

Menallen Township Zoning Ordinance

Fayette County Pennsylvania

CHAPTER 1 GENERAL PROVISIONS

SECTION 1.1 TITLES

(a) Long Title

- (1)** Municipal Zoning Ordinance regulating the location, height, bulk, erection, construction, alteration, razing, removal, and size of structures; the percentage of lot which may be occupied; the size of yards, courts, and other open spaces; the density and distribution of population; the intensity of use of land or bodies of water for trade, industry, residence, recreation, public activities, or other purposes; and the uses of land for agriculture, water supply, conservation, or other purposes, in all portions of Menallen Township.

(b) Short Title

- (1)** This Ordinance shall be known as and may be cited as the “Menallen Township Zoning Ordinance” as amended from time to time.

SECTION 1.2 AUTHORITY AND APPLICABILITY

This Ordinance is adopted by virtue of the authority granted to the Township of Menallen by the Commonwealth in the Pennsylvania Municipalities Planning Code, Act of 1968, P.L. 805, No. 247 as reenacted and amended.

SECTION 1.3 PURPOSE

The zoning requirements and districts established in this Ordinance are made in accordance with the Townships of Franklin, Jefferson, Menallen, and Perry Multi-Municipal Comprehensive Plan and the promotion of the health, safety, order, and welfare of present and future inhabitants of Menallen Township by:

- (a)** Securing the safety of inhabitants of Menallen Township from fire, panic, and other dangers; providing adequate light and air; preventing the overcrowding of land; and avoiding undue concentration of population;
- (b)** Promoting a land use pattern that is regional in context that recognizes the historical, cultural, and natural features within each community in the Fayette County Area Multi-Municipal Comprehensive Plan;
- (c)** Relating future capacity for residential development to actual demand for regional growth, based upon increases or decreases in employment and population for the region;
- (d)** Providing standards for all types of dwelling units so that all the people may have access to sound and sanitary housing;

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- (e) Directing future development into areas where appropriate community utilities, services and facilities can be most adequately provided;
- (f) Coordinating future development and transportation improvements so as to minimize traffic congestion in Menallen Township;
- (g) Providing for the protection of critical natural resources, including wetlands, prime agricultural soils, steep slopes, aquifer recharge, and other areas of hazardous geologic and topographic features; and
- (h) Protecting unique features, including structures, sites, waterways, villages, and landscapes, that have a special character or use and that affect or are affected by their environment.

SECTION 1.4 RELATIONSHIP TO THE COMPREHENSIVE PLAN AND COMMUNITY DEVELOPMENT OBJECTIVES

This Ordinance implements with general consistency the community development objectives of the Townships of Franklin, Jefferson, Menallen, and Perry Multi-Municipal Comprehensive Plan. These objectives state that the municipalities developed a Multi-Municipal Comprehensive Plan in order to:

- (a) Provide appropriate infrastructure to align with desired density and development types.
- (b) Protect the rural character through agricultural preservation and natural resource conservation.
- (c) Establish regional partnerships that will support logical development patterns.
- (d) Enhance existing environmental resources and remediate degraded waterways.
- (e) Foster greater local input to, and control over, desired development patterns.
- (f) Encourage land use patterns that will stimulate the regional economy.
- (g) Ensure that the transportation system encompasses a safe and efficient roadway network but also one which facilitates the movement of pedestrians and supports alternative modes of transportation.
- (h) Provide residential opportunities to meet market needs while protecting existing communities and encouraging traditional village developments.
- (i) Promote those aspects that are unique to each community.

The Multi-Municipal Plan was adopted in August/September of 2007 and includes data on existing conditions with reasonable consideration to the existing character of the municipalities and the respective suitability to particular uses.

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SECTION 1.5 INTERPRETATION

This interpretation and application of the provisions of this Ordinance shall be held to the minimum requirements for the promotion of the public health, safety, comfort, convenience, and general welfare.

- (a) Whenever any regulations made under authority of this Ordinance impose higher standards of compliance than are required under the provisions of any other statute, the provisions of the regulations made under authority of this Ordinance shall govern, except when preempted by Federal or Commonwealth of Pennsylvania law.
- (b) Whenever the provisions of any other statute impose higher standards of compliance than are required under this Ordinance, the provisions of the other statute shall govern.
- (c) This Ordinance does not repeal, abrogate, annul, or in any way impair or interfere with the existing provisions of other laws or ordinances, except those specifically or implied repealed by this Ordinance or any private restrictions placed upon property by covenant, deed, or other private agreement unless repugnant hereto.
- (d) Provisions in any other ordinances that are concerned with design standards and which are enacted and administered for Menallen Township shall not be considered to be in conflict with provisions of this Ordinance.

