

Zoning Ordinance

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## **ARTICLE 1. SHORT TITLE, PURPOSE, SCOPE, INTERPRETATION AND SEVERABILITY**

### **SECTION 100: SHORT TITLE**

This Ordinance shall be known as the “Sewickley Township Zoning Ordinance” hereinafter referred to as the “Zoning Ordinance” or this “Ordinance.” The official map showing zoning districts and boundaries shall be known as the “Sewickley Township Zoning District Map”, copies of which shall be retained by the Township Zoning Officer and the Township Secretary. The map included herein is a reproduction of the official map and is for reference only.

### **SECTION 101: PURPOSE**

The regulations of the Zoning Ordinance are made in accordance with the following purpose:

- A. To preserve the Township's rural community atmosphere while developing a balance of agricultural, residential, recreational, commercial, and industrial land uses.
- B. To lessen congestion on the streets and highways;
- C. To secure safety from fire, panic and other dangers;
- D. To promote health and general welfare;
- E. To provide adequate light and air;
- F. To prevent the overcrowding of land;
- G. To avoid undue congestion of population;
- H. To facilitate the adequate provision of transportation, water, sewer, schools, parks, and other public requirements;
- I. To protect and enhance the value of land;
- J. To encourage, yet control new development and growth within the Township.
- K. Such regulations are also made with reasonable consideration to the character of the districts hereinafter set forth and their suitability for particular uses, and with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the Township.

### **SECTION 102: SCOPE**

The “Zoning Ordinance” regulates and restricts within the boundaries of Sewickley Township, Westmoreland County, Pennsylvania:

A. Intent. **Grandfather Clause:** Subject to the provisions of Article 9 of this Ordinance, any building, structure, use or lot of record, lawfully existing on the effective date of the adoption of this Amendment or the effective date of the original Zoning Ordinance, may be continued in perpetuity, regardless of ownership, until such use is abandoned, even though such building, structure, use or lot does not conform to the provisions of this Ordinance.

B. The height, number of stories and size of buildings and other structures;

C. Their construction and extension;

D. All facilities and services in or about such buildings and structures;

E. The percentage of lot that may be occupied;

F. The size of yards, courts, and other open spaces;

G. The density of population;

H. The location and use of buildings, structures and land for trade, industry, residence or other purposes;

I. The establishment and maintenance of building lines and setback lines upon any or all public streets or highways.

### **SECTION 103: APPLICATION**

Where the Zoning Ordinance imposes greater restrictions than those of any statute, other ordinance or regulations, the provisions of the Zoning Ordinance shall be controlling. The Zoning Ordinance is not intended to interfere with any covenant or other agreement between private parties. However, where the Zoning Ordinance imposes greater restrictions than those imposed by any such easement, covenant or agreement, the provisions of the Zoning Ordinance shall govern. Where any such easement, covenant or other agreement imposes greater restrictions than those imposed by the Zoning Ordinance, those shall govern.

### **SECTION 104: INTERPRETATION**

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

### **SECTION 105: SEVERABILITY**

If any article, section, subsection, paragraph, sentence, phrase or any other provisions of this Ordinance for any reason is held to be invalid by a court of competent jurisdiction , each holding shall not affect the validity of, or the remaining provisions of this Ordinance, it being the legislative intent of the Supervisors that the same would have been enacted without the article, section, subsection, paragraph, sentence, phrase or other provision.

## **ARTICLE 2. COMMUNITY DEVELOPMENT OBJECTIVES**

### **SECTION 201: PURPOSE OF COMMUNITY DEVELOPMENT OBJECTIVES**

This article shall serve as the statement of community development objectives for the Sewickley Township Zoning Ordinance as required by Section 606 of the Pennsylvania Municipalities Planning Code (Act 247) of 1968, as amended). The Zoning Ordinance reflects the policy goals of the Township as stated in the following community development objectives and has been developed as a legislative and administrative tool of the Township to implement these objectives.

### **SECTION 202: OVERALL GOAL**

The overall goal of Sewickley Township is to: preserve its rural character, village areas, open spaces and agriculture while developing a balance of residential, recreational, commercial and manufacturing uses to maintain and enhance the high quality of life experienced by its residents using the Vision Statement of the adopted Comprehensive Plan as a guide.

#### **A. Land Use and Community Objectives**

1. To maintain the rural character, enhance the small villages and promote quality community values so that Sewickley Township is known as a Second Class Township with a high quality of life.
2. To encourage revitalizing the older villages and encourage some new residential, commercial and manufacturing development that is properly planned and placed to enhance the economic base of the Township.
3. To preserve and maintain prime farmland in the Township through a variety of agricultural protection methods.
4. To insure that identified environmentally sensitive areas and natural resources located within the Township are preserved through better management and land use practices that create overlay protection zones for these areas.
5. To designate areas of the Township for parks and recreation facilities.

6. To designate areas of the Township for new housing that will be of varying styles and affordability levels, including housing for seniors, and to assure that new housing blends well with the older homes of the community and the surrounding environment.

### **ARTICLE 3. ZONING DISTRICTS AND PURPOSES**

Sewickley Township is divided into the following Zoning Districts. These districts will be also known by the indicated abbreviation for each district.

#### **Section 301: P-1 Public Lands**

A. Purpose and Intent. The Public Lands District includes lands that are used for parks, playgrounds, buildings, conservation, and other uses that are owned and operated by a public governmental entity or authority, and are thus identified as public lands on the Zoning District Map.

#### **SECTION 302: A-1 AGRICULTURAL**

In the event that public utility services become available to properties within this district, it is the intent of this district to permit land conservation subdivisions that allow for cluster development of residential dwellings while preserving at least twenty-five percent (25%) as open space to preserve the character of the Township.

A. Purpose and Intent. The Agricultural/Land Conservation District includes lands that are actively being utilized for agricultural purposes with normal farming practices actively taking place. This land heavily contributes to the rural character of the Township, and is the goal of the Township to retain these farms through a variety of methods. It is understood that circumstances may make these lands available for development, and it is the intent of this district to permit very low density lots if there are no available public utility services.

Agriculture is defined as -Any principal or accessory use of land, or water, used for farming, horticulture, floriculture, arboriculture or aquaculture and silviculture. These include the customary and generally accepted activities, practices and procedures that farmers adopt, use or engage in year after year in the production and preparation for market for poultry, livestock and their products. The term Agriculture also includes any use of land or water, formerly used for agricultural purposes, as defined above, but which is currently fallow or is being conserved for future agricultural use. The term Agriculture does not include animal husbandry as defined herein.

This municipality encourages the continuity, development and viability of agricultural operations within its jurisdiction. This municipality prohibits public nuisances but excludes from the definition of such

nuisance any agricultural operations so long as the agricultural operation does not have a direct adverse effect on the public health and safety.

A. Permitted Uses and Special Exceptions: Per requirements of Section 402.

B. Lot, Yard, Frontage, and Height Standards: Per requirements of Section 505.

C. Signs: Per requirements of Section 805.

D. Accessory Uses and Accessory Structures: Per requirements of Section 508.

E. Supplemental Building Regulations: Per requirements of Section 506.

F. Standards and Procedures for Land Conservation Subdivisions: the standards and procedures for Land Conservation Subdivisions are located in Article 7 of this Ordinance.

### **Section 303: R-R Residential – Rural**

A. Purpose and Intent. The Rural Residential District includes lands in the Township that are not served by public water and sewer facilities, and are located outside of the village areas of the Township. Most of the land is suitable for agriculture, woodlands and wildlife and it contributes to the rural character of the Township. The purpose of this district is to allow for residential development that is consistent with this character and provide for homesteads on larger tracts of land, and does not impose on the provision of municipal services.

B. Permitted Uses and Special Exceptions: Per requirements of Section 402.

C. Lot, Yard, Frontage, and Height Standards: Per requirements of Section 505.

D. Signs: Per requirements of Section 805.

E. Supplemental Building Regulations: Per requirements of Section 506.

F. Accessory Uses and Accessory Structures: Per requirements of Section 508.

G. Standards and Procedures for Land Conservation Subdivisions: the standards and procedures for Land Conservation Subdivisions are located in Article 7 of this Ordinance.

### **Section 304: R-1 Residential – Medium Density**

A. Purpose and Intent. The medium density district includes lands that surround the Township villages and major transportation corridors. The purpose of the district is to provide for single-family dwellings

and multi-family dwellings, where such uses do not adversely impact neighboring properties. The district serves as a transition between higher density villages and lower density residential districts.

B. Permitted Uses and Special Exceptions: Per requirements of Section 402.

C. Lot, Yard, Frontage, and Height Standards: Per requirements of Section 505.

D. Signs: Per requirements of Section 805.

E. Supplemental Building Regulations: Per requirements of Section 506.

F. Accessory Uses and Accessory Structures: Per requirements of Section 508.

G. Standards and Procedures for Land Conservation Subdivisions: the standards and procedures for Land Conservation Subdivisions are located in Article 7 of this Ordinance.

### **Section 305: V-1 Rural Village- High Density**

A. Purpose and Intent. The rural village district includes lands in older established villages in the Township that are predominantly residential in nature. These include the villages of Herminie, Lowber, Hutchinson, Wyhels and Rillton. The purpose of the district is to provide for a mixture of single family dwellings and multi-family dwellings, generally on smaller lots, and smaller home-based and neighborhood businesses to serve the needs of the residents.

B. Permitted Uses and Special Exceptions: Per requirements of Section 402.

C. Lot, Yard, Frontage, and Height Standards: Per requirements of Section 505.

D. Signs: Per requirements of Section 805.

E. Supplemental Building Regulations: Per requirements of Section 506.

F. Accessory Uses and Accessory Structures: Per requirements of Section 508.

### **Section 306: V-2 Mixed Use Village – High Density**

A. Purpose and Intent. The mixed use village district includes lands near to V-1 zoned properties which include a mix of residential, business and institutional uses. The purpose of the district is to provide for a mixture of single family dwellings and multi-family dwellings, generally on smaller lots, and encourage the long-term development of the business districts.

B. Permitted Uses and Special Exceptions: Per requirements of Section 402.

C. Lot, Yard, Frontage, and Height Standards: Per requirements of Section 505.

D. Signs: Per requirements of Section 805.

E. Supplemental Building Regulations for Residential Structures: Per requirements of Section 506.

F. Supplemental Use and Building Regulations for Non-Residential Structures: Per requirements of Section 507.

G. Accessory Uses and Accessory Structures: Per requirements of Section 508 and 511.

### **SECTION 307: C-C COMMUNITY Commercial Center**

A. Purpose and Intent. The purpose of the Community Commercial Center District (C-C) is to encourage a mix of business, office, service and residential uses, within a designated commercial district. The Community Commercial Center District will support small to medium scale specialty retail, offices and residential uses, and be encouraged to include public spaces. The district will be pedestrian oriented and tied together with street amenities and design treatments such as sidewalks, street-lighting, signage, landscaping, street trees and screened parking areas. The designation is to allow a variety of uses, while controlling the impacts to the land adjacent to them.

B. Permitted Uses and Special Exceptions: Per requirements of Section 402.

C. Lot, Yard, Frontage, and Height Standards: Per requirements of Section 505.

D. Signs: Per requirements of Section 805.

E. Accessory Uses and Accessory Structures: Per requirements of Section 511.

F. Supplemental Use and Building Regulations: Per requirements of Section 507.

G. Site Standards Applicable to the C-C Zoning District:

1. Parking Lot Layout.

a. No more than fifty (50) percent of the off-street parking area for the lot, tract, or area of the land devoted to the establishment shall be located between the front façade of the building and the abutting streets.

b. Landscaping and Screening of Parking Areas: Per requirements of Section 804, Landscaping.

2. Landscaping and Screening.

In addition to the requirements of Section 804, the following landscaping and buffering standards shall apply for this district. Where any façade faces an adjoining residential property, and where large retail development directly abuts residential properties, a six foot high screening wall shall be required. Where visible from any right-of-way these walls will also have a three foot high (within one year of planting) hedge on the side facing the right-of-way and running the length of the wall where visible. Maintenance of the landscaping shall be the responsibility of the property owner.

### 3. Outdoor Lighting.

Light design and installation shall emphasize low, level, uniform lighting to avoid abrupt changes from bright lights to darkness. Design limits and intensity requirements shall be placed on large retail establishments. Parking and security lighting shall not be taller than the adjacent structures or a maximum of twenty-four (24) feet above the pavement, whichever is less. All lighting must be shielded or angled.

## H. Standards for Medium and Large Scale Retail Buildings in C-C and M-T Districts.

### 1. Applicability of Standards.

Each retail commercial establishment with a footprint of twenty-five thousand (25,000) square feet or more shall conform to the following development standard in addition to all other applicable requirements enforced pursuant to ordinances, rules, regulations, and laws.

### 2. Architectural Style.

Architectural style shall be coordinated to create visual cohesiveness. Within the development collectively constituting the large retail establishment, all buildings, the principal structure, accessory structures, canopies, parking lots and other open spaces as well as signs shall be of a unified design.

### 3. Building Setbacks.

The minimum setback for building façades shall be thirty-five (35) feet as measured from the nearest property line. No structure or building may be placed between the setback line and a property line.

### 4. Building Width and Façade.

Façades greater than one hundred (100) feet in length shall incorporate wall plan projections or recesses having a depth of at least three percent of the length of the façade and extending at least twenty (20) percent of the length of the façade. No uninterrupted length of any façade shall exceed one hundred (100) horizontal feet.

### 5. Façade and Exterior Walls.

Ground floor façades that face public streets shall have arcades, display windows, entry areas, awnings, and other such design features as may be selected by the owner along no less than sixty (60) percent of



their horizontal length. Where large retail establishments contain separately owned stores with separate exterior customer entrances, the street level façade and façades that face the main entry to the establishment shall be transparent between the height of three feet and eight feet above the walkway grade no less than sixty (60) percent of the horizontal length of the building façade.

#### 6. Rear Façades/Delivery Loading Operations.

Delivery/loading operations shall be screened from public areas by landscaping or walls of not less than six feet in height, constructed of the same materials as are used in the principal structure.

#### 7. Roof Treatment.

Roofs shall have no less than two of the following features:

a. Parapets concealing flat roofs and rooftop equipment such as HVAC units from public view. The average height of such parapets shall not exceed fifteen (15) percent of the height of the supporting wall and such parapets shall not at any point exceed one third of the height of the supporting wall. Such parapets shall feature three dimensional cornice treatments.

b. Overhanging eaves, extending no less than three feet past the supporting walls.

c. Surface coverings on flat roofs shall be of material that is non-reflective and non-glare. Heavy-duty contoured asphalt shingles, cedar shakes, and metal roofing materials are acceptable for pitched roofs.

d. Sloping roofs that do not exceed the average height of the supporting walls, with an average slope greater than or equal to one foot of the vertical rise for every one-foot of horizontal run.

e. Three or more roof slope planes.

#### 8. Building Height:

See Table 505.

### **SECTION 308: M-T Manufacturing and Technology**

A. Purpose and Intent. This district includes lands that provide for new industrial and technology development and protect existing industrial sites and allow for continued operation of existing general industry, manufacturing, extraction, salvage and related activities, subject to performance standards and buffering requirements to minimize potential environmental impacts. Accessory office uses and freestanding offices are allowed as well as other uses that are not as appropriate for more restrictive districts.

B. Permitted Uses and Special Exceptions: Per requirements of Section 402.

C. Lot, Yard, Frontage, and Height Standards: Per requirements of Section 505.

D. Signs: Per requirements of Section 805.

E. Accessory Uses and Accessory Structures: Per requirements of Section 511.

F. Supplemental Use and Building Regulations: Per Requirements of Section 507.

G. Large Retail Store Standards: Per requirements of Section in 307 (G).

H. No land, building or structure in the M-T district shall be used or occupied in any manner so as to create any dangerous, injurious, noxious or otherwise objectionable element or condition unless the following performance requirements are observed:

1. Fire hazards. Any activity involving the use or storage of flammable or explosive materials shall be protected by adequate fire-fighting and fire-suppression equipment and by such safety devices as are normally used in the building of any such material.
2. Radioactivity or electrical disturbances. No activity shall emit dangerous radioactivity at any point or electrical disturbance adversely affecting the operation at any point of any equipment other than that of the creator of such disturbance.
3. Vibration. No vibration shall be permitted that is discernible without instruments on any adjoining lot or property.
4. Smoke. Smoke that is of a shade equal to or darker than No. 3 on the Standard Ringelmann Chart issued by the United States Bureau of Mines shall not be emitted by industrial or commercial uses for longer than eight minutes in any hour.
5. Odors. No malodorous gas or matter shall be permitted that is discernible on any adjoining lot or property; except for agricultural by products which will have to be approved by zoning variance.
6. Air pollution. No pollution of air by fly ash, dust, vapors or other substances shall be permitted that is harmful to health, animals, vegetation or other property or that can cause soiling.
7. Glare. No direct or reflected glare shall be permitted that is visible from any property or from any public street, road or highway.
8. Erosion. No erosion, by either wind or water, shall be permitted that will carry objectionable substances onto neighboring properties.
9. Water pollution. Pollution of water shall be subject to the requirements and regulations established by the Pennsylvania Department of Environmental Protection.

## **SECTION 309: OVERLAY DISTRICTS**

**A. Purpose and Application.** It is the intent of this Section to establish geographic areas which superimpose additional requirements upon the basic zoning district or districts without affecting the requirements of the basic zoning district or districts. Accordingly, there are hereby established the following overlay districts in the Township. When the requirements of a basic zoning district and overlay district conflict, the more restrictive requirements shall apply.

**B. Commercial Transition (C-T) Transition Corridor Overlay District** serves as a development standard for the Mars Hill Road/Rillton-Sutersville Road (SR 3045), Clay Pike (C6404) West Newton Road (SR 3057), Herminie Road from Highland/Pike Street to the Madison Borough line, Wendel Road from Keystone Road to the Hempfield Township line, Keystone Road from Wendel Road to the Hempfield Township line and State Road 136 corridors. These development standards provide for a uniform landscape and rural design theme along roads. The overlay district also provides a mixture of uses as an option for all properties in the district which meet minimum development standards. The specific standards and land use policies of this district are an extension of the growth policies developed in the Comprehensive Plan for the Township of Sewickley.

The regulations contained herein recognize this authentically rural landscape of Sewickley and the realistic prospects for future corridor development, that could create sprawl and retail intrusion into established residential areas located on the corridors. The incorporation of extensive buffering techniques seeks to assist in the preservation of such adjoining residential areas by providing a unique transition zone.

Properties within the overlay district retain all of the use rights conferred by their underlying zoning classifications, as indicated in Section 402.

**1. Boundaries.** The general boundaries of the Commercial Transition Overlay District are as shown on the Zoning District Map and generally include those properties extending the distance of Mars Hill Road/Rillton-Sutersville Road (SR 3045) Clay Pike (C6404), West Newton Road (SR 3057) and State Road 136, generally not exceeding a depth of 250 feet along each side of those corridors.

**2. Streetscape Theme.** Front yard landscaping areas shall be 30 feet in depth along the entire property frontage except where driveways or other openings may be required. Landscaping shall utilize fences, walls, and connecting sidewalks.

**3. Buildings.** Buildings shall be designed so as to be similar with the appearance of buildings in the underlying zoning district.

**4. Parking.** A minimum of 2.5 (not to exceed 4) spaces per 1000 square feet of gross floor area for all uses with the exception of residential development shall be provided.

**5. Non-Single Family Coverage.** Maximum lot foundation coverage shall be 25 percent. Any individual building shall not exceed 12,000 square feet of enclosed, heated gross floor area, unless such space existed on the effective date of this Zoning Ordinance; provided, however, any individual building used for the following uses may exceed 12,000 square feet or more of enclosed, heated gross floor area: houses of worship and their customary related uses, parks, playgrounds, community centers and schools, public buildings such as libraries, museums, and art galleries.

**6. Buffers and Setbacks.** Non-residential buildings shall be set back 50 feet from all property lines when adjacent to a residential use. The setback area shall include a ten (10) foot buffer area planted with evergreen trees at least four (4) feet in height at planting. This requirement may be waived by the Planning Commission provided that topography serves the same purpose of this buffering.

## **7. Permitted Uses**

- a. All uses permitted in the underlying zoning district.
- b. Uses listed in paragraph 8 of this section, provided they have less than 2,500 square feet of gross floor area devoted to the non-residential use.
- c. Adaptive re-use businesses as described in paragraph 9 of this Section provided they have less than 2,000 square feet of gross floor area.

## **8. Special exceptions:**

- a. Banks and other financial institutions
- b. Business and Professional Offices, including but not limited to medical, dental, legal, financial, architectural, engineering, computers, real estate, insurance, and manufacturing representative
- c. Personal services establishments, including but not limited to barber and beauty shops and shoe repair shops.
- d. Florists and nurseries
- e. Commercial food stores, bakers and delicatessens
- f. Restaurants, grills and ice-cream shops, but not including drive-through facilities
- g. Automotive repair and detailing.
- h. Retail and Wholesale, Durable and Non-Durable Goods
- i. Light Manufacturing

**9. Adaptive Reuse of Existing Residential Structures.** Adaptive re-use of existing residential structures is encouraged. Uses listed as special exceptions above shall be considered a permitted use in the overlay district when proposed within an existing residential structure. The following standards shall apply to the conversion of an existing residential use to a non-residential use:

- a. No changes shall occur to the front building elevation, other than normal residential rehabilitation, such as residential replacement windows, doors, soffit and fascia, roof, etc.
- b. The structure shall not be expanded above 50% of gross floor area, and such expansion shall be compatible with the existing residential design.
- c. If the lot has ample space, all vehicle parking shall be confined to the rear and side yards, except for disabled parking and garage parking for the owner.
- d. Screening in the form of evergreen trees and shrubs shall be used along all rear and side property lines.

### **C. Environmentally Sensitive Overlay**

1. Purpose and Intent. The purpose of the Environmentally Sensitive Overlay District is to protect identified environmental areas in the Township for the preservation and conservation of the natural environment, including steep slope areas, flood plains and stream and river buffers while permitting limited residential and passive recreational uses.

**a. Flood Plain Regulations** - Sewickley Township has adopted an Ordinance regulating development within flood plains. All development within designated flood plains, as indicated on the official FEMA maps shall be considered incorporated into the environmentally sensitive overlay as part of the Zoning District Map and it shall be required to follow the regulations contained in said Ordinance prior to the issuance of any occupancy permit by the Zoning Officer.

**b. Steep Slope Regulations** – Areas identified as steep slope, those being areas of over 25% slope, with a minimum of five (5,000) thousand square feet shall be considered to be incorporated into the environmentally sensitive overlay as part of the Zoning District Map as all proposed subdivisions and land developments shall comply with the requirements for these areas as included in the Township Subdivision and Land Development Ordinance.

#### **c. River and Stream Buffers:**

1. This subsection is established in accordance with the Pennsylvania Constitution, Art. I, Sec. 27 (the "Environmental Rights Amendment"), and Sections 301(b), 603(b)(5), 603(d), 604(1) and 605(2)(ii & vii) of the Municipalities Planning Code, 53 P.C. § 10101 et seq.

## 2. Intent and objectives.

It is the purpose of this article to establish requirements for the establishment, maintenance, and preservation of river and stream buffers, to protect the streams and rivers within the Township, and to limit the surface areas of buildings and structures within these areas.

## 3. Background.

Buffers adjacent to stream systems and other water resources provide numerous environmental and resource management benefits, including restoring and maintaining chemical, physical and biological integrity of the water resources; removing pollutants from urban stormwater; reducing erosion and controlling sedimentation; stabilizing stream banks, providing a natural impediment to floods; contributing organic material that is a source of food and energy for the aquatic ecosystem; maintaining stream temperatures and therefore the aquatic ecosystems by providing tree canopy; providing river and stream wildlife habitat; and furnishing scenic value and recreational opportunities. To achieve these ends, it is necessary that development within the Township take place in such a manner so as to limit the amount of buildings and structures within river and stream buffer areas; owners whose properties include river and stream buffers be educated as to desirable river and stream buffer maintenance practices; and stream and river buffers be established where such buffers do not presently exist.

## 4. Applicability.

The provisions herein shall provide for the location of any building or accessory structure located within the river and stream buffer setback on any property in the Township; provided, however, that they shall not be applicable on properties on which streams are enclosed by man-made channels or are underground.

