areas. Where there are different types of planning areas abutting each other, they shall be separated by landscaped bufferyards according to the following standards, for the various types of PEDD-1 districts. The provisions of this section may be modified by the Board upon

1. It is the intent of these requirements to ensure that a sufficient number of off street parking spaces are provided for each use in the district to accommodate the vehicles of employees, residents, visitors, customers, clients or other people who may be present on the site at any one time. It is also the intent of these requirements to discourage excessive and unnecessary parking and to thus reduce the area of impervious surface coverage.
2. The requirements listed hereunder shall be minimal requirements.
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5. Any expansion in floor area, employment, dwelling units, or other index which is the basis for calculation of required parking subsequent to the initial use or occupancy shall require the provision of additional parking.
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Assembly	One per each person for 25% of the estimated seating capacity.
Production	1/500 gross square feet
Schools	One per 10 students
Hotels	One per Room, and one per employee on peak shift.
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#### G. Bufferyards

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recommendation of the Planning Commission in the event that natural topography serves the same purpose of separating potentially conflicting land uses.

2. Bufferyards Types and Specifications

- (a) Bufferyard A: Forty (40) Feet
- (b) Bufferyard B: Thirty (30) Feet
- (c) Bufferyard C: Twenty (20) Feet

3. Each required Bufferyard shall provide landscaping at one of the following ratios for every thousand (1,000) square feet of buffer area required:

(a.) Fifty (50) low level plantings, Two (2) Ornamental Trees

(b.) Fifty (50) low level plantings, one (1) high level tree.

(c.) Variations and substitutions of the above shall be acceptable providing they meet the following ratios:

- (1) One (1) high level tree is equal to two (2) ornamental plantings.
- (2) One (1) high level planting is equal to twenty (25) low level Plantings.
- (3) One (1) ornamental planting is equal to ten (10) low level plantings

4. Bufferyard Tables

(a) Required Bufferyards for PEDD, Type 1: (less than 50 acres)

	Existing Right of Way	Adjoining Residential	Adjoining Non-Residential
Office Planning Area	B	A	C

(b) Required Bufferyards for PEDD, Type 1: (50 acres or more )

	Existing Right of Way	Residential Planning Area	Adjoining Non-Residential
Office Planning Area	B	B	C
Residential Planning Area	B	--	A

(c) Required Bufferyards for PEDD, Type 2:

	Existing Right of Way	Residential Planning Area	Adjoining Non-Residential
Core Planning Area	B	B	C
Commercial Planning Area	B	A	C
Residential Planning Area	B	---	A

(d) Required Bufferyards for PEDD, Type R:

	Existing Right of Way	Adjoining Residential	Adjoining Non-Residential
Revitalization Planning Area	B	A	C

5. Standards for all Bufferyards:

- (a) No structures or uses, including but not limited to buildings, accessory structures, parking spaces, and curbs shall be permitted within any bufferyard. Access drives and lighting devices may be located in any required bufferyard except that access drives and signs may be located in the bufferyard intersecting the main access point to the PEDD, if otherwise in accordance with applicable setback requirements.
- (b) Any existing trees within the required bufferyard which are a minimum of four (4) inches in diameter at a point three (3) feet above the ground shall be preserved and shall count as a required tree within the bufferyard. At no point, however, shall any existing trees and required trees be separated at a distance greater than the distances specified in the required bufferyard.
- (c) Bufferyards shall be provided and improved by the developer when construction or uses are initiated and shall be completed prior to issuance of occupancy permit for any use.
- (d) It shall be the responsibility of the owner to insure the continued growth of all required landscaping located within a bufferyard and/or to replace the same in the event of freezing or drought, vandalism, disease or other reasons for the discontinued growth of the required trees and shrubs.

6. In addition to the requirements of this section, a row of low-level evergreen shrubs or hedges or earthen mounding shall be installed or constructed in the bufferyard. These aforementioned requirements shall provide a year round visual screen. Hedges or shrubs shall be at least three feet in height at planting. Earthen moulding shall be at least four (4) feet in height. Planning Commission may recommend alternative minimum or maximum height requirements as long as the visual barrier suffices to block direct light from vehicles and equipment circulating through the adjacent use.

#### H. Landscaping Standards in addition to Bufferyards.

- 1. Each improved lot shall comply with the standards of this section. Typicals and details of required landscaping are located in Appendix D of this Ordinance
- 2. In addition to requirements in required bufferyards, landscaping shall be required within the development site according the following standards and requirements. Planting located in required bufferyards, cannot be substituted for any required planting mandated by this section.

#### 3. Parking Lot Areas:

Interior landscape islands shall be provided in the parking area at a minimum of ten (10) feet wide with a total area of at least one hundred eighty (180) square feet. One (1) internal landscape island shall be provided for every twenty (20) parking spaces. Each landscape island shall provide at least one deciduous tree on that island. No more than twenty (20) parking spaces shall be provided in an unbroken row without the provision of interior landscape islands. Alternative design of landscape islands may be proposed by the developer that accomplish the similar objectives as above.

#### 4. Service structures.

All service structures shall be fully screened. For the purposes of this subsection, service structures shall include propane tanks, dumpsters, air conditioning units and condensers, electrical transformers and other equipment or elements providing service to a building or a site. Location of screening. A continuous planting, hedge, fence, wall or earth mound shall enclose any service structure on all sides unless such structure must be frequently moved, in which case screening on all but one (1) side is required. The average height of the screening material shall be one (1) foot more than the height of the enclosed structure, but shall not be required to exceed eight (8) feet in height.

#### 5. Perimeter Landscaping: Landscaping around the perimeter of buildings, walkways, , and plazas shall be provided at the following rates:

- (a) Trees shall be required along all new streets according to the provisions of Section 8 N of this ordinance.

(b) A mixture of high level planting, ornamental trees and low level landscaping. All high level planting and ornamental trees shall be interspersed with low level landscaping

6. Landscaping Requirements for Type R PEDD development sites.

No less than twenty (20%) of the total development site shall be landscaped according to the provisions and specifications of this ordinance and those of Section 516.4 of Ordinance #1011, Subdivision and Land Development Ordinance.

I. Performance Standards for Uses. All permitted uses shall comply with the following standards.

1. Activities resulting from production or manufacturing within a structure shall not be audible outside of the structure.
2. Deliveries and shipments using vehicles greater than one ton shall be limited to ten trips per day.
3. No loading shall take place on public rights-of-way.
4. A use shall not produce toxins as a result of the production process, which are stored, released on, or shipped off site.
5. Any equipment used in the production process shall not be visible or apparent from the exterior of any building.
6. Emissions of smoke or exhaust resulting from any production process are prohibited.
7. In consideration of the above statements and of the District's statements of purpose, all uses shall be compatible with the general purposes of the District and have an impact which is not detrimental to the property value and daily functioning of surrounding uses both within and adjacent to the District.

J. Mixed Use Building Standards

1. The following are performance standards, which shall define the classification of a structure as a Mixed Use Building.
  - (a) The building shall have at least two stories.
  - (b) Each 50 foot section of a building's perimeter shall possess at least one entrance. At least two adjoining sides of the building shall be designed in this manner.
  - (c) Sidewalks shall be located around the perimeter of the building and shall be integrated with adjoining pedestrian corridors.
  - (d) Retail components of the building shall constitute no more than 50% of the gross floor area of the building. Retail activity accessory to approved office uses are not counted toward the total amount of retail activity permitted on the site according to the formula contained in Section 7 of this ordinance.
  - (e) No drive-through facilities shall be located within a mixed use building.
  - (f) Mixed use buildings must include a minimum of twenty-five (25%) percent of its gross floor area as residential use in order to be eligible for increases in the retail allocation within the development site, per Section 7 (C) of this ordinance.

K. Signs

1. All provisions of Section 8 in Ordinance #1033 Shopping Center Ordinance, shall apply to signage within the Commercial Planning Area.
2. All provisions of Section 8 in Ordinance #1033 Shopping Center Ordinance shall apply to signage within the Mixed Use Core Area with the following standards superceding any conflicting statements within the aforementioned section.
  - (a) The size of freestanding signs is limited to 20 square feet.
  - (b) The height of freestanding signs is limited to eight feet. (The copy area of the sign may extend to the ground level.)
  - (c) Wall Signs shall be located only on the wall area housing the first story of a principal structure.

3. The applicant shall submit an illustrative sign plan detailing a common scheme of signs to be erected within the PEDD1 with the application for Final Approval. Although, the precise location of all signs may not be anticipated, the applicant shall present details of common color and material schemes, along with covenants enforcing the proposed provisions, to be approved by the Planning Commission.

L. Lighting

1. Illumination shall not exceed one (1) foot-candle at all property boundaries. The one (1) foot-candle illumination shall be measured horizontally on the ground surface and vertically at a five (5') foot height at the property lines.
2. All parking areas and sidewalks shall be suitably illuminated for night use.

M. Open Space, Environmental Protection and Development Areas

1. In order to protect areas identified as environmentally sensitive and provide for the open areas of land that complement the areas of the development site occupied by structures, a minimum of twenty-five (25%) of the total development site shall be required to be designated as open space, according to the standards and requirements included in this section. The standards established under this ordinance have been done to support the natural resource conservation and environmental protection objectives of the Township Comprehensive Plan, while accommodating new growth and development. The purposes of these standards are:

- (a) To allow for flexibility in lot design which directs buildings, site disturbance and activities to the most suitable locations with respect to the natural conditions of the development site.
  - (b) To protect, as much as practicable, unique features of the Township, such as aquifers, water bodies, floodplains, wetlands, and steep slopes from disturbance.
  - (c) To minimize visual impact upon the scenic character of the Township by fitting new construction harmoniously into the natural landscape, and;
  - (d) To provide an opportunity for creative, varied and environmentally sensitive and economical development within the PEDD-1 district.

2. Areas to be included as Open Space: The minimum requirements for open space within the development site shall be comprised of all environmentally sensitive areas plus any percentage of secondary environmentally sensitive areas, plazas and passive recreation areas to meet the minimum required open space.

3. In order to determine those areas that are to be included within the required open space, the applicant shall submit an existing resources/site analysis plan of the development site which shall identify elements of the natural landscape, including those features of environmental, historic, or scenic value, including, but not limited to the following:

- (a) Wetlands\*
    - (b) 100 Year Flood Plain\*
    - (c) Slopes of 25% or Greater\*
    - (d) Slopes of 15% to 24%\*\*
    - (e) Mature Woodlands\*\*
    - (f) Active Agricultural Areas\*\*
    - (g) Any historic, archeological, and cultural features (i.e., old structures, ruins, stone walls, burial grounds, etc.)\*\*
    - (h) Significant views into and out of the site\*\*
    - (i) Drainageways and other bodies of water\*\*

\* Environmentally Sensitive Areas

\*\* Secondary Environmentally Sensitive Areas

4. Environmentally Sensitive Areas: The environmentally sensitive areas on the site are those lands that display extremely sensitive environmental constraints. These areas are to remain undeveloped and preserved in the district's open space. All buildable land within the development site will be those areas not limited by the basic constraints of the environmentally sensitive areas.

5. Secondary Environmentally Sensitive Areas. The secondary environmentally sensitive areas are those lands having features of lesser environmental sensitivity as the environmentally sensitive areas. These areas may be developed on a limited basis, but are preferred to be preserved as part of the open space. The features included within these areas are: Listed in Section 8 (M) (3) of this ordinance.

6. Passive Recreation Areas: Functional open spaces required by this ordinance to serve the needs of the residents of the district, which shall include plazas, trails, vistas, bikeways, and natural habitat protection areas.

7. The calculation of open space shall specifically not include streets, parking areas, rights-of-way, detention ponds, access roads to detention ponds or required bufferyards.

8. Effect of Open Space Areas on Building Site Location.

(a) In the planning for the development of the site, as environmentally sensitive areas and secondary environmentally sensitive areas shall be identified along with areas that have limited environmental restrictions. The locations of building sites shall primarily be in areas with limited environmental restrictions, with limited intrusion into secondary environmentally sensitive areas, and in no case be shall buildings be located within environmentally sensitive areas. Passive recreation areas shall also be integrated into the development site to serve their appropriate functional purposes.

(b) Building sites shall be located within the development areas in a manner that maximizes the number of buildings enjoying direct views and access to the district's open space lands. When siting the buildings within the district, consideration shall be made to minimize the visibility of the buildings from points outside the district by means of utilizing topography and other natural features that may be present on the site. To accomplish these objectives, the following standards shall be utilized:

- (1) Buildings shall be clustered within the development site
- (2) Care should be taken not to locate buildings within secondary environmentally sensitive areas. It shall be the burden of the applicant to demonstrate the need to develop within the secondary environmentally sensitive area.
- (3) Buildings shall be located around passive recreation areas, particularly required plazas

9. Design Guidelines for Environmentally Sensitive Areas

(a) Consistent with the intent of the district, and to maximize the amount of undisturbed open space, the Board shall ensure that this disturbance of the environmentally sensitive areas is kept to the absolute minimum necessary, according to the following standards:

- (1) The environmentally sensitive areas may only be disturbed when the disturbance is necessary for the placement of the logical access and roadway network, stormwater detention facilities, utility lines, utility structures, and walking and bikeway networks.
- (2) Removal of dead or diseased trees is permitted within the environmentally sensitive area
- (3) The following disturbances may occur on up to fifty (50%) percent of the Environmentally Sensitive Areas. The Township desires to preserve at least one half of these areas in a purely natural state.
  - [a]Removal of trees less than four (4) inches in caliper at the breast height.
  - [b]Trimming of vegetation and underbrush.