SECTION 1.6 USES FOR WHICH NO PROVISION IS MADE

- (a) Whenever, in any district established under this Ordinance, a use is not specifically permitted and an individual makes an application to the Zoning Officer for such use, the Zoning Officer shall refer the application to the Zoning Hearing Board, which shall have the authority to permit or deny the proposed use. The use may be permitted if it is similar to, and compatible with, permitted uses in the district and in no way is in conflict with the general purpose and intent of this Ordinance or any provision permitting the same, provided that the same shall comply and follow all requirements of this Ordinance.

SECTION 1.7 COMPLIANCE

- (a) In all districts, after the effective date of this ordinance, any existing land use, building, structure, or any tract of land which is not in conformity with the regulations of the district in which it is located, shall be deemed as non-conforming and be subject to the non-conforming regulations of this ordinance.
- (b) No structure shall be located, erected, demolished, constructed, moved, altered externally, converted, or enlarged, nor shall any structure or land be used or be designed to be used, except in full compliance with all provisions of this Ordinance, and the subsequent lawful issuance of all permits and certifications required by this Ordinance.

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SECTION 1.8 SEVERABILITY

It is hereby declared to be the intent of the Board of Supervisors of Menallen Township that:

- (a)** If a court of competent jurisdiction declares any provisions of this Ordinance to be invalid or ineffective in whole or in part, the effect of such decision shall be limited to those provisions that are expressly stated in the decision to be invalid or ineffective, and all other provisions of this Ordinance shall continue to be separately and fully effective.
- (b)** If a court of competent jurisdiction finds the application of any provision or provisions of this Ordinance to any lot, building, tract of land, or other structure to be invalid or ineffective in whole or in part, the effect of such decision shall be limited to the person, property, or situation immediately involved in the dispute and the application of any such provision to other persons, property, or situations shall not be affected.

SECTION 1.9 REPEALER

Any resolution or ordinance, or any part of any resolution or ordinance in conflict with the provisions of this Ordinance, are hereby repealed to the extent of such conflict.

SECTION 1.10 EFFECTIVE DATE

This Ordinance shall take effect immediately upon adoption by the Board of Supervisors of Menallen Township.

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CHAPTER 2 DEFINITIONS

SECTION 2.1 INTERPRETATIONS

For the purpose of this Ordinance the following rules shall apply:

- (a) The particular shall control the general.
- (b) The words “shall” and “will” are mandatory; the word “may” is permissive
- (c) If there is a difference in meaning or implication between the text of this Ordinance and any caption or illustration, the text shall control.
- (d) Words used in the present tense shall include the future tense.
- (e) The singular includes the plural and the plural the singular.
- (f) The terms “occupied” or “used” shall be construed to be followed by the words ‘or intended, arranged or designed to be occupied or used.’
- (g) The words “person” and “developer” include an individual, corporation, partnership, trust, company or association or any other similar entity.
- (h) The word “includes” or “including” shall not limit the term to the specified example, but is intended to extend its meaning to all other instances of similar kind and character.
- (i) The masculine shall include the feminine and the neuter.

SECTION 2.2 MEANINGS OF WORDS

Unless otherwise expressly stated, the following words, for the purpose of this Ordinance, shall have the meaning herein indicated. When terms, phrases or words are not defined, they shall have their ordinarily accepted meaning or such as the context may imply. Words generally found in legal terminology shall be considered to have meanings in this Ordinance similar to their generally held definitions in the Court of Law.

SECTION 2.3 DEFINITIONS

Abandoned Vehicle – Any vehicle that is not in a building or garage and which does not have a current Pennsylvania registration and / or a current safety inspection sticker. This term shall not apply to any vehicle or equipment used in the normal operation of a farm owned or leased by the person farming the land or upon the property of a state authorized automotive repair facility.

Abandonment - An intentional and absolute relinquishment and cessation of a use for any period of time without intention to resume said use or the voluntary discontinuance of a use for a continuous period of one (1) year or more without reference to intent. Commercial or

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industrial abandonment shall be measured from the date of the last record of sale or occupancy, whichever occurs first, and residential abandonment shall be measured from the last date of occupancy.