## 5. Permitted land disturbance in river and stream buffer setback.

The following land disturbances shall be permitted without limitation when located within the river and stream buffer setback:

- a. Detached accessory buildings and accessory structures subject to the requirements of the underlying zoning district; provided, however, that a minimum distance of 10 feet from the buffer shall apply when such building or accessory structure is located adjacent to any stream bank or river.
- b. Vegetation management or open space management plan, which provides for the maintenance of stream banks, rivers, and water quality.
- c. Customary agricultural practices in accordance with a soil conservation plan approved by the Westmoreland County Conservation District.
- d. Activities regulated by the Commonwealth of Pennsylvania (such as permitted stream or wetland crossings or other encroachments).

e. Installation of pervious-surfaced trail providing access to a stream, pond or other water resource, or an impervious-surfaced trail access when required or authorized by federal, state or local regulations.

f.. Gardening and exterior yard maintenance.

g. Temporary construction attendant to construction activities occurring within the river and stream buffer setback; provided, however, that such temporary construction shall be removed and any land disturbance within the river and stream buffer setback be remedied within a time period approved by the Township.

#### 6. Boundary determination.

a. The buffer shall be fifty (50) feet on both sides of the stream bank or river. Areas identified as streams and rivers within the Zoning District Map include the Youghioghny River, Big Sewickley Creek, Little Sewickley Creek, Pinkerton and Kelly Runs and other small runs and streams.

b. The Zoning Officer shall consult with the Township Engineer who shall have the final authority to render a determination on the applicability of the river and steam buffer. The Engineer may: (1) uphold the 50 foot buffer; (2) reduce the 50 foot buffer or (3) eliminate the 50 foot buffer. The decision shall be communicated to the applicant within thirty (30) days of the filing of the application for development.

#### 7. Zoning Hearing Board appeals.

a. In any instance in which the Zoning Hearing Board is required to consider an appeal from the provisions of this section such appeal shall be authorized as a special exception pursuant and subject to the provisions of Article 6.

b. Applications filed with the Zoning Hearing Board shall contain the basis for the appeal of the decisions of the Township Engineer and a description of the relief requested. Plans submitted must be acceptable to the Zoning Hearing Board and shall include the following:

(1) Location of streams, rivers, or other water resources on the property to be developed;

(2) Species, location and size of trees within the stream and river buffer setback;

(3) Location of any proposed building or structure; and

(4) Any other information deemed relevant by the applicant.

c. In addition to the standards and criteria enumerated in Article 6 of this Ordinance, the following shall be considered by the Zoning Hearing Board in rendering affirmative decisions where applicable:

(1) A showing of good and sufficient cause.

(2) Whether strict application of this article would deny the applicant reasonable use of the property, or whether the ordinance would have severe impact and would render the property unusable or unsuitable for development.

(3) Whether plan modifications or conditions of approval can achieve conservation objectives of this subsection.

(4) That the relief granted is the minimum necessary and does not conflict with any Township, state, or federal regulations.

### **SECTION 310. THE ZONING DISTRICT MAP**

The boundaries of the Zoning Districts shall be as shown on the Zoning District Map.

### **SECTION 311. BOUNDARIES OF ZONING DISTRICTS**

Where uncertainty exists with respect to the boundaries of the various Zoning Districts, the following rules shall apply:

A. Where a Zoning District boundary follows a street, alley, railroad, or watercourse, the centerline of such street, alley, railroad, or watercourse shall be interpreted to be the zoning district boundary.

B. Where a Zoning District boundary approximately parallels a street or alley, the boundary shall be interpreted as being parallel to it and at such distance from it as indicated on the Zoning District Map. If no distance is given, such dimension shall be determined by the use of the scale shown on the Zoning District Map.

C. Where a Zoning District boundary approximately follows a lot line, the lot line shall be interpreted to be the zoning district boundary.

D. Submerged Areas – Where areas within the Township are underwater and are bounded by two or more zoning districts, the boundary lines of these districts shall be extended to the center of the body of water.

E. Vacation of Public Ways – Whenever any street or alley is vacated, the zoning district or districts adjoining the side of such street or alley shall be automatically extended to the center of the vacated area.

F. Where a Zoning District Boundary does not follow a physical feature or lot line and none of the previous rules apply, the location of such boundary, unless the same is indicated by dimensions shown on the Zoning District Map, shall be determined by the use of the map scale appearing thereon.

## **ARTICLE 4 - TYPES OF USES AND TABLE OF PERMITTED USES, SPECIAL EXCEPTIONS ALLOWED IN THE VARIOUS ZONING DISTRICTS**

### **SECTION 401: PERMITTED USES AND SPECIAL EXCEPTIONS**



Permitted Uses and Special Exceptions for each district are shown on the following table (Section 402) and are considered a principal use on a lot unless noted.

**A. Uses Permitted by Right.** Uses permitted by right shall be as indicated in Section 402 of this ordinance with a P designation in the box intersecting zoning districts and uses.

**B. Special Exceptions.**

1. Uses permitted by Special Exception shall be as indicated in Section 402 of this ordinance with an S designation in the box intersecting zoning districts and uses. Applications for zoning approval for such uses are subject to criteria and procedures listed in Article 6 of this ordinance. Approval shall be granted or denied by the Zoning Hearing Board. Land developments and subdivisions shall meet all requirements of the Subdivision and Land Development Ordinance of the Township before a zoning approval is granted.

2. Uses of the same general character as any of the uses authorized as permitted uses by right or uses by special exception in the Zoning District in which the property is located shall be allowed, if the Zoning Hearing Board determines that the impact of the proposed use on the environment and adjacent streets and properties is equal to or less than any use specifically listed in the Zoning District. Applications for approval for such comparable uses must meet and are subject to the criteria and procedures listed in Article 603 of this Ordinance for the claimed comparable use. In addition, the Zoning Hearing Board must make a specific finding that the use is in fact comparable to a permitted use in that Zoning District.

**C. Public Land District Land Use Authorization Table.** Any use of land in the P-1 Public Land District may be authorized provided that use is intended to better serve the public and promote the function of the local government. With the exception of temporary outdoor activities, all uses in this district are special exceptions and are subject to procedures and requirements of Section 6 of this Ordinance.

**SECTION 402: TABLE OF USES**

	<b>A-1</b>	<b>R-R</b>	<b>R-1</b>	<b>V-1</b>	<b>V-2</b>	<b>C-C</b>	<b>M-T</b>	<b>P-1</b>
<b>A. Residential Uses</b>								
1. Apartment Building		P	P	P	P			
2. Land Conservation Subdivision (per requirements of Article 7)	P	P	P	P	P			

3. Mobile Home, Manufactured Home, Trailer	P	P	P					
4. Mobile Home Park	S	S	S			S		
5. Modular Home	P	P	P	S	S	S	S	
6. Multi-Family Dwelling	P	P	P	P	P	P	P	
7. Single Family Dwelling	P	P	P	P	P			
8. Two Family Dwelling	P	P	P	P	P	P	P	
<b>B. Natural Resources and Open Space</b>								
1. Agriculture	P	P	P	P	P	P	P	
2. Agricultural Business	P	P	P	P	P	P	P	
3. Animal Husbandry	P	P	P					
4. Cemetery	S	S	S	S	S	S	S	
5. Commercial Kennel	P	P	P					
6. Concentrated Animal Operations	P	S	S					
7. Forestry	P	P	P	P	P	P	P	
8. Garden Nursery	P	P	P	P	P	P	P	
9. Golf Course	P	P	P					
10. Mineral Extraction or Mining	P	S	S	S	S	P	P	S
11. Recreation, Outdoor Commercial	S	S	S	S	S	S	S	
12. Recreation, Outdoor Public								P
<b>C. Non –Residential Uses</b>								

1. Adult Entertainment Establishment (per Section 604)								S	
2. Adult Day Care		P	P	P	P	P	P	P	
3. Agriculture Storage Buildings		P	P	P					
		<b>A-1</b>	<b>R-R</b>	<b>R-1</b>	<b>V-1</b>	<b>V-2</b>	<b>C-C</b>	<b>M-T</b>	<b>P-1</b>
4. Animal Hospital		P	P	P			P	P	
5. Automobile Service Station		P	P	P	P	P	P	P	
6. Bed and Breakfast		P	P	P	P	P	P	P	
7. Contracting Business		P	P	P	S	S	P	P	
8. Contractor's Yard		P	S	S	S	S	P	P	
9. Day Care Center		P	P	P	P	P	P	P	
10. Drug and/or Alcohol Treatment Facility & Transition Dwellings								S	
11. Entertainment Facilities		S	S	S	S	S	P		
12. Equipment Storage Yard		P	S	S	S	S	P	P	
13. Essential Services Buildings		P	S	S	S	S	P	P	
14. Exotic Animals		S	S						
15. Funeral Homes and Mortuaries		P	P	P	P	P	P	P	
16. Group Care Facilities		P	P	P	P	P			
17. Health Care Facility		P	P	P	P	P			

18. Heavy Manufacturing							P		
19. Light Manufacturing	P	S	S	S	S		P		
20. High Technology Industries	P						P		
21. Hotel		S	S	S	P	P	P		
22. Industrial Park							P		
23. Junk Yard							S		
24. Mixed-Use Building	P	P	P	P	P	P	P		
25. Motor Vehicle Display, New and Used		S	S	S	S	S			
26. Nursing Home	P	P	P	P	P				
27. Office up to 1,000 square feet of gross floor area	P	P	P	P	P	P	P		
28. Personal Care Boarding Home (10 or less beds)	P	P	P	P	P				
29. Personal Care Boarding Homes (11 or more beds)	S	S	S	S	S				
30. Personal Services	P	P	P	P	P	P			
31. Recreation, Indoor Sports & Membership				P	P	P			
		<b>A-1</b>	<b>R-R</b>	<b>R-1</b>	<b>V-1</b>	<b>V-2</b>	<b>C-C</b>	<b>M-T</b>	<b>P-1</b>
32. Recreation, Indoor Public								P	
33. Restaurant, (Neighborhood) with less than 2,000 square feet of gross floor area.	S	S	S	P	P	P	P		

34. Restaurants (Small) with more than 2,000 gross square feet floor area and up to 3,000 square feet of gross floor area	S	S	S	P	P	P	P	
35. Restaurants (Large) with more than 3,000 gross square feet floor area	S	S	S	P	P	P	P	
36. Retail Store (Neighborhood) up to 2,000 square feet of gross floor area	S	S	S	P	P	P		
37. Retail Store (Small) with more than 2,000 gross square feet floor area and up to 3,000 square feet of gross floor area	S	S	S	P	P	P		
38. Retail Store(Medium) with more than 3,000 square feet of gross floor area and up to 25,000 square feet of gross floor area	S	S	S	S	S	P		
39. Retail Store (Large) with more than 25,000 square feet of floor area and less than 50,000 square feet of floor area						P		
40. Retail Stores (Super) with more than 50,000 square feet of floor area						S		
41. Schools, Public and Private	S	S	S	S	S	S	S	
	<b>A-1</b>	<b>R-R</b>	<b>R-1</b>	<b>V-1</b>	<b>V-2</b>	<b>C-C</b>	<b>M-T</b>	<b>P-1</b>
42. Supply Yard	P	S	S					

43. Telecommunications Tower		P	S	S	S	S	S	S	
44. Temporary Outdoor Activities		P	P	P	P	P	P	P	P
45. Transportation Terminal								P	
46. Warehousing and Distribution		S						P	
47. Wholesale Business/AG		P	S	S	S	S	P		
48 A. Wholesale Business/ non-agriculture		S	S	S	S	S	P		
<b>D. Accessory Uses</b>									
1. Accessory Building or Structure (per Article 5)		P	P	P	P	P	P	P	
2. Essential Services		P	P	P	P	P	P	P	
3. Fence (per Article 5)		P	P	P	P	P	P	P	
4. Home Occupation, No Impact (per Section 808(A))		P	P	P	P	P	P	P	
5. Home Occupation, Major (per Section 808(B))		P	P	P	P	P	P	P	
6. Residential Day Care		P	P	P	P	P	P	P	
7. Sports Court (per Article 508D)		P	P	P	P	P	S	S	
8.. Swimming Pool, Residential (per Article 508D AND 509)		P	P	P	P	P	S	S	

**ARTICLE 5 LOT, YARD AND BULK REQUIREMENTS AND REGULATIONS FOR ACCESSORY USES**

**Section 501: LOT REQUIREMENTS**

Lots created in zoning districts shall comply with the area, dimension and lot coverage requirements specified in Section 505 of this Ordinance below, except as otherwise regulated in Article 7 for Land Conservation Subdivisions.

**SECTION 502: YARD REQUIREMENTS**

Principal buildings shall be located on a lot in a manner that maintains the minimum required yards set forth in Section 505 for the district in which the lot is located. Every part of a required yard shall be unobstructed and open to the sky, except as otherwise specifically permitted in this Ordinance.

**A. Required Front Yard.** Each lot shall maintain a front yard in compliance with the following:

1. Each front yard shall not be less than the depth specified in Section 505 measured from the street right-of-way line.
2. Notwithstanding subsection A.1, in areas where there are structures on at least 40 percent of the lots within 200 feet of and on the same side of the street as the lot for which a zoning certificate has been requested, the minimum required front yard shall not be less than the average front yard depth of such existing structures.
3. Corner lots and through lots shall comply with the front yard setback for each street on which the lot has frontage.

**B. Required Side Yards.** Each lot shall have and maintain two side yards. Section 505 sets forth the minimum width of any one side yard. Corner lots shall maintain two side yards, opposite the front yards.

**C. Required Rear Yards.** Each lot, with the exception of corner lots, shall maintain a rear yard as specified in Section 505.

**SECTION 503: HEIGHT REGULATIONS FOR PRINCIPAL BUILDINGS**

Principal Buildings shall comply with the height requirements set forth for each zoning district in Section 505 of this Ordinance.

**SECTION 504: NUMBER OF RESIDENTIAL BUILDINGS ON A LOT**

There shall not be more than one residential building constructed on a lot except where otherwise stated as permitted in this Ordinance. To protect the existing property owner, if a building is destroyed, it can be rebuilt.

**SECTION 505: TABLE OF LOT, YARD AND BULK STANDARDS**

Zoning Criteria	A-1	R-R	R-1	V-1	V-2	C-C	M-T	P-1
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<b>Minimum Lot Area:</b>								
<b>If served by on-site sewer and water</b>	<b>1 Acre</b>	<b>1 Acre</b>	<b>1 Acre</b>	<b>1 Acre</b>	<b>1 Acre</b>	<b>1 Acre</b>	<b>1 Acre</b>	<b>1 Acre</b>
<b>If served by public water and public sewer</b>	<b>1 Acre</b>	<b>1 Acre</b>	<b>½ Acre</b>	<b>5,000 sq. ft.</b>	<b>5,000 sq. ft.</b>	<b>5,000 sq. ft.</b>	<b>½ Acre</b>	<b>1 Acre</b>
<b>If served by on-site sewage, with public water</b>	<b>1 Acre</b>	<b>1 Acre</b>	<b>½ Acre</b>	<b>½ Acre</b>	<b>½ Acre</b>	<b>½ Acre</b>	<b>½ Acre</b>	<b>1 Acre</b>
<b>If served by on-site water with public sewage</b>	<b>1 Acre</b>	<b>1 Acre</b>	<b>½ Acre</b>	<b>15,000 sq. ft.</b>	<b>15,000 sq. ft.</b>	<b>15,000 sq. ft.</b>	<b>½ Acre</b>	<b>1 Acre</b>
<b>Minimum Front Width:</b>								
<b>If served by on-site sewer and on-site water</b>	<b>150 ft.</b>	<b>150 ft.</b>	<b>150 ft.</b>	<b>50 ft.</b>	<b>50 ft.</b>	<b>150 ft.</b>	<b>150 ft.</b>	<b>150 ft.</b>
<b>If served by public sewer and public water</b>	<b>150 ft.</b>	<b>150 ft.</b>	<b>100 ft.</b>	<b>50 ft.</b>	<b>50 ft.</b>	<b>100 ft.</b>	<b>100 ft.</b>	<b>150 ft.</b>
<b>If served by on-site sewage, with public water</b>	<b>150 ft.</b>	<b>150 ft.</b>	<b>100 ft.</b>	<b>50 ft.</b>	<b>50 ft.</b>	<b>100 ft.</b>	<b>100 ft.</b>	<b>150 ft.</b>
<b>If served by on-site water with public sewage</b>	<b>150 ft.</b>	<b>150 ft.</b>	<b>100 ft.</b>	<b>50 ft.</b>	<b>50 ft.</b>	<b>100 ft.</b>	<b>100 ft.</b>	<b>150 ft.</b>
<b>Minimum Front Setback:</b>	<b>50 ft.</b>	<b>50 ft.</b>	<b>30 ft.</b>	<b>30 ft.</b>	<b>30 ft.</b>	<b>50 ft.</b>	<b>50 ft.</b>	<b>50 ft.</b>
<b>Zoning Criteria</b>	<b>A-1</b>	<b>R-R</b>	<b>R-1</b>	<b>V-1</b>	<b>V-2</b>	<b>C-C</b>	<b>M-T</b>	<b>P-1</b>



<b>Minimum Side Setback</b>	<b>10 ft.</b>	<b>10 ft.</b>	<b>10 ft.</b>	<b>8 ft.</b>	<b>8 ft.</b>	<b>30 ft.</b>	<b>50 ft.</b>	<b>10 ft.</b>
<b>Zoning Criteria</b>	<b>A-1</b>	<b>R-R</b>	<b>R-1</b>	<b>V-1</b>	<b>V-2</b>	<b>C-C</b>	<b>M-T</b>	<b>P-1</b>
<b>Minimum Rear Setback</b>	<b>25 ft.</b>	<b>25 ft.</b>	<b>25 ft.</b>	<b>20 ft.</b>	<b>20 ft.</b>	<b>30 ft.</b>	<b>30 ft.</b>	<b>25 ft.</b>
<b>Maximum Building Height (stories)</b>	<b>50 ft.</b>	<b>50 ft.</b>	<b>50 ft.</b>	<b>3</b>	<b>3</b>	<b>3</b>	<b>8</b>	<b>50 ft.</b>
<b>Maximum Lot Coverage</b>	<b>50%</b>	<b>50%</b>	<b>50%</b>	<b>50%</b>	<b>50%</b>	<b>50%</b>	<b>50%</b>	<b>50%</b>

**. \*Agricultural related structures, including but not limited to silos, barns and grain facilities shall not be subject to a maximum height restriction.**

**SECTION 506: SUPPLEMENTAL BUILDING REGULATIONS FOR THE A-1 R-R, R-1, AND V-1 ZONING DISTRICTS**

In order to promote healthful living conditions and to stabilize the value and character of residential areas, all residential dwelling units shall be erected, altered, moved, maintained or occupied only in accordance with the following:

**A. Required Area.** Each dwelling unit shall have a minimum dwelling unit floor area of 700 square feet.

**B. Siting Requirements for Dwellings.** All single-family dwellings and two-family dwellings proposed to be located in any district shall comply with the following requirements:

1. The structure shall be installed upon and properly attached to a foundation system that provides adequate support of the structure's vertical and horizontal loads and transfers these and other imposed forces, without failure, from the structure to the undisturbed ground below the frost line in compliance with the requirements of the Pennsylvania Uniform Construction Code.
2. Any hitches, axles, wheels, and conveyance mechanisms from factory-built housing shall be removed from the structure.

3. The lot shall be landscaped at a minimum with ground cover to prevent erosion.

### **C. RECREATIONAL AREA**

1. Every development of forty (40) or more residential units is required to have a recreational area or community center. The recreational area must be part of the development plan and constructed by the developer.

2. The recreational area shall be equal to 1% of the developed area with a five thousand (5000) square ft. minimum.

3. The recreational area shall be solely under the responsibility of the Homeowners Association as defined by the development plan.

### **D. SIDEWALKS AND STREETLIGHTS**

Every development of ten (10) or more residential units shall include:

1. Concrete handicap accessible sidewalks minimum width of forty eight (48) inches which parallels the access roads to the development units. The sidewalk setbacks should be thirty six (36) inches from road curb. Sidewalks shall be constructed by developer.

2. Each residential unit shall include a minimum of one decorative lamppost or street light. Lighting shall be provided by developer.

### **E. TRANSPORTATION**

1. For every development of 25 or more residential units a transportation study must be provided as part of the development plan. The Developer is responsible for any upgrades required for existing roadways.

2. Any new roads or right of ways must be per State, County and Township standards.

### **SECTION 507: SUPPLEMENTAL USE/BUILDING REGULATIONS FOR THE V-2 AND C-C ZONING DISTRICTS**

A. In V-2 and C-C zoning districts, the exterior building walls that face a public street or the main parking area shall include architectural features such as windows, piers, columns, defined bays or an undulation of the building so that such exterior building wall is divided by such feature(s) into segments not more than 20 feet in length.

**SECTION 508: ACCESSORY USE REGULATIONS FOR RESIDENTIAL STRUCTURES IN A-1, R-R, R-1, AND V-1 AND V-2 DISTRICTS**

**A. Intent and Purpose.** It is recognized that residential uses may require/contain accessory uses and structures as part of their lot to provide necessary storage of vehicles, lawn care equipment, tools, furniture and other similar items related to a residential dwelling. There is a public interest in establishing standards for these uses and structures to protect the residential character of the neighborhood, and not interfere with the well-being of the neighboring property owners. It is also understood that accessory uses and structures located on larger lots and areas used for agriculture have less impact on neighboring property owners due to the scale of the lot size versus the accessory uses and structures. Accordingly, this section establishes two tiers of standards for accessory uses and structures, as described herein. Accessory uses, buildings and structures permitted for residential use in the A-1, R-R, R-1, V-1 and V-2 zoning districts shall conform to the location and coverage contained in this section.

**B. Minimum Yard Requirements for Accessory Uses.** An accessory building or use permitted in a residential district shall be located as set forth herein. However, an accessory use shall only be permitted to the extent such use complies with all other accessory use regulations set forth in the following schedule.

**C. Standards for Accessory Uses and Structures**

	<b>Yard Permitted</b>	<b>Front Setback</b>	<b>Side Setback</b>	<b>Rear Setback</b>	<b>Max. Ht.</b>	<b>Max. Size</b>
1. Garage or Storage Building for Household Items	Side, Rear	Per Zoning District	Per Zoning District	Per Zoning District	50 feet	As provided in Section 508D.
2. Swimming Pools (Sec. 509), tennis courts and sports courts accessory to a single family dwelling	Side, Rear	N/A	Per Zoning District	Per Zoning District	N/A	N/A
3. Outdoor storage of recreation vehicles (Section 803)	Rear, Side, Front	Per Zoning District	Per Zoning District	Per Zoning District	N/A	N/A
4. Deck or porch, greater than 1 foot above the ground	Front, Side Rear	5 feet into the required	5 feet	5 feet	N/A	N/A

surface		front yard				
5. Fences, walls (Section 510)	Front, Side, Rear	0	0	0	6 feet front, 8 feet side and rear	N/A
6. Dish antennas with a diameter greater than 39 inches	Rear, Side, Front	20 feet	10 feet	10 feet	N/A	N/A
						<a href="#">Download Ordinance 224 Zoning Ordinance</a>
7. Any Agricultural Related Structures (see Table 505)	Per Zoning District	Per Zoning District	Per Zoning District	Per Zoning District	Per Zoning District	Per Zoning District

**D. Maximum Floor Area of Total Accessory Buildings and Structures.**

The combined total square footage of all principal structures and all detached residential accessory buildings permitted to be constructed on a parcel shall not exceed fifty (50%) percent of the lot size.

**SECTION 509: SWIMMING POOLS**

Swimming pools may be located in any District provided they comply with the setback and coverage requirements of Section 505 and the following supplemental regulations:

- A. Every pool defined as a structure shall be completely surrounded by a fence or wall not less than 4 feet in height.
- B. Doors and gates shall be equipped with suitable locking devices to prevent unauthorized intrusion.
- C. Above-ground pools having vertical surfaces of at least 4 feet in height shall be required to have fences and gates only where access may be had to the pool.

## **SECTION 510: FENCES AND WALLS FOR R-R, R-1, AND V-1 RESIDENTIAL LOTS**

Fences and walls shall comply with the following regulations:

- A. Front Yards.** In a front yard, fences and walls shall not exceed 6 feet in height above the natural grade.
- B. Side and Rear Yards.** In the side or rear yard, a fence or wall shall not exceed 8 feet in height above the natural grade.
- C. Fence/Wall Exemption for Agricultural Uses.** Fences and walls for properties located in the A-1 district or within any zoning district in which the primary use of the parcel is agricultural shall be exempt from the requirements of this section.
- D.** No barbed wire and/or electrified fence shall be permitted in any residential district.