(4) Fragmentation of the environmentally sensitive areas and secondary environmentally sensitive areas shall be minimized so that these areas are not divided into numerous small parcels located within the various parts of the development site.

(5) Open space areas with sensitive environmental features, shall be designed as part of larger continuous and integrated open space systems, including resource protection, passive recreation areas and trails and pedestrian networks.

#### 10. Passive Recreation Areas within the Development Site

As part of the required twenty five (25%) percent open space, Type 1 and Type 2 PEDD development sites shall include passive recreation areas, as described below:

##### (a) Type 1 Development Sites:

Plazas shall be included in the office planning area, the cumulative total of which, equals one (1) acre of plaza for every five hundred thousand (500,000) square feet of gross floor area constructed, with a minimum of one (1) acre for sites with less than 500,000 feet of gross floor area..

##### (b) Type 2 Development Sites:

Plazas shall be included in the core planning area and commercial planning areas, the cumulative of which, equals one (1) acre for every five hundred thousand (500,000) square feet of gross floor area constructed within the, with minimum of one (1) acre for sites with less than five hundred thousand (500,000) feet of gross floor area. A minimum of twenty five (25%) of the total required plaza area or one-half acre, whichever is greater, shall be located within the commercial planning area.

(1) The minimum acreage for plazas may be provided as one Plaza or in multiple Plazas, provided that the no plaza is less than seven thousand five hundred (7,500) square feet.

(2) The plazas shall serve the purpose for areas of congregation and recreation as a developed public space designed to be integrated with the various uses on the development site. The plazas may include features such as green spaces, lakes, fountains, sitting areas and gazebos. Plazas of one (1) acre or larger may include active recreation areas such as court games.

(3) Sidewalks shall be installed within the plaza and shall provide for the following:

(a) The safe movement of pedestrians from all buildings surrounding the plaza to other both other buildings surrounding the plaza and to points on the opposite side of the Plaza.

(b) A design which creates a central focus through the intersection of one or more sidewalks of the Plaza's central point.

(c) Internal sidewalks and the perimeter shall be landscaped per the standards H (5) of this section, Perimeter Landscaping.

(4) Lighting. The plaza shall provide lighting in accordance with Section (L) , Lighting Standards.

(5) The Plaza shall be fronted upon by at least two separate principal structures.

#### 11. Open Space Dedication, Maintenance, and Preservation. Any Land classified as Open Space is subject to the fulfillment of the following requirements, which shall constitute conditions of final approval for respective phases:

(a) The open space shall be dedicated or otherwise preserved and maintained so as to always remain open to the public. The open space, including all facilities and improvements, shall be offered for dedication for public use to a public body which agrees to accept, operate and maintain the dedicated lands and facilities. However, if the public body elects not to accept the dedicated land, and appropriate maintenance or

ownership mechanism must be in place prior to the final plan approval or prior to final plan approval for Phase I, if the project is developed in phases. The applicant/developer must provide for and establish for the ownership and maintenance of open space and that such organization shall not be dissolved nor shall it dispose of the open space by sale or otherwise (except to a successor organization conceived and established to own and maintain the open space),, without first offering to dedicate the same to the public.

(b) Covenants restricting the use and activities of the Open Space. Covenants shall require the preservation of Environmentally Sensitive Areas per requirements of this section (e) below and shall be noted on the deeds of all properties dedicated as Open Space and noting the Township as a party to the enforcement of the covenants.

(c) An association agreement which details maintenance of the approved landscaping, sidewalks, and other amenities noted on the final plan. Said agreement shall include, as members, property owners within the Planning Area of which the Open Space is a part. The agreement shall also note the right of the Township to enter upon and maintain the property per Section 704(f) of the Pennsylvania Municipalities Planning Code, and to assess the members of the Association for the costs of such maintenance.

(d) Land consisting of Environmentally Sensitive Area and Secondary Environmentally Sensitive Areas, which the developer may choose to preserve as such, shall comply with the provisions of the preceding section or may be classified as a conservation easement on the Final Plan. Said easement shall grant the Township the right of access over the easement and enforcement of the conservation elements of the easement

#### N. Traffic Circulation

1. The road system providing access to the development site shall be capable of handling the existing traffic and that traffic generated by the development at a minimum PA DOT level of service "C" as approved by the Township and PA DOT. The approving authorities may require mitigation of traffic impacts of the proposed development or reduction of development intensity to achieve acceptable levels of service on access roadways within the site and immediately adjacent to the site, but applicant shall not be responsible for correcting existing deficiencies. Such determinations shall be made by PENN DOT in accord with required traffic studies and reports of this Ordinance and those required specifically by PENN DOT.
2. Ingress and egress for the site shall be designed so as not to constrict the flow of traffic on the public road.
3. No approval shall be granted without permit approval from applicable state or county transportation agencies.
4. Traffic circulation shall not adversely impact neighboring residential streets such that their classification may require their designation as a collector street.
5. Traffic through existing residential neighborhoods, generated by non-residential portions of the PEDD, is to be discouraged

#### 6. Street Design and Traffic Control Standards

Within the applicable PEDD-1 development sites, the following street standards shall apply in addition to those outlined in Article 4 of the Subdivision and Land Development Ordinance, where applicable. The standards are selected which are sufficient for the anticipated traffic volumes to maintain the required level of service as determined by the Traffic Impact Study required to be submitted in the Tentative Approval application.

(a) Boulevard. (Applicable to Type 2 PEDD-1 and Type 1 PEDD-1 of 50 acres or greater) The main street entering a PEDD that leads to the Core Area shall be of a boulevard design, as shown in Appendix C and designed according to the following standards.

- (1) Typical Boulevard: A boulevard is a collector street which conveys traffic without generating cross traffic conflicts. The boulevard is intended to provide for a greater degree of mobility than for land access, and to serve motorists and pedestrians between local, access, and arterial streets, as shown in Appendix C. A boulevard design is required when a proposed street generates six thousand (6,000) average daily trips or greater.
  - (2) Median width. The median shall be a minimum of twelve (12) feet in width at the entry point as it extends to the core planning area. The median shall be a minimum of twenty (20) feet in width within the core planning area and planted with grass and other landscaping material.
  - (3) Median Landscape Plantings. The grass area shall be planted with street trees, a type from the list in Appendix C a minimum of 30 to 50 feet on center (depending on the type of tree) in order to maintain a continuous canopy along the length of the median. Ornamental trees shall be used to provide an understory layer for the overhead canopy of major street trees. In addition, the ornamental trees shall be used to define the entry points along the boulevard and provide opportunities for color, variety and forms and as an accent or major focus.
  - (4) Pavement width. The pavement width shall be a minimum of 11 feet for a single lane of traffic.
  - (5) Design speed. Design speed should range between 30 and 35 miles per hour.
  - (6) Parking Lane. A 10 foot parking lane shall be provided along the length of the boulevard.
  - (7) Sidewalks. Sidewalks shall be provided on both sides of the Boulevard. Sidewalks shall be a minimum of 5 feet in width, with additional width in heavy-pedestrian traffic areas desired.
  - (8) Planting strip. A minimum of 7 feet shall be provided between the curb and the sidewalk along the length of the boulevard. (Except where design dictates that the sidewalk extend from the building setback line to the curb)
  - (9) Street Trees. Street trees, a type from the list in Appendix A, shall be planted a minimum of 30 to 50 feet on center (depending on the type of street tree) within the planting strip. The intent is to provide a continuous strip along the boulevard.
- (b) Collector Street. The collector street provides for equal amounts of mobility and land access. These roadways generally serve as major circulation routes. See Appendix C. A collector street design is required when a proposed street generates greater than two-thousand (2,000) average daily trips and less than six thousand (6,000) average daily trips.
  - (1) Pavement width. The minimum pavement width shall be 11 feet for a single travel lane.
  - (1) Design speed. Design speed should range between 30 and 35 miles per hour.
  - (2) Parking Lane. A 10 foot parking lane shall be provided along the length of the collector street.
  - (3) Sidewalks. Sidewalks shall be provided on both sides of the collector street. Sidewalks shall be a minimum of five (5) feet in width.
  - (4) Planting strip. A minimum of seven (7) feet shall be provided between the curb and the sidewalk along the length of the collector street.
  - (5) Street trees. Street trees, a type from the list in Appendix A, shall be planted a minimum of thirty (30) 30 feet on center (depending on the type of street tree) within the planting strip. The intent is to provide a continuous canopy along the collector street.
- (b) Typical Local Street. A local street is designed to provide immediate access to adjoining properties and land uses. Local roads are intended to provide transportation access within a particular neighborhood or to provide access to an arterial, collector or access drive. A local street design is required when a proposed street generates less than two thousand (2,000) average daily trips, except for designated access drives, as described below..
  - (1) Pavement width. The minimum pavement width shall be 10 feet for a single travel lane.
  - (2) Design speed. Design speed should range between 20 and 25 miles per hour.
  - (3) Parking Lane. A 10 foot parking lane shall be provided along the length of the local street.
  - (4) Sidewalks. Sidewalks shall be provided on both sides of the collector street. Sidewalks shall be a minimum of 5 feet in width.
  - (5) Planting strip. A minimum of 7 feet shall be provided between the curb and the sidewalk along the length of the collector street.

- (6) Street trees. Street trees, a type from the list in Appendix A, shall be planted a minimum of 30 feet on center (depending on the type of street tree) within the planting strip. The intent is to provide a continuous canopy along the local street.
  - (e) Typical Access Drive. An access drive is intended to provide immediate access to adjoining uses within the non-residential areas of the PEDD.
    - (1) Pavement width. The minimum pavement width shall be 8 feet for a single travel lane.
    - (2) Design speed. Design speed should range between 15 and 25 miles per hour.
    - (3) Parking Lane. A 10 foot parking lane shall be provided along the length of the local street.
    - (4) Sidewalks. Sidewalks shall be provided on both sides of the collector street. Sidewalks shall be a minimum of 5 feet in width.
    - (5) Planting strip. A minimum of 7 feet shall be provided between the curb and the sidewalk along the length of the collector street.
    - (6) Street trees. Street trees, a type from the list in Appendix \_\_, shall be planted a minimum of 30 feet on center (depending on the type of street tree) within the planting strip. The intent is to provide a continuous canopy along the access drive.

7. The development site shall be so designed as to not provide for direct access to local residential streets outside of the plan from the PEDD-1 development, except for emergency access areas.

#### O. Building Design and Façade Treatments.

- 1. Every portion of any exposed exterior wall surface shall be composed of brick, stone, decorative split-face block, glass, or marble, with wood used for trim only, except as provided herein.
- 2. The Board of Commissioners may approve alternative materials only if such material is determined to be equal or superior compared to approved material.
- 3. Buildings Less than Three Stories or 35 Feet in Height.
  - (a) Maximum Horizontal Wall Dimension of All Walls Facing a Front Yard. Building elements shall have a wall surface no longer than one hundred (100) feet without a break. A break shall consist of (1) a recess or offset measuring at least twenty feet in depth or one-quarter of the building in length or (2) a series of recesses or offsets, at intervals of not more than forty feet, that vary the depth of the building wall by a minimum of four feet. Not less than twenty-five percent of the building wall shall be varied in this way. The objective of this standard is to avoid large, undifferentiated wall surfaces.
  - (b) Buildings with flat roofs shall have mansard roof facades or gabled roofs over the required offset areas.
  - (c) A minimum of 50% of the facade of any structure shall be composed of brick, decorative split-face block or stone.
- 4. Buildings Greater than Three Stories or 35 Feet in Height.
  - (a) Regardless of the number of stories, buildings over 35 feet in height shall include architectural features that mimic two story structures, such as windows or similar components.
- 5. Maximum Horizontal Wall Dimension of All Walls Facing a Front Yard shall be 200 Feet in conformance with 3 (a) of this section.

#### Section 9: Revisions to Ordinance #765, North Huntingdon Township Zoning Ordinance

The following sections of Ordinance #765 are hereby repealed, replaced or modified by this Ordinance.

#### Article 3, Section 302 Definitions:

The following definition shall be deleted by the above section:

~~Planned Economic Development (PEDD-1-PEDD-2) – An area of land controlled by a landowner, to be developed as a single entity for commercial and industrial uses or for a combination thereof, the development plan for which does not necessarily correspond in lot size, bulk, type of dwelling, or use, density or intensity, lot coverage or required open space to the regulations established in any one district under the provisions of the zoning ordinance. Planned Economic Developments shall be regulated as set forth in Article 5, Section 503.13.~~

The following definitions shall be added to Article 3, Section 302:

**Planned Economic Development 2 (PEDD-2)** – An area of land controlled by a landowner, to be developed as a single entity for industrial uses or, the development plan for which does not necessarily correspond in lot size, bulk, type of dwelling, or use, density, or intensity, lot coverage or required open space to the regulations established in any one district under the provisions of this zoning ordinance. Planned Economic Development 2 shall be regulated as set forth in Article 5, Section 503.13.