Adult Oriented Establishment - The term includes any use meeting the definition for this term in Title 68, Chapter 55 of the Pennsylvania Consolidated Statutes, as amended, and without limitation, the following establishments when operated for profit, whether direct or indirect: adult bookstores; adult motion picture theaters; adult mini-motion picture theaters; adult drive-in movie theaters; adult motels; massage parlors; any premises to which the public, patrons or members are invited or admitted and which are so physically arranged as to provide booths, cubicles, rooms, studios, compartments or stalls separate from the common areas of the premises for the purpose of viewing adult-oriented motion pictures or where an entertainer provides adult entertainment to a member of the public, a patron or a member. Motion pictures shall include material, chat rooms and other material available through the Internet and motion pictures or videos available through cable, satellite or other television services on computers or equipment used in the establishment; and an adult entertainment studio or any premises that are physically arranged and used as such, whether advertised or represented as an adult entertainment studio, rap studio, exotic dance studio, encounter studio, sensitivity studio, modeling studio or any other term of like import. Any and all of these uses are considered an Adult Oriented Establishment.

The term booths, cubicles, rooms, studios, compartments or stalls, for purposes of defining adult-oriented establishments, does not mean enclosures which are private offices used by the owner, manager or persons employed on the premises for attending to the tasks of their employment, and which are not held out to the public for the purpose of viewing motion pictures or other entertainment for a fee, and which are not open to any persons other than employees.

Agriculture – land used for agricultural purposes, including farming, dairying, pasturage, horticulture, floriculture, viticulture, animal hospitals, riding academies, stables, animal and poultry husbandry, and dog kennels and/or clinics.

Agricultural Operation – 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 or poultry, livestock and their products and the production and harvesting of agricultural, agronomic, horticultural, silvicultural and aquicultural crops and commodities and is:

1. Not less than ten contiguous acres in area; or
2. Less than ten contiguous acres in area but has an anticipated yearly gross of at least \$10,000.
3. This term includes agricultural buildings designed and constructed to house farm implements, hay, grain, poultry, livestock, or other horticultural products. Such

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structure shall not be a place of human habitation or a year-round place of employment where agricultural products are processed, treated, packaged; nor shall it be a building or structure open year-round for use by the public. A farmer's market building will be considered an agricultural building so long as it is located on the farmstead where the products are grown.

4. This term does not include Concentrated Animal Feeding Operations and Concentrated Animal Operations.

Agricultural Labor Housing – One or more buildings, tents, trailers, together with the land appertaining thereto, established, operated or used as living quarters for six (6) or more seasonal or temporary workers engaged exclusively in agricultural activities, including, for the purpose of this definition, related to food processing.

Alley, Lane, or Way – A permanent public service way providing only secondary means of access to the rear or side of an abutting property and which may be used for public utility purposes, but is not intended for general traffic circulation.

Alteration, Structural – Any change or rearrangement of supporting members of a building or structure such as bearing walls, columns, beams or girders, joists or rafters, enclosing walls, or an enlargement, whether by extending on a side or by increasing in height, or the moving from one location or position to another.

Air Rights – The ownership or control of that area of space at and above a horizontal plane over the ground surface of land. This horizontal plane shall be at a height above the existing or proposed development that is necessary or legally required for the full and free use of the ground surface.

Airport – An area of land or water which is used, or intended to be used, for the landing and takeoff of aircraft and any appurtenant areas which are used, or intended to be used, for airport buildings or air navigation facilities or rights of way, together with all airport buildings and facilities thereon. Unless indicated otherwise, airport shall include heliports and public airports.

1. Private Airport – An airport that is privately owned and which is not open or intended to be open to the public.
2. Public Airport - An airport that is either publicly or privately owned and is open to the public.

Amphitheater – An outside gallery with seats for spectators.

Amusement and Recreation Center – An establishment that is not sexually oriented and offers recreation, entertainment, or games to the general public for a fee or charge.

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1. Indoor Amusement Center - An entirely enclosed facility operated as a commercial venture providing a source of amusement, entertainment, or recreation that may include bowling alleys, athletic courts, indoor swimming pool, movie theaters, playhouses, indoor golf centers, indoor batting cages, or any other similar use.
2. Outdoor Amusement Center - A partially or entirely unenclosed facility operated as a commercial venture providing a source of amusement, entertainment, or recreation that may include miniature or pitch and putt golf courses, batting cages, swimming pools, athletic courts, or any other similar use.

Amusement Park – An establishment existing primarily for entertainment purposes and offering rides and exhibitions for a fee.

Animal Day Care - A facility where animals are boarded for no longer than ten (10) hours during a given day. Use as an overnight kennel, animal hospital, or veterinary office is strictly prohibited.