## **SECTION 511: ACCESSORY USE REGULATIONS FOR NON-RESIDENTIAL STRUCTURES IN V-2, C-C AND M-T ZONING DISTRICTS**

Accessory uses permitted for non-residential structures in any V-2, C-C and M-T zoning district shall conform to the regulations of this Section.

- A. Accessory Buildings.** Accessory buildings shall conform to all lot and setback requirements for principal buildings for the district in which the lot is located.
- B. Fences and Walls.** Fences and walls may be erected for non-residential structures in any V-2, C-C and M-T zoning district provided that they shall be of uniform design and shall be well maintained.

## **SECTION 512: MANUFACTURED HOMES**

1. All manufactured homes shall comply with the following:

- A.** Homes shall be constructed of approved materials bearing the required certification seal of, and comply with, the National Manufactured Housing Construction and Safety Standards Act of 1974, the Manufactured Home Construction and Safety Standards, the Pennsylvania manufactured Housing improvement Act and the applicable provisions of the Pennsylvania Construction Act (UCC).
- B.** All homes must be properly anchored to resist flotation, collapse, or lateral movement as prescribed by the requirements of the above Acts and the regulations promulgated thereunder, or in the alternative, be placed on a permanent foundation.
- C.** All homes must be completely enclosed to grade.

## **SECTION 513: MODULAR HOMES**

1. All modular homes shall comply with the following:

A. Homes shall be constructed of approved materials bearing the required certification seal of, and comply with, the National Manufactured Housing Construction and Safety Standards Act of 1974, the Manufactured Home Construction and Safety Standards, the Pennsylvania manufactured Housing improvement Act and the applicable provisions of the Pennsylvania Construction Act (UCC).

B. All modular homes must be located on a permanent foundation.

C. All homes must be completely enclosed to grade.

## **ARTICLE 6. SPECIAL EXCEPTIONS**

### **SECTION 601: SPECIAL EXCEPTION INTENT**

To allow certain uses in the Township to be permitted by special exception procedure so that the Township can provide specific criteria and standards for selected developments.

### **SECTION 602: PROCEDURE FOR USE BY SPECIAL EXCEPTION**

The Zoning Hearing Board shall hear and decide requests for special exceptions, in accordance with the procedures of Section 1112 of this Ordinance.

### **SECTION 603: General Requirements and Standards for all SPECIAL EXCEPTIONS.**

The Zoning Hearing Board shall grant a special exception only if it finds adequate evidence that any proposed development or use will meet all of the following general requirements as well as any specific requirements and standards listed elsewhere in this Ordinance as well as in Section 604. The Zoning Hearing Board shall among other things require that any proposed use and location be:

A. In the best interests of the Township, using the Comprehensive Plan as a guide, the convenience of the community and the public welfare.

B. 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;

C. In conformance with all applicable requirements of this Ordinance, and all of the Township ordinances; and

D. Suitable in terms of effects on highway traffic and safety with adequate access arrangements to protect streets from undue congestion and hazard.

E. GENERAL PERFORMANCE STANDARDS

In addition to the General Standards set forth above and the Specific Standards for particular Special Exception Use set forth hereafter, all special exception uses shall meet the performance standards set forth in this Section.

(1) Compliance: No use, land or structure, listed as a special exception in any district, shall involve any element or cause any condition that may be dangerous, injurious or noxious, or cause offensive odor, smoke, dust, dirt, noise, vibration, glare, excessive traffic, attract vermin or rodents or generate nuisance conditions or constitute a nuisance or endanger or be a detriment to the health, safety, morals or general welfare of the community or to any other person or property in the Township if located where proposed.

Further, all Special Exception Uses in all districts shall be subject to the following standards of development and operation.

(2) Environmental Performance Standards: The Applicant shall demonstrate that the use does not require extensive earth moving or revisions of existing drainage patterns. The applicant shall demonstrate and establish that any activity that will disturb or affect any natural features on any site proposed for development shall only occur and be undertaken in full compliance with any and all Township, State and Federal regulations and standards concerning environmental protection.

a. Floodway Delineation: The one hundred (100) year floodways shall be delineated on plans for the special exception in accord with the provisions of the current Township flood plain management ordinance. Within the floodway, the following uses and activities having a low flood damage potential and not obstructing flood flows shall be permitted, provided that they are in compliance with the provisions of the underlying District and are not prohibited by any other Ordinance, and do not require structures, fill or storage of materials and equipment:

(i) Agricultural uses;

(ii) Public and private recreational uses and activities such as parks, picnic grounds, hiking and horseback riding trails, wildlife and nature preserves, hunting and fishing;

b. Floodplains: The one hundred (100) year flood plain shall be delineated on plans for the special exception in accord with the provisions of the current Township flood plain management ordinance. Development activities shall be regulated by the provisions of the current Township flood plain management ordinance.

c. Steep Slopes: In areas of steep slopes, i.e., those above fifteen percent (15%), the following standards shall apply, unless an exception is approved by the Township Engineer:

(i) 16-24%: No more than sixty percent (60%) of such areas shall be developed and/or regraded or stripped of vegetation.

(ii) 25% or more: Earth disturbance activities in these areas in preparation for development are restricted unless and except as approved by the Township Engineer.

d. Forest: No more than fifty percent (50%) of any forest may be cleared or developed, unless trees are the primary crop being harvested.

e. Ponds, Watercourses or Wetlands: No development, filling, piping or diverting of ponds, watercourses or wetlands shall be permitted except for required roads and utility line extensions, unless permitted by the appropriate State or Federal regulatory agency.

f. Stormwater Drainage and Management: All plans shall comply with the provisions of Township Stormwater Management Ordinance and all applicable provisions of the Township Subdivision and Land Development Ordinance.

g. Soil Erosion and Sedimentation: With any earth disturbance there shall be control of erosion and the protection of streams and ponds from sedimentation in accordance with the "Clean Streams Law", Chapter 102 of Title 25 of the Pennsylvania Code and the "Soil Erosion and Sedimentation Control Manual" of the Pennsylvania Department of Environmental Protection. In addition, a Soil Erosion and Sediment Control Plan (E & S Plan) shall be required as part of the application for any special exception where earth disturbance or excavation will occur which is subject to State or Federal regulation.

h. Emissions. Those standards for the control of odorous emissions or pollutants established by the Pennsylvania Department of Environmental Protection (PADEP) shall be applied to all special exceptions in all zoning districts. Where the Township Engineer determines that emissions from a proposed use shall or may violate or exceed environmental standards, the Board may require the applicant to provide additional information and measures and demonstrate compliance with such standards.

i. Storage and Waste Disposal:

(i) No flammable, explosive or toxic liquids, solids or gases shall be stored or located on the property, except in full compliance with any and all State and Federal regulatory standards.

(ii) No materials or wastes shall be deposited upon a lot in such form or manner that they may be transported off the lot by natural causes or forces. No materials or wastes which can contaminate wells, watercourses, or potable water supplies or otherwise render such wells, watercourses, or potable water supplies undesirable or unfit as sources of water supply shall be deposited upon a lot in such form or manner that they may be transported off the lot and onto or into adjacent property, private or public

j. Glare: No use shall produce a strong, dazzling light or a reflection of a strong, dazzling light or employ unshielded illumination sources beyond its lot lines or onto any public road. Spillover lighting from parking areas shall not exceed two (2) foot-candles per square foot beyond the property line.



k. Vibrations: No use shall cause earth vibrations, or concussions detectable beyond its lot lines without the aid of instruments, with the exception of vibration produced as a result of temporary construction activity.

l. Discharge: The discharge at any point into any public or private sewage disposal system or stream or into the ground, of any substance, item or materials, that by nature, means, manner, concentration or temperature can contaminate any public or private water supply or otherwise cause the emission of dangerous, noxious or objectionable elements, is prohibited.

m. Noise: No proposed special exception for a commercial or industrial use will be permitted in any district which by the nature of its use, operation or activity produces noise of objectionable character or volume, as noted by a person of ordinary sensibilities, at the property line of the parcel upon which the commercial or industrial use is located and an adjacent residentially zoned and residentially occupied property. It shall be conclusively established that any noise which meets the following values is of an objectionable character or volume:

(i) Commercial Uses: In excess of ninety (90) dba for more than two (2) hours during a twenty-four (24) hour period.

(ii) Industrial Uses: In excess of ninety (90) dba for two (2) hours during a twenty-four (24) hour period.

n. Electrical Disturbance or Radioactivity: No activities which emit dangerous radioactivity or continuous cumulative low level radiation, at any point are permitted and no electrical disturbance adversely affecting the operation at any point of any equipment other than that of the creator of such disturbance shall be permitted.

(3) Variances: The use can be accommodated on the site with no variances required;

(4) Compatibility: The use is compatible with, or will support the existing uses in the neighborhood of the site;

(5) Traffic: The use will not create excessive traffic congestion, and that adequate off-street parking is provided on the same property as the use;

(6) Landscaping: Areas of the property not to be covered by buildings or paved shall be landscaped and maintained;

(7) Access Points: Primary access points to the property are located as far as possible from road or street intersections, and that adequate sight distances for the posted speed limits have been met.

(8) The special exception must not be injurious to the use and enjoyment of other properties in the immediate vicinity for the purposes already permitted nor substantially diminish or impair property values within the neighborhood.

#### **Section 604: Express Standards and Criteria for Specified Land Uses**

## **A. Adult Entertainment Establishments**

**1. Purpose and Legislative Intent.** The location of adult entertainment establishments is of vital concern to the Supervisors of Sewickley Township especially when the location is in or near areas where minors may learn, play, pass by or be exposed to the advertising, window displays or general atmosphere accompanying the operation. Thus, it is a firm belief of the legislative body that it has a vital duty and role to protect the moral fiber and standards of Township residents, in particular the minors of the community. Township Supervisors in enacting these regulations relative to adult entertainment establishments exercise the power that has been granted to them. The Township Supervisors do not attempt or intend to absolutely prohibit adult entertainment establishments in the Township but rather seek to regulate matters to promote, protect and facilitate the public health, safety, morals and general welfare of all of the residents of Sewickley Township. Hours of operation shall be from 8:00 A.M. through 8:00 P.M., Monday through Saturday. Closed Sundays and all State and Federal Holidays. Prohibit the sale and consumption of alcohol at all adult entertainment establishments.

**2. Definitions. It is the purpose of this subsection, together with its** subparagraphs to provide clear and concise definitions of those words, terms and phrases most commonly utilized in the provisions of these regulations in order to assist any interpretations of said provisions and to insure uniformity of application. It is intended that the following words, terms and phrases, whenever used, shall be construed as defined in the following subsections and subparagraphs unless from the context a different meaning is clearly intended. The following definitions are intended to supplement the definitions contained in Article 15.

**a. Adult Bookstore** – Any establishment having as a substantial or significant portion (25% or greater) of its stock in: Books, films, magazines or other periodicals or other forms of audio or visual representation which are distinguished or characterized by an emphasis on depiction or description of specified sexual activities or specified anatomical areas or instruments, devices or paraphernalia that are designed for use in connection with specified sexual activities.

**b. Adult Cabaret** – (1) An establishment devoted to adult entertainment, either with or without a liquor license, presenting material distinguished or characterized by an emphasis on matter depicting, describing, or relating to sexual activities or anatomical genital areas; (2) a cabaret that features topless dancers, go-go dancers, strippers, male or female impersonators, or similar entertainers for observation by patrons.

**c. Adult Entertainment Establishment** – any adult bookstore, adult cabaret, adult mini-motion picture theater, adult model studio, adult motel, adult motion picture arcade, adult motion picture theater, adult theater, bath house, body painting studio, massage parlor, out call service activity, sexual encounter center or any other business or establishment which offers its patrons services or entertainment characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas.

**d. Adult Mini Motion Picture Theater** – An enclosed or unenclosed building with a capacity of more than five (5) but less than fifty (50) persons used for presenting any form of audio or visual material, and in which a substantial portion of the total presentation time measured on an annual basis is devoted to the showing of material which is distinguished or characterized by an emphasis on depiction or description of specified sexual activities or specified anatomical areas.

**e. Adult Model Studio** – Any place where, for any form of compensation or gratuity, figure models who display specified anatomical areas are provided to be observed, sketched, drawn, painted, sculpted, photographed, or similarly depicted by persons paying such consideration or gratuity, except that this provision shall not apply to any “figure studio” or “school of art” or similar establishment which meets the requirements established in the Education Code of the Commonwealth of Pennsylvania for the issuance of or conferring of, and is in fact authorized thereunder to issue, a diploma.

**f. Adult Motel** – A motel or similar establishment offering public accommodations for any consideration, which provides patrons with material distinguished or characterized by an emphasis on depiction or descriptions of specified sexual activities or specified anatomical areas.

**g. Adult Motion Picture Arcade** – An enclosed or unenclosed building with a capacity of fifty (50) or more persons used for presenting any form of audio or visual material, and in which a substantial portion of the total presentation time measured on an annual basis is devoted to the showing of material which is distinguished or characterized by an emphasis on depiction or description of specified sexual activities or specified anatomical areas.

**h. Adult Motion Picture Theater** – An enclosed or unenclosed building with a capacity of fifty (50) or more persons used for presenting any form of audio or visual material, and in which a substantial portion of the total presentation time measured on an annual basis is devoted to the showing of material which is distinguished or characterized by an emphasis on depiction or description of specified sexual activities or specified anatomical areas.

**i. Adult Theater** – A theater, concert hall, auditorium or other similar establishment, either indoor or outdoor in nature which regularly features live performances which are distinguished or characterized by an emphasis on specified sexual activities or by exposure of specified anatomical areas for observation by patrons.

**j. Bath House** – An establishment or business that provides the services of baths of all kind, including all forms and methods of hydrotherapy during which specified anatomical areas are displayed or specified sexual activity occurs. This section shall not apply to hydrotherapy treatment practiced by, or under the supervision of a medical practitioner. A medical practitioner for the purpose of this Ordinance shall be a medical doctor, physician, chiropractor or similar professional licensed by the Commonwealth of Pennsylvania.

**k. Body Painting Studio** – Any establishment or business that provides the service of applying paint or other substance whether transparent or nontransparent to or on the human body when specified anatomical areas are exposed.

**l. Massage Parlor** – 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 and methods of physiotherapy, unless operated by medical practitioner, chiropractor or professional physical therapist licensed by the Commonwealth. This definition does not include an athletic club, health 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.

**m. Out Call Service Activity** – An establishment or business which provides an out call service which consists of individuals leaving the premises upon request or by appointment to visit other premises for a period of time for the purpose of providing any service during which time specified anatomical areas are displayed or specified sexual activity occurs.

**n. Sexual Encounter Center** – Any business, agency or person who, for any form of consideration or gratuity, provides a place where two (2) or more persons, not all members of the same family may congregate, assemble, or associate for the purpose of engaging in specified sexual activity or exposing specified anatomical area, excluding psychosexual workshops, operated by a medical practitioner as defined in 2 A (10), licensed by the Commonwealth, to engage in sexual therapy.

**o. Specified anatomical areas** as used herein shall mean and include any of the following:

(i) Less than completely and opaquely covered human genitals, pubic region, buttocks, anus or female breasts below a point immediately above the top of the areolae, or

(ii) Human male genitals in a discernibly turgid state even if completely and opaquely covered.

**p. Specified sexual activities** include the following:

(i) Showing of human genitals in a state of sexual stimulation or arousal;

(ii) Acts of masturbation, sexual intercourse, sodomy, bestiality, necrophilia, sadomasochistic abuse, fellatio, cunnilingus, or any other specified sexual activity prohibited by law;

(iii) Fondling or erotic touching of human genitals, pubic region, buttock or female breasts.

**3. Minimum Spacing and Proximity Requirements.** No adult entertainment establishment shall be located within 1,000 feet of the following:

a. Any other adult entertainment establishment.

b. A residential dwelling unit

c. Any parcel of land which contains any one or more of the following specified land uses:

(i) Amusement park;

(ii) Camp (for minors' activities);

(iii) Day Care Center;

(iv) House of worship;

(v) Community center;

(vi) Museum;

(vii) Park;

(viii) Playground; or

(ix) School and school bus stops.

4. The distance between any two adult entertainment establishments shall be measured in a straight line, without regard to intervening structures, from the nearest point on the property line of each

establishment. The distance between any adult entertainment establishment and any land use specified above shall be measured in a straight line, without regard to intervening structures, from the nearest point on the property line of the adult entertainment establishment to the closest point on the property line of said land use.

**5. Visibility from the Street.** No person operating an adult entertainment establishment shall permit, or cause to be permitted, any stock in trade which depicts, describes or relates to specified sexual activities and/or specified anatomical areas as defined herein, to be viewed from the street, sidewalk or highway.

#### **6. Sign Requirements for Adult Entertainment Establishments**

a. All signs shall be flat wall signs.

b. The gross surface area of a wall sign shall not exceed five (5) percent of the area of the wall that such sign is a part of.

c. No signs shall be placed in any window. A one and one half square foot sign may be placed on the door to state hours of operation and admittance to adults only.

7. The Board of Supervisors may impose such additional requirements and conditions on adult entertainment establishments as the Board may deem necessary for the protection of affected and/or adjacent properties.

#### **B. Junk Yards**

Junk yards may be permitted as a special exception by the Zoning Hearing Board, subject to the following specific standards and criteria:

1. The minimum site size shall be five (5) acres.

2. The site shall be maintained so as to not constitute a nuisance or a menace to public health and safety.

3. No garbage, organic waste, petroleum products or hazardous waste shall be buried or disposed of on the site.

4. The manner of storage of junk shall be arranged in such a fashion that aisles of a minimum width of twenty-five (25) feet between rows of junk are maintained in order to facilitate access for fire fighting and prevent the accumulation of stagnant water. The proposed layout of the junk yard shall be indicated on the site plan submitted with the application.

5. No junk shall be stored or accumulated and no structure shall be constructed within fifty (50) feet of any dwelling unit or within twenty-five (25) feet of any other parcel line or right-of-way of public street.

6. The site shall be enclosed by a metal chain-link fence not less than eight (8) feet in height supported on steel posts with self-latching gate.

7. The fence shall be supplemented with screening material which creates a visual barrier that is at least 80% opaque.

8. Outdoor lighting, if any, shall be shielded and/or reflected away from adjoining properties.

### **C. Cemetery/Crematorium**

1. All garages, equipment shelters, offices and similar structures shall be screened from adjacent streets and residential properties by appropriate planting or fences.

2. All equipment shall be properly stored when not in use.

### **D. Commercial Recreation**

1. The minimum lot area required for outdoor recreation facilities shall be one (1) acre. All indoor facilities shall meet the minimum lot area required for the Zoning District in which the property is located.

2. Any outdoor facility located within 200 feet of an existing dwelling shall cease operations no later than 10:00 p.m.

3. Location of buildings and facilities, traffic circulation on the property and parking areas shall be designed to provide adequate access for emergency medical vehicles and fire-fighting equipment.

4. Any use which includes eating or drinking facilities shall be subject to the parking requirements for that use in addition to the parking requirements for the recreational use.

5. Commercial Recreation Outdoor Events held more than 12 times per year require a special permit.

### **E. Comparable Uses Not Specifically Listed**

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

a. The number of employees;

b. The floor area of the building or gross area of the lot devoted to the proposed use;

c. The type of products, materials and equipment and/or processes involved in the proposed use;

d. The magnitude of walk-in trade or maximum number of patrons;

e. The traffic and environmental impacts and the ability of the proposed use to comply with the requirements of this Ordinance; and

f. For those uses included in the most recent edition of the Standard Industrial Classification Manual published by the Office of Management and Budget, whether the proposed use shares the same NAICS Code or Major Group number as one (1) or more uses that are specifically listed in the Zoning District.

2. The proposed use shall comply with all applicable area and bulk regulations of the Zoning District in which it is located.

3. The proposed use shall comply with any applicable express standards and criteria specified in this Article for the most nearly comparable use by special exception listed in the Zoning District in which the comparable use is proposed.

4. The proposed use shall be consistent with the Purpose Statement for the Zoning District in which it is proposed and shall be consistent with the Community Development Objectives of this Ordinance.

#### **F. Day Care Centers**

1. The facility shall be registered with or licensed by the Commonwealth of Pennsylvania.

2. Outdoor play areas shall be provided which shall have a minimum area of sixty-five (65) square feet per child and which shall be secured by a fence with self-latching gate. The location of the outdoor play area shall take into account the relationship to adjoining properties.

3. The general safety of the property proposed for a day care center, nursery school or pre-school facility shall meet the needs of small children. There shall be no potential hazards in the outdoor play area and a safe area for dropping off and picking up children shall be provided.

#### **G. Drug and/or Alcohol Treatment Facilities**

1. Such uses shall be licensed by the appropriate departments and/or agencies of the Commonwealth of Pennsylvania. Said license and all appropriate documentation shall be submitted with the application for such use.

2. Such uses shall be located within the M-T District and be at least 500 feet away from other District and any other school, playground, residential dwelling, day care center or house of worship in the same District.

3. Such uses shall provide one off-street parking space for each employee, plus one off-street parking space for each 200 square feet of gross floor area dedicated to such use.

4. Such uses shall be conducted in a manner that does not violate any provisions of this Ordinance or any other federal, state, county or municipal statute or regulation.



5. Such uses shall be set back a minimum of 150 feet from any lot line.
6. One sign, having a maximum of two square feet is permitted.
7. Such uses shall be manned during all hours of operation by personnel licensed by the Pennsylvania Department of Health.
8. The Zoning Officer shall have the right to inspect such uses periodically to assure compliance with all conditions of approval. Such inspections shall not be required to be scheduled in advance.
9. Violation of any performance standard listed above shall be cause for the suspension of a certificate of occupancy. Within 30 days of suspension of a certificate of occupancy, a hearing shall be conducted by the Zoning Hearing Board to determine if the certificate shall be revoked.

## **H. Entertainment Facilities**

1. Entertainment facilities shall meet the specific standards set forth above for Commercial Recreation.

## **I. Mineral Extraction**

1. The applicant for a mining special exception permit shall submit the following information to the Zoning Board:
  - a. Evidence of compliance with all State and Federal laws applicable to the process for which the permit is sought;
  - b. A description of the character, timing and duration of the proposed operation, including maps and plans showing the area and extent of the proposed activity, the location and design of all structures, depth of the excavation, areas for storage of soil materials areas for the deposit of coal waste, and facilities for processing, loading and transportation of minerals;
  - c. The location of all structures and land uses which may be affected by the proposed operation and measures which will be taken to protect all structures and uses and overlay zoning features from adverse impacts from mining;
  - d. Measures which will be taken to insure that any loss, diminution or pollution of water supplies in areas affected by mining will be corrected or replaced;
  - e. Measures which will be taken to insure that the performance standards contained in all sections of this Ordinance shall be met;
  - f. Description of plans for the transportation of the mined product, including routes of travel, number and weight of vehicles and measures which will be taken to maintain all roads within the Township which are

used to transport minerals and to repair any damages which may result from the use of roads for loads and volumes of traffic which are in excess of their use by vehicles associated with permitted uses in the concerned district; and

g. Plans for the restoration and reclamation of all land affected by the extractive operation to a condition which will support agriculture or other uses which are permitted by right or as special exceptions in the concerned district.

2. In deciding upon an initial application for a special exception permit for extraction or processing, the Zoning Hearing Board shall evaluate the impact of the proposed activity upon adjacent areas and upon the community at large and shall approve granting of a permit only if they find that:

a. The scale, pace and duration of the proposed activity are reasonable in relationship to the ability of other portions of the community to maintain normal patterns of activity while mining activities are ongoing;

b. Adequate safeguards are provided to insure that damage will not be done to property elsewhere in the Township or to the natural environment;

c. The proposed plan for reclamation and reuse of land is acceptable. If the proposed reclamation plan is for agriculture, forestry or other undeveloped use, grading drainage and vegetation are compatible with other such use areas in the Township. If the proposed reclamation is for development, the proposed development should be compatible with this ordinance and in conformance with the purposes and regulations of the district in which it is located.

d. In deciding upon an application for any expansion or change in a mining or processing application, the Board of Supervisors shall consider all of the factors listed above and in addition shall grant a special exception Permit only if the following conditions are met:

(i) The performance of the applicant to date has been in conformance with all of the agreements made at the time of the initial special exception approval; and

(ii) No expansion in area of a mining operation shall be permitted until mining activities have been completed on an equivalent area of land and the land shall have been graded and vegetation established in accordance with the approved plan for reclamation of the site.