**Planned Economic Development 1 (PEDD-1)** – An area of land controlled by a landowner, to be developed as a single entity for office, limited manufacturing, retail, public and semi-public uses and residential in various combinations thereof, depending upon the type of PEDD-1 proposed, the development plan for which does not necessarily correspond in lot size, bulk, type of dwelling, or use, density, or intensity, lot coverage or required open space to the regulations established in any one district under the provisions of this zoning ordinance. Planned Economic Developments shall be regulated as set forth in Ordinance

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#### Article 5, Section 503.13

The following text, as indicated as ~~strike~~through, is removed from this section:

~~Planned Economic Development Districts-1 and-2 (PEDD-1 and-PEDD 2)~~

#### Article 5, Section 503.13, Paragraph 1.

The following text, as indicated as ~~strike~~through, is removed from this section:

~~These- This districts-district provides for a wide range of . . . . Compatible with existing residential uses~~

#### Article 5, Section 503.13, Paragraph 2

The following text, as indicated as ~~strike~~through, is removed from this section:

~~PEDD-2 Lot and Area Requirements and Special Provisions:~~

~~PEDD-1 and-PEDD-2 Lot and Area Requirements and Special Provisions~~

#### Article 8, Section 810.2

The following text, as indicated as ~~strike~~through, is removed from this section:

~~Exterior Wall Surfaces in Commercial, Industrial, PEDD-1 and PEDD 2 Districts~~

#### Article 8, Section 810.2, Paragraph 1

The following text, as indicated as ~~strike~~through, is removed from this section:

~~No building shall be erected in District C, C1, C-1A, C-II, PEDD-1 and PEDD 2 that has any part . . .~~

#### Article 8, Section 820.4

The following text, as indicated as ~~strike~~through, is removed from this section:

Commercial, ~~PEDD-1~~, PEDD-2 and Industrial Standards

Article 9, Section 904.4

The following text, as indicated as strikethrough, is removed from this section:

Procedure for rezoning requests, PEDD 2 requests and amendments

Procedure for rezoning requests, ~~PEDD-1~~ and PEDD 2 requests and amendments

Article 5, Section 503.9, Paragraph 2 , Subparagraph 5

The following text, as indicated as strikethrough, is removed from this section:

Building Height maximum 3 stories

Building Height maximum ~~8 stories~~ 3 stories

Article 6, Table 5

1. Remove the entire column for the PEDD-1 district.

2. Make the following changes to the Table 5, Commercial/Industrial Uses table for the following uses:

USE	C	C-1	C-1A	C-2	PEDD-2	I
Multiple Dwelling Unit (Low-Rise)	P C	P	P			
High Rise Multiple Dwelling Unit	C	C				
High Rise Office Units	C	C		C	C	

## Section 10: Severability

Should any section or provision of this Ordinance be declared by a court of competent jurisdiction 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.

## Section 11: Inclusion of Appendices

The appendices cited within this ordinance as Appendix A, Appendix B, Appendix C, and Appendix D are attached to this Ordinance and shall be considered an integral part thereof.

DULY ORDAINED AND ENACTED at a regular meeting of the Board of Commissioners of the Township of North Huntingdon, County of Westmoreland, Commonwealth of Pennsylvania, a full quorum being present this 20<sup>th</sup> day of February, 2002

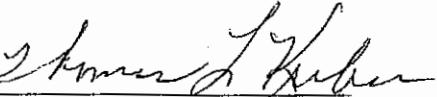
Attest:



John M. Shepherd, Secretary

(SEAL)

BOARD OF COMMISSIONERS  
TOWNSHIP OF NORTH HUNTINGDON

By   
Thomas L. Kerber, President

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## APPENDIX A

### APPROVED TREES

APPROVED STREET TREES AND PLANT MATERIALS. The following plant materials are approved for use with the TOWNSHIP provided the specific SITE is suitable. The DEVELOPER may propose alternate species, subject to the approval of the TOWNSHIP.

- 1) Large Trees.
  - a) *Fraxinus americana* - White Ash
  - b) *Fraxinus pennsylvanica lanceolata* - Green Ash
  - c) *Gleditsia triacanthos inermis* - Thornless Honey locust
  - d) *Liquidambar styraciflua* - Sweet Gum
  - e) *Liriodendron tulipera* - Tulip Tree.
  - f) *Phellodendron amurense* - Amur Cork Tree
  - g) *Platanus acerifolia* - London Plane Tree
  - h) *Quercus alba* - White Oak
  - i) *Quercus coccinea* - Scarlet Oak
  - j) *Quercus phellos* - Willow Oak
  - k) *Robinia pseudoacacia inermis* - Thornless Black Locust
  - l) *Tilia* - Linden
  - m) *Zelkova serrata* - Japanese Zelkova

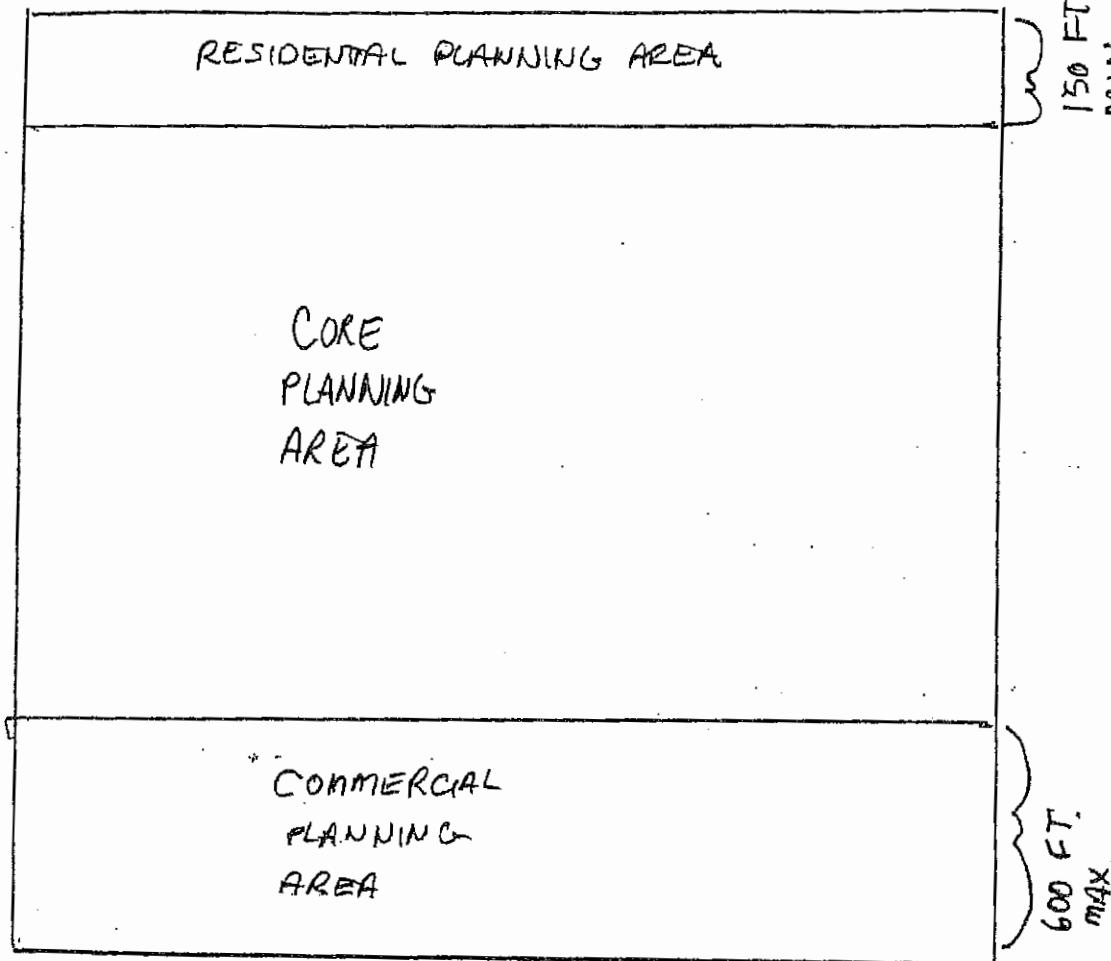
- 2) Small Trees (Ornamental Trees)

- a) *Acer ginnala* - Amur Maple
  - b) *Cornus florida* - Flowering Dogwood
  - c) *Crataegus phaenopyrum* - Washington Hawthorn
  - d) *Ginkgo biloba* - Gingko (male only)
  - e) *Prunus kwanzan* - Kwanzan Cherry
- Sophora Japonica* - Japanese Pagoda tree

APPENDIX B

Illustration of Planning Areas - Type 2 PEDD-1

RESIDENTIAL ZONING (ex: R-2)

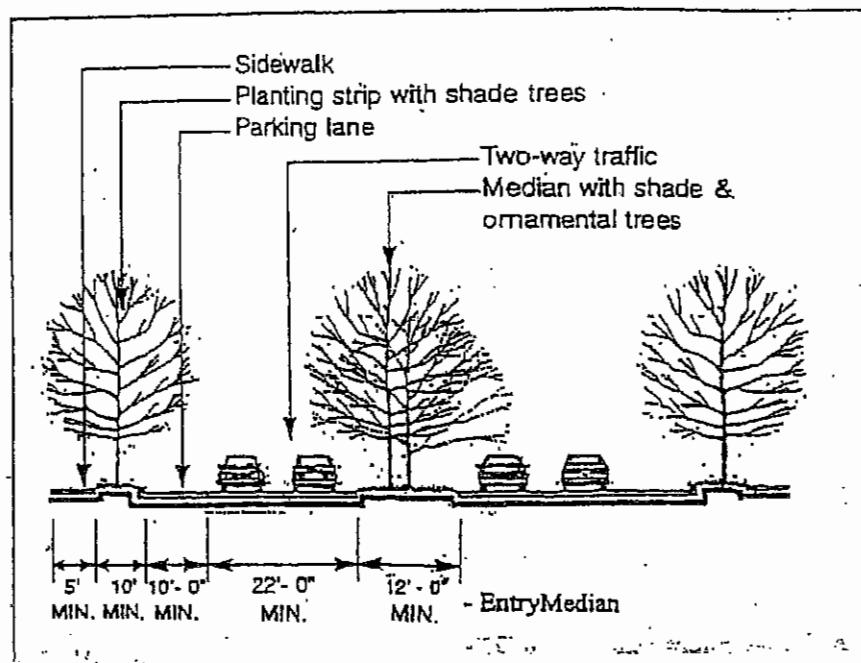


COMMERCIAL ZONING  
(ex: C-1)