1. Dog Day Care – Any premises where dogs are groomed, trained, exercised and socialized, but not kept or boarded overnight, bred, sold, or let for hire. Although outdoor play areas are permitted, this use does not include outdoor kennels.

Animal Equivalent Unit – One thousand pounds of animal weight as designated under the Pennsylvania Nutrient Management Act.

Animal Hospital / Veterinary Office – A facility where animals are given medical or surgical treatment. Use as a kennel shall be prohibited except for animals or pets undergoing medical or surgical treatment.

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

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

Arena – A completely enclosed structure with fixed seating for not more than 20,000 persons which is designed to accommodate sporting, entertainment and assembly events and which may include accessory dining and retail uses. A public or private agency, authority, or corporation may operate an arena.

Architect – An individual registered by the Commonwealth of Pennsylvania and certified by the American Institute of Architects (AIA) as a licensed architect.

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Assisted Living Facility – A state-licensed facility designed to provide individual dwelling units or rooms for individuals who are independently mobile and are not in need of the level of service provided by a personal care home, and which provides on-site supervision and assistance available to residents on an occasional, “as needed” basis, and where at least one meal each day is provided in a common dining area and which includes certain design features associated with the needs of seniors which are not customary in the construction of conventional dwelling units, such as emergency call systems, common dining facilities, transportation facilities, minimal housekeeping facilities, common leisure and recreational facilities, transportation services and similar supporting services for the convenience of the residents.

Automobile Car Wash – Any building, site or premise or portions thereof, used for washing or reconditioning the interior or exterior of automobiles. An automobile car wash shall include self-operated facilities not requiring attendants or employees, but shall not include incidental one-bay washing facility in an automobile repair or service station where such facilities are incidental to the operation of said automobile repair or service station.

Automobile Repair / Service – Any building or lot used for the maintenance, servicing, repair or painting of vehicles.

Bakery – An establishment used for the preparation of baked goods primarily for retail sales but may have incidental wholesale for general distribution or consumption off-site.

Bank / Financial Institution – An establishment that provides services such as retail banking, collection services, loan services, and tax and investment services to individuals and businesses. This use does not include check-cashing businesses.

Basement – That portion of a building or structure that is partly or completely below grade, but having half of its clear height below the average grade of the adjoining land. This room does not count as a “story,” nor can it be used as a “dwelling.”

Bath House - An establishment or business that provides the services of baths or spas of all kinds, including all forms and methods of hydrotherapy during which specified anatomical areas are displayed but no specified sexual activity occurs.

Beacon – Any light with one or more beams directed into the atmosphere or directed at one or more points not on the same lot or site as the light source; also, any light with one or more beams that rotate or move.

Bed and Breakfast Inn – A residential accessory use consisting of a single family dwelling that contains not more than ten (10) guest bedrooms used for providing overnight accommodations to the public, not to exceed ten (10) consecutive days, and in which breakfast is the only meal served and is included in the charge for the room. The rented rooms do not contain kitchen facilities and do not constitute separate dwelling units.

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Billboard – An off-premises sign which advertises an establishment, an activity, a person, a product, or a service which is unrelated to or unavailable on the premises on which the sign is located through which the advertising matter of any character is printed, posted or lettered and may be either free standing or attached to the surface of a building or other structure, or applied directly to the surface.

Boarding House (includes Rooming House) – A residential use in which, (a) a room or rooms that do not meet the definition of a lawful dwelling unit are rented for habitation, or (b) a dwelling unit that includes greater than the permitted maximum number of related persons. A boarding house shall not include a use that meets the definition of a hotel / motel, assisted living facility, bed and breakfast facility, group home or nursing home. A boarding house may involve the providing of meals to residents. A boarding house shall primarily serve persons residing on-site for five (5) or more consecutive days.

Boat Storage- An enclosed building or separate structure used to store boats. This does not include outdoor storage.

Boat and Marine Sales / Service - Any building or lot used for the maintenance, servicing, repair, or painting of boats or other related watercraft.

Bore Holes – Structures and appurtenant facilities to permit the introduction from the surface to underground mining operations, or in some cases the removal from underground mining operations to the surface, of electric power, water (with or without treatment facilities), rock dust for safety purposes, communicating lines, compressed air, methane, and other items to facilitate the mining and removal of coal.