#### J. New and Used Motor Vehicle Display

1. **Purpose.** Motor vehicle sales, rental, and leasing establishments are unique and different from any other uses in the Township's commercial zoning districts. Motor vehicle dealerships require permanent vehicle display on-site. Motor vehicle dealerships also require permanent outdoor vehicle storage on-site. The following standards are intended to promote compatibility of these outdoor display and storage areas with adjoining residential and business uses so as not to detract from nor negatively impact the operation, use or enjoyment of surrounding properties.

**2. Applicability.** Standards for motor vehicle display and storage shall be applied to all new and used motor vehicle dealerships, new motor vehicle leasing operations, and new and used vehicle rental operations.

**3. Standards for Motor Vehicle Display.**

a. Vehicle quality. All new or used motor vehicles parked or displayed outdoors on a zoning lot shall conform to all requirements of the Commonwealth of Pennsylvania Motor Vehicle Code; shall be operable; shall include all engine, muffler, brakes, and operating parts; shall be equipped with all exterior body parts as if new (for a passenger vehicle, truck or van, this shall mean four tires, all doors, windows, head lamps and grill work, mirrors, fenders, hood, trunk, lids, body panels and moldings, etc. or if a boat, all windshields, safety railings, hulls, trailer, etc.); shall be uniformly and wholly painted; and shall be free from having any loose or damaged exterior parts.

b. Parking and Landscaping. Parking and landscaping requirements for all motor vehicle display areas shall conform to the regulations set forth in Article 8 of this Ordinance as well as the standards contained herein.

c. Placement of vehicles. Motor vehicle display areas shall be allowed in the front, side and rear yards. All motor vehicles parked or displayed in the open on a zoning lot must be parked in a standard parking stall unless a permanent concrete, aggregate, marble, or comparable material podium, terrace, building apron, pad, or other special parking design such as double rows of display vehicles has been allowed as part of an approved site plan.

d. Elevated displays. The use of elevated displays, lifts, metal or mechanical structures used in conjunction with the display of motor vehicles shall be permitted only within those area specifically designated upon the site plan. Said structures shall be uniformly and wholly painted and shall be free from major rust or damage.

e. Vehicle height restrictions. The height of any motor vehicle displayed or parked upon the lot shall not exceed 15 feet in height unless the vehicle itself with its wheels at grade or when located on a required trailer exceeds this height. No vehicles shall be displayed on any lawn or unapproved surface, nor shall any boat or other similar vehicle be allowed to be displayed on other than a trailer made for the hauling of such vehicles.

f. Customer and specialty parking placement. Customer parking shall be clearly striped and signed and shall be clearly illustrated upon the approved site plan. Customer parking shall be clustered wherever feasible and shall read as a separate group from the display area. Parking spaces for all employees, disabled persons and company vehicles shall be clearly delineated on the approved site plan in addition to customer parking and vehicle display areas.

**K. Schools, Public and Private**

1. Schools shall be limited to public and private schools whose primary purpose is the education and training of children and youths.

2. School setbacks in all Districts are 100 ft.
3. Public schools may provide a day care center as an accessory use.
4. Any school, which provides a day care center shall also meet the express standards and criteria for a day care center as mandated by the state.
5. Ingress and egress provisions shall be adequate to minimize congestion on adjacent highways and local streets during peak use period.
6. All off-street parking lots shall be suitably paved and screened from adjoining residential properties by appropriate plant material or structures as approved by the Zoning Hearing Board.
7. Fire and safety provisions shall be adequate to meet local and state requirements.

#### **L. Telecommunication Towers**

1. In addition to minimum yard requirements in the zoning district, telecommunications towers shall be set back from lot lines a minimum of twenty (20) percent of the height of the tower or the distance between the tower base and the guy wire anchors or the minimum yard or perimeter setback requirement, whichever is greater.
2. Maximum height: Two-hundred (200) feet.
3. The telecommunications tower shall be designed to have the least practical adverse visual effect on the residential areas which can view it, as evidenced by compliance with the following:
  - a. The tower shall comply with Federal Aviation Administration and Pennsylvania Bureau of Aviation painting and lighting standards.
  - b. The tower shall not be artificially lighted unless required by the Federal Aviation Administration or Pennsylvania Bureau of Aviation.
  - c. Existing on-site vegetation shall be preserved to the maximum extent possible.
  - d. Where a site abuts a residential zoning district, public property or street, a buffer area shall be provided at the site perimeter. The buffer area shall include a row of evergreen trees a minimum of six (6) feet in height.
  - e. The proposed use shall comply with applicable Federal and State regulations. The applicant shall request a written statement of compliance from the Federal Aviation Administration, Federal Communications Commission, and other regulatory agencies, such statement to be sent by the agency to the Supervisors of the Township . The applicant shall provide to the Township a copy of the appropriate form submitted to each such agency, copy of a written request to each agency for a written statement of compliance, and a return receipt from each agency for delivery at least thirty (30) days prior to the

hearing before the Zoning Hearing Board of such application and of such request for a written statement of compliance.

f. The tower shall be securely anchored in a fixed location of the ground and the applicant shall provide qualified evidence that the proposed structure withstand wind and other natural forces.

#### **SECTION 605. VEHICLE AND EQUIPMENT MAINTENANCE AND REPAIR IN C-C AND M-T ZONING DISTRICTS**

In C-C and M-T zoned areas, all vehicles and movable equipment repair done on the property shall be performed within an enclosed building, except that minor maintenance activities may be completed on the exterior of a lot where space has been provided for the temporary parking or storage of vehicles and movable equipment.

#### **SECTION 606. BUFFERS IN C-C AND M-T ZONING DISTRICTS**

Any proposed commercial or industrial use on a lot in a C-C or M-T zoned area adjacent to a residentially occupied property or adjacent to a Residentially zoned property, shall provide a setback from any such residential property of a distance equal to two (2) times the minimum required setback for the District; and, when required by the Zoning Hearing Board, shall also provide a fencing or landscaping barrier between such properties to eliminate and/or decrease the adverse impacts of such commercial or industrial use upon the use of the adjacent residential property.

### **ARTICLE 7. LAND CONSERVATION SUBDIVISIONS**

#### **SECTION 701: PURPOSES**

- A. To provide for the preservation of open space.
- B. To provide a residential zoning district that permits flexibility of design in order to promote environmentally sensitive and efficient uses of the land.
- C. To preserve in perpetuity unique or sensitive natural resources such as groundwater, flood plains, wetlands, streams, steep slopes, woodlands and wildlife habitat.
- D. To permit clustering of houses and structures on less environmentally sensitive soils which will reduce the amount of infrastructure, including paved surfaces and utility easements, necessary for residential development.
- E. To reduce erosion and sedimentation by minimizing land disturbance and removal of vegetation in residential development.

F. To conserve scenic views and reduce perceived density by maximizing the number of houses with direct access to and view of open space.

**SECTION 702: General Regulations**

**A. Applicability of Regulations.** This Land Conservation Subdivision shall apply to all zoning districts. The applicant shall comply with all other provisions of this Ordinance and the Subdivision and Land Development Ordinance of the Township; provided however, that where such provisions are inconsistent with the provisions contained in this Article, then the provisions of this Article shall supercede them. See 402 Table of Uses.

**B. Ownership of Development Site.** The tract of land to be subdivided may be held in single and separate ownership or in multiple ownerships. If held in multiple ownerships, however, the site shall be developed according to a single plan with common authority and common responsibility.

**C. Maximum Dwelling Unit Determination.** The maximum number of dwelling units in the Land Conservation Subdivision shall be determined using the following calculation method:

The maximum number of lots is determined by dividing the area of the tract of land by the minimum lot size specified in the underlying zoning. In making this calculation, the following shall not be included in the net acreage of the parcel:

- a. land having slopes over 25 percent of at least 5,000 square feet contiguous area;
- b. land located in the 100-year flood plain;
- c. bodies of open water over 5,000 square feet contiguous area; and
- d. wetlands that meet the definition of the Army Corps of Engineers pursuant to the Clean Water Act.

Subtract the sum of lands described under subsections a, b, c and d above from the gross acreage of the site and round this number to the next number to determine the allowable number of dwelling units.

**D. Development Standards.**

Minimum Tract Size	10 Acres
Minimum Lot Size	10,000 sq. ft.
Minimum Front Yard Setback	25 ft.
Minimum Side Yard Setback	10 ft.

Minimum Rear Yard Setback	20 ft.
Minimum Lot Width	50 ft.
Minimum Access Easement to Open Space	16 ft.
Minimum Open Space Area Required	25% of the Gross Land Area

**SECTION 703: Application Submission Requirements**

**A. Applicability of Subdivision and Land Development Ordinance.** The applicant shall follow all requirements for application for a preliminary and final subdivision as stated in the Sewickley Township Subdivision and Land Development Ordinance, in addition to the requirements stated in this section; provided however, that where such provisions are inconsistent with the provisions contained in this section, then the provisions of this section shall supercede them.

**B. Drafting Standards for Preliminary Subdivision.**

The plan shall be drawn to a scale of either 1 inch = 100 feet or 1 inch = 200 feet, whichever would fit best on a standard size sheet (24 inches x 36 inches), unless otherwise approved by the Planning Commission.

Dimensions shall be set in feet.

Each sheet shall be numbered and the plan shall provide an adequate legend indicating clearly which features are existing and which are proposed.

All plans submitted shall be made on sheets no larger than 34 inches x 44 inches and no smaller than 17 inches x 22 inches.

**C. Plan and Map Requirements**

The following plans and maps shall bear the name, signature, address, and telephone number of the engineer, land surveyor, or landscape architect responsible for preparing the plan or map.

**1. Site Context Map**

A map showing the location of the proposed subdivision within its neighborhood context shall be submitted. For sites under 100 acres, such maps shall be at a scale not less than 1 inch = 200 feet, and shall show the relationship of the subject property to natural and human-made features existing within 1,000 feet of the site. For sites of 100 acres or more, the scale shall be 1 inch = 400 feet, and shall show the

above relationships within 2,000 feet of the site. The features that shall be shown on Site Context Maps include topography (from USGS maps), stream valleys, wetland complexes (from maps published by the U.C. Fish & Wildlife Service or the USDA Natural Resources Conservation Service), woodlands over one-half acre in area (from aerial photographs), ridge lines, public roads and trails, utility easements and rights-of-way, public land, and land protected under conservation easements.

## **2. Existing Resources and Site Analysis Map**

For all subdivisions an Existing Resources and Site Analysis Map shall be prepared to provide the developer and the Township with a comprehensive analysis of existing conditions both on the proposed development site and within 500 feet of the site. Conditions beyond the parcel boundaries may be described on the basis of existing published data available from governmental agencies and from aerial photographs.

The Township shall review the Map to assess its accuracy, conformance with municipal ordinances, and likely impact upon the natural and cultural resources on the property. Unless otherwise specified by the Planning Commission, such maps shall generally be prepared at the scale of 1 inch = 100 feet or 1 inch = 200 feet, whichever would fit best on a single standard size sheet (24 inches x 36 inches). The following information shall be included on this Map:

- a. A vertical aerial photograph enlarged to a scale not less detailed than 1 inch = 400 feet, with the site boundaries clearly marked.
- b. Topography, the contour lines of which shall generally be at two-foot intervals, determined by photogrammetry (although ten-foot intervals are permissible beyond the parcel boundaries, interpolated from USGS published maps). The determination of appropriate contour intervals shall be made by the Planning Commission, which may specify greater or lesser intervals on exceptionally steep or flat sites. Slopes between 15 and 25 percent and those exceeding 25 percent shall be clearly indicated.
- c. The location and delineation of ponds, streams, ditches, drains, and natural drainage swales, as well as the 100-year flood plains and wetland,.
- d. Vegetative cover conditions on the property according to general cover type, including cultivated land, permanent grassland, meadow, pasture, old field, hedgerow, woodland and wetland, trees with a caliper in excess of 15 inches, the actual canopy line of existing trees and woodlands.

## **3. Four-Step Design Process for Land Conservation Subdivisions**

The application for preliminary approval for a land conservation subdivision shall include documentation of a four-step design process, as described below, in determining the layout of proposed open space lands, house sites, and streets and lot lines. .



### **a. Step 1: Delineation of Open Space Lands**

(1) The minimum percentage and acreage of required open space lands shall be calculated by the applicant and submitted as part of the Preliminary Plan in accordance with the provisions of this ordinance.

(2) Open space lands shall include all Primary Conservation Areas and those parts of the remaining buildable lands with the highest resource significance, as described below.

(3) The Township's Map of Potential Conservation Lands shall also be referenced and considered. Primary Conservation Areas shall be delineated as those comprising flood plains, wetlands, slopes over 25 percent and those other features set forth in section 705 below. In delineating Secondary Conservation Areas in accordance with section 705 below, the applicant shall prioritize natural and cultural resources on the tract in terms of their highest to least suitability for inclusion in the proposed open space, in consultation with the Planning Commission.

(4) On the basis of those priorities and practical considerations given to the tract's configuration, its context in relation to resource areas on adjoining and neighboring properties, and the applicant's subdivision objectives, Secondary Conservation Areas shall be delineated to meet at least the minimum area percentage requirements for open space lands and in a manner clearly indicating their boundaries as well as the types of resources included within them.

### **b. Step 2: Location of House Sites**

Potential house sites shall be tentatively located using the proposed open space lands as a base map as well as other relevant data on the Existing Resources and Site Analysis Map, such as topography and soils. House sites should generally be located not closer than 100 feet from Primary Conservation Areas and 50 feet from Secondary Conservation Areas, taking into consideration the potential negative impacts of residential development on such areas as well as the potential positive benefits of such locations to provide attractive views and visual settings for residences.

### **c. Step 3: Alignment of Streets and Trails**

Upon designating the house sites, a street plan shall be designed to provide vehicular access to each house, complying with the standards in Article 7 herein and bearing a logical relationship to topographic conditions. Impacts of the street plan on proposed open space lands shall be minimized, particularly with respect to crossing environmentally sensitive areas such as wetlands and traversing slopes exceeding 15 percent. Two forms of egress are preferable when possible.

### **d. Step 4: Drawing in the Lot Lines**

Upon completion of the preceding three steps, lot lines shall be drawn as required to delineate the boundaries of individual residential lots.

#### 4. **Preliminary Improvements Plan**

This plan shall include the following items:

- a. Existing and approximate proposed lot lines, lot areas, any existing easements and rights-of-way.
- b. the boundaries of open space lands shall be indicated.
- c. a delineation of the proposed phases and a schedule of deadlines within which applications for final approval of each phase are intended to be filed.
- d. Typical street cross-section drawing(s) for all proposed streets shall be shown, including details relating to thickness, crowning, and construction materials.
- e. Exact locations of existing utility easements and approximate locations of proposed utility easements.
- f. Approximate layout of all proposed sanitary and storm sewers and location of all inlets and culverts and any proposed connections with existing facilities. (These data may be on a separate plan.)
- g. Approximate location of proposed shade trees, plus locations of existing vegetation to be retained.

#### 5. **Improvements Plan - Preliminary Studies and Reports**

In cases involving proposals with more than 25 lots or smaller development plans where the Planning Commission believes that potential impacts could be significant, the Preliminary Plan submission shall include one or more of the following studies to assist in determination of the impact of the application on municipal services and facilities:

- a. Sewer and Water Feasibility Report
- b. Groundwater Protection and Replenishment Study
- c. Erosion and Sedimentation Control Plan
- d. Traffic Study of the Impacts of the Plan on the roads directly servicing the plan and intersections within one (1) mile of the plan.

**6. Community Association Document.** A Community Association Document, also known as a Homeowner Association Document or a Condominium Association Document, shall be provided for all subdivision and land development applications that propose lands or facilities to be used or owned in common by all the residents of that subdivision or land development and not deeded to the Township. The elements of the Community Association Document shall include but shall not necessarily be limited to the following:

- a. A description of all lands and facilities to be owned by the Community Association. This description shall include a map of the proposal highlighting the precise location of those lands and facilities.
- b. Statements setting forth the powers, duties, and responsibilities of the Community Association, including the services to be provided.
- c. A Declaration of Covenants, Conditions, and Restrictions, giving perpetual easement to the lands and facilities owned by the Community Association. The Declaration shall be a legal document that also provides for automatic Association membership for all owners in the subdivision or land development and shall describe the mechanism by which owners participate in the Association, including voting, elections, and meetings. Furthermore, it shall give power to the Association to own and maintain the common property and to make and enforce rules.
- d. Statements prescribing the process by which Community Association decisions are reached and setting forth the authority to act.
- e. Statements requiring each owner within the subdivision or land development to become a member of the Community Association. Statements setting cross covenants or contractual terms binding each owner to all other owners for mutual benefit and enforcement.
- f. Requirements for all owners to provide a pro rata share of the cost of the operations of the Community Association.
- g. A process of collection and enforcement to obtain funds from owners who fail to comply.
- h. A process for transition of control of the Community Association from the developer to the unit owners.
- i. Statements describing how the lands and facilities of the  
Community Association will be insured, including limit of liability.
- j. Open space shall never be developed.

#### **E. Preliminary Engineering Certification**

Prior to approval of the Preliminary Plan, the applicant shall submit to the Planning Commission a "Preliminary Engineering Certification" verifying that the approximate layout of proposed streets, house lots, and open space lands complies with the Township's zoning and subdivision ordinances, particularly those sections governing the design of subdivision streets and stormwater management facilities. This certification requirement is meant to provide the Planning Commission with assurance that the proposed plan is able to be accomplished within the Township's current regulations. The certification shall also note any waivers needed to implement the plan as drawn.

## **SECTION 704: Permitted Uses**

1. Single-family dwellings.
2. Multi-family dwellings for two, three, or four households – Maximum of 50% of total dwelling units.
3. Greenways.
4. All agricultural uses: horticultural, wholesale nurseries, raising of crops, livestock, and related buildings.
5. Open space, woodland preserve, game preserve, wildlife sanctuary, or other similar conservation use.
6. Forestry.
7. No Impact Home Occupations.
8. Accessory Uses to Permitted Uses.
9. Municipal or public use: public, private, non-profit owned and operated park or recreation area; and government or public utility building or use; not to include business facilities, storage of materials, trucking or repair facilities, the housing of repair crews, private or municipal sanitary land fill.

## **SECTION 705: OPEN SPACE**

A. **Definition.** Open space within a conservation subdivision is the portion of the conservation subdivision that has been set aside for permanent protection. Activities within the open space are restricted in perpetuity through the use of an approved legal instrument.

### **B. Standards to Determine Open Space.**

1. The minimum restricted open space shall comprise 25% of the gross tract area.
2. The following are considered Primary Conservation Areas and are required to be included within the open space, unless the Applicant demonstrates that this provision would constitute an unusual hardship.
  - a. The regulatory 100-year flood plain;
  - b. Buffer zones of at least 75 ft width along all perennial and intermittent streams;
  - c. Slopes above 25 percent of at least 5,000 square feet contiguous area;

d. Wetlands that meet the definition used by the Army Corps of Engineers pursuant to the Clean Water Act;

e. Habitats for endangered or threatened species;

f. Archaeological sites, cemeteries and burial grounds; and

g. Prime agricultural lands of at least five acres contiguous area.

3. The following are considered Secondary Conservation Areas and may be included within the open space area:

a. Important historic sites;

b. Existing healthy, native forests of at least one acre contiguous area;

c. Individual existing healthy trees greater than 8 inches caliper, as measured from their outermost drip line;

d. Other significant natural features and scenic viewsheds such as ridge lines, peaks and rock outcroppings, particularly those that can be seen from public roads;

e. Existing trails that connect the tract to neighboring areas.

4. Above-ground utility rights-of-way and small areas of impervious surface may be included within the protected open space but cannot be counted towards the 25 percent maximum area requirement (exception: historic structures and existing trails may be counted). Large areas of impervious surface shall be excluded from the open space.

5. A minimum of 50% of the required 25% open space shall be in a contiguous tract. The open space should adjoin any neighboring areas of open space, other protected areas, and non-protected natural areas that would be candidates for inclusion as part of a future area of protected open space.

6. The open space shall be directly accessible to the largest practicable number of lots within the subdivision. Non-adjoining lots shall be provided with safe, convenient access to the open space.

**C. Permitted Uses of Open Space.** Uses of open space may include the following:

1. Conservation of natural, archaeological or historical resources;

2. Meadows, woodlands, wetlands, wildlife corridors, game preserves, or similar conservation-oriented areas;

3. Walking or bicycle trails, provided they are constructed of porous paving materials;
4. Passive recreation areas;
5. Agriculture, horticulture or silviculture.
6. Nonstructural stormwater management practices;
7. Easements for drainage, access, and underground utility lines; or
8. Other conservation-oriented uses compatible with the purposes of this ordinance.
9. Active recreation areas, provided that they are limited to no more than ten (10%) percent of the total open space and are not located within primary conservation areas. Active recreation areas may include impervious surfaces. Active recreation areas in excess of this limit must be located outside of protected open space.

**D. Prohibited uses of Open Space.**

1. Roads, parking lots and impervious surfaces, except as specifically authorized in the previous sections; and
2. Other activities as determined by the applicant and recorded on the legal instrument providing for permanent protection.
3. Golf courses.

**SECTION 706: Ownership and Maintenance of Open Space Land and Common Facilities**

A. All open space land shall be permanently restricted from future subdivision and development. Under no circumstances shall any development be permitted in the open space at any time.

**B. Ownership Options**

The following methods may be used, either individually or in combination, to own common facilities. Common facilities shall not be transferred to another entity except for transfer to another method of ownership permitted under this section, and then only when there is no change in the common facilities or in the open space ration of the overall development. Ownership methods shall conform to the following:

1. Condominium Association. Common facilities may be controlled through the use of condominium agreements. Such agreements shall be in accordance with relevant state law. All open land and common facilities shall be held as “common element.”

2. Homeowners’ Association. Common facilities may be held in common ownership by a homeowners’ association, subject to all of the provisions for homeowners’ associations set forth in state regulations and statutes. In addition, the following regulations shall be met:

a. The applicant shall provide the Township a description of the organization of the proposed association, including its by-laws, and all documents governing ownership, maintenance, and use restrictions for common facilities.

b. The proposed association shall be established by the owner or applicant and shall be operating (with financial subsidization by the owner or applicant, if necessary) before the sale of any dwelling units in the development.

c. Membership in the association shall be automatic (mandatory) for all purchasers of dwelling units therein and their successors in title.

d. The association shall be responsible for maintenance and insurance of common facilities.

e. The by-laws shall confer legal authority on the association to place a lien on the real property of any member who falls delinquent in his or her dues. Such dues shall be paid with the accrued interest before the lien may be lifted.

f. Written notice of any proposed transfer of common facilities by the association or the assumption of maintenance for common facilities must be given to all members of the association and to the Township no less than thirty days prior to such event.

g. The association shall have adequate staff to administer, maintain, and operate such common facilities.

### 3. Private Conservation Organizations

With permission of the Township, an owner may transfer either fee simple title of the open space or easements on the open space to a private non-profit conservation organization provided that:

a. The conservation organization is a bona fide conservation organization intended to exist indefinitely;

b. The conveyance contains appropriate provisions for proper reverter or retransfers in the event that the organization becomes unwilling or unable to continue carrying out its functions.

c. The open space land is permanently restricted from future development through a conservation easement and the Zoning Board is given the ability to enforce these restrictions; and,

d. A maintenance agreement acceptable to the Zoning Board is established between the owner and organization or County.

#### 4. Non-Common Private Ownership

Up to 80 percent of the required open space land may be included within one or more large “conservancy lots” of at least 10 acres provided the open space is permanently restricted from future development through a conservation easement and the Township is given the ability to enforce these restrictions.

### **C. Maintenance**

1. Unless otherwise agreed to by the Board, the cost and responsibility of maintaining common facilities and open space land shall be borne by the condominium association, homeowners’ association, or conservation organization.