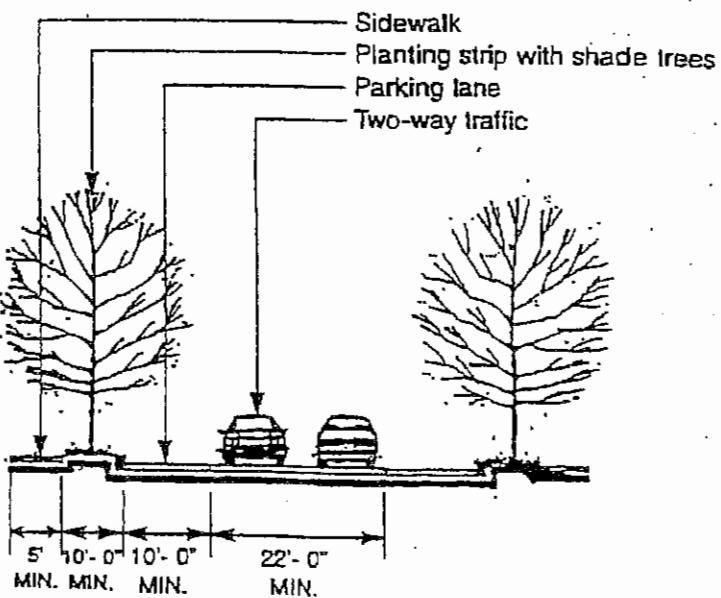
APPENDIX C

Typical Design of Boulevard and Collector Streets

Boulevard



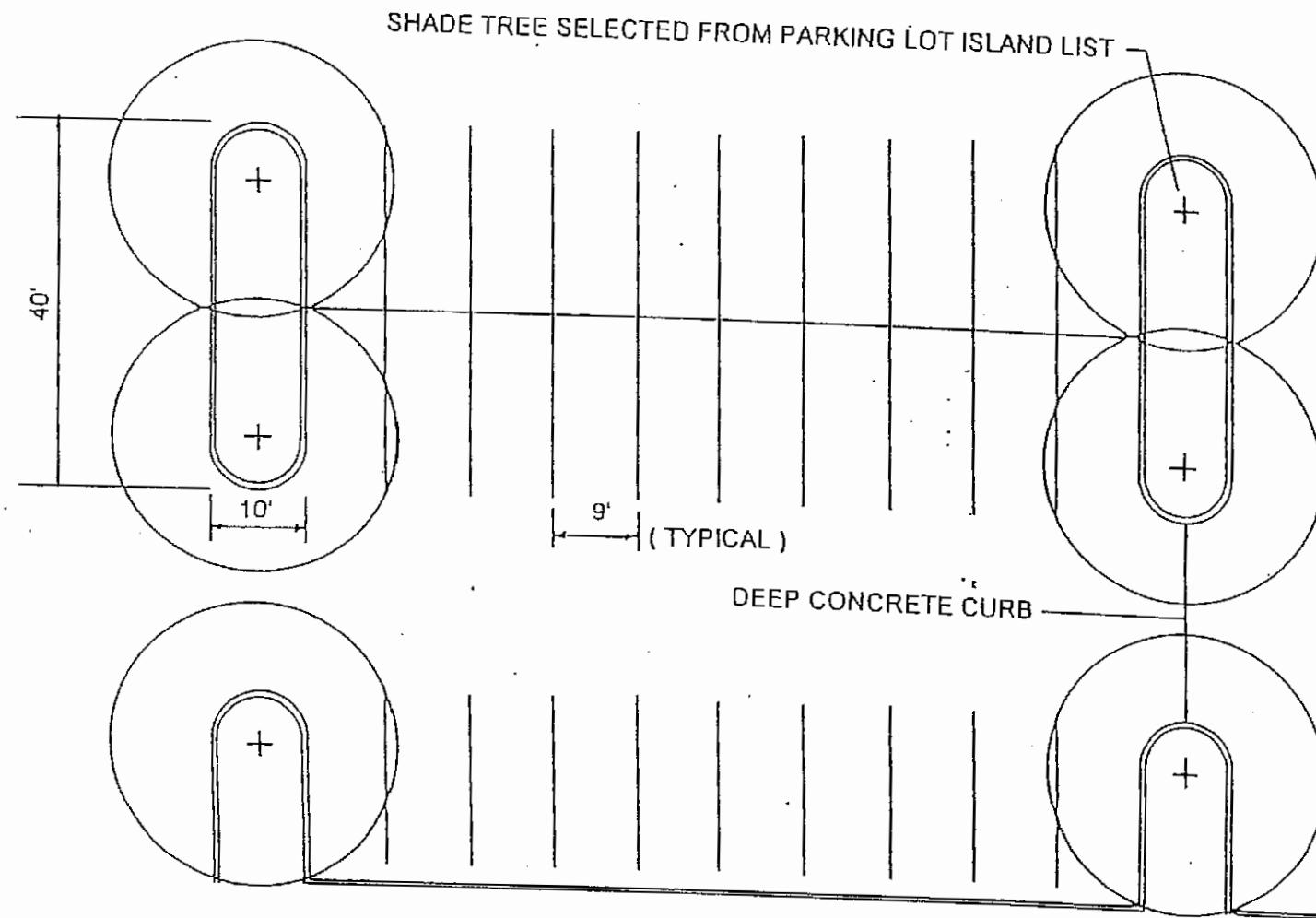
Collector Street



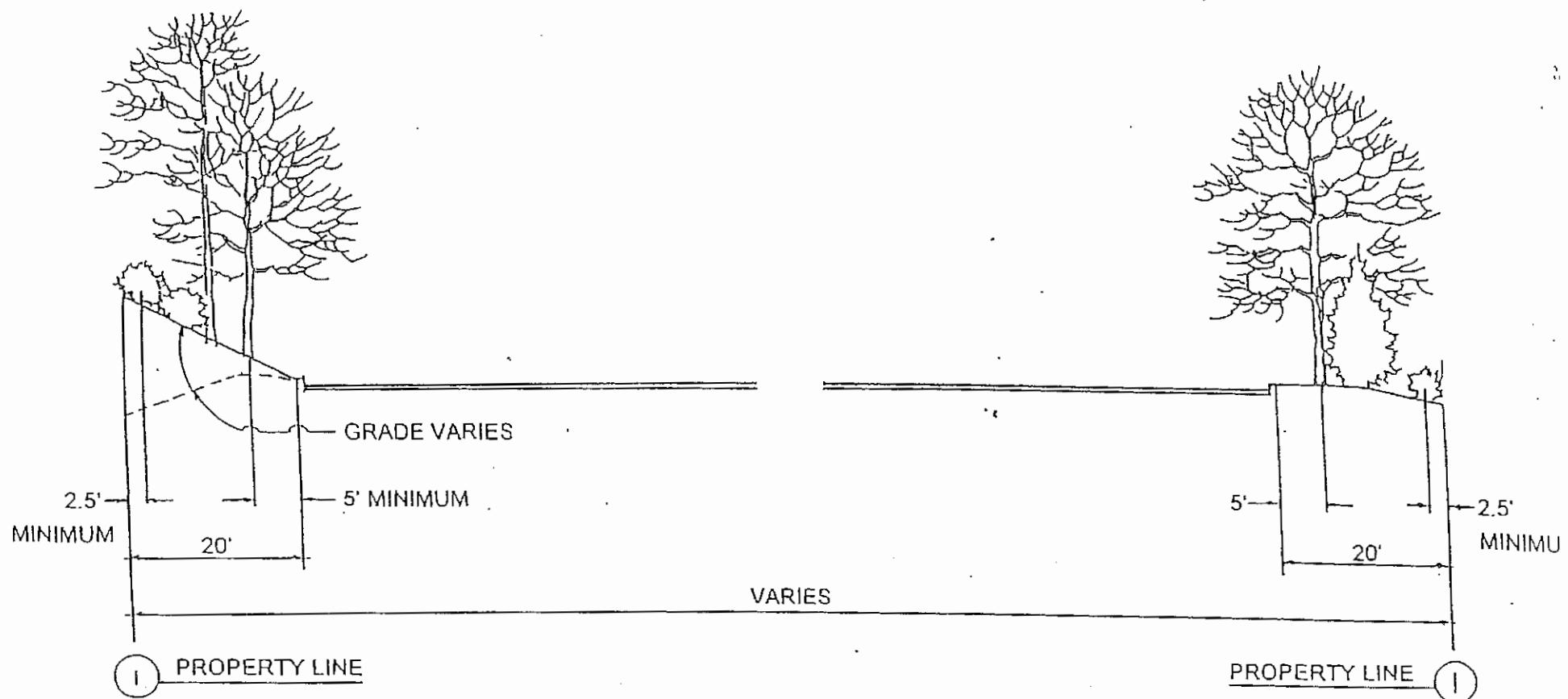
## APPENDIX D

The following pages provide concepts and a basic selection of plant materials that may be applied to the described bufferyards and parking lots.

As provided for in this chapter, the Township of North Huntingdon encourages creative interpretation and welcomes an innovative approach to site enrichment with the use of plants and land forms

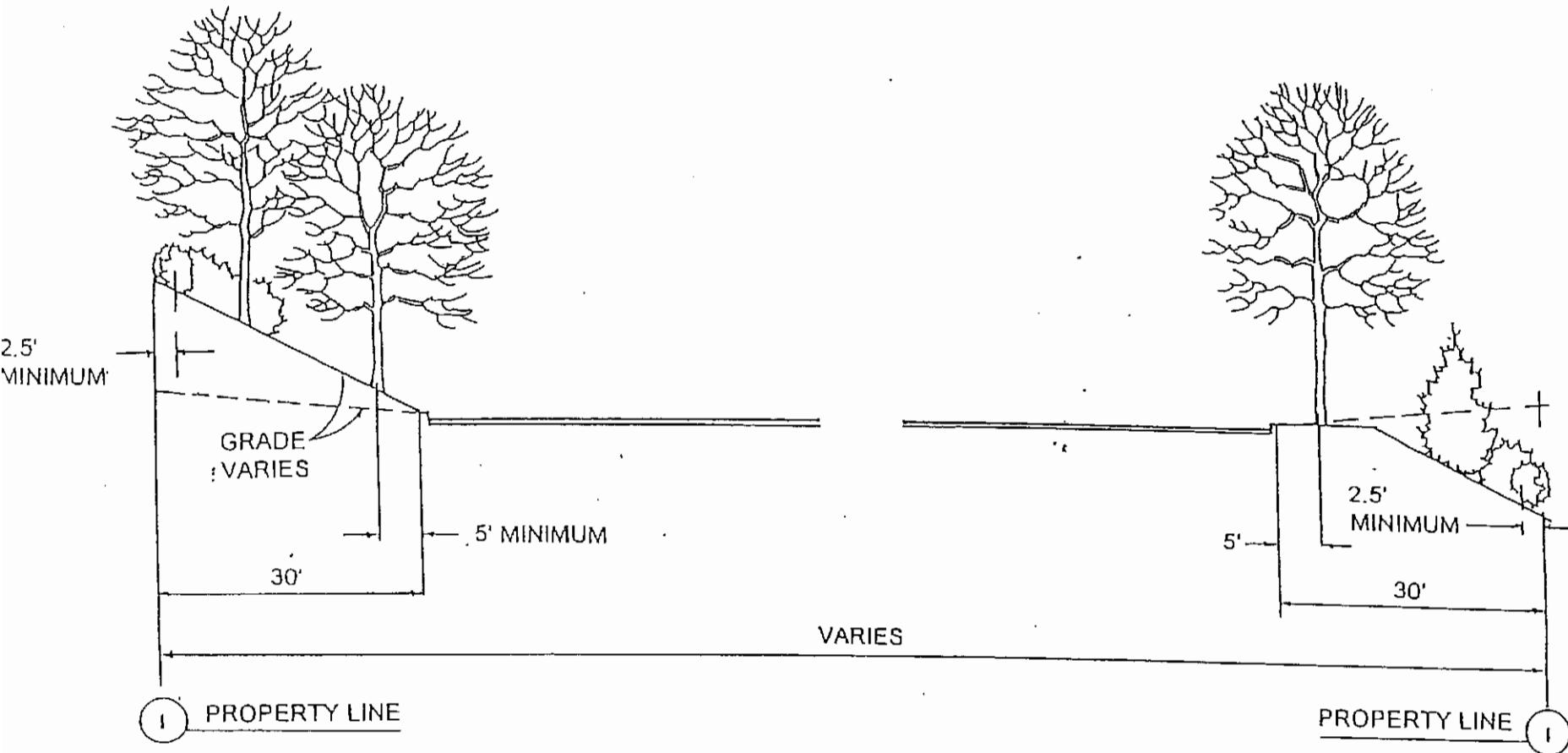


CONCEPTUAL PARKING LOT ISLAND PLANTER PLAN  
FOR ISLANDS 10' W X 40' L



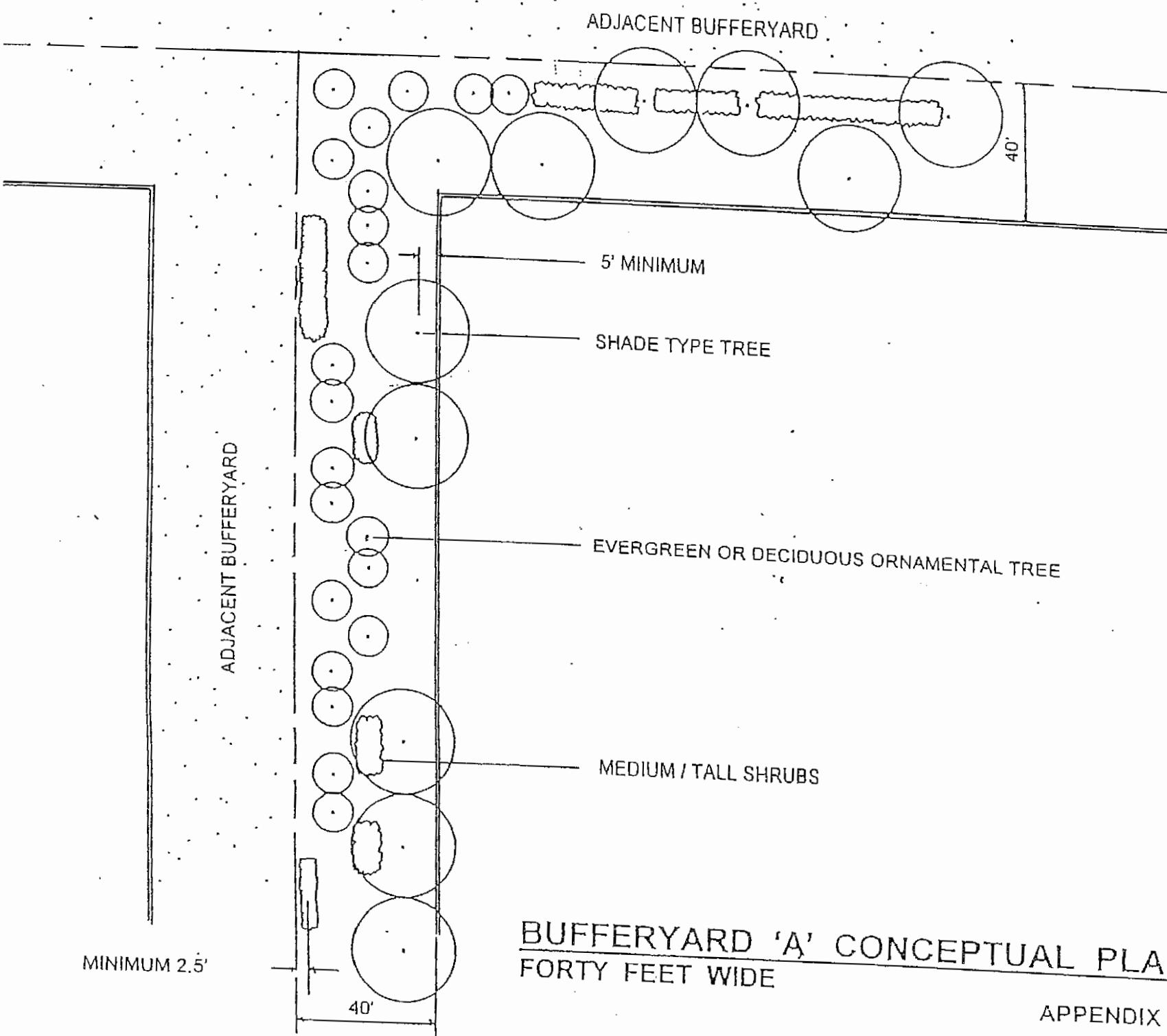
BUFFERYARD 'C' CONCEPTUAL SECTION  
TWENTY FEET WIDE

APPENDIX 'A'

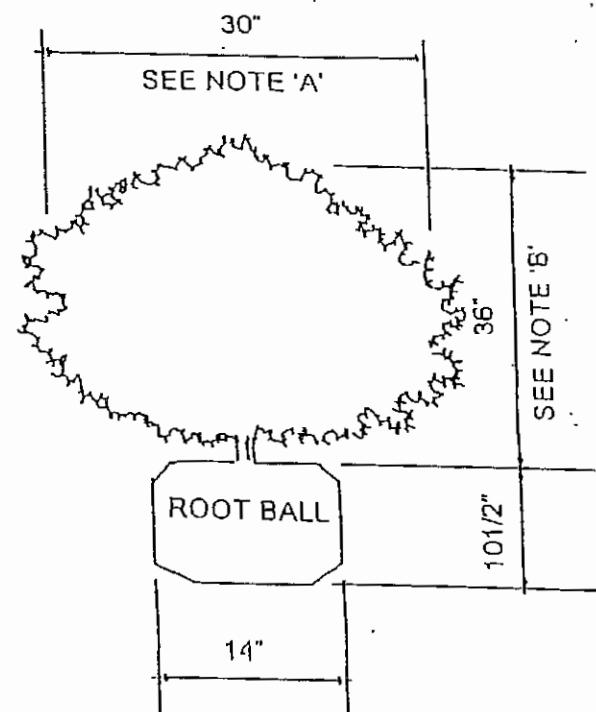
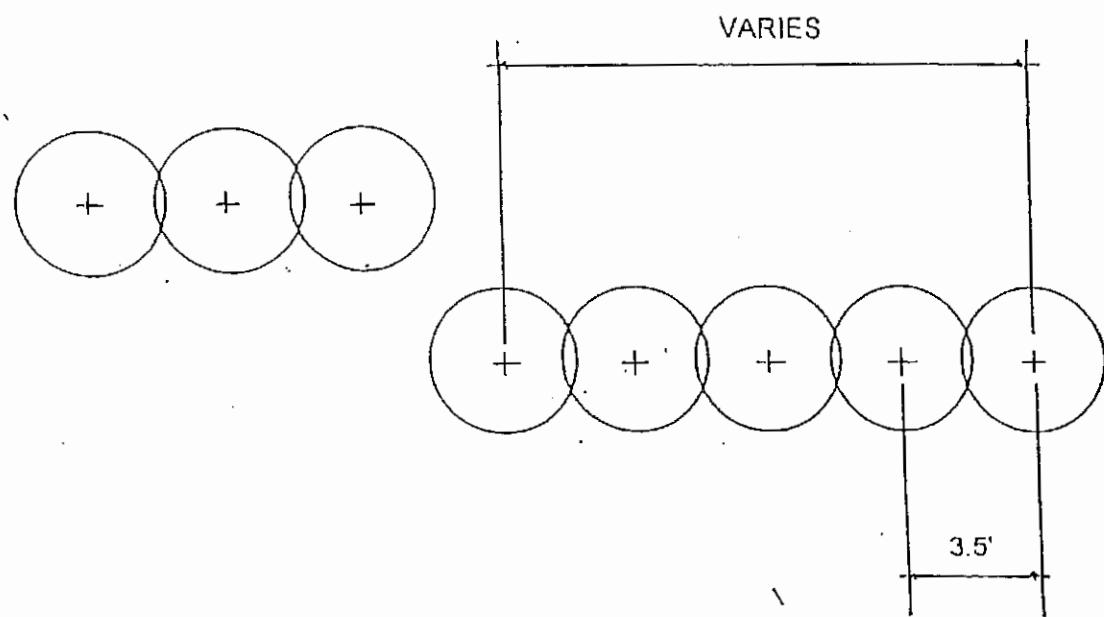


BUFFERYARD 'B' CONCEPTUAL SECTION  
THIRTY FEET WIDE

APPENDIX 'A'



- NOTE A      AVERAGE MINIMAL SPREAD FOR SPREADING, SEMI-SPREADING OR GLOBE SHAPED EVERGREEN SHRUBS.  
THE HEIGHT VARIES.
- NOTE B      AVERAGE MINIMAL HEIGHT FOR CONICAL AND BROAD UP-RIGHT EVERGREEN SHRUBS.  
THE SPREAD VARIES.



## SINGLE ROW EVERGREEN HEDGE PLAN AND MINIMUM EVERGREEN SHRUB STANDARDS

APPENDIX 'A'

## Bufferyard Minimal Plant Quantities

### Bufferyard A

per 400 L.F.	Average per 100 L.F.
10 shade trees	2.5
20 conifer or deciduous ornamentals	5 ( 3 conifer / 2 deciduous)
96 medium / tall plants	24

### Bufferyard B

per 400 L.F.	Average per 100 L.F.
8 shade trees	2
16 conifer / deciduous ornamentals	4 ( 3 conifer / 1 deciduous)
84 medium / tall shrubs	21

### Bufferyard C

per 400 L.F.*	Average per 100 L.F.**
3 shade trees	2
12 conifer / deciduous ornamentals	3 ( 2 conifer / 1 deciduous)
52 medium / tall shrubs	13
12 evergreen shrubs	8

\*Per 8000 square feet for additional landscape area per Section 906.7.6.J

\*\*Per 2000 square feet for additional landscape area per Section 906.7.6.J

## Ornamental Deciduous Trees

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Common Name	Scientific Name
Hedge Maple	<i>Acer campestre</i>
Amur Maple	<i>Acer ginnala</i>
Japanese Maple	<i>Acer palmatum</i>
*Shadblow Serviceberry	<i>Amelanchier canadensis</i>
*Apple Serviceberry	<i>Amelanchier x grandiflora</i>
*River Birch	<i>Betula nigra</i>
Pyramidal European Hornbeam	<i>Carpinus betulus fastigiata</i>
*Gray Dogwood	<i>Cornus racemosa</i>
Chinese Dogwood	<i>Cornus kousa</i>
*Flowering Dogwood	<i>Cornus florida</i>
*Ohio Pioneer Dotted Hawthorn	<i>Crataegus punctata 'Ohio Pioneer'</i>
*Winter King Hawthorn	<i>Crataegus viridis 'Winter King'</i>
Star Magnolia	<i>Magnolia stellata</i>
*Sweetbay Magnolia	<i>Magnolia virginiana</i>
Snowdrift Crabapple	<i>Malus 'Snowdrift'</i>
Sugar Tyme Crabapple	<i>Malus 'Sugar Tyme'</i>
*American Hop hornbeam	<i>Ostrya virginiana</i>
Sourwood	<i>Oxydendron arboreum</i>

## Evergreen Trees for Bufferyards A, B and C

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Concolor Fir	<i>Abies concolor</i>
American Holly	<i>Ilex opaca</i>
Norway Spruce	<i>Picea abies excelsa</i>
White Spruce	<i>Picea alba</i>
Serbian Spruce	<i>Picea omorika</i>
*Eastern White Pine	<i>Pinus strobus</i>
Scots Pine	<i>Pinus sylvestris</i>
Douglasfir	<i>Pseudotsuga menziesii</i>
*Canadian Hemlock	<i>Tsuga canadensis</i>

\* Indigenous species in Eastern United States

### Shade Type Trees for Island Planters in Parking Lots

Common Name	Scientific Name
*Green Mountain Sugar Maple	<i>Acer saccharum</i> 'Green Mountain'
*Hackberry	<i>Celtis occidentalis</i>
*Thornless Honeylocust	<i>Gleditsia tria. inermis</i>
Columbia London Planetree	<i>Platanus x acerifolia</i> 'Columbia'
Liberty London Planetree	<i>Platanus x acerifolia</i> 'Liberty'

### Special Interest Tree Species

Katsuratree	<i>Cercidiphyllum japonicum</i>
Maidenhairtree	<i>Ginkgo biloba</i> (male)
Dawn Redwood	<i>Metasequoia glyptostroboides</i>
English Oak	<i>Quercus robur</i>
Baldcypress	<i>Taxodium distichum</i>

\* Indigenous species in the Eastern United States

OFFICIAL

TOWNSHIP OF NORTH HUNTINGDON  
PROPOSED ORDINANCE NO. 11 OF 2004  
ORDINANCE NO. 2018

AN ORDINANCE OF THE TOWNSHIP OF NORTH HUNTINGDON, WESTMORELAND COUNTY, PENNSYLVANIA, AMENDING THE TOWNSHIP ZONING ORDINANCE, ORDINANCE NO. 765, TO INCLUDE MUNICIPAL BUILDINGS AS A PERMITTED USE IN THE PEDD-1, PEDD-2, AND INDUSTRIAL (I) ZONING DISTRICTS.

BE IT DULY ENACTED AND ORDAINED by the Board of Commissioners of the Township of North Huntingdon, County of Westmoreland, Commonwealth of Pennsylvania, that the Township Zoning Ordinance, Ordinance No. 765, is amended as follows:

- (1) Amendment to Article V, Table 5 (Item #90, Municipal Buildings)

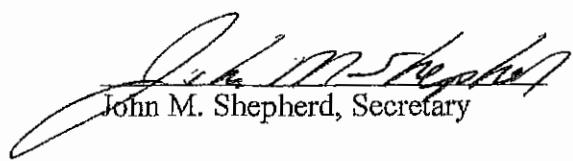
Table 5 Commercial/Industrial District Permitted Uses	C	C-1	C-1A	C-2	PEDD-1	PEDD-2	I
90. Municipal Buildings	P	P	P	P	P	P	P

NOTE: The affect of this amendment is to add Municipal Buildings as a permitted use in the PEDD-1, PEDD-2, and Industrial (I) zoning districts.

- (2) All ordinances or parts of ordinances which are inconsistent herewith are hereby repealed.
- (3) If any sentence, clause, section, or part of this ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality, or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts of this ordinance. It is hereby declared as the intent of the Board of Commissioners that this ordinance would have been adopted has such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein.

DULY ORDAINED AND ENACTED at a regular meeting of the Board of Commissioners of the Township of North Huntingdon, County of Westmoreland, Commonwealth of Pennsylvania, a full quorum being present, this 19<sup>th</sup> day of May, 2004.

ATTEST:



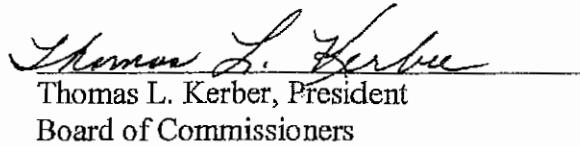
John M. Shepherd

John M. Shepherd, Secretary

(SEAL)

Bruce Dice, Solicitor

BOARD OF COMMISSIONERS  
TOWNSHIP OF NORTH HUNTINGDON



Thomas L. Kerber

Thomas L. Kerber, President  
Board of Commissioners

OFFICIAL

TOWNSHIP OF NORTH HUNTINGDON

PROPOSED ORDINANCE NO. 33 of 2006

ORDINANCE NO. 2093

AN ORDINANCE OF THE TOWNSHIP OF NORTH HUNTINGDON, COUNTY OF WESTMORELAND AND COMMONWEALTH OF PENNSYLVANIA AMENDING ORDINANCE NO. 765 TO PROVIDE A TEXT AMENDMENT TO AMEND SECTION 503.3, 2 (6) SIDE YARD WIDTH MINIMUM R-A1 ZONING DISTRICT.

WHEREAS, The Planning Commission of the Township of North Huntingdon has recommended to the Township of North Huntingdon a zoning change concerning a text amendment to amend Section 503.3, 2 (6) Side Yard Width Minimum R-A1 Zoning District; and

WHEREAS, The Planning Commission of the Township of North Huntingdon has recommended approval of the zoning amendment on the 2nd day of May, 2005; and

WHEREAS, the Township Commissioners have held a public hearing, pursuant to the Municipalities Planning Code, on November 15, 2006; and

WHEREAS, the Township Commissioners deem it in the health, safety and general welfare to enact an Ordinance amending the present Zoning Ordinance, Ordinance No. 765, and Zoning Map to reflect the requisite changes as described herein below.

NOW THEREFORE BE IT ORDAINED AND ENACTED, by the Board of Commissioners of the Township of North Huntingdon, County of Westmoreland, Commonwealth of Pennsylvania, as follows:

**SECTION I.** After a Public Hearing held on November 15, 2006 at 6:30 P.M., the Board of Commissioners of North Huntingdon Township hereby amends Ordinance No. 765 to provide for a text amendment to Section 503.3, 2 (6) side yard width minimum of ten (10) feet minimum side yard setback for one story and two story dwelling units.

**SECTION 2.** The requisite Township officials are hereby directed to amend the official Zoning Map and other official documents of the Township of North Huntingdon to reflect the within zoning changes/amendments.

**SECTION 3.** Any Ordinance or portions of Ordinances in which are inconsistent herewith are hereby repealed.

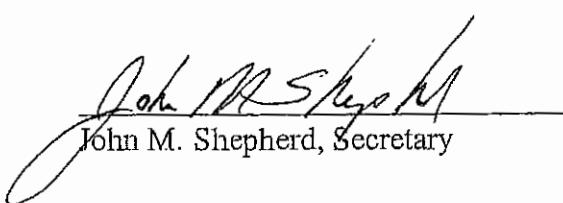
**SECTION 4.** If any sentence, clause, section or part of this Ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality, or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts of this Ordinance. It is hereby declared as the intent of the Board of Commissioners that this Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein.

**ORDAINED AND ENACTED** at a regular meeting of the Board of Commissioners of the Township of North Huntingdon, County of Westmoreland, Commonwealth of Pennsylvania, a full quorum being present, this Wednesday, the 15th day of November, 2006.