2. The applicant shall, at the time of preliminary plan submission, provide a Plan for Maintenance of Open Space Lands and Operation of Common Facilities in accordance with the following requirements.

a. The Plan shall define ownership;

b. The Plan shall establish necessary regular and periodic operation and maintenance responsibilities for the various kinds of open space (i.e. playing fields, meadows, woodlands, etc.);

c. The Plan shall estimate staffing needs, insurance requirements, and associated costs, and define the means for funding the maintenance of the open space land and operation of any common facilities on an on-going basis. Such funding plans shall include the means for funding long-term capital improvements as well as regular yearly operating and maintenance costs;

3. In the event that the organization established to maintain the open space lands and the common facilities, or any successor organization thereto, fails to maintain all or any portion thereof in reasonable order and condition the Township may enter the premises and take corrective action, including extended maintenance. The costs of such corrective action may be charged to the property owner, condominium association, homeowners association, conservation organization, or individual property owners who make up a condominium or homeowners’ association and may include administrative costs and penalties. The Township shall impose liens upon property owners within the plan for maintenance costs.

### **ARTICLE 8: SUPPLEMENTARY REGULATIONS**



## **SECTION 801: OFF-STREET PARKING FACILITY REQUIREMENTS**

**A. New Use of a Structure and/or Land** - Parking and/or loading facilities shall be provided in accordance with the following standards for the use of any structure constructed and any use of land established after the effective date of this Zoning Ordinance. 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.

**B. Increase in Intensity of Use of a Structure and/or Land** - Parking shall be provided in accordance with the following standards for the increase in intensity of the use of a structure and/or land through the addition of dwelling units, rooming units, gross floor area, lot area or other units of measurement.

**C. Change in Use of Structure and/or Land** - Parking and/or loading facilities shall be provided as required in the following standards for any change of or new use of an existing structure and/or land.

**D. Location of Parking Spaces.** Off-street parking spaces may be located on any required site, front, side or rear yard, but not within the street right-of-way.

**E. Surface and Grading.** Except when provided for single family or semi-detached dwelling units, off-street parking areas shall be surfaced with a minimum of four (4) inches of stone base and shall be properly graded and drained to dispose of all surface water in a manner prescribed by the Township's Storm Water Management Regulations.

**F. Arrangement and Lighting.** Commercial and industrial parking areas shall be arranged and marked for the orderly and safe movement, loading, parking and storage of vehicles and shall be adequately illuminated if designed for use by more than ten (10) cars after dusk. 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 lights shall be shielded to prevent spillover.

**G. Screening.** Commercial and industrial parking areas which provide more than five (5) parking spaces shall be screened from any abutting property used for residential purposes. Screening may be accomplished by the placement of adequate buildings, a solid fence high enough to provide screening and/or provision and maintenance of solid planting in the form of contiguous evergreen shrubs or other suitable landscaping as approved by the Planning Commission or Board of Supervisors.

**H. Landscaping.** Per Section 804.

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**I. Computation.** When determination of off-street parking results in a requirement of a fractional space, any fraction shall be counted as one parking space.

**J. Delineation.** Parking spaces shall be clearly delineated by painted lines or markers.

**K. Bumper Guards.** Stalls shall be provided with bumper guards or wheel stops when necessary for safety or protection to adjacent structures or landscaped areas.

**L. Parking Space 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.

**M. Handicap Parking.** Handicap parking shall be provided according to regulations of the Americans with Disabilities Act.

#### **N. Required Number of Spaces by Use**

The number of spaces to be provided shall be governed by the following standards:

**1. Offices, Retail Businesses and Service Establishments** - one (1) space for each three hundred (300) square feet of gross floor area.

**2. Restaurants and Taverns** – one (1) space for every 2.5 seats and one (1) for each employee.

**3. Motels, Hotels** - One and one-half (1.5) spaces for each sleeping room and one (1) for each employee on the shift employing the maximum number of employees.

**4. Theaters, Arenas and Auditoriums** - one (1) space for every 2.5 seats.

**5. Social Halls, Clubs, and Lodges** - one (1) space for each two hundred (200) square feet of floor area.

**6. Bowling Alleys** - two (2) spaces for each alley and one (1) for each employee.

**7. Funeral Homes** - one (1) space for each five (5) seats.

**8. Rooming Houses and Dormitories** - one (1) space for each two (2) beds.

**9. Manufacturing Plants and Laboratories** – one (1) space for every three (3) employees.

**10. Wholesale Businesses and Warehousing** -one (1) space for every two (2) employees.

**11. Houses of Worship** - one (1) space for every 3.5 seats.

**12. Barber and Beauty Shops** - two (2) spaces for each service chair, and one (1) space for each employee.

**13. Residential Uses** - two (2) spaces per dwelling unit.

**14. Automobile service stations** - one (1) space for every two (2) employees.

**15. Automobile sale yards** - one (1) space for every two (2) employees and one (1) additional space for every 1,000 square feet of sale area (indoor and outdoor) or fraction thereof.

**16. Medical and dental offices and clinics** - one (1) space for every two (2) employees plus four (4) spaces per doctor.

**17. Recreation buildings, or community centers** - one (1) space for every three (3) employees.

**18. Schools** - one (1) space for every 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.

**19. Amusement centers of facilities** – one (1) space for every fifty (50) square feet of floor area.

**20. Other Uses:** For other uses not covered herein, parking spaces shall be provided as determined by the Zoning Hearing Board basing the parking requirements for similar uses as listed above.

## **SECTION 802: LOADING SPACE REQUIREMENTS**

### **A. Loading and Unloading Space**

1. All commercial and industrial establishments shall provide loading and unloading and commercial vehicle storage space adequate for their needs. This required space will be provided in addition to established requirements for patron and employee parking. In no case where a building is erected, converted, or enlarged for commercial, manufacturing, or business purposes shall the public right-of-way be used for loading or unloading of materials.

2. The minimum size loading space shall be seventy-five (75) feet in depth and twelve (12) feet in width, with an overhead clearance of fourteen (14) feet.

## **SECTION 803: Parking or Storage of Recreational and Commercial Vehicles and Equipment**

**A. Parking or Storage of Recreational Vehicles and Equipment.** Any recreational vehicle, camper, or boat, on or off wheels, shall be either stored wholly within a garage or outdoors in compliance with the following regulations for lots of one (1) acre or less:

1. Recreational vehicles, campers or boats can be stored outdoors.

2. Recreational vehicles, campers, and boats shall not be used as a dwelling, office, or other business structure, or for storage of any material. Neither shall they have any permanent connections to electric, telephone, water, sewer, gas or a fuel source.

3. Any recreational vehicle or boat stored outdoors shall be maintained in an operating condition and shall bear a current valid license and/or registration if required by law.

4. The storage of the vehicle shall comply with the setback requirements in Section 505(D).

**B. Parking of Commercial Vehicle.** The outdoor parking of commercial vehicles shall be permitted on a residential lot of one (1) acre or less in compliance with the following:

1. The commercial vehicles on lots of one (1) acre or less shall be limited to a vehicle used on a regular basis by the resident for the resident's occupation.

2. The storage of the vehicle shall comply with the setback requirements in Section 505(D).

3. Extended running beyond 30 minutes is not permitted.

### **C. Derelicts**

No major recreational equipment or non-agricultural commercial vehicle shall be parked and/or stored out of doors on residential premises unless it is in condition for safe and effective performance for the function for which it is intended, or can be made so at a cost not exceeding the current market value of the equipment or vehicle. In no case shall any equipment or vehicle be so parked and/or stored for a period of more than six (6) months if not in condition for safe and efficient performance for the function for which it was intended.

## **SECTION 804: LANDSCAPING AND BUFFERING**

**A. Landscaping Requirements for C-C, M-T AND V-2 Zoning Districts.** Uses and/or developments shall provide landscaping in accordance with the following paragraphs in order to minimize nuisances and protect patrons from dirt, litter, pollution, noise, and glare of lights, and excessive heat. These requirements shall apply where a new use/development is proposed on vacant land, an existing use/development will be expanded in gross floor area by 50% or greater, or an existing use/development is removed and a new use/development is proposed.

1. Any part or portion of a lot developed for non-residential use in the C-C, M-T or V-2 Zoning Districts which is not used for buildings, other structures, parking or loading spaces, or aisles, driveways, sidewalks, and designated storage areas shall be planted and maintained with grass or other all season groundcover vegetation. Grass shall be kept neatly mowed. Landscaping with trees and shrubs is permitted and encouraged.

2. Off-street parking areas shall provide landscaping as follows:

a. minimum five (5) foot wide, not to exceed 12" in height at maturity, landscape planting strip shall be provided where the parking area abuts a public street. The edges of said landscape planting strip shall be curbed. The planting strip may be interrupted only for permitted entrances or access driveways.

b At least 5% of the interior parking area shall be landscaped with plantings, and at least one tree for each ten (10) parking spaces shall be installed. Interior parking lot plantings are required exclusive of other planting requirements. At least 50% of all planting shall occur between the front face of the structure(s) and the street on which the structure(s) fronts.

c. Landscaping shall be located in protected areas such as along walkways, in center islands, at the ends of parking bays, or between parking spaces. All landscaping shall be placed so that it does not obstruct the sight distance for automobiles moving within the parking area or entering or exiting the parking area.

d. Plant types shall include a mixture of evergreen and deciduous trees. Evergreens should be used along the perimeter of the parking area for screening and deciduous trees should be used for shade within the parking area.

### **B. Buffer and Screening Requirements for Non-Residential Uses in C-C, M-T, and V-2 Districts**

Where any C-C, M-T or V-2 district permitted principal and/or accessory use abuts any land zoned A-1, R-R, R-1 or V-1, the following buffer and screening shall be required. These requirements shall apply in instances where such use is being newly developed on vacant land, expanded in floor area by 50% or greater, or removed and a new use developed.

1. A buffer strip at least twenty (20) feet wide shall be provided and maintained along the entire length of a side or rear yard where it abuts an A-1, R-R, R-1 or V-1 Zoning District. Buffer strips shall not be used for parking, storage of vehicles, equipment, or materials, nor for any other use incompatible with their purpose as a visual, noise, dust, and pollution barrier.

2. The buffer strip shall contain suitable screening, defined as either of the following:

a. A solid fence or wall, architecturally compatible with existing structures in the area, no less than four (4) feet nor more than six (6) feet in height; or

b. A sight-obscuring planting of evergreens, not less than four (4) feet in height at the time of planting and of a variety that will maintain full, dense growth from the ground up to a height of not less than six (6) feet upon maturity, planted at a spacing of the lesser of eight (8) feet or the diameter of a mature specimen of the species being planted.

c. Areas of the buffer strip not covered with a fence, wall, or screening plantings, shall be planted with grass or other appropriate ground cover vegetation.

**C. Installation and Maintenance** -Installation and maintenance of the buffer and screening and other landscaping required by this Section shall be the responsibility of the owner of the property on which the permitted use is located.

1. Installation must be completed prior to issuance of an Occupancy Permit by the Zoning Officer. In the event that the planting season does not coincide with the desired occupancy, the Zoning Officer shall have

the authority to grant a Temporary Occupancy Permit for a period of no more than six (6) months. Failure to install required landscaping shall be grounds for revocation of the occupancy permit.

2. Fences or walls must be maintained in safe and structurally sound condition.
3. Dead or diseased plants shall be removed and replaced in a timely manner.
4. Grass shall be kept neatly mowed.

## **SECTION 805: SIGNS**

**A. Purpose** – To determine for the benefit of the public that all signs within Sewickley Township provide for the health, safety and welfare of the citizens and visitors of Sewickley Township while allowing for the efficient use of the signs for the benefit of the property.

### **B. Signs Allowed in All Districts**

1. An address identification sign for the purpose of street number identification for all buildings.
2. Federal or State Historic Markers or monuments.
3. Institutional or bulletin board signs – signs of permanent character or structure having changeable words or numbers indicating the services or events to be conducted upon the premises where the sign is located. Typically used by schools or houses of worship.
4. Signs posting no trespassing, hunting or fishing, and signs indicating the private use of a driveway, road, or premises.

### **C. Temporary Signs Permitted in All Districts**

1. Real estate signs – eight (8) square feet, promoting the sale or rental of property and removed within seven (7) days of closing or rental of the property.
2. Development signs – 24 square feet for developments of three (3) or more lots, removed within seven (7) days of project completion.
3. Work being performed signs – eight (8) square feet, removed within seven (7) days after completion of work or expiration or revoking of building permit.
4. Political signs.
5. Announcement signs, banners, or special displays – 20 square feet, maximum time of display 35 days.
6. Temporary signs - two (2) square feet or smaller advertising garage sales or similar events, maximum time of display ten (10) days, may not be attached to utility poles or traffic sign supports.

7. Sandwich boards – six (6) square feet/side, placement must not impede pedestrian or vehicular access, and signs may be used during normal business hours for the business it is advertising.

#### **D. Signs in Residential Districts**

In residential districts designated as A-1, R-R, R-1 and V-1 and for residential uses in the V-2 district, 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:
  - a. There shall be no more than one (1) name plate not exceeding two (2) square foot in area for each dwelling unit, indicating the name or address of the occupant or a permitted home occupation, except that on a corner lot two (2) such signs, one (1) facing each street shall be permitted.
  - b. 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.
  - c. No sign shall project beyond the property line into a public right-of-way.
  - d. No sign shall project higher than eight (8) feet above the level of the ground over which it is located.

#### **E. Classification of Signs**

Signs shall be classified by function or purpose based on the following:

##### **1. Building Identification Sign.**

- a. **Awning Sign:** Any sign that is part of or attached to an awning, canopy, or other fabric, plastic, or structural protective cover over a door, entrance, window, or outdoor service area identifying the name of the owner and business, industry or pursuit conducted within the premises.
- b. **Banner Sign:** Any sign of lightweight fabric or similar material that is mounted to a building at one or more edges. National flags, state or the official flag of any institution or business shall not be considered banners.
- c. **Changeable Copy Sign:** A sign such as a bulletin board or announcement board, where the message or graphics are not permanently affixed to the structure, framing or background and may be periodically replaced or covered over either manually or by electronic or mechanical devices.
- d. **Freestanding Sign:** A sign that is supported from the ground on a structure other than a building.
- e. **Wall Sign:** A sign erected parallel to, or painted on the surface or on the outside wall of any building, and not extending more than 12 inches therefrom, and which does not project above the roof line or beyond the corner of the building.

f. Window Sign: A sign on the inside of a building affixed to or near a window for the purpose of being visible to and read from the outside of the building.

## **F. Computations**

The following principals shall control the computation of sign area and sign height:

### **1. Determining Sign Area or Dimension.**

a. For a sign that is framed, outlined, painted or otherwise prepared and intended to provide a background for a sign display, the sign area or dimensions shall include the entire portion within such background or frame.

b. For a sign comprised of individual letters, figures or elements on a wall or an irregular shaped freestanding sign, the area of the sign shall encompass a regular, or a combination of regular geometric shapes that form or approximate the perimeter of all the elements in the display. When separate elements are organized to form a single sign, but the elements are separated by open space, the area shall be calculated by determining one or more geometric forms that comprise the entire display area, including the space between the elements.

c. The sign area shall include the frame but shall not include the pole or other structural support unless such pole or structural support is illuminated or otherwise so designated to constitute a display device.

d. The area for a sign with more than one face shall be computed by adding together the area of all sign faces visible from any one point. When two identical sign faces are placed back to back so that both faces cannot be viewed from any point at the same time, and when such sign faces are part of the same sign structure and are not more than 42 inches apart, the sign area shall be computed by the measurement of one of the faces.

e. In the event there is a dispute in determining the sign area or any sign dimension, the Zoning Officer shall have the responsibility for making such determination.

**2. Determining Sign Height.** The height of a sign shall be measured from the base of the sign or supportive structure at its point of attachment to the ground to the highest element of the sign. A freestanding sign on a man-made base, including a graded earth mound, shall be measured from the grade of the nearest street, drive or parking area.

a. Determining Building Frontage and Building Unit. The building wall that faces the principal street or building wall that contains the main entrance to the uses therein shall be considered the building frontage.

b. The building frontage shall be measured along the length of the front wall between the exterior faces of the exterior side walls.



c. In the case of an irregular wall surface, a straight line extended along such wall surface shall be used to measure the length.

d. For lots fronting on two or more streets, or where the building has its main entrance on a wall other than the wall that faces the street, the building frontage shall be calculated separately for each building wall facing a street or having a main entrance. The sign area that is located on a particular building wall shall not exceed the area permitted for such building wall.

e. For multi-tenant buildings, the portion of a building that is owned or leased by a single tenant shall be considered a building unit. The building frontage for a building unit shall be measured from the centerline of the party walls defining the building unit.

### **G. Maximum Sign Area.**

Signs as permitted in the respective zoning districts shall conform to the maximum area limitations set forth in this Section .

**1. Business Identification Signs in the V-2, C-C and M-T Districts.** The maximum permitted area for business identification signs in the V-2, C-C and M-T districts shall comply with the following:

a. Signs Attached to Buildings. The maximum area for signs attached to a building shall be computed by applying the formula of one (1) square foot of signage permitted for each lineal foot of frontage for the lot. This maximum area shall be the sum of the areas of all signs attached to the building, including awning and canopy signs. Notwithstanding the above standard, each building shall be permitted a minimum of 30 square feet of identification signs attached to the building. No sign shall exceed 200 square feet.

b. Freestanding Identification Signs. The maximum area for freestanding identification signs shall comply with the following standards:

(1) C-C and M-T Zoning Districts: 1 square foot of signage for each lineal foot of building frontage, with a maximum of fifty (50) square feet.

(2) V-2 Zoning District: 1 square foot of signage for each lineal foot of building frontage, with a maximum of thirty two (32) square feet.

**2. Bonus Sign Area for C-C and M-T Zoning Districts and Non-Residential Uses in the V-2 District.** Additional area for identification signs attached to buildings shall be permitted for non-residential lots in the V-2, C-C and M-T Districts that meet the following requirements.

a. Corner Lots and Side and Rear Entrances. The maximum allowable area for building identification signs attached to a building shall be increased beyond the allowable area set forth in compliance with the following:

(1) Additional area shall be permitted when a building has a secondary frontage because of one or more of the following characteristics:

(i) Has frontage on more than one street; or

(ii) Has a customer entrance facing a parking lot and such parking lot does not face the main street.

(2) The sign area for each secondary building frontage shall be 50 percent of the area computed using the formula set forth in Section 805(G)(1) based on the length of the secondary building frontage provided that:

(i) The additional sign area is utilized only on the secondary building frontage; and

(ii) The sign area permitted on the principal building frontage may, however, be redistributed along the secondary building frontage(s) provided that the total sign area facing the secondary street(s) or parking lot, does not exceed the formula set forth in 805(G) (1) based on the length of the building frontage.

b. **Large Building Setbacks.** The maximum allowable area for building identification wall sign may be increased by one-half square foot of sign area for each foot of building frontage when the principal building is set back more than 200 feet from the principal street on which the building is located. The sign area may also be increased by one-half square foot of sign area for each lineal foot for that portion of the building which is more than 200 feet from the street and facing such street when the additional sign area is included in a sign placed on that portion of the building.

## **H. Regulations for Freestanding Signs.**

**1. Freestanding Identification Signs in C-C, M-T and for Non-Residential Uses in the V-2 Zoning Districts.** Freestanding identification signs shall be permitted only in compliance with the following requirements.

a. **Minimum Building Setback and Lot Width.** Freestanding signs are permitted only when the principal building is set back from the street right-of-way a minimum of 25 feet.

b. **Maximum Number of Freestanding Signs.** One freestanding sign shall be permitted per building or development, except for facilities on corner lots, or those that qualify for bonuses pursuant to Section 805(G) (2).

c. **Minimum Sign Setback from Street.** Freestanding identification signs shall be located no closer than 10 feet from the street right-of-way line, or a distance equal to one half the height of the sign, whichever is greater, and shall be placed so as not to obstruct sight lines for vehicles or pedestrians. On corner lots, freestanding signs shall be erected no closer than 50 feet to any intersection.

d. **Minimum Sign Setback From Side Lot Lines.** Freestanding signs shall be located no closer than 10 feet from any side lot line, except that when a side lot line coincides with a residential zoning district boundary line, the minimum setback shall be 25 feet.

e. **Landscaping.** Freestanding signs shall be erected in a landscaped setting and not on sidewalks, drives or in parking lots.

f. Multi-Tenant Facilities. When a freestanding sign is permitted on a site that has more than one tenant, it is the property owner's responsibility to determine if the sign area shall be devoted to identification of the building(s), the anchor tenant, all tenants, or some combination thereof.

g. Additional Area for Corner Lots. One additional freestanding sign may be permitted for a corner lot provided that:

(1) The total lot frontage of both streets is not less than 200 feet;

(2) The area of each freestanding identification sign complies with the requirements of Section 805 (G) (1), and the total area of both freestanding signs shall not exceed 175 percent of the maximum area permitted for a single sign;

(3) The second freestanding sign is clearly located to provide identification along the secondary street; and

(4) The two signs may be aggregated into a single sign at the corner provided that the area of any freestanding sign.

**2. Freestanding Billboard.** Freestanding billboard signs are regulated as a business use and are permitted by special exception in the C-C and M-T Zoning Districts and on lands used for agricultural purposes and shall be permitted only in compliance with the following requirements:

a. Not more than one billboard sign shall be erected on a lot.

b. On a vacant lot in a C-C or M-T zoning district or on land used for agricultural purposes, a billboard sign shall not exceed 72 square feet in area and 12 feet in height and shall be located a minimum of 20 feet from the street right-of-way and 25 feet from side and rear property lines.

c. When located on a lot in combination with another business use in a C-C or M-T district, a billboard sign shall comply with the area, height and setback regulations for accessory freestanding business identification signs set forth in this section. The billboard sign shall take the place of the permitted freestanding identification sign.

### **3. Maximum Heights of Freestanding Signs**

The maximum height of freestanding signs are as follows:

a. C-C, M-T Zoning District: Thirty (30) feet

b. V-2 Zoning District: Twenty (20) feet

c. V-1, P-1, A-1, R-R, R-1 Zoning Districts: Not Permitted

### **I. Section Signs Exempt From Regulation**

The following signs shall be exempt from regulation under the Zoning Ordinance.

1. Any public notice or warning required by a valid and applicable federal, state or local law, regulation or Ordinance.
2. Any sign inside a building, not attached to a window or door, that is not legible from a distance of more than 3 feet beyond the building in which such sign is located.
3. Religious symbols, and other holiday lights and decorations.
4. Flags of the United States, the state, and any other flag adopted or sanctioned by an elected legislative body of competent jurisdiction. These flags must be flown in accordance with protocol established by the Congress of the United States for the Stars and Stripes. Any flag not meeting these conditions shall be considered a sign and shall be subject to regulations as such.

#### **J. Prohibited Signs**

All signs not expressly permitted in this Section or exempt from regulation are prohibited in the Township. Such signs include but are not limited to the following:

1. Signs on temporarily placed vehicles;
2. Signs containing any words or symbols that would cause confusion because of their resemblance to highway traffic control or direction signals.
3. Merchandise, equipment, products, vehicles or other items not themselves for sale and placed for attention getting, identification or advertising purposes.

#### **K. Administration Procedures**

1. Permit Requirements; A building identification sign shall require a permit prior to the erection or alteration of the sign.
2. Application Requirements. The following shall be submitted with the permit application.
  - a. Two copies of the proposed sign; one copy depicting the actual colors of the building and sign, either drawing or photo, with the second copy at eight and one half by eleven size and suitable for reproduction. The application shall present the sign in a manner which best illustrates how the sign shall be experienced by the public after it is erected on the site.
  - b. A complete building sketch or photograph showing the location of the sign and its relationship to the building, the site, the adjacent parcels and parking lots, drives and sidewalks.

c. Detailed drawings showing the design of the sign, including size, content, style of lettering, logo and other graphic features, colors of the applied lettering and background, and materials of the sign and the frame or structure.

d. Construction, erection or fastening details.

e. Application Fee. The application fee for a sign permit is twenty-five (\$25.00) dollars.

## **SECTION 806: 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.

A. When more than one multifamily 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.

2. Front to rear - sixty (60) feet.

3. Side to side - twenty (20) feet.

4. Front to side - thirty (30) feet.

5. Rear to side -thirty (30) feet.

6. Rear to rear - fifty (50) feet.

B. Where multifamily 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.

C. Where a multifamily dwelling 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 prospective 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:

(a) Lot area - a minimum of 2,000 sq. ft. per dwelling unit.

(b) Lot width at building line - a minimum of twenty (20) feet.

(c) Front yard setback - as per the applicable zoning district.

(d) Rear yard setback - as per the applicable zoning district.

(e) Height - As per the applicable zoning district.

(f) Lot coverage - as per the applicable zoning district.

(g) 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.

(h) Where multifamily 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.

#### **SECTION 807: EXOTIC ANIMALS**

Exotic animals such as lions, tigers, bears, et cetera, shall be permitted in A-1 and R-R Zoning District and according to Dept. of Agriculture and Game Commission Guidelines as a special exception.