TOWNSHIP OF NORTH HUNTINGDON  
BOARD OF COMMISSIONERS

By:   
Richard G. Gray, President  
Board of Commissioners

ATTEST:

  
John M. Shepherd, Secretary

SEAL

SOLICITOR: Bruce E. Dice, Esquire

OFFICIAL  
TOWNSHIP OF NORTH HUNTINGDON  
PROPOSED ORDINANCE NO. 10 of 2010  
ORDINANCE NO. 2151

AN ORDINANCE OF THE TOWNSHIP OF NORTH  
HUNTINGDON AMENDING ORDINANCE 765 (ZONING  
ORDINANCE) PROVIDING FOR TEXT REVISIONS TO  
TABLES IN SAID ORDINANCE.

**WHEREAS**, the Township Planning Commission has recommended to the Township of North Huntingdon to revise certain text provisions of its Zoning Ordinance related to the C-1A Zoning District; and

**WHEREAS**, the Township Commissioners have held public hearings on the proposed revisions pursuant to the Municipalities Planning Code on July 21 and September 15, 2010; and

**WHEREAS**, the Township Commissioners deem it in the best interests of the public's health, safety and welfare to enact an Ordinance amending the present Zoning Ordinance, Ordinance No. 765, to reflect the changes as follows.

**NOW, THEREFORE**, be it ordained and enacted by the Board of Commissioners of the Township of North Huntingdon, at a meeting assembled, by and with the authority of the same as follows:

**SECTION 1.** Article V, Table 2 – Rear Yard Setback Requirements is replaced with a revised Table 2, attached hereto as Exhibit "A" and made part of this Ordinance.

**SECTION 2.** Article V, Table 5 – Commercial/Industrial Districts-Permitted

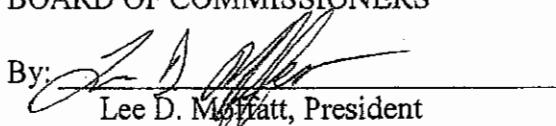
Uses is replaced with a revised Table 5, attached hereto as Exhibit "B" and made part of this Ordinance.

**SECTION 3.** All ordinances or parts of ordinances which are inconsistent herewith are hereby repealed.

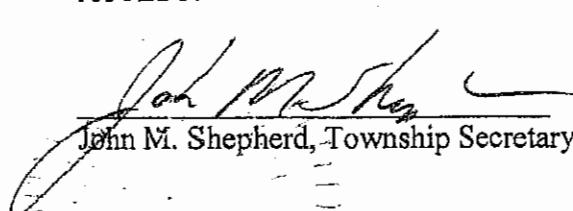
**SECTION 4.** If any sentence, clause, section, or part of this Ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality, or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts of this Ordinance. It is hereby declared as the intent of the Township Commissioner that this Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein.

**ORDAINED AND ENACTED** at a regular meeting of the Board of Commissioners of the Township of North Huntingdon, County of Westmoreland, Commonwealth of Pennsylvania, a full quorum being present, this Wednesday, the 20th day of October, 2010.

TOWNSHIP OF NORTH HUNTINGDON  
BOARD OF COMMISSIONERS

By:   
Lee D. Moffatt, President

ATTEST:

  
John M. Shepherd, Township Secretary

SEAL

SOLICITOR: Bruce E. Dice, Esquire

**EXHIBIT "A"**

**TABLE 2**

<b>Rear Yard Setback Requirements</b>											
District Where Site is Located	Abutting Zoning Districts (Distance in Feet)										
	R-1	R-1A	R-2	R-3	R-4	PRD	C	C-1	C-1A	C-2	I
R-1	30	30	30	30	30	30	30	30	30	30	30
R-1A	30*	30	30*	30*	30*	30	30	30	30	30	30
R-2	30	30	30	30	30	30	30	30	30	30	30
R-3	30	30	30	30	30	30	30	30	30	30	30
R-4	60	60	60	60	60	60	60	60	60	60	60
C	30*	30*	30*	30*	30*	30	30	30	30	30	30
C-1	30*	30*	40*	40*	40*	40*	30	20	20	20	20
C-1A	30* <sup>+</sup>	30* <sup>+</sup>	30* <sup>+</sup>	30* <sup>+</sup>	30* <sup>+</sup>	30* <sup>+</sup>	30	20	20	20	20
C-2	30*	30*	30*	30*	30*	30*	30	20	20	20	20
I	50*	50*	50*	50*	50*	50*	30*	30	30	30	30

\* Buffer Zone required - 10 foot planting (see definition).

+ Additional rear yard setback required in the C-1A zoning district for buildings in excess of three stories; 10 feet additional setback for every story over three stories.

EXHIBIT "B"

North Huntingdon Township		C-1		C-2		D-1		D-2		D-3	
Zoning Ordinance #765		C-1		C-2		D-1		D-2		D-3	
Table 5: Commercial/Industrial Districts Permitted Uses		C-1		C-2		D-1		D-2		D-3	
		C-1	C-2	D-1	D-2	D-1	D-2	D-1	D-2	D-1	D-2
1. Single Dwelling Unit											
2. Duplex Dwelling Units											
3. Multiple Dwelling Units (Low rise)	P	P		P							
4a. High Rise Multiple Dwelling Units (up to 3 stories)	C	P			C						
4b. High Rise Multiple Dwelling Units (4 to 8 stories)	C	C			C						
5a. High Rise Office Units (up to 3 stories)	C	P			C	C	C				
5b. High Rise Office Units (4 to 8 stories)	C	C			C	C	C				
6. Agencies: Real Estate, Insurance & Travel	P	P	P		P	P					
7. Amusement Enterprises: Non-retail	S				P	P					
8. Amusement Enterprises: Permanent	C			P	P						
9. Animal or Waste Reduction, Incineration or Processing (including pumps and fill)										P	
10. Art & Antique Shops	P	P		P							
11. Assembly of Appliances & Prepared Parts	P	C		P	P	P					
12. Automobile Sales Area	S										
13. Automobile Reconditioning & Repair	P									P	
14. Automobile, Truck, Airplane Assembling and Remodeling										P	
15. Bakery: Commercial or wholesale		P			P	P	P				
16. Bakery: Retail	P	P	P	P	P						
17. Banks & Other Financial Institutions	P	P	P	P	P						
18. Barber and Beauty Shop	P	P	P	P	P						
19. Book or Stationery Store		P	P		P						
20. Bottling Works	S				P	P	P			S	
21. Brewery & Distillery										P	
22. Building Materials: Non-retail					P	P					
23. Building Materials: Sales yard & Storage	P				S					P	
24. Bus and Taxi Service	P									P	
25. Canvas Products: Fabrication & Sales	P				P	P	P			P	
26. Carpenter or Woodworking Shop	P					P	P	P		P	
27. Carpet Cleaning Establishments	P				P	P	P			P	
28. Casting: Light, non-ferrous metals	S				S	S	S			P	
29. Cemeteries & Mausoleums	P	P		P							
30. Chemical Manufacturing & Storage	S						P	P		P	
31. Day Care Centers & Group Day Care	P	P	P	P	P	P					
32. Churches & Religious Institutions	P	P		S							
33. Clubs and Lodges (Non-profit)	P			S							
34. Clubs and Lodges (Profit)	P			S							
35. Colleges & Dormitories	P	P	C	P							
36. Commercial Boarding Home	S			S							
37. Community Center Buildings	P	P		P							
38. Community Garages (No trucks >3/4 ton)	P	P									
39. Cosmetic or Pharmaceutical Manufacturing			C								
40. Crematory (Except in cemetery)										P	
41. Custom Tailor, Dressmaker, Milliner	P	P	P	P	P						
42a. Department, Shoe & Clothing Stores (<15,000 SF footprint)		P	P			P					
42b. Department, Shoe & Clothing Stores (15,000 SF or greater footprint)		P					P				
43. Drugstore, Dry Goods or Notion Store	P	P	P	P	P						
44. Enamel, Japanning, Lacquering, Galvanizing & Plating of Metals & Plastics						S	S	S		P	
45. Entertainment: Transient		P				S					
46. Essential Structures	P	P	P	P							
47. Farm: Livestock/Poultry (Section 8.18)	P	P		P							
48. Farm: Agriculture	P	P		P							
49. Fat Rendering										P	
50. Feed Store, Seed Store, Lawn and Garden Shop		P		P	P						
51. Felt Manufacture										P	

**North Huntingdon Township**

Zoning Ordinance #765

Table 5: Commercial/Industrial Districts Permitted Uses

52. Fertilizer Manufacture							P
53. Fire Station	P	P	S	P			
54. Flea Market			S				
55. Florist	P	P		P	P		P
56. Food Stores	P	P		P	P		
57. Food Processing: Retail (on premises)		P	P		P		P
58. Food Processing: Wholesale (Excluding meat, fish, vinegar, yeast & fat)					S	S	P
59. Freight Classification Yard		P					P
60. Funeral Parlor	P			P			
61. Furniture, Interior & Upholstery Shops	P				P		
62. Gas Manufacturing or Storage, Coke Ovens	S						P
63. Gasoline Stations	C	C		C	C	C	C
64. Glass Fabrication and Installation	P			P			P
65. Glass Manufacturing							P
66. Glue and Size Manufacturing							P
67. Golf Courses	P	P		P			
68. Gymnasium or Health Spa		P	P	S	P		
69a. Hardware, Electrical Appliances & Music Store (<15,000 SF footprint)		P	P				
69b. Hardware, Electrical Appliances & Music Store (15,000 SF or greater footprint)		P			P		
70. Hotel or Motel	P	P			S		
71. Ice Manufacturing & Storage	P				S	P	P
72. Intermediate Care Facility	S		S				
73. Jewelry Store & Repairing	P	P		P			
74. Laboratories: Research	P	P		S	S	P	
75. Laundry, Cleaning & Dyeing Agency - Retail	P	P	P	P			P
76. Laundry, Cleaning & Dyeing Plant	P				P	P	P
77. Library	P	P	P	P			
78. Machine Shop: Stamping Press, Plumbing and Blacksmith Shop		S					P
79. Machine Shop: Non-forge, non-foundry					P	P	
80. Manufacturing & Assembly from prepared materials	S	C			P	P	P
81. Manufacturing: Brick, Tile, Terra Cotta, Cement Block, Cast Stone	S					P	P
82. Manufacturing: China, Pottery & Porcelain						P	P
83. Manufacturing: Fire Arms							P
84. Mass Transit Stations & Right of Ways	P	P	S	P			S
85. Massage Parlor (Ordinance 481)	S						
86. Meat Processing (Excluding slaughtering, curing & smoking)						P	P
87. Metal Fabrication, Light		P			P	P	P
88. Metal Fabrication, Heavy							P
89. Microbreweries/Brew Pubs			P				
90. Mineral Removal	C	C		C	C	C	C
91. Mobile Home Park	P						
92. Mobile Home Sales Lot	S						
93. Municipal Buildings	P	P	P	P	P	P	P
94. Offices: Business & Professional		P	P	P	P	P	
95. Optical, Scientific & Jewelry Manufacturing	S	S		P	P	P	
96. Paint Stores, Sign Painting Shops	P			P			
97. Pawnshop, Second Hand Store, Auction Store	P						
98. Personal Care Boarding Home for Adults	S		S				
99. Petroleum products & fuel manufacturing and storage						P	S
100. Photographic Services, Supplies & Equipment		P	P	P	P		
101. Printing, Industrial: Wallpaper, etc.		P			P	P	P
102. Printing, Publishing & Reproduction Establishments		P	P		P	P	P

**North Huntingdon Township**

**Zoning Ordinance #766**

**Table 6: Commercial/Industrial Districts Permitted Uses**

Use	District 1	District 2	District 3	District 4	District 5	District 6	District 7
103. Public Charitable Institutions	P	P	P	P			
104. Public clinic, medical clinic		C	C		C	C	
105. Public Garages, Parking Lot	P	C					P
106. Public Utilities: Maintenance garage and service area		P			S	S	
107. Public Parks, Playgrounds & Other Recreation	P	P	C	P			
108. Pulp, Paper, Cardboard and Building Board Manufacturing							P
109. Quarry, rock crusher (See Mining Ord.)							P
110. Radio & Television Stations and Masts	S	S			P	P	S
111. Restaurant, Tavern, Café (Includes entertainment and liquor)		P	P	P	P		
112. Sand and Gravel Pit (No crushing or clay extraction See Mining Ord.)							P
113. Saw Mill, Planing Mill							P
114. Schools: Public & Private	P	P	C	P			
115. Shoe Repair Shop		P	P	P	P		P
116a. Signs - Business (Article 8)	P	P	P	P	P	P	P
116b. Signs - Advertising and Billboards (Article 8)	P	P	S	P	P	P	P
117. Shopping Center (3 Acres +)		C		C	C		
118. Skilled Nursing Facility		S		S			
119. Slaughter House, Abattoirs, Stock Yards							P
120. Stone and Monument Works							P
121. Storage, Sorting, Baling and Processing (junk, wood, glass & paper)							P
122. Swimming Pool (Commercial Use)		P					
123. Synthetics and Plastics Manufacturing							P
124. Tanning, Curing or Storing Hides							P
125. Telecommunications Facilities		C			C	C	P
126. Tourist Courts and Homes		P					
127. Truck Terminals, Storage & Parking		P				P	P
128. Veterinary Hospitals, Kennels, Bird Store & Taxidermist		P			P		
129. Wearing Apparel: Fabrication & processing		S			P	P	P
130. Wholesale Distribution Plants		P			S	S	P
131. Wholesale Business, Storage Building, Warehouses & Mini Warehouses		P			P	P	P
132. Wool Pulling or Scouring: manufacturing of shoddy							P
133. Wool or Bone Distillation							P
134. Yards for Storage and Repair							P
* Any commercial or industrial activity or enterprise not listed shall fall under Paragraph 6.2 and is subject to consideration under a Special Exception.							

OFFICIAL  
TOWNSHIP OF NORTH HUNTINGDON  
PROPOSED ORDINANCE NO. 11 OF 2010  
ORDINANCE NO. 2152

AN ORDINANCE OF THE TOWNSHIP OF NORTH HUNTINGDON,  
COUNTY OF WESTMORELAND AND COMMONWEALTH OF  
PENNSYLVANIA PROVIDING FOR AMENDMENTS TO ORDINANCE NO.  
765 PROVIDE FOR TEXT CHANGES TO THE LANGUAGE OF SAID  
ORDINANCE

WHEREAS, the Township Planning Commission has recommended to the Township of North Huntingdon to make the herein below text changes to its Zoning Ordinance on the 30th day of August, 2010; and

WHEREAS, the Township Commissioners have held a public hearing pursuant to the Municipalities Planning Code on the 14th day of October, 2010; and

WHEREAS, the Township Commissioners deem it in the health, safety and general welfare to adopt text changes to Ordinance No. 765, and said text changes are set forth and described herein below.

NOW THEREFORE BE IT ORDAINED AND ENACTED, by the Board of Commissioners of the Township of North Huntingdon, County of Westmoreland, Commonwealth of Pennsylvania, as follows:

**SECTION 1.** After a Public Hearing held on the 14th day of October, 2010 at 6:45 P.M., the Board of Commissioners of North Huntingdon Township hereby amends Ordinance No. 765 to provide for the following text changes to said Ordinance:

A. Section 823.4 is amended as follows:

Section 823.4 Signs Permitted in Commercial and Planned Economic Development Districts:

1. In all Commercial and PEDD Districts, business signs, excluding advertising signs and billboards, shall be a permitted use subject to the following:

(1) A permit.....

2. Advertising signs or billboards may be permitted in any Commercial or PEDD district by special exception. A billboard shall be a principle use on any lot and shall be subject to the same restrictions set forth in Section 823.4.1.

B. Section 823.5 Permitted Signs in an Industrial District is amended as follows:

1. Signs on awnings . . .

2. Advertising signs or billboards may be permitted in any Industrial I District by special exception. A billboard shall be a principle use on any lot and shall be subject to the same restrictions set forth in Section 823.5.1.

C. Table 5 shall be modified to read as follows:

1. Commercial/Industrial Districts permitted uses to divide the use category for signs into two (2) categories: "Signs-Business" and "Signs-Advertising and Billboards". "Signs-Business" would be permitted uses in all Commercial, PEDD and Industrial Districts. However, "Signs-Advertising and Billboards" shall be considered special exceptions in all Districts.

**SECTION 2.** The requisite Township officials are hereby directed to amend the official Zoning Ordinance to reflect the text changes as set forth hereinabove.

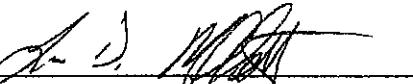
**SECTION 3.** Any Ordinance or portions of Ordinances in which are inconsistent herewith are hereby repealed.

**SECTION 4.** If any sentence, clause, section or part of this Ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality, or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts of this Ordinance. It is hereby declared as the intent of the Board of Commissioners that this

Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein.

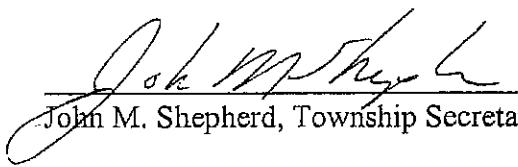
**ORDAINED AND ENACTED** at a regular meeting of the Board of Commissioners of the Township of North Huntingdon, County of Westmoreland, Commonwealth of Pennsylvania, a full quorum being present, this Wednesday, the 17th day of November, 2010.

TOWNSHIP OF NORTH HUNTINGDON  
BOARD OF COMMISSIONERS

By 

Lee D. Moffatt, President  
Board of Commissioners

ATTEST:



John M. Shepherd, Township Secretary

SEAL

SOLICITOR: Bruce E. Dice, Esquire

OFFICIAL  
TOWNSHIP OF NORTH HUNTINGDON  
PROPOSED ORDINANCE NO. 8 OF 2011  
ORDINANCE NO 2163

AN ORDINANCE OF THE TOWNSHIP OF NORTH HUNTINGDON PROVIDING FOR AN AMENDMENT TO ORDINANCE NO 765, THE ZONING ORDINANCE, TO PROVIDE REGULATION OF OIL AND GAS WELL DRILLING AND ANCILLARY OPERATIONS OF SHALLOW OIL AND GAS WELLS AND FROM WELLS TO SHALE RESERVOIR OR SOURCE ROCK (drilled deeper than the base of the Elk Sandstone or its stratigraphic equivalent).

WHEREAS, North Huntingdon Township has the power to protect the health, safety, and welfare of people and property in the Township;

WHEREAS, the North Huntingdon Township Board of Commissioners believe that it is in the best interest of the residents and citizens that the Township be provided certain information prior to commencement of oil and gas drilling operations; and

WHEREAS, the North Huntingdon Board of Commissioners wish to amend Zoning Ordinance No. 765 that provides for oil and gas development.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED and it is hereby ordained and enacted by the Board of Commissioners of North Huntingdon Township, Pennsylvania as follows:

SECTION 1: Purpose

It is hereby declared to be the purpose of this chapter to declare the development of oil and gas as a Permitted Use in certain zoning districts for shallow wells, and as a Conditional Use for deep wells in certain zoning districts. North Huntingdon Township recognizes that the regulation of oil and gas operations is the primary responsibility of the regulatory agencies of the Commonwealth of Pennsylvania, but that the Township maintains its zoning powers as set forth in Pennsylvania Statute Title 53, Municipality Planning Code ("MPC") and through the North Huntingdon Township Zoning Ordinance. It is in the Township's best interest to determine the zoning districts where such activities will be permitted and to have information concerning oil and gas exploration, development, and production taking place within the Township and to ensure certain security and safety measures are in place related to oil and gas well drilling.

SECTION 2: Definitions

As used in this ordinance, the following terms shall be interpreted or defined as follows:

**Oil and Gas Development or Development.** The well site preparation, well site construction and excavation, drilling, hydraulic fracturing, and/or site restoration associated with an oil and gas well of any depth; water and other fluid storage, impoundment and transportation used for such activities; and the installation and use of all associated equipment, including tanks, meters, and other equipment and structures whether permanent or temporary; and the site preparation, construction, installation, maintenance and repair of oil and gas pipelines and associated equipment and other equipment and activities associated with the exploration for, production and transportation of oil and gas other than

natural gas compressor stations and natural gas processing plants or facilities performing the equivalent functions that operate as midstream facilities.

**Township:** North Huntingdon Township, Westmoreland County, Pennsylvania.

**Oil and Gas.** Crude oil, 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, and below the surface of the earth.

**Operator.** Any person, partnership, company, corporation and its subcontractors and agents who has an interest in real estate for the purpose of exploring or drilling for, producing, or transporting oil or gas.

**Protected Structure.** Any residential dwelling unit, commercial business, school, religious institution or other public building located within 500 feet of the surface location of a well (1000 feet for deeper shale reservoir or source rock extraction) that may be impacted by noise generated from drilling or hydraulic fracturing activity at a well site. The term shall not include any structure owned by an oil and gas lessor who has signed a lease with the Operator granting surface rights to drill the subject well or whose owner has signed a waiver relieving the Operator from implementation of the measures established in paragraph Section 4, Paragraph 17 of this Ordinance for the owner's benefit.

**Well Site.** The well site shall consist of the area occupied by the facilities, structures, and equipment necessary for or incidental to the construction, drilling, fracturing, production, or operation of an oil or gas well. If multiple areas are used, then the total combined areas shall be considered the well site area.

**Natural Gas Compressor Station.** A facility designed and constructed to compress natural gas that originates from an oil and gas well or collection of such wells operating as a midstream facility for delivery of oil and gas to a transmission pipeline, distribution pipeline, natural gas processing plant or underground storage field, including one or more natural gas compressors, associated buildings, pipes, valves, tanks and other equipment.

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

### **SECTION 3:** Permitted Districts

The Township of North Huntingdon hereby designates the following zoning districts within the Township in which oil and gas development may be permitted by right or as a Conditional Use. In either case, it must meet all conditions and standards contained in Section 4 of this Ordinance.

1. Oil and Gas Development Shallow wells: oil and gas development for shallow wells are permitted uses in the following zones: PEDD 1 and 2, C-1, all Industrial zones, open space, and residential zones excluding the R-1 and R-1A zones. Areas within a permitted zone that border and are located within 200 feet of an R1 and R1A zone are excluded from oil and gas development. All access roads and site development must be at least 200 feet from a protected structure, unless a waiver is granted by the property owner.
2. Oil and gas development for deep wells from shale reservoir or rock within the Township is permitted by Conditional Use in zones PEDD 1 and 2, C-1, all industrial zones, open space, and residential zones excluding R-1 and R-1A provided they are not bordering and within 500 feet of an excluded zone. All access roads must be 200 feet from a protected structure and site

development must be 500 feet from a protected structure, unless a waiver is granted from the property owner.

3. Oil and gas development shall not be permitted in areas not identified in 1 and 2 above. No development is permitted in the R-1 and R-1A zones.

#### SECTION 4: Conditions and Standards

Oil and gas development may be a Permitted Use or Conditional Use, subject to the following standards and conditions:

1. Operator shall submit an application for well drilling to the Township. Applicant will also be required to submit a Site Development Plan to the Township Engineer for approval for the site in accordance with Township regulations for site development. The Applicant will be required to pay fees for application and review in accordance with the existing fee structure for plan reviews. Operator shall comply with all applicable codes of the: Subdivision and Land Development Ordinance; the Grading, Excavation, and Fill Ordinance; the Stormwater Ordinance; Floodplain Ordinance; and other relevant ordinances. No site work shall occur prior to the approval by the Township Engineer. Any modification to an existing and permitted site that materially alters the site development plan or midstream facility will require a revised submittal and approval from the Township.
2. Operator will be responsible for costs and fees in accordance with the Township fee structure. In addition, any direct costs associated with the review of an application or related studies will be paid by the applicant. This includes any direct costs associated with hiring a third party to assist in the review of the application and related documents. Unpaid costs will be a basis for the Township to deny future applications for that Operator.
3. Operator shall comply with any generally applicable bonding and permitting requirements for Township roads that are to be used by overweight vehicles and equipment for development activities. For state and county roads located within the Township, Operator shall provide a copy of the Highway Occupancy Permit for overweight vehicles to the Township. Operator shall provide a transportation route map which depicts the roads to be utilized in the Township. The Operator shall inventory the condition of the roads and provide video and photo documentation to the Township. The Operator shall also submit at the time of application a road restoration plan that indicates how the Operator plans to address damage to Township roads during construction and after construction is complete. Prior to the commencement of any activity at the site, the Operator shall enter into a township roadway maintenance and repair agreement with the Township, in a form acceptable to the Township regarding maintenance repair and bonding of Township roads before, during, and immediately after drilling operations. Corrective action shall be taken by the Operator as directed by the Township.
4. Operator shall take the necessary safeguards to ensure that the Township roads utilized remain free of dirt, mud and debris resulting from development activities and shall ensure such roads are promptly (within 24 hours) swept or cleaned of dirt, mud and debris. Ingress and egress points shall be located to comply with PA Code 67 Chapter 441 PaDOT Design Manual 2, and shall meet transition grades, turning radii, and accommodate traffic capacity to provide for efficient movement.
5. Operator shall take all necessary precautions to ensure the safety of persons in areas established for road crossing and/or adjacent to roadways (for example, persons waiting for public or school

transportation). Where necessary and permitted, during periods of anticipated heavy or frequent truck traffic associated with development, Operator shall provide flagmen to ensure the safety of children at or near schools or school bus stops and include adequate signs and/or other warning measures for truck traffic and vehicular traffic.

6. Operator shall not clear brush or trees by way of burning. However, Operator shall be permitted to, consistent with any relevant outdoor burning ordinance(s), laws and regulations, burn any brush, trees, or stumps that have been removed from the ground and collected into a pile or piles on the properties where the Operator is engaging in development.
7. Prior to development, Operator shall provide to the Township three (3) copies of an approved Preparedness, Prevention and Contingency ("PPC") Plan. The Plan shall comply with PaDEP Guidelines for the Development and Implementation of Environmental Emergency Response Plans or the most recent applicable guidance document. Additionally, the Operator shall identify a third party or company emergency responder.
8. Before any development activities, the Township shall ascertain whether the Township's Police and Fire Departments have secured adequate information to deal with any potential dangerous conditions that may result due to development activities. First responders shall, upon request from the Township and at the Operators sole cost and expense, have an on-site orientation providing adequate awareness information prior to drilling of an Oil and Gas well. The Operator will provide at least fifteen (15) days' notice of an on-site orientation. Such site orientation shall be made available immediately after any substantial modification to the development or well site, or not less than annually during the period when the Operator anticipates drilling activities in the Township.
9. Operator shall take the necessary safeguards to ensure appropriate dust control measures are in place.
10. Recognizing that the specific location of equipment and facilities is an important and integral part of oil and gas development, as part of the planning process, Operator shall consider the location of its temporary and permanent operations, where prudent and possible, so as to minimize interference with Township residents' enjoyment of their property and future Township development activities. The Township Engineer will review the site plan with consideration of private property usage and future development.
11. Recognizing that adequate and appropriate lighting is essential to the safety of those involved in the development of oil and gas, the Operator shall take steps, to the extent practicable, to direct site lighting downward and inward toward the drillsite, wellhead, or other area being developed by shielding so as to minimize light leaving the site and towards public roads and adjacent buildings.
12. At least two (2) weeks prior to any development activity at an oil or gas well location, the Operator shall provide the following information to each property owner within two thousand five hundred (2,500) feet of the planned surface location of the well(s):
  - a. A copy of the well survey plat showing the location(s) of the planned well(s);
  - b. A general description of the planned operations at the planned well(s) and associated equipment to be used in the development of the well(s);
  - c. The contact information for the Operator, including a 24-hour emergency number.