#### **SECTION 808: HOME OCCUPATIONS**

Home Occupations are categorized as either No Impact Home Occupations or Major Home Occupations according to the standards within this section.

Home Based Businesses are approved per the following conditions:

##### **A. Minor Home Occupations**

1. The business activity shall be compatible with the residential use of the property and surrounding residential uses.

2. Shall not employ more than one (1) employee who is not a member of the family.

3. There shall be no outside appearance of a business use, including, but not limited to parking, signs or lights.
4. The business activity shall be conducted only within the dwelling and may not occupy more than 25% of the habitable floor area.
5. The business may not involve any illegal or illicit activity.
6. No on site parking of commercially identified vehicles greater than 5 tons shall be permitted.
7. The business activity may not use any equipment or process which creates noise, vibration, glare, fumes, odors, or electrical or electronic interference, including interference with radio or television reception, which is detectable in the neighborhood.
8. Reference Table 402 Section D.4.

### **B. Major Home Occupations**

1. The home occupation shall be carried on by a member of the family residing in the dwelling unit. No more than five (5) individuals who are not residents of the dwelling unit may be employed. An off-street parking space must be provided for each employee.
2. In the R-1, V-1 and V-2 Districts, accessory building cannot exceed 25% of the home structure. An accessory building may be used for storage.
3. In the A1 and R-R District, the accessory building used for storage only shall not exceed 25% of the home structure.
4. No more than fifty percent (50%) of the gross floor area of the principal dwelling shall be devoted to the conduct of the home occupation.
5. In the R-1, V-1 and V-2 Districts there shall be no display on the premises of merchandise available for sale which has been produced off the premises: however, merchandise may be stored on the premises for delivery off the premises, such as Amway, Tupperware or similar products stored.
6. Reference Table 402 Section D.5.

### **C. No-Impact Home-Based Business**

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

1. The business activity shall be compatible with the residential use of the property and surrounding residential uses.
2. The business shall employ no employees other than family members residing in the dwelling.
3. There shall be no display or sale of retail goods and no stockpiling or inventory of a substantial nature.
4. There shall be no outside appearance of a business use, including, but not limited to, parking, signs or lights.
5. The business may not use any equipment or process which creates noise, vibration, glare, fumes, odors or electrical or electronic interference, including interference with radio or television reception, which is detectable in the neighborhood.
6. The business activity may not generate any solid waste or sewage discharge, in volume or type, which is not normally associated with residential use in the neighborhood.
7. The business activity shall be conducted only within the dwelling and may not occupy more than 25% of the habitable floor area.
8. The business may not involve any illegal activity.
9. Reference Table 402 Section D.6.

#### **SECTION 809 TEMPORARY OUTDOOR ACTIVITIES**

1. No person shall conduct or allow to be conducted any temporary outdoor activity as defined in Part 15 (including those specifically listed herein) for more than twelve (12) times per calendar year without first obtaining a temporary use permit therefor, in compliance with the terms of this Part. Any person conducting or allowing to be conducted twelve (12) or fewer temporary outdoor activities as defined in Part 15 in a calendar year shall not be required to obtain any permit from the Township under this Part.
2. If a permit is required under this Part a signed application on a form furnished by the municipality shall be filed with the Zoning Officer ten (10) working days prior to the commencement of the temporary outdoor activity requiring a permit under this Part.
3. All temporary outdoor activities requiring a permit under this Part shall require review and approval by the Zoning Officer and issuance of a Temporary Use Permit:
4. Conditions for All Temporary Use Permits:
  - a. All temporary outdoor activities requiring a permit under this Part shall be compatible with other uses permitted in the zoning district in which the use is proposed.



b. The temporary outdoor activity shall not involve the construction or alteration of any permanent structure.

c. If the activity involves the construction or placement of a temporary structure, the structure shall be removed within forty-eight (48) hours of the expiration of the designated time period for the approved temporary activity use or upon the completion of the construction project for which it is erected.

d. The temporary outdoor activity shall not involve the creation of any nuisance to adjoining properties or public or private roads, including excessive noise, odors, glare or vibrations. Items which will be considered in making this determination will be: projected hours of operations; volume of traffic; available parking, projected traffic patterns; and type of activity.

e. No person shall, in order to promote the sale or promotion of any goods, wares, merchandise or services, or in connection with any trade or business operate from any premises, building, vehicle or on any street any horn, bell, chimes, loudspeaker or any other sound device. No applicant shall permit the following on the permitted premises:

(i) Excessive shouting or crying out.

(ii) Activity or conduct in violation of any municipal, state or federal laws or duly enacted ordinances or regulations.

5. Except for sidewalk sales and temporary structures and construction trailers, the temporary activity permit shall be issued for a period of no more than seven (7) consecutive days. Any temporary activity permit may contain conditions which the Zoning Officer may deem necessary to minimize inconvenience to the public. Such conditions may include, but are not limited to, the hours during which the temporary outdoor activity may operate and the duration of said activity and traffic safety measures. Further, the Zoning Officer may require the applicant to make arrangements with the State Police for traffic and crowd control. All costs for said control measures shall be borne entirely by the applicant. Violation of the conditions of the permit shall render the permit null and void, constitute a violation of this Part and subject the applicant to the penalties provided for in this Chapter.

6. Upon application, the Zoning Officer may renew and extend the permit for a period of not more than seven (7) days. The permit shall be maintained on the property where the subject temporary outdoor activity is conducted at all times and shall be available on demand for inspection and review by any municipal official, representative or employee.

7. Temporary Structures and Construction Trailers: The Zoning Officer shall issue a temporary use permit for occupancy of temporary structures only when they are incidental to permitted nonresidential uses, such as outdoor display or sales areas, or construction trailers, sales offices or other temporary business offices to be maintained during construction of any permanent structure or structures for which a zoning/building permit has been issued, provided that all of the following requirements have been met:

a. Temporary use permits for temporary structures as herein defined shall be granted for a period of not to exceed twelve (12) months.

b. The temporary use permit for temporary structures shall be canceled upon written notice by the Zoning Officer or a designated agent of the Township of Sewickley, if construction of the permanent structure is not diligently pursued or if the existing use is discontinued.

c. All temporary structures shall be located at least eighteen (18') feet from any property lines.

d. All temporary structures which are proposed to be accessible to the public shall be located at least one (100') hundred feet from any construction entrance or from the foundation of any structures which is under construction.

e. Vehicular access to all temporary structures which are proposed to be accessible to the public shall be designed to ensure pedestrian safety.

f. The construction of said temporary structure shall comply with the Township's Building Code.

## **ARTICLE 9. NONCONFORMING USES, STRUCTURES AND LOT**

### **SECTION 901: INTENT AND STANDARDS**

Within the districts established by this Ordinance or by amendments to this Ordinance, there may exist buildings, structures, uses or lots of record which were lawful before this ordinance or any amendment became effective.

A. Any building, structure, uses or lot of record which lawfully existed prior to the effective date of this Ordinance or any amendment of this Ordinance may continue in perpetuity regardless of ownership until such use is abandoned.

B. Non-conforming structures or buildings may be enlarged and expanded within the confines of the original non-conforming property. Any enlargements or expansions beyond the original non-conforming property shall meet the use requirements for that type of use.

C. 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 was lawfully begun prior to the effective date of adoption or amendment of this ordinance and upon which actual building construction has been diligently carried on. Actual construction is defined to include the placing of construction materials in permanent position and fastened in a permanent manner, and demolition, elimination, and removal of an existing structure in connection with such construction, provided that actual construction work shall be diligently carried on until the completion of the building involved.

### **SECTION 902: NONCONFORMING LOTS OF RECORD**

In any district in which single-family dwellings are permitted, notwithstanding limitations imposed by other provisions of this ordinance, a single-family dwelling and customary accessory buildings may be erected on any single lot of record at the effective date of adoption or amendment of this ordinance. Such 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 lots fail to meet the requirements for area or width, or both, that are applicable in the district, provided that yard dimensions and other requirements not involving area or width, or both, of lot shall conform to the regulations for the district in which such lot is located. Variance of yard requirements and other requirements not involving area or width, or both, of lot shall be obtained only through action of the Zoning Hearing Board.

If two 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 in the respective district, the lands involved shall be considered to be an undivided parcel for the purpose of this ordinance, and no portion of said parcel shall be used or sold which does not meet lot width and area requirements established by this ordinance, nor shall any division of the parcel be made which leaves remaining any lot with width or area below the requirements stated in this ordinance.

#### **SECTION 903: NONCONFORMING USES OF LAND**

Where, at the effective date of adoption or amendment of this ordinance, lawful use of land exists that is made no longer permissible under the terms of this ordinance as enacted or amended, such use may be continued.

#### **SECTION 904: NONCONFORMING STRUCTURES**

Where a lawful structure exists at the effective date of adoption or amendment of this ordinance that could not be built under the terms of this ordinance by reason of restrictions on areas, lot coverage, height, yards, or other characteristics of the structure or its location on the lot, such structure may be continued.

#### **SECTION 905: NONCONFORMING USES OF STRUCTURES**

If a lawful use of a structure, or of a structure and premises in combination, exists at the effective date of adoption or amendment of this ordinance the use may be continued.

#### **SECTION 906: REPAIRS AND MAINTENANCE**

On any building, devoted in whole or in part to any nonconforming use, work may be done on any repairs or replacement.

### **ARTICLE 10. THE ZONING OFFICER**

#### **SECTION 1001: CREATION OF POSITION**

The position of Zoning Officer is hereby created.

## **Section 1002: Appointment**

The Zoning Officer shall be appointed by the Board of Supervisors as prescribed by the Pennsylvania Municipalities Planning Code (Act 247 of 1968, as amended). The Board

of Supervisors shall establish qualifications for the position of Zoning Officer, which shall require candidates to demonstrate knowledge of municipal zoning to the satisfaction of the Supervisors. The Zoning Officer shall be required to attend a class, seminar or conference on zoning within six (6) months of his or her appointment.

## **Section 1003: official Records**

1. An official record shall be kept of all business and activity of the Zoning Officer and shall be open to public inspection.
2. All forms must be accounted for on a monthly basis and a written report by the Zoning Officer shall be presented to the Board of Supervisors at or prior to the regular monthly meeting.

## **Section 1004: Compensation of the Zoning Officer**

The compensation of the Zoning Officer shall be as determined by the Board of Supervisors.

## **SECTION 1005: ZONING OFFICER POWERS AND DUTIES**

The Zoning Officer shall have all the powers and duties conferred upon him by this Ordinance and the Pennsylvania Municipalities Planning Code. The Zoning Officer's duties shall include the following:

- A. Receive and examine all applications for zoning approval, building permits and certificates of occupancy.
- B. Notify applicants in writing of any deficiencies in applications and request additional information.
- C. Process applications for zoning approval, building permits and certificates of occupancy for all permitted uses.
- D. Receive applications for uses by special exception and variances and forward these applications to the Zoning Hearing Board for action prior to considering issuance of zoning approval, building permits or certificates of occupancy for the proposed use.
- E. Convey all decisions to the applicant.
- F. Issue permits only where there is compliance with the provision of this Ordinance, with other Township ordinances and the law of the Commonwealth.

G. Issue denials as set forth by Zoning Board, building permit or certificate of occupancy and refer any appeal of the denial to the Zoning Hearing Board for action thereon.

H. Conduct inspections and surveys to determine compliance or noncompliance with this Ordinance with just cause.

I. The Zoning Officer shall identify and register and make available upon request to the public a list of all nonconforming uses in all Zoning Districts that: (1) existed at the time the Ordinance was adopted or (2) are created by subsequent amendments to this Zoning Ordinance.

J. Revoke or suspend any order or permit issued under a mistake of fact or contrary to the law or the provisions of this Ordinance.

K. Issue notices of violation in accordance with the requirements of Article 12..

L. Record and file all applications for zoning approvals, building permits and certificates of occupancy with accompanying plans and documents, and maintain those files as a public record.

M. Activities of the Zoning Officer must be reported to the Board of Supervisors, in writing, on a monthly basis, which will become part of the Board's minutes.

N. Maintain the Zoning District Map for the Township.

O. The Zoning Officer shall have the authority to examine, for just cause all structures and/or land for which an active or pending application for a building permit and/or certificate of occupancy has been filed for purposes of enforcing this zoning ordinance. Visual inspections may be legally made from any public right-of-way, sidewalk, or public place. The Zoning Officer may enter upon property of a private home or business from time to time during construction only during daylight hours between 8:00 a.m. and 8:00 p.m. and only after obtaining permission from a responsible adult upon presentation of proper identification. The right of inspection conferred herein shall be written out on every building permit issued and an acknowledgement that it has been read and accepted shall be signed by the applicant before a building permit may be issued.

## **ARTICLE 11. ZONING HEARING BOARD AND VARIANCES**

### **Section 1101: Creation of Board**

The Supervisors shall create a Zoning Hearing Board.

### **Section 1102: Membership of Board**

The membership of the Zoning Hearing Board shall consist of five (5) residents of the Township appointed by the Supervisors. Their terms of office shall be five (5) years and shall be so fixed that the term of office of one (1) member shall expire each year. The Zoning Hearing Board members shall be required to attend a class, seminar or conference on zoning within six (6) months of his or her appointment. The Board shall promptly notify the Supervisors when vacancies occur. Appointments to fill vacancies shall be only for the unexpired portion of the term. Members of the Board shall hold no other office in the Township, including membership on the Planning Commission and Zoning Officer.

In order to qualify for a appointment to and continuing membership on the Zoning Hearing Board a person must be a resident and own real property in Sewickley Township.

### **Section 1103: Appointment of Alternate Members**

The Supervisors may appoint by resolution at least one (1), but no more than three (3), residents of the Township to serve as alternate members of the Board. The term of office of an alternate member shall be three (3) years. Alternates shall hold no other office in the Township, including membership on the Planning Commission and Zoning Officer.

Any alternate may participate in any proceeding or discussion of the Board but shall not be entitled to vote as a member of the Board unless designated as a voting alternate member pursuant to Section 1104 of this Ordinance.

Prerequisite for Alternate Zoning Board Members are required to attend a class, seminar or conference on zoning within six (6) months of his or her appointment.

Prerequisite for Alternate Zoning Board Members are a resident of and own real property in Sewickley Township.

### **Section 1104: Participation by Alternate Members**

If, by reason of absence or disqualification of a member, a quorum is not reached, the Chairman of the Board shall designate as many alternate members of the Board to sit on the Board as may be needed to provide a quorum. Any alternate member of the Board shall continue to serve on the Board in all proceedings involving the matter or case for which the alternate was initially appointed until the Board has made a final determination of the matter or case. Designation of an alternate pursuant to this subsection shall be made on a case by case basis in rotation according to declining seniority among all alternates.

### **Section 1105: Removal of Members**

Any Zoning Hearing Board member may be removed for malfeasance, misfeasance or nonfeasance in the office or for other just cause by a majority vote of the Supervisors taken after the member has received

fifteen (15) days advance notice of the intent to take such vote. A hearing shall be held in connection with the vote if the member shall request it in writing.

### **Section 1106: Officers**

The Zoning Hearing Board shall elect from its own membership its officers, who shall serve annual terms as such and may succeed themselves. Officers shall include a Chairperson, Vice-Chairperson and Secretary.

### **Section 1107: Quorum**

For the conduct of any hearing and the taking of any action, a quorum shall be not less than a majority of all members of the Zoning Hearing Board; provided however, when member(s) of the Zoning Hearing Board are disqualified to act in a particular matter, alternate members shall be appointed to provide a quorum.

### **Section 1109: Files and Annual Report**

The Zoning Hearing Board shall keep full public records of its business, and shall submit a report of its activities to the Supervisors monthly. A report shall be in written form and due by the following meeting. It must be approved or submitted with necessary changes before submitting to the Township Supervisors to be included with the township's next monthly meeting. No report shall be submitted more than 45 days after the ZHB meeting to the Township Supervisors.

### **Section 1110: Jurisdiction of The Board**

The Zoning Hearing Board shall have exclusive jurisdiction to hear and render final adjudication in the following matters:

- A. Substantive challenges to the validity of any land use ordinance, except curative amendments brought before the Supervisors.
- B. Challenges to the validity of a land use ordinance raising procedural questions or alleged defects in the process of enactment or adoption which challenges shall be raised by an appeal taken within thirty (30) days after the effective date of the ordinance.
- C. Appeals from the determination of the Zoning Officer, including, but not limited to, the granting or denial of any permit, or failure to act on the application therefore, the issuance of any cease and desist order, and the registration or refusal to register any nonconforming use, structure or lot.
- D. Appeals from a determination by the Township Engineer or the Zoning Officer with reference to the administration of any flood plain or flood hazard ordinance or such provisions within a land use ordinance.
- E. Applications for variances from the terms of this Ordinance.

F. Applications for uses by special exception under this Ordinance.

G. Appeals from the determination of the Zoning Officer or Township Engineer in the administration of any land use ordinance or provision thereof with reference to sedimentation and erosion control and storm water management insofar as the same relate to development not involving subdivision and land development or planned residential development.

H. Revoke any order or permit issued under a mistake of fact or contrary to the law or the provision of this ordinance after an appeal.

I. Appeals from the Zoning Officer's determination under Section 916.2 of the Pennsylvania Municipalities Planning Code (Act 247, as amended).

### **Section 1111: Granting of Variances**

The Board, upon appeal, shall have the power to authorize variances from the requirements of this Ordinance, and to attach such conditions to the variance as it deems necessary to assure compliance with the purposes of this Ordinance. A variance may be granted if all of the following findings are made where relevant in a given case:

A. That there are unique physical circumstances or conditions, including irregularity, narrowness or shallowness of lot size or shape, or exceptional topographical or other physical conditions peculiar to the particular property and that the unnecessary hardship is due to such conditions and not the circumstances or conditions generally created by the provisions of this Ordinance in the neighborhood or district in which the property is located.

B. That because of such physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of this Ordinance and that the authorization of a variance is therefore necessary to enable the reasonable use of the property.

C. That such unnecessary hardship has not been created by the appellant.

D. That the variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located, nor substantially or permanently impair the appropriate use or development of adjacent property, nor be detrimental to the public welfare.

E. That the variance, if authorized, will represent the minimum variance necessary to afford relief and will represent the least modification possible of the regulation in issue.

### **Section 1112: Notice and Conduct of Hearings**

#### **A. Notice**



Written notice of the hearing on any matter before the Zoning Hearing Board shall be given at least two (2) weeks prior to the public hearing, to the applicant, the Township Board of Supervisors and to any person who has made timely request for the same.

Public notice, as defined herein shall be given for the public hearing. In addition, written notice of said hearing shall be conspicuously posted on the affected tract or tracts of land or water body at least one (2) weeks prior to the public hearing.

## **B. Conduct of Hearing**

The Board shall conduct hearings in accordance with the following requirements:

1. The hearing shall be held within sixty (60) days from the date of the applicant's request, unless the applicant has agreed in writing to an extension of time.
2. The hearings shall be conducted by the Zoning Board. The decision, or, where no decision is called for, the findings, shall be made by the Board.
3. The hearing shall be open to the public. The Board shall have power to require that all persons who wish to be considered parties enter appearances in writing on forms provided by the Board for that purpose.
4. The chairman or acting chairman of the Board presiding shall have power to administer oaths and issue subpoenas to compel the attendance of witnesses and the production of relevant documents and papers, including witnesses and documents requested by the parties.
5. The parties shall have the right to be represented by counsel and shall be afforded the opportunity to respond and present evidence and argument and cross-examine adverse witnesses on all relevant issues.
6. Formal rules of evidence shall not apply, but irrelevant, immaterial or unduly repetitious evidence may be excluded.
7. The Board shall keep a stenographic record and a voice recording of its proceedings for a minimum period of two (2) years and a permanent record of its decisions.
8. The Board shall not communicate, directly or indirectly, with any party or his representatives in connection with any issue involved except upon notice and opportunity for all parties to participate, shall not take notice of any communication, reports, staff memoranda or other materials, except advice from their solicitor, unless the parties are afforded an opportunity to contest the material so noticed and shall not inspect the site or its surroundings after the commencement of hearings with any party or his representative unless all parties are given an opportunity to be present.
9. The Board shall render a written decision or, when no decision is called for, make written findings on the application within 45 days after the last hearing before the Board on that subject matter. Where the application is contested or denied, each decision shall be accompanied by findings of fact and conclusions

based thereon together with the reasons therefore. Conclusions based on any provisions of any ordinance, rule or regulation shall contain a reference to the provision relied on and the reasons why the conclusion is deemed appropriate in the light of the facts found.

### **Section 1113: Rendering a Decision**

The Board will render a decision within 45 days. The Board must hold the required appellate hearing within sixty (60) days of the applicant's request for a hearing. Notice of the Board's decision shall be a public record.

### **Section 1114: Fees**

The Supervisors may prescribe reasonable fees with respect to hearings before the Zoning Hearing Board. Fees for said hearings may include compensation for the secretary, notice and advertising costs connected with the hearing. The costs, however, shall not include expenses of the Zoning Hearing Board for engineering, architectural or other technical consultants or expert witness costs. The fees for matters before the Zoning Hearing Board shall be established by Resolution adopted by the Board of Supervisors.

### **Section 1115: Stenographer's Appearance Fee and Transcripts**

The board or the hearing officer, as the case may be, shall keep a stenographic record of the proceedings. The appearance fee for a stenographer shall be shared equally by the applicant and the board. The cost of the original transcript shall be paid by the board if the transcript is ordered by the board or hearing officer or shall be paid by the person appealing from the decision of the board if such appeal is made, and in either event the cost of additional copies shall be paid by the person requesting such copy or copies. In other cases the party requesting the original transcript shall bear the cost thereof.

### **Section 1116: Expenditures**

Members of the Zoning Hearing Board may receive compensation for training and reimbursement of mileage. This rate will be set by the Township Board of Supervisors. Within the limits of funds appropriated by the Board of Supervisors, the Board may employ or contract for secretaries, clerks, legal counsel, consultants and other technical services.

### **Section 1117: Stay of Proceedings**

Upon filing of any proceeding and during its pendency before the Board, all land development pursuant to any challenged ordinance of any agency or body, and all official action thereunder shall be stayed unless the Zoning Hearing Board 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 Hearing Board or other appropriate agency or body. When an application for development, preliminary or final, has been duly approved and proceedings designed to reverse or limit the approval are filed with the Board by persons other than the applicant, the applicant may petition the Court having jurisdiction of the zoning appeals to order such persons to post bond as a condition to continuing the proceedings before the Board. The question whether or not such petition should be granted and the amount of the bond shall be within the sound discretion of the Court.

All appeals from decisions rendered by the Zoning Hearing Board shall be taken to the Westmoreland County Court of Common Pleas and shall be filed within thirty (30) days after the entry of the decision or in the case of a deemed decision, within thirty (30) days after the date upon which notice of said deemed decision is given as required by Subsection 908(9) of the Pennsylvania Municipalities Planning Code (Act 247, as amended).

## **ARTICLE 12. ENFORCEMENT**

### **Section 1201: Violations**

Failure to comply with any provisions of this Ordinance; failure to secure zoning approval or a building permit prior to the erection, construction, extension, structural alteration, addition or occupancy of a building or structure; or failure to secure a certificate of occupancy for the use or change of use or occupancy of structures or land, shall be a violation of this Ordinance.

### **Section 1202: Enforcement Notice**

The Enforcement Notice shall contain the following information:

- A. The name of the owner of record and any other person against whom the Township intends to take action.
- B. The location of the property in violation.
- C. The specific violation with a description of the requirements which have not been met citing in each instance the applicable provisions of this Ordinance.
- D. The date before which steps for compliance must be commenced and the date before which the steps must be completed.
- E. That the recipient of the notice has the right to appeal to the Zoning Hearing Board within a prescribed period of time in accordance with the procedures set forth in this Ordinance.
- F. That failure to comply with the notice within the time specified, unless extended by appeal to the Zoning Hearing Board, constitutes a violation, with possible sanctions clearly described.

### **Section 1203: Enforcement Remedies**

A. Any person, partnership or corporation who or which has violated or permitted the violation of the provisions of this Ordinance shall, upon being found liable therefore in a civil enforcement proceeding commenced by the Township, pay a judgment plus all court costs, including reasonable attorney fees incurred by the Township as a result thereof. No judgment shall commence or be imposed, levied or be payable until the date of the determination of a violation by the District Justice. If the defendant neither pays nor timely appeals the judgment, the Township may enforce the judgment pursuant to the applicable rules of civil procedure.