- d. The availability of the Operator to meet with residents and businesses to present Operator's plans for the well(s) and to allow for questions and answers.
13. The Operator shall provide to the Township Engineer a Site Development Plan in accordance with Township requirements of the Subdivision and Land Development Ordinance, in addition to:
- a. A map showing the planned access route to the Well Sites on public roads,
  - b. Information on the status of State and County road bonding,
  - c. Identification of all structures within 750 feet of limits of the disturbed area,
  - d. The well survey plat showing the planned surface location(s) of the well(s), and site facilities for oil and gas development, including an off site transmissions plan.
  - e. Operator shall comply with the Township floodplain requirements and stormwater management requirements outlined in Ordinance 2011. No drilling or facilities are permitted within the floodplain, except where no other area provides access to the oil and gas deposit and this is thoroughly documented. In such cases, no storage of chemicals shall be permitted and only needed structures which shall be designed to withstand a 100-year storm event will be permitted in the floodplain. A qualified Engineer must certify that any development and structures do not cause additional flooding impacts. Exemption from the chemical storage restriction may be granted at the discretion of the Township where it is necessary and where no environmental risk would occur.
  - f. A general description including: identification of water withdraw method and treatment and disposal of water; location and means for site storage and disposal of hazardous and nonhazardous waste products; and summary environmental data that includes anticipated impacts and any proposed mitigation measures.
  - g. The contact information for the Operator with 24-hour emergency number.
  - h. Provide list of addresses, delivery date and method of delivery for each resident within 2,500 feet of the well as required in Section 12. A map showing structures where residents were notified and a copy of the notice and delivery method will be accepted.

Submittals for shallow wells should include four (4) paper copies and one (1) digital copy of the land development application and drawings for site plans. Deep wells from shale reservoir or source rock require ten (10) paper copies of the application and drawings are required along with one digital copy. Applicable fees for oil and gas operations are for major developments. The Township will have up to 90 days for review.

14. At least ten (10) days prior to commencement of drilling the Operator shall provide to the Township Zoning Officer a copy of the drilling permit issued by the Pennsylvania Department of Environmental Protection ("DEP"). Revocation of any federal, state, municipal, or other required approvals applicable to the use shall constitute an automatic revocation of the site development approval.

15. In addition to the requirements in the subsections above, the Operator shall:

- a. Fence all water impoundments with a minimum thickness eleven (11) gauge chain link fence, at least six (6) feet in height, meeting OSHA requirements around any pits that contain or could contain water or other liquids at depths greater than two feet. Fence support posts shall be set in concrete and embedded into the ground for stability. Tension

rods shall be 3/8 inch round steel bolt. Tension bars shall have a minimum thickness 1/4 x 3/4 inch. Adjustable tighteners should have a 6 inch minimum take-up.

- b. Install a gate at the access road. Gates shall be not less than 12 feet wide of two gates (minimum 6 feet) or 12 foot sliding gate. A combination catch and locking attachment shall be provided and kept locked when no one is working on the site.
  - c. Install warning signs providing notice of the potential dangers at the perimeter of the well site. These should be at least every three hundred feet and more frequent in areas where sight distance is limited.
  - d. Install a permanent Operator Sign posted at the gate and access road to include company name, emergency contact information, street address (to be established by Township), and Township Police number for emergency purposes. The sign must be all weather material and with a minimum four (4) inch lettering and should be located near and visible from the public road.
  - e. Provide at least one security guard at all times when a drilling rig or hydraulic fracturing equipment is on the well site and in use.
16. Prior to the commencement of drilling activity, no construction activities involving excavation of, alteration to, or repair work on any access road or Well Site shall be performed during the hours of 9:00 p.m. to 7:00 a.m.
17. The Township recognizes and acknowledges that oil and gas development is accompanied by inherent noise. However, the Operator shall take the following steps to minimize, to the extent practicable, the noise resulting from the Development:
- a. Prior to the drilling of an oil and gas well and/or the installation of any midstream facility, compressor or gathering facility, the Operator shall identify a third party entity for acoustic analysis. The Operator shall establish a background dBA Leq (Laeq) noise level at fifty (50) feet from the nearest protected structure as measured to the closest exterior point of the building. In lieu of establishing the above Laeq noise level, the Operator may assume and use, for the purposes of compliance with this ordinance, a default background noise level of 55 Laeq daytime and 45 Laeq nighttime. The sound level meter used in conducting any evaluation shall meet the American National Standard Institute's standard for Type II sound meters or greater accuracy which will provide equivalent data. The Township, at its discretion, may require noise monitoring during initial drilling and prior to receiving any complaints. The Township, at its discretion, may also require a Noise Analysis at the Operators expense.
  - b. The Operator shall provide documentation of measured background noise levels (Laeq) to establish a background noise level greater than 55 Laeq (daytime 7:00AM-9:00PM) 45 Laeq (nighttime 9:00PM-7:00AM) to the Township's Zoning Officer within three (3) business days of such a request from the Zoning Officer. Operator shall provide a copy of recent (within one year) calibration laboratory certification. Also meters must be field calibrated and documented before and after each set of measurements. Eight measurements should be taken over a two to three hour period and arithmetically averaged to identify the Laeq. All data should be reported. Daytime readings should be taken in both the AM (10AM-12PM) and PM (4PM-6PM) and be the basis for daytime operations. Operations that may involve nighttime work require both daytime and nighttime measurements. Readings should be 5 feet above ground and at an exterior site

to the protected structure to obtain adequate data that is not compromised by proximity to a structure or features that would skew the data or results. The location of all noise measurements will be shown relative to nearby features via a sketch including dimensions to nearby features. Any unusual noise events or site features should be noted.

- c. The noise generated during construction, drilling and hydraulic fracturing activities, or from compressors or midstream facilities is to be measured fifty (50) feet from the nearest protected structure. The monitoring site should be between the noise source and protected structure. The noise levels shall not exceed the background noise level (as determined by noise monitoring) or the default level, whichever is higher:
  - i. during drilling activities by more than seven (7) decibels during the hours of 7:00 a.m. to 9:00 p.m.;
  - ii. during drilling activities by more than five (5) decibels during the hours of 9:00 p.m. to 7:00 a.m.; or
  - iii. By more than ten (10) decibels during hydraulic fracturing operations.

The Operator shall inform the Township of which level (background existing monitored noise level or default level) is being used. Measurements to determine compliance with the ordinance will be dBA Leq (Laeq) for a period of 15 minutes during any part of the day or night at the discretion of the Township.

- d. Noise Analysis – At the discretion of the Township, a Noise Analysis will be required prior to any site development activity. In areas where there are likely to be noise concerns the Township may require a noise analysis to develop an understanding of noise impacts and allow time for noise attenuation measures to be adequately evaluated. The analysis must determine expected uncontrolled noise levels at locations designated by the Township. If it is determined that uncontrolled noise levels will exceed levels in 4.17c, the analysis must include expected noise levels with noise controls in place. The analysis must include specifics on the noise controls that will be installed. The analysis must be developed from known noise levels from similar sites and predictions (graphical or numerical) of expected noise levels determined at locations designated by the Township. These requests are for those areas likely to have noise impacts. Noise mitigation measures will be required if determined by the Township to be feasible. The Noise Analysis shall be approved by the Township.
- e. If a complaint is received by the Township from any person, whether a resident or otherwise using the protected structure as defined herein for any lawful purpose, regarding noise generated: during construction drilling; or hydraulic fracturing activities; or for compressors or midstream facilities, the Operator shall, within twenty-four (24) hours of receipt of the complaint from the Township, monitor noise at a point which is nearest to the well site or equipment generating the noise, and (50) feet from the Protected Structure to avoid reflective noise from the structure. Complaints from residents or otherwise not using a protected structure, but in proximity to the noise source shall require a noise analysis if determined by the Township to be warranted.
- f. If the Operator engages in any noise monitoring or analysis as required by this Ordinance, it will provide preliminary data to the Township no later than three (3) business days following completion of the noise monitoring or analysis. Once the monitoring is complete, Operator shall meet with Township representatives and affected

residents to discuss whether possible noise abatement measures are warranted, if the permitted levels set forth herein were exceeded. Township will determine whether noise abatement measures are feasible. Operator will be required to take corrective action if mitigation is feasible. If no mitigation is feasible then the noise analysis is complete and no mitigation is required. The mitigation analysis should identify various mitigation measures and provide a detailed explanation to the feasibility of the noise abatement measure(s). The feasibility should address whether an abatement measure can actually be implemented and provide an appropriate noise reduction and pose no safety, engineering, or access restrictions problems. It should also address the cost and level of attenuation to be provided so that the mitigation can be properly evaluated. Measures to be evaluated should consider best available control technology and include but are not limited to: temporary barrier construction; acoustic blankets; enclosing all or portions of the noise source; limiting noise source operations to daytime or other limits; relocating drill site; providing motel accommodations for impacted residents; and other measures that individually or in conjunction with each other provide a feasible noise mitigation plan.

- g. Exhaust from any internal combustion engine or compressor used in connection with the drilling of any well or for use on any production equipment or used in Development shall not be discharged into the open air unless it is equipped with (i) an exhaust muffler or (ii) an exhaust box. The exhaust muffler or exhaust box shall be constructed of non combustible materials designed and installed to suppress noise and disruptive vibrations. Moreover, all such equipment with an exhaust muffler or exhaust box shall be maintained in good operating condition according to the manufacturer's specifications.
  - h. All work over operations shall be restricted to the hours of 7:00 a.m. to 9:00 p.m., except in the extent of an emergency, as reasonably determined by the Operator. "Workover operations" shall mean work performed in a well after its completion in an effort to secure production where there has been none, restore production that has ceased, or increase production. The Township is to be notified of all such emergencies.
18. Operator shall take all reasonable measures to prevent the emission of offensive odors from the development.
  19. Shallow oil and gas development sites shall provide a two hundred (200) foot setback area from district boundaries or areas that are excluded zones for oil and gas development. No structures shall be permitted within this setback area. Deep wells from shale reservoir or rock shall have a 500 foot setback from boundaries of excluded zones.
  20. All permanent facilities shall be painted an earth tone color to blend in with the surrounding area. The Township may require fencing and or landscaping to buffer the facilities from adjacent properties.

## SECTION 5: Penalties

Any Operator or person performing work at their direction that violates or permits a violation of this chapter shall, upon being found liable, pay a fine of not more than \$500 per incident, plus all costs, including reasonable attorney's fees incurred by the Township in the enforcement of this chapter. Each day a violation exists shall constitute a separate offense. Appeals can be made by written request to the Township and an appeal will be heard by the Zoning Hearing Board. The Township may choose a civil enforcement proceeding commenced before a Magisterial District Judge. A person who violates this Ordinance shall also be responsible for the Township's attorney's fees, engineering fees, expert fees and court costs associated with enforcement.

The Township may seek injunctive relief in accordance with Section 53 Pa CSA 10515.1 of the Municipalities Planning Code which states, "In addition to other remedies, the municipality may institute and maintain appropriate actions by law or in equity to restrain, correct, or abate violations...."

**SECTION 6:** Natural Gas Compressor Stations, Natural Gas Processing Plants, metering Station, Gathering System and other production of development facilities. These facilities require a Noise Impact Analysis and shall comply with the noise criteria in Section 17.

1. Natural Gas Compressor Stations shall be allowed as Conditional Uses in the Industrial District
2. Natural Gas Processing Plants shall be listed as Conditional Uses in Industrial District
3. Metering Stations shall be allowed as Conditional Uses in the Industrial District

Supplemental Controls:

Compressors are required to be enclosed in a building with doors and meet noise and odor requirements. The building and roofing color is required to blend into the site. The Township requires restoration of the site within one year of production termination or nonuse.

**SECTION 7:** Repealers

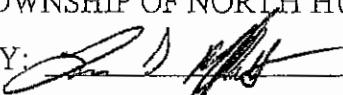
Township Ordinance No. 18 of 1998, Ordinance No. 952

**SECTION 8:** Effective Date

This ordinance shall take effect immediately after passage.

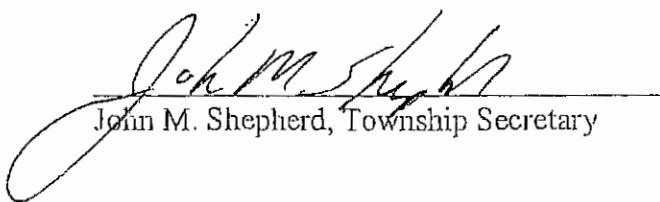
ORDAINED AND ENACTED into law this 15th day of June, 2011.

TOWNSHIP OF NORTH HUNTINGDON

BY: 

Lee D. Moffatt, President  
Board of Commissioners

ATTEST:



John M. Shepherd  
John M. Shepherd, Township Secretary

SEAL

SOLICITOR: Bruce E. Dice