B. Each day that a violation continues shall constitute a separate violation, unless the District Justice, determining that there has been a violation, further determines that there was a good faith basis for the person, partnership or corporation violating this Ordinance to have believed that there was no such violation, in which event there shall be deemed to have been only one (1) such violation until the fifth (5<sup>th</sup>) day following the date of the determination of a violation by the District 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 this Ordinance shall be paid over to the Township.

C. 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.

D. Nothing contained in this section shall be construed or interpreted to grant to any persons or entity other than the Board of Supervisors and/or the Zoning Officer the right to commence any action for initial enforcement pursuant to this action. If the Zoning Officer fails to enforce an action the Board of Supervisors has the right to pursue enforcement.

#### **Section 1204: Causes of Action**

Causes of Action. In case any building, structure, landscaping or land is, or is proposed to be, erected, constructed, reconstructed, altered, converted, maintained or used in violation of any ordinance enacted under this act or prior enabling laws, the governing body or, with the approval of the governing body, an officer of the municipality, or any aggrieved owner or tenant of real property who shows that his property or person will be substantially affected by the alleged violation, in addition to other remedies, may institute any appropriate action or proceeding to prevent, restrain, correct or abate such building, structure, landscaping or land, or to prevent, in or about such premises, any act, conduct, business or use constituting a violation. When any such action is instituted by a landowner or tenant, notice of that action shall be served upon the municipality at least 30 days prior to the time the action is begun by serving a copy of the complaint on the governing body of the municipality. No such action may be maintained until such notice has been given

#### **Section 1205: Applications for Permits and Coordination with other Township, Agency, State or Federal Requirements and Permits**

In all cases, any application for a permit of any of the types described in this Ordinance shall be decided not only on the basis of compliance with this Zoning Ordinance, but also on the basis of compliance with

all other applicable Township ordinances and all other applicable rules and regulations of the various Township authorities and agencies which might be concerned, as well as State and Federal requirements and permits.

### **SECTION 1206: PROSECUTION OF VIOLATION**

If the Enforcement Notice is not complied with, the Zoning Officer or the Board of Supervisors shall request the Township Solicitor to institute appropriate proceedings to correct such violations. Such proceedings are provided for and shall be in accordance with Article VI of the Planning Code (Act 247 of 1968, as amended).

## **ARTICLE 13. Building Permits and Certificates of Occupancy**

### **Section 1301: When Required**

- A. New construction cannot commence until a zoning certificate has been issued by the Zoning Officer.
- B. In the instances where a building permit is required and applied for, a zoning certificate shall be prerequisite to the building permit. In those instances where no building permit is required, an application for a certificate for a new or changed use of land or structure shall include an application for a zoning certificate.
- C. In the case of a use by special exception, the Zoning Officer shall refer the application to the Zoning Hearing Board, for a decision granting zoning approval, prior to issuing a zoning certificate. Whenever the approval of a use by special exception includes conditions attached to the approval, said conditions shall be incorporated into the zoning certificate.
- D. In the case of a permitted use, the Zoning Officer shall not issue the zoning certificate unless and until all applicable regulations of this Ordinance have been met and, in the case of a use for which land development plan approval is required by the Township Subdivision and Land Development Ordinance, unless and until final approval of the land development plan has been granted by a decision of the Supervisors. Whenever final approval of a land development plan is subject to conditions, those conditions shall be incorporated into the zoning certificate.

### **Section 1302: Application for Zoning Certificate**

All applications for zoning certificates shall be made in writing by the owner or his authorized agency on a form furnished by the Township and shall include a statement of the agency on a form furnished by the Township. Applications shall also include a statement of the intended use of the building, a property survey, and copies of all required County, State and/or Federal permits as approved by the appropriate agency. At a minimum, applications shall include the following:

A. The property survey shall be drawn to scale, showing: key location map; graphic scale; North arrow; closest intersecting public road; exact dimensions and total acreage of the lot(s) or parcel; zoning of lots and zoning of all abutting properties; exact location and exterior dimensions of the existing and proposed building(s) or other structure(s); exact location and area of all existing and proposed water courses, drainage ways, rights-of-way and easements; exact location of existing and proposed driveways, streets and roads within, adjacent and opposite to the lot(s) or parcel; exact location of existing and proposed off-street parking and loading; exact dimensions of front, side and rear yards for all principal and accessory uses; and any other additional data as may be deemed necessary and be requested by the Zoning Officer to determine compliance with this Ordinance.

B. The Zoning Officer may require an applicant to furnish a survey of the property by a Pennsylvania Registered Land Surveyor when complete and accurate information is not readily available from existing records.

C. All applications for a zoning certificate shall be accompanied by a fee. The fee is established for a zoning certificate by this Ordinance.

### **Section 1303: Approval of Zoning Certificate**

Upon approval of the application for a zoning certificate, one (1) copy of the approved Certificate shall be returned to the applicant. One (1) copy of such Certificate shall be kept on file in the Township Office.

### **Section 1304: Denial of Zoning Certificate**

In the event of a denial, the Zoning Officer shall state in writing the reason(s) for such denial including the citation of the specific section(s) of this or other pertinent ordinances that have not been met.

### **Section 1305: Inspection**

The Zoning Officer may make inspections on the property for which an application for a zoning certificate has been submitted or issued.

### **Section 1306: Failure to Obtain Zoning Certificate**

Failure to obtain a zoning certificate shall be a violation of this Ordinance and shall be subject to the enforcement remedies of this Ordinance.

### **Section 1307: Certificate of Occupancy**

A certificate of occupancy indicating compliance with the provisions of this Ordinance shall be required prior to:

A. Occupancy of any structure governed by an approved building permit.

B. A change in the use of an existing building, structure, water body or land area except for the same use operated by a different owner.

### **Section 1308: Application for Certificate of Occupancy**

All requests for a certificate of occupancy shall be made in writing, on a form furnished by the Township, completed by the owner, or other authorized agent and shall include a statement of the type of proposed use intended for the building, structure, land or water body.

A. A certificate of occupancy for a change of use in an existing building or structure shall be applied for and shall be issued before the new use is established.

B. It shall be the duty of the Zoning Officer to review the application to determine if all necessary information has been submitted, to request more information of the applicant or officially receive the application.

C. All applications for certificate of occupancy shall be accompanied by a fee as set forth by Resolution.

### **Section 1309: Issuance of Certificate of Occupancy**

Applications for a certificate of occupancy shall be reviewed by the Zoning Officer. The Zoning Officer shall issue the findings or approval of the application. Upon approval of the request for a certificate of occupancy, one (1) copy of the certificate shall be given to the applicant, and one (1) copy of the certificate shall be kept on file in the Township Office.

### **Section 1310: Denial of Certificate of Occupancy**

In the event of denial, the Zoning Officer shall forward to the applicant, a written statement containing the reason(s) for such denial and shall cite the specific requirements of this Ordinance that have not been met.

### **Section 1311: Time Limitations**

A certificate of occupancy shall remain valid for as long as the structure or building is used in the manner the certificate has been issued for.

### **SECTION 1312: TEMPORARY CERTIFICATE OF OCCUPANCY**

A temporary certificate of occupancy may be issued by the Zoning Officer for a period not exceeding 12 months to permit partial occupancy of a residential single family dwelling while work is being completed, provided such temporary certificate of occupancy may require such conditions and safeguards as may be warranted, including posting of surety, to protect the health and safety of the occupants and the public

and guarantee compliance with the provisions of this Ordinance or any conditions attached to the zoning certificate.

### **Section 1313: Failure to Obtain a Certificate of Occupancy**

Failure to obtain a certificate of occupancy shall be a violation of this Ordinance and shall be subject to enforcement remedies as provided in this Ordinance.

## **ARTICLE 14. AMENDMENT TO THE ORDINANCE**

### **Section 1401: Procedure For Amendments**

The regulations of this Ordinance and the Zoning District Map may be amended from time to time, either upon recommendation of the Planning Commission, upon the initiation of the Supervisors or upon petition of landowners to the Supervisors. Any amendment to this ordinance shall: Before being decided by majority approval by Board of Supervisors a minimum of two (2) public hearings, thirty (30) days between each hearing must be held. Advertisements must be made two (2) weeks before hearings in two (2) local newspapers and one (1) direct mail flyer to each household directly affected by the zoning change. All cost will be incurred by Township.

### **Section 1402: Petitions by a Landowner**

Petitions for amendments shall be filed with the Township at twenty one (21) days prior to the Planning Commission meeting at which the petition is to be heard. In the case of a petition for reclassification of property, the petitioners, upon such filing, shall submit a legal description of the property proposed to be rezoned. All petitions shall include a statement justifying the request and a filing fee. The Planning Commission shall review the proposed amendment and report its findings and recommendations in writing to the Supervisors.

### **Section 1403: Amendment Initiated by the Planning Commission**

In the event that a proposed amendment to the Zoning Ordinance is initiated by the Planning Commission, such recommendation shall be forwarded to the Township Supervisors within thirty (30) days of the meeting in which the proposed amendment was considered.

### **Section 1404: Referral to the Westmoreland County Planning Department**

Any proposed amendment shall be presented to the Westmoreland County Planning Department for review, written findings and recommendations at least thirty (30) days prior to the public hearing of the Supervisors. The Supervisors shall not hold a public hearing upon such amendments until the required reviews are received or the expiration of thirty (30) days from the date of referral, whichever comes first. A public hearing must be held within thirty (30) days of Westmoreland County's findings. Such



amendment shall be sent by Certified Mail to the County Planning Department, return receipt requested, or by personal delivery by a Township representative to the County Planning Department.

#### **Section 1405: Posting of Property and Mailed Notices to Property Owners**

If the proposed amendment involves a change to the Zoning District Map, notice of the public hearing shall be conspicuously posted by the Township at a minimum of 6 points along the tract to notify potentially interested citizens at least thirty (30) days prior to the date of the public hearing. A notice of the public hearing providing the date, time and place and the nature of the application for the change in the Zoning District Map shall be mailed to all adjacent property owners and all property owners within two-hundred (200) feet of the property lines of the area being requested for rezoning. The Township shall utilize the latest tax mailing addresses for this mailing. All costs will be incurred by applicant.

#### **Section 1406: Public Notice and Public Hearing**

Before acting on any proposed amendment, the Supervisors shall hold a public hearing thereon. Public Notice, as defined by this Ordinance, shall be given containing a brief summary of the proposed amendment and reference to the place where copies of the same may be examined.

#### **Section 1407: Readvertisement**

If after any public hearing is held upon a proposed amendment, the amendment is substantially changed or revised to include land not previously affected by the amendment, the Board of Supervisors shall hold another public hearing, pursuant to public notice, before proceeding to vote on the amendment.

#### **Section 1408: Publication, Advertisement and Availability**

Proposed amendments shall not be enacted unless the Supervisors gives notice of the proposed enactment, including the time and place of the meeting at which passage will be considered and a reference to the place in the Township where copies of the proposed amendment may be examined without charge or obtained for a charge not greater than the cost thereof.

Before being decided by a majority approval or rejection by the Board of Supervisors, a minimum of two (2) Public Hearings, thirty (30) days between each hearing. must be held. Advertisements must be made two (2) weeks before hearings in two (2) local newspapers for all proposed amendments and to each property owner directly affected by the proposed enactment if it involves a change in zoning classification of property. . Notice of the public hearings shall be conspicuously posted by the Township at a minimum of ten (10) prominent places within the area. All costs will be incurred by applicant. An attested copy of the proposed ordinance shall be filed in the County Law Library.

#### **SECTION 1409: Filing Amendment with County Planning Commission**

Within thirty (30) days after enactment, a copy of the amendment to this Ordinance shall be forwarded to the Westmoreland County Planning Department.

## **SECTION 1410: LANDOWNER CURATIVE AMENDMENTS**

A landowner who desires to challenge on substantive grounds the validity of this Ordinance of the Zoning District Map or any provision of this Ordinance, which prohibits or restricts the use of development of land in which he has an interest, may submit an application for curative amendment and substantive challenge to the validity of the Zoning Ordinance to the Supervisors. Such application shall include the following:

- A. All items required for a zoning amendment set forth in Article 14;
- B. A written request that the challenge and proposed amendment be heard and decided as provided in Section 916.1 of the MPC, and including the reasons for the challenge;
- C. Plans and explanatory materials describing the use of development proposed by the landowner in lieu of the use or development permitted by the challenged ordinance or map. Such plans or other materials shall not be required to meet the standards prescribed for preliminary, tentative or final approval or for the issuance of a zoning approval, so long as they provide reasonable notice of the proposed use or development and a sufficient basis for evaluating the challenged ordinance or map in light thereof;
- D. An amendment or amendments to the ordinance proposed by the landowner to cure the alleged defects in this Ordinance.

## **ARTICLE 15. DEFINITIONS**

### **SECTION 1501: GENERAL INTERPRETATION**

For the purpose of the Zoning Ordinance, certain terms, phrases and words shall have the meaning given herein. Words used in the present tense include the future, words in the singular includes the plural, the word "used" shall be construed as though followed by the words "or intended or designed to be used", the words "building", "structure", and "land" or "premises" shall be construed as though followed by the words "or any portion thereof", and the word "structure" includes the word "building". The word "shall" is always mandatory and not merely directory.

### **SECTION 1502: DEFINITION OF TERMS**

**ABANDONMENT** – The surrender, relinquishment, disclaimer, or cession of property or of rights. Voluntary relinquishment of all right, title, claim and possession with the intention of not reclaiming it.

**ACCESSORY BUILDING** -- A use or structure, located on the same lot with the principal use or structure, that is subordinate and incidental to the principal structure or use of the property and which may occupy a separate structure and/or area on or in the ground, including, but not limited to storage

sheds, barns, detached garages or other storage structures, off-street parking, signs, off-street loading, gazebos, children's playhouses, greenhouses for personal use, garages, swimming pools, decks, fences, patios and similar structures.

**ACCESSORY USE** -- A use of land or of a building or portion thereof customarily incidental and subordinate to the principal use of the land or building and located on the same lot with the principal use. An accessory use has the characteristics of being commonly, habitually, and by long established practice reasonably associated with the principal or primary use.

**ADULT DAY CARE** -- The care, supervision, and guidance of an adult over the age of eighteen (18) years, for periods of less than 24 hours, but not including personal care homes or nursing homes.

**AGRICULTURE** -- Any principal or accessory use of land or water, used for farming, horticulture, floriculture, arboriculture or aquaculture and silviculture. These include the customary and generally accepted activities, practices and procedures that farmers adopt, use or engage in year after year in the production and preparation for market for poultry, livestock and their products. The term Agriculture also includes any use of land or water, formerly used for agricultural purposes, as defined above, but which is currently fallow or is being conserved for future agricultural use. The term Agriculture does not include animal husbandry as defined herein.

This municipality encourages the continuity, development and viability of agricultural operations within its jurisdiction. This municipality prohibits public nuisances but excludes from the definition of such nuisance any agricultural operations so long as the agricultural operation does not have a direct adverse effect on the public health and safety.

**AGRICULTURAL BUSINESS** -- Any business establishment related to the processing and/or sale of agricultural products or supplies.

**ANIMAL HOSPITAL** -- An establishment for the medical or surgical treatment of animals, including the boarding of hospitalized animals.

**ANIMAL HUSBANDRY** -- The breeding, raising or care of animals or livestock, including fowl and aquatic animals, but not including household pets as defined in this Ordinance.

**APARTMENT BUILDING** -- A building containing five (5) or more dwelling units, regardless of configuration of units or points of access to the dwelling units.

**AUTOMOBILE SALE YARD**-- The rental or sales of automobiles, motorcycles or trucks classified as a motor vehicle under the Pennsylvania Motor Vehicle Code.

**AUTOMOBILE SERVICE STATION** -- A retail establishment which provides for one

(1) or more of the following activities:

A. The following operations, if conducted within a structure as defined by this Ordinance: lubrication of motor vehicles; replacement of exhaust systems; brake servicing limited to servicing and replacement of brake cylinders, lines and brake shoes; wheel balancing; the testing, adjustment and replacement or servicing of carburetors, filters, generators, points, rotors, spark plugs, voltage regulators, water and fuel pumps, water hoses and wiring;

B. The operation of a convenience food store, provided retail sale of petroleum products is a part of the operation; and/or

C. The servicing of motor vehicles and operations incidental thereto and limited to the retail sale of petroleum products, and which may include one (1) or more of the following activities: retail sales and installation of automotive accessories; automobile washing by hand; undercoating and rustproofing; waxing and polishing of automobiles; tire changing and repairing (excluding recapping); battery service, changing and replacement, excluding repair and rebuilding; radiator cleaning and flushing, excluding steam cleaning and repair; installation of accessories; and State Inspection.

**BED AND BREAKFAST** -- A private owner-occupied business with 2 to 10 guest rooms where overnight accommodations and a morning meal are provided to transients for compensation.

**BUFFER** -- A strip of land, fence or trees between one use and another for screening purposes, which is designed to set apart one land use from another.

**BILLBOARD** -- A sign, upon which advertising matter of any character is printed, posted or lettered, whether freestanding or attached to a surface of a building or other structure.

**BUILDING** -- A combination of materials forming any structure that is erected on the ground and permanently affixed thereto, designed, intended, or arranged for the shelter, enclosure, housing or structural support of persons, animals, processes, equipment, goods or materials of any kind. Building shall not include driveways, parking spaces or parking lots.

**BUILDING LINE** -- A line parallel to a street right-of-way, edge of a stream, or other property line established on a parcel of land or lot, for the purpose of prohibiting construction of a building or structure in the area between such building line, street right-of-way, stream edge, or other property line.

**BUILDING PERMIT** -- A document signed by the duly designated building official authorizing the erection, construction, reconstruction, alteration, repair, conversion of any building, structure or portion thereof, as authorized by the provisions of the Pennsylvania Uniform Construction Code.

**CEMETERY** -- Property used for interring of dead persons or domestic pets, including mausoleums and columbariums, but not including crematoriums.

**CERTIFICATE OF OCCUPANCY** -- A document issued by the Zoning Officer allowing the occupancy or use of a building or land, and certifying that the structure or use has been constructed or will be used in compliance with all applicable Township codes and ordinances.

**COMMERCIAL KENNEL** -- The boarding, breeding, raising, grooming or training of three (3) or more dogs, cats, or other household pets of any age not owned by the owner or occupant of the premises, and/or for commercial gain.

**COMMUNITY ASSOCIATION or HOMEOWNERS' ASSOCIATION** -- An association organized to own, maintain, and/or operate common facilities and to promote, enhance and protect their common interests.

**COMPREHENSIVE PLAN** -- The adopted Comprehensive Plan, with amendments, of the Township of Sewickley.

**CONCENTRATED ANIMAL OPERATION**-- **Agricultural operations** with eight or more animal equivalent units where the animal density exceeds two animal equivalent units per acre on an annualized basis. An animal equivalent unit is one thousand pounds live weight of livestock or poultry animals, regardless of the actual number of individual animals comprising the unit

**CONTRACTING BUSINESS** -- The administrative offices of a business that provides landscaping, construction, remodeling, home improvement, land development and related services on a contractual basis and which may include the storage of materials, equipment and vehicles.

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

**DAY CARE CENTER** -- An establishment providing care and training, on a regular basis, for more than six children, not related to the caretaker and holding a valid state license for the operation of a child-care center.

**DECISION** -- Final adjudication by the Zoning Hearing Board or Board of Supervisors of matters subject to any land use ordinance either by reason of the grant of exclusive jurisdiction or by reason of appeals from determinations. All decisions shall be appeal able to the Court of Common Pleas of Westmoreland County, Pennsylvania.

**DERELICT** – Forsaken; abandoned; deserted; cast away. Personal property abandoned or thrown away by the owner in such manner as to indicate that he intends to make no further claim thereto.

**DETERMINATION** -- Final action by an officer, body or agency charged with the administration of any land use ordinance or applications thereof. Determinations shall be appealable only to the board(s) designated as having jurisdiction for such appeal.

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

**DISTRICTS or ZONING DISTRICTS** -- The administrative tracts of the Township designating the uses to which land can legally be utilized. Boundaries of the districts are shown on the Zoning District Map which is part of this Ordinance.

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

**DRUG and/or ALCOHOL TREATMENT FACILITY** -- A facility or institution, whether public or private, engaged in providing, counseling, treatment or health maintenance services to persons addicted to drugs and/or alcohol. Any such use, whether located on a separate lot, parcel or building or associated with any other use on the same lot, parcel or building, shall be subject to all applicable provisions of this ordinance.

**DWELLING** -- Any building or portion thereof, including but not limited to those totally or partially pre-manufactured off the site to be occupied, that is designed for or used for residential purposes. Dwelling types are as follows:

**A. SINGLE-FAMILY DWELLING** -- A dwelling unit accommodating a single family and having two side yards.

**B. TWO FAMILY DWELLING** -- A residential building which is the only principal structure on the lot, designed exclusively for occupancy by two (2) families living independently of each other, and containing two (2) dwelling units, each with a separate entrance directly to the outside, including double houses and duplexes.

**C. MULTI-FAMILY DWELLING** -- A residential building designed exclusively for occupancy by three (3) or four (4) families living independently of each other and containing three (3) or four (4) dwelling units, including triplexes or fourplexes.

**D. TRANSITIONAL DWELLING** -- A dwelling unit occupied on a short term basis by persons assigned by a Court of Law, or referred by a public, semi-public or non-profit agency, and managed by a

public, semi-public or non-profit agency responsible for the occupants' care, safety, conduct, counseling and supervision for a specified period of time, including alcoholic recovery, shelters for battered persons and their children, maternity homes, community re-entry services following incarceration, prison assignment, house arrest or other Court ordered treatment, and other such short-term supervised assignments

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

**EQUIPMENT STORAGE YARD** -- An area of land devoted to the storage, whether temporary or permanent, of construction equipment, farm equipment or other heavy equipment or vehicles.

**ESSENTIAL SERVICES** -- The erection, construction, alteration or maintenance by public utilities or municipal or other governmental agencies, of underground or overhead gas, electrical, communication, steam or water transmission, distribution, collection, supply or disposal systems, including poles, wires, mains, drains, sewer pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, and other similar equipment, any buildings, structures, and accessories in connection therewith reasonably necessary for the furnishing of adequate service by such public utilities or municipal or other governmental agencies or for the public health, safety or general welfare, but not including broadcast transmission towers and broadcast transmission antennas as defined herein, and buildings, except telephone control office buildings and telephone booths that shall also be considered as essential service facilities hereunder.

**ESSENTIAL SERVICES BUILDINGS** -- Buildings or structures as defined herein, devoted to essential services, as defined herein, and those structures not specifically enumerated under the definition of "essential services" including but not limited to natural gas regulator building, sewage pump stations, electrical substations and similar structures housing equipment needed for delivery of an essential service.

**FAMILY** - a group of individuals not necessarily related by blood, marriage, adoption or guardianship living together in a dwelling unit as a single housekeeping unit that is based on an intentionally structured relationship providing organization, stability and/or permanency and functioning as a family. Family shall not be deemed to include occupants of a boarding house, rooming or lodging house, fraternity, sorority or hotel.

**FENCE** -- A structure designed for the purpose of enclosing space or separating parcels of land.

**FLOOD** -- A temporary inundation of normally dry land areas.

**FLOOD PLAIN** -- A relatively flat or low land area adjoining a river, stream or watercourse that is subject to partial or complete inundation; an area subject to the unusual and rapid accumulation or runoff of surface waters from any source.

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

**FRONTAGE** -- That part of the lot that directly abuts a public street.

**FUNERAL HOME** -- A place or premises devoted to or used in the care and preparation for the funeral and burial of dead human bodies and maintained for the convenience of the bereaved for viewing or other services in connection with dead human bodies and as an office or place for carrying on the profession of funeral directing but not cremation.

**GARDEN NURSERY** -- A retail establishment that sells flowers, plants, trees and other natural flora and products which aid their growth and care and which may include a greenhouse or the growing of plant material outside on the lot.

**GOLF COURSE** -- A recreational facility which has a course

for playing golf as its principal use and which may have a clubhouse, locker rooms, restaurant, swimming pool, pro shop, facilities for racquet sports, maintenance facilities and similar facilities as accessory uses.

**GRANDFATHER CLAUSE:** Subject to the provisions of Article 9 of this Ordinance, any building, structure, use or lot of record, lawfully existing on the effective date of the adoption of this Amendment or the effective date of the original Zoning Ordinance, may be continued in perpetuity, regardless of ownership, until such use is abandoned even though such building, structure, use or lot does not conform to the provisions of this Ordinance.

**GREENWAY** -- A linear open space established along any natural corridor such as a watercourse, ridgeline or overland along a railroad right-of-way converted to recreational use, a canal, a scenic road, or other route; any natural or landscaped course for pedestrian or bicycle passage; an open space connector linking parks, natural reserves, historic features, cultural features, scenic views, wildlife corridors, or aesthetic features with each other and with populated areas; and locally, certain strip or linear parks designated as a parkway or greenbelt.

**GROSS FLOOR AREA** -- The sum of the horizontal areas of the several stories of a building, measured from the exterior faces of exterior walls, or in the case of a common wall separating two buildings, from the centerline of such common wall. Gross floor area shall exclude basements and attics.

**GROUND COVER** -- Any plant species whose purpose is to provide a natural covering of areas required to be landscaped, such as grass and small plants with a height of less than two feet at planting, as measured from the base. Non-planted materials, such as mulch and decorative rocks, may be used as ground cover.

**GROUP CARE FACILITY** -- A group living arrangement licensed by the Commonwealth that provides room and board and specialized services to permanent residents that exceed the number authorized in the definition of family or that fail to meet the criteria for the group living arrangement established in the



definition of family, but not including any short term or transient residents as regulated by the definition of transitional dwelling.

**HEALTH CARE FACILITY** -- A facility or institution, whether public or private, principally engaged in providing outpatient services for health maintenance, rehabilitation, and the treatment of mental or physical conditions but not including drug and/or alcohol treatment facilities.

**HEAVY MANUFACTURING** -- The mechanical or chemical transformation of raw materials or substances into new products or other raw materials or any manufacturing process not included in the definition of “Light Manufacturing” or “High Technology Industries.”

**HEIGHT** -- The vertical distance from the average adjacent grade to the highest point of the coping of a flat roof or to the deck line of a mansard roof or to the mean height level between eaves and ridge for gable, hip and gambrel roofs.

**HIGH TECHNOLOGY INDUSTRIES** -- The assembly of component parts or the production of finished products including computer components and accessories; electrical parts, accessories and equipment; including but not limited to, laboratory apparatus; robotics; optical instruments; precision instruments; surgical, medical and dental instruments and supplies; timers and timepieces; search detection and navigational equipment; musical instruments and photographic equipment and accessories.

**HOME OCCUPATION** - - Any use customarily conducted entirely within a dwelling or in a building accessory thereto and carried on by the inhabitants residing therein, provided that the Home Occupation is clearly incidental and secondary to the use of the principal building as a dwelling.

**HOSPITAL** -- A facility or institution licensed by the appropriate state agency, whether public or private, principally engaged in providing inpatient and outpatient services for health maintenance and the treatment of mental or physical conditions, but not including drug and/or alcohol treatment facilities.

**HOTEL** -- A building in which lodging or boarding and lodging are provided and offered to the public for compensation and which includes an office supervised by a person in charge at all hours.

**HOUSE OF WORSHIP** -- A building, together with its accessory buildings and uses, that is primarily used as a place where persons regularly assemble for religious worship activities. This term includes similar uses such as synagogue, temple, or mosque. Buildings primarily used for residential purposes that have not undergone any interior or exterior structural modification to accommodate group assembly, and with no external evidence that advertises the activity, shall not be considered a house of worship if used for worship services.

**INDUSTRIAL PARK** -- A development that is approved when under unified control, but projected to consist of separately owned and/or leased business office headquarters/operations and sharing a common entranceway.

**INFRASTRUCTURE** -- Streets, water and sewer lines and other public facilities necessary to the functioning of the community.

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

**LAND CONSERVATION SUBDIVISION** -- A subdivision of land, compliant with the provisions of Article 7 of this Ordinance that allows the development of homes on smaller lots in exchange for the preservation a minimum of 25% of identified natural features as permanent open space.

**LAND DEVELOPMENT** -- The improvement of one (1) lot or two (2) or more contiguous lots, tracts or parcels for any purpose involving:

**A.** A group of two (2) or more residential or nonresidential buildings, whether proposed initially or cumulatively; or

**B.** A single nonresidential building on a lot or lots regardless of the number of occupants or tenure, including any change of use or structural alteration which results in an increase in total lot coverage by structures and/or paving of 5,000 square feet or more; or

**C.** The division or allocation of land or space, whether initially or cumulatively, between or among two (2) or more existing or prospective occupants by means of, or for the purpose of streets, common areas, leaseholds, condominiums building groups or other features.

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

**LIGHT MANUFACTURING** -- The processing and fabrication of certain materials and products where no process involved will produce noise, vibration, water pollution, fire hazard or noxious emissions which will disturb or endanger neighboring properties. Light manufacturing includes, but is not limited to, the production of the following goods: home appliances, electrical instruments, office machines, precision instruments, electronic devices, timepieces, jewelry, optical goods, musical instruments, novelties, wood products, printed material, lithographic plates, type composition, machine tools, dies and gauges, ceramics, apparel, lightweight non-ferrous metal castings, film processing, light sheet metal products, plastic goods, pharmaceutical goods, food products, not including animal slaughtering, curing or rendering of fats, and similar activities.

**LIVESTOCK** -- Animals useful to man, but not including common household pets such as cats, dogs and small birds, that are kept or maintained for sale, lease or personal use, including but not limited to: dairy animals, poultry, beef cattle, sheep, swine, horses, ponies, mules, goats or any mutations or hybrids thereof. Livestock shall also include bees, animals raised for fur, farm-raised deer, bison or other non-domestic animals raised for providing meat for human consumption.

**LOADING SPACE** -- A space within the main building or on the same lot therewith, providing for the standing, loading or unloading of trucks and having a minimum dimension of twelve feet by forty feet and a vertical clearance of at least 14 feet.

**LOT** -- A designated parcel, tract or area of land established by a plat, occupied or intended for occupancy by a use permitted in this Ordinance, and having its principal frontage upon a street or upon an officially approved place.

**LOT AREA** -- The total land within the lot line, exclusive of the area within any street.

**LOT COVERAGE** -- The ratio of enclosed ground floor area of the principal buildings to the horizontally projected area of the lot expressed as a percentage.

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

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

**LOT LINE, REAR** -- That lot line which is generally opposite the front lot line.

**LOT LINE, SIDE** -- Any lot line which is not a front lot line or rear lot line. In the case of a corner lot each lot line other than a front yard shall be considered a side yard.

**LOT OF RECORD** -- Any lot that individually or as a part of a subdivision has been recorded in the office of the Recorder of Deeds of the county.

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

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

**LOT FRONTAGE** -- The width of a lot measured on the street line between side lot lines.

**LOT, MINIMUM AREA OF** -- The area of a lot computed exclusive of any portion of the right-of-way of any public thoroughfare.

**MALFEASANCE** -- Evil doing; ill conduct. The commission of some act which is positively unlawful; the doing of an act which person ought not to do at all or the unjust performance of some act which the party had no right or which he had contracted not to do. Comprehensive term including any wrongful conduct that affects, interrupts or interferes with the performance of official duties. State ex rel. Knabb v. Frater, 198 Wash. 675, 89 P.2d 1046, 1048. Malfeasance is a wrongful act which the actor has no legal right to do, or any wrongful conduct which affects, interrupts, or interferes with performance of official duty, or an act for which there is no authority or warrant of law or which a person ought not to do at all, or the unjust

performance of some act, which party performing it has no right, or has contracted not, to do. Daugherty v. Ellis, 142 W.Va. 340, 97 S.E. 2d 33, 42.

**MANUFACTURED HOME**-- A transportable, single-family dwelling intended for permanent occupancy, office or place of assembly contained in one unit or in two units designed to be joined into one integral unit capable of again being separated for repeated towing, that arrives at a site complete and ready for occupancy, except for minor and incidental unpacking and assembly operations and constructed so that it may be used without a permanent foundation. Manufactured homes were made after 1977.

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

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

**MINERAL EXTRACTION**-- The development or extraction of mineral deposits, including but not limited to limestone, coal, sand, rock, clay, dirt, gravel, natural gas and other materials, and quarry aggregate from their natural occurrences on affected land. The term includes but is not limited to open pit mining and surface operations, strip mining, quarrying, dredging, pumping and the disposal of refuse there from. Mining of previously mined sites for the purpose of reclaiming the land shall be considered a separate use from new mining operations on sites that have never been previously mined. This term shall not include the extraction of crude oil and/or natural gas.

**MISFEASANCE** -- The improper performance of some act which a person may lawfully do. The improper doing of an act which a person might lawfully do.

**MIXED-USE BUILDING** -- A building or structure wherein a variety of complementary and integrated uses, that individually are authorized in the district in which the mixed-use building is located, are conducted, such as, but not limited to, residential, office, retail, public or entertainment.

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

**MOBILE HOME LOT** -- A parcel of land in a mobile home park improved with the necessary utility connections and other appurtenances necessary for the erection thereon of a single mobile home that is leased by the park owner to the occupants of the mobile home erected on the lot.

**MOBILE HOME PARK** -- A parcel of land under single ownership that has been planned and improved for the placement of mobile homes for non-transient use, consisting of two or more mobile home lots.

**MODULAR HOME**—A structure designed primarily for residential occupancy, and classified with in Use Group R in accordance with the standards adopted under §145.41 (relating to adoption of standards) of the Uniform Construction Code, and which is wholly or in substantial part made, constructed, fabricated, formed or assembled in manufacturing facilities for installation or assembly and installation on the building site so that concealed parts of processes of manufacture cannot be inspected at the site without disassembly, damage or destruction. The term does not include a structure or building classified as a institutional building or manufactured home, as defined by the National Manufactured Housing Construction and Safety Standards Act of 1974 (42 U.S. C.A. §5401-5426).

**NATURE RESERVE** – An area maintained in a natural state for the preservation of both animal and plant life. A Nature Reserve may include improvements such as an unpaved parking lot, fences, Exempt Signs and pedestrian trail improvements.

**NEIGHBORHOOD BUSINESS** -- Any retail establishment that caters to and can be located in close proximity to residential districts without creating undue vehicular congestion, excessive noise or other objectionable influence. To prevent congestion, local retail uses include only those enterprises that normally employ fewer than ten (10) persons.

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

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

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

**NONFEASANCE** – Nonperformance of some act which person is obligated or has responsibility to perform; omission to perform a required duty at all; or total neglect of duty. *Desmarais v. Wachusett Regional School Dist.*, 360 Mass. 591, 276 N. E. 2d 691, 693.

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

**OFFICE, BUSINESS OR PROFESSIONAL** -- Any office of recognized professions, such as lawyers, architects, engineers, real estate brokers, insurance agents, medical offices, dental offices and others who, through training, are qualified to perform services of a professional nature and other offices used

primarily for accounting, corresponding, research, editing or other administrative functions, but not including banks or other financial institutions.

**OPEN SPACE** – Any parcel or area of land or water essentially unimproved and set aside, dedicated, designated or reserved for public or private use or enjoyment or for the use and enjoyment of owners and occupants of land adjoining or neighboring such open spaces.

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

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

**PERIMETER FOUNDATION**— A foundation with footings usually constructed of concrete block or cement to support the exterior weight bearing walls of a structure.

**PERSONAL CARE BOARDING HOME** -- A dwelling licensed by the Commonwealth where room and board is provided to more than three (3) permanent residents, who are not relatives of the operator, and who are mobile or semi-mobile and require specialized services for a period exceeding twenty-four (24) consecutive hours in such matters as bathing, dressing, diet and medication prescribed for self-administration, but who are not in need of hospitalization or skilled nursing or intermediate nursing care.

**PERSONAL SERVICES** -- Any enterprise conducted for gain that primarily offers services to the general public, such as shoe repair, valet service, watch repairing, barbershop, beauty parlors and related activities.

**PLANNING COMMISSION** -- The Planning Commission of the Township of Sewickley.

**POLITICAL SIGNS** -- Signs announcing political candidates seeking public office, political parties and/or political and public issues contained on an upcoming ballot.

**PORCH** -- A covered area, attached to the principal building, that exceeds four feet by five feet or 20 square feet in area at a front, side or rear door and which provides direct access to the principal building.

**PREMISES** -- The physical location where any use is carried on. Premises may be a lot, building or structure.

**PRINCIPAL USE** -- The use of a lot or building, as defined under the use classifications of this ordinance. There may be, in districts other than single-family residential, two or more principal uses and/or buildings, provided that the same comply with the Subdivision and Land Development Ordinance.

**PUBLIC HEARING** -- A formal meeting held pursuant to public notice by the governing body, the Planning Commission or the Zoning Hearing Board, intended to inform and obtain public comment, prior to taking action in accordance with this Ordinance.

**PUBLIC NOTICE** -- Notice published once each week for two successive weeks in a newspaper of general circulation in the Township. Such notice shall state the time and place of a public hearing or meeting and the particular nature of the matter to be considered at said hearing or meeting. The first publication shall not be more than thirty days and the second publication shall not be less than seven days from the date of said hearing or meeting.

**PUBLIC USE** -- Land or buildings used for rescue and fire protection and land or buildings owned or leased by the Township, Township authorities, school district, school authorities or any governmental agency or board used for such, such as public schools, administrative buildings and cultural or service buildings, and land owned and uses operated by a conservancy agency.

**RECREATIONAL VEHICLE** -- A vehicle that is built on a single chassis designed to be self-propelled or permanently towable by a light-duty truck and not designed for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel or seasonal use.

**RESIDENTIAL DAY CARE** -- A residence offering child day-care and/or adult day-care services to a maximum of six persons unrelated by birth or marriage or occupancy of the resident household. A resident of the household is required to be the operator of the use.

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

**RESTAURANT, NEIGHBORHOOD** -- A restaurant that has less than two thousand (2,000) square feet of gross floor area.

**RESTAURANT, SMALL** -- A restaurant that has between two thousand (2,000) square feet and three (3,000) thousand square feet of gross floor area.

**RESTAURANT, LARGE** -- A restaurant that has more than three thousand (3,000) square feet of gross floor area.

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

**RETAIL STORE, NEIGHBORHOOD** -- A retail store than less than 2,000 square feet of gross floor area.

**RETAIL STORE, SMALL** -- a retail store that has more than 2,000 square feet, but less than 3,000 square feet of gross floor area.

**RETAIL STORE, MEDIUM** -- A retail store that has more than 3,000 square feet, but less than 25,000 square feet of gross floor area.

**RETAIL STORE, LARGE** -- A retail store that has more than 25,000 square feet and less than 50,000 square feet of gross floor area.

**RETAIL STORE, SUPER** -- A retail store that has more than 50,000 square feet of gross floor area.

**RIGHT-OF-WAY** -- A general term denoting a public way for purposes of vehicular travel and installation and maintenance of utilities.

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

**SEAT** -- The floor area required for one (1) individual to sit or stand as regulated by the Uniform Construction Code.

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

**SEWAGE DISPOSAL SYSTEM, ON-SITE** -- A septic tank installation on an individual lot that utilizes a bacteriological process for the elimination of solid wastes and provides for the proper and safe disposal of the effluent, subject to the approval of health and sanitation officials having jurisdiction.

**SIGN** -- A structure that consists of any device, light, letter, word, model, banner, pennant, trade flag, logo, insignia, balloons or representation that advertises, directs, or announces the use conducted; goods, products, services or facilities available; or that influences persons or conveys information or that calls attention to the building or the use located on the lot. The term "sign" includes the word "billboard," but does not include the flag of the United States of America or the Commonwealth of Pennsylvania, or any federal, state or municipal traffic or directional sign or other official federal, state, county or municipal government signs.

**SIGN, BUILDING IDENTIFICATION** -- A sign bearing the name of the occupant of a premises and the name of products manufactured, processed, sold or displayed, or services provided thereon. A building identification sign may include an awning sign a banner sign, a changeable copy sign, a freestanding sign or a wall sign.

**SIGN, AWNING** -- Any sign that is part of or attached to an awning, canopy, or other fabric, plastic, or structural protective cover over a door, entrance, window, or outdoor service area identifying the name of the owner and business, industry or pursuit conducted within the premises.

**SIGN, BANNER** -- Any sign of lightweight fabric or similar material that is mounted to a building at one or more edges. National flags, state or the official flag of any institution or business shall not be considered banners.



**SIGN, CHANGEABLE COPY** -- A sign such as a bulletin board or announcement board, where the message or graphics is not permanently affixed to the structure, framing or background and may be periodically replaced or covered over manually or by electronic or mechanical devices.

**SIGN, FREESTANDING** -- A sign that is supported from the ground or a structure other than a building.

**SIGN, WALL** -- A sign erected parallel to, or painted on the surface or on the outside wall of any building, and not extending more than 12 inches therefrom, and which does not project above the roof line or beyond the corner of the building.

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

A. For either a freestanding sign or an attached sign, the area shall be considered to include all lettering, wording and accompanying designs and symbols, together with the entire background, whether open or enclosed, on which they are displayed.

B. For a sign painted upon or applied to a building, the area shall be considered to include all lettering, wording and accompanying designs and symbols, together with any background, and shall be the smallest geometric shape that can be drawn to encompass all the lettering and/or symbols.

C. For a sign consisting of individual letters or symbols attached to or painted on a surface, building, wall or window, other than those signs described in Subsections A and B above, the area shall be considered to be that of the smallest common geometric shape that can be drawn to encompass all of the letters and symbols.

**SILVICULTURE**—The practice of planting, growing, harvesting and reseeded of land for the growth of trees.

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

**SLOPE, STEEP** -- An area of slope on the property that measures twenty (25%) five percent or greater.

**SPECIAL EXCEPTION** -- A use that is subject to approval by the Zoning Hearing Board, per requirements of Article 6 of this Ordinance. A special exception may be granted by the Board only when there is specific provision for such special exceptions listed within this Ordinance. A special exception is not considered to be a nonconforming use.

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

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

**STREET** -- A public or private right-of-way.

**STREET LINE or RIGHT-OF-WAY LINE** -- A dividing line between a lot, tract or parcel of land and a contiguous street.

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

**SUBDIVISION AND LAND DEVELOPMENT ORDINANCE** -- Sewickley Township Ordinance No. 131, as amended and supplemented, adopted pursuant to the authority of the Pennsylvania Municipalities Planning Code to establish standards and requirements for subdivision of land and land development within the borders of Sewickley Township, Westmoreland County.

**SUPERVISORS, BOARD OF** -- The duly elected governing body of the Township of Sewickley, Westmoreland County.

**SUPPLY YARD** -- An area storing building supplies, industrial supplies, agricultural supplies, landscaping supplies, etc.

**SWIMMING POOL** -- An accessory structure used for swimming containing water at a depth of three feet or greater, either in ground or above ground. All decks, walkways, ladders, stairs and fencing appurtenant to such an accessory structure shall be included for all measurement purposes.

**TELECOMMUNICATIONS TOWER** -- A freestanding structure, including any guy wires, principally intended to support facilities for receipt or transmission of signals for uses such as commercial or public VHF or UHF television, FM radio, two-way radio, commercial carriers, cellular telephone and other wireless services, fixed point microwave, low power television or AM radio, including accessory equipment related to telecommunications. Not included are towers and supportive structures for private, noncommercial and amateur purposes including but not limited to ham radios and citizens band radios.

**TEMPORARY OUTDOOR ACTIVITY** - any activity conducted outdoors or within or about tents or other such contrivances for a period not in excess of seven (7) consecutive days within any agricultural, commercial or residential districts in the municipality, including but not limited to carnivals, fairs, festivals, tractor/truck pulls, amusements (and outdoor displays of merchandise, vehicles or products in conjunction with such activities) and similar activities. (All "temporary outdoor activity" shall be considered temporary uses.)

**TOWNSHIP** -- The Township of Sewickley, Westmoreland County.

**TRAILER, SMALL UTILITY OR CAMPER** -- Any trailer drawn by passenger or other motor vehicle used for the occasional transport of personal effects or for recreational living purposes.

**TRAILER, (mobile home)**—a factory built home manufactured prior to 1977. A transportable, single-family dwelling intended for permanent occupancy, office or place of assembly contained in one unit or in two units designed to be joined into one integral unit capable of again being separated for repeated towing, that arrives at a site complete and ready for occupancy, except for minor and incidental unpacking and assembly operations and constructed so that it may be used without a permanent foundation.

**TRANSITIONAL DWELLING** -- A dwelling unit occupied on a short term basis by persons assigned by a Court of Law, or referred by a public, semi-public or non-profit agency, and managed by a public, semi-public or non-profit agency responsible for the occupants' care, safety, conduct, counseling and supervision for a specified period of time, including alcoholic recovery, shelters for battered persons and their children, maternity homes, community re-entry services following incarceration, prison assignment, house arrest or other Court ordered treatment, and other such short-term supervised assignments.

**TRANSPORTATION TERMINAL** -- A premises wherein material or merchandise not manufactured, remanufactured or fabricated upon the premises is transferred from one carrier to another or from one type carrier to another type carrier for reshipment in the same or different lots and that may provide associated storage, loading and/or unloading facilities in conjunction therewith and that may also perform the functions of a transportation dispatch office. Shipping and receiving facilities operated as an accessory use to the manufacture, remanufacture or fabrication of material or merchandise shall not be deemed to constitute a transportation terminal.

**USE** -- The specific purpose for which land, sign, structure or building is designed, arranged, intended or for which it may be occupied or maintained, or any activity, occupation, business or operation that may be carried on.

**VARIANCE** – Permission to depart from the literal requirements of a zoning ordinance by virtue of unique hardship due to special circumstances regarding person's property. It is the nature of a waiver of the strict letter of the zoning law upon substantial compliance with it and without sacrificing its spirit and purpose.

**VEHICLE REPAIR GARAGE** -- A building, or part thereof, used for the servicing and repair of motor vehicles, including engine overhaul, body work and recapping/retreading of tires and where all storage of parts and dismantled vehicles and all repair work are conducted.

**WAREHOUSING AND DISTRIBUTION** -- A building used for the storage and handling of freight or merchandise.

**WASTE** -- Any garbage, refuse or other waste or discarded material, including solid, liquid, semisolid or gaseous material, resulting from the operating of residential, municipal, commercial, industrial, or institutional establishments, including but not limited to sludge/septage, construction/demolition, infectious/chemotherapeutic, leaf/yard, residual, hazardous and/or nuclear wastes as defined by federal and/or state statutes and regulations.

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

**YARD** -- A space located on a lot which is unobstructed by any portion of a principal structure.

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

**ZONING CERTIFICATE** -- The document issued by the Zoning Hearing Board authorizing the use of land or building.

**ZONING DISTRICT MAP** -- The Zoning District Map or Maps of the Township , together with all amendments subsequently adopted.

**ZONING HEARING BOARD** -- A Board appointed by the Board of Supervisors to carry out the duties contained in Article 11 of this Ordinance. .

**ZONING OFFICER** -- An official or his or her authorized representative appointed by the Board of Supervisors to carry out the duties contained in Article 10 of this Ordinance.

**ARTICLE 16: ILLUSTRATIONS**

The following illustrations are examples of the application of the various requirements of this Ordinance.

**ARTICLE 17: EFFECTIVE DATE**

**SECTION 1701:**

The Zoning Ordinance shall take effect thirty (30) days after the date of adoption by the Board of Supervisors of Sewickley Township, Westmoreland County, Pennsylvania.

We hereby certify that the Sewickley Zoning Ordinance was adopted by the Board of Supervisors of Sewickley Township, Westmoreland County, Pennsylvania this 20th day of August, 2008.

**TOWNSHIP OF SEWICKLEY**

By: \_\_\_\_\_

Chairman

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Vice-Chairman

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Supervisor

**ATTEST: (SEAL)**

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Secretary-Treasurer

**CERTIFICATION**

I, Mandi Ziegler, duly qualified Secretary-Treasurer of the Board of Supervisors of the Township of Sewickley, Westmoreland County, Pennsylvania, do hereby certify that the foregoing Ordinance No. 224 is a true and correct copy of the original Ordinance No. 224 duly passed and adopted by a majority vote of the Board of Supervisors of the Township of Sewickley at a duly advertised and convened regular meeting held on the 20th day of August, 2008, and that the minutes of said meeting showing how each member voted have been duly recorded in the official minutes of said Township and remains in effect as of this date.

**IN WITNESS WHEREOF**, I affix my hand and attach the seal of the Township of Sewickley, this 20th day of August, 2008.

Certified to by:

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Mandi Ziegler,

Secretary-Treasurer