Bottle Club - An establishment operated for profit or pecuniary gain which is not licensed by the Pennsylvania Liquor Control Board and admits patrons upon payment of a fee, cover charge or membership fee and in which alcoholic liquors, alcohol or malt or brewed beverages are not legally sold but where alcoholic liquors, alcohol or malt or brewed beverages are either provided by the operator or agents or employees of the operator for consumption on the premises or are brought into or kept at the establishment by the patrons or persons assembling there for use and consumption. The term shall not include a licensee under the Liquor Code.

Brewery Pub – A facility licensed by the Commonwealth of Pennsylvania and conducted in accordance with Commonwealth requirements where malt or brewed beverages are manufactured on site. The facility may sell, transport, and deliver malt beverages to various off-site locations; however, the majority of the manufactured malt or brewed beverage products is sold and consumed on-premises.

Broadcasting Studio (Radio and Television) - Any premises or station authorized by the appropriate regulating agency used for the purpose of providing broadcasting services for general reception.

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Buffer Area – A strip of land adjacent to the boundary of a property or district, not less in width than is designated in this Ordinance, that is planted and maintained in shrubs, bushes, trees, grass, or other landscaping material and within which no building or structure is permitted except a wall, fence or sign in compliance with this Ordinance.

Buildable Area – The area of a lot remaining after the minimum yard and open space requirements of the zoning ordinance have been met. See Figure 2 in the Appendices.

Building – Any structure having enclosing walls and roofs and requiring a permanent location on the land.

1. Accessory Building – A detached building customarily incidental and subordinate to the principal building and located on the same lot.
2. Principal Building – A building in which is conducted the principle use of the site or lot on which it is situated. In all residential districts, any dwelling shall be deemed to be a principal building on the lot on which it is located.

Building Envelope — The area of a lot within which a principal building may be erected. This area is defined by the limits of the minimum front, side, and rear yard areas, and encompasses the area of the lot not found in the yard areas and rights-of-way.

Building Height – The vertical distance measured from the average elevation of the proposed finished grades immediately adjacent to the front lot line to the highest point of the roof for flat roofs, to the deck line for mansard roofs, to the mean height between eaves and ridge for gable, hip and gambrel roofs. If there are two or more separate roofs on a single building, the height of such building shall be calculated from the highest roof. See Figure 1 in the Appendices.

Building Inspector – The person officially appointed by the municipal governing body or council to administer and enforce the Building Code.

Building Material Facility - A facility for the sale of home, lawn and garden supplies and tools and construction materials such as brick, lumber, hardware and other similar materials without an enclosed building.

Building Setback Line – An established line within a property defining the minimum required distance between the face of any building or structure and an adjacent right-of-way or property line. The face of the building includes basements, decks, sunrooms, foyers, bay windows, porches, patios with footers, projecting eaves and overhangs, dormers, and any other solid projections and solid entrances. Walks, terraces, and uncovered steps or stoops attached to a structure are exempt. Building lines shall also apply to all accessory buildings and structures except for signs, fences, and walls and shall apply to all yard lines. See Figure 2 in the Appendices.

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Bus / Transit Facilities – A facility, including terminals, depots, and passenger waiting, loading, and unloading stations of bus and other transit companies and districts. Also, includes facilities providing any and all types of general or specialized maintenance services or storage areas for buses and other transit vehicles of a transit company or district, public, or private, providing transportation services primarily for people, but which may transport freight as an incidental service.

Bus / Other Transit Shelter - A covered structure at a bus or other transit stop providing protection against the weather.

Bus / Other Transit Stop – A place on a bus or other transit route, usually marked by a sign, at which buses or other transit vehicles stop for passengers to load and unload.

Business Services – Establishments engaged in rendering services to businesses and offices on a fee or contract basis including, but not limited to, advertising; mailing; data processing; office supplies; building maintenance; equipment servicing, rental, leasing and sales, employment service; and other similar business services.

Campground – A publicly or privately owned site designed, designated, maintained, intended or used for the purpose of supplying a location for seasonal, recreational, and temporary living purposes in cabins, tents or recreational equipment / vehicles open to the public for free or for a fee.

Canopy – A roof-like structure either projecting from a building façade and open on three sides, or standing alone and open on four sides, and used for the purpose of protecting pedestrians and motorists from weather related elements.

Catering Business – An establishment used for the preparation and delivery of food and beverages for off-site consumption. This establishment may provide for on-site pickup but may not provide for on-site consumption.

Cemetery / Mausoleum – An area used, or intended to be used, for the burial of the deceased, including a columbarium, crematorium and mortuary when operated in conjunction with the cemetery and within its boundaries.

Centerline – An imaginary line running parallel to street or easement right-of-way lines and equidistant from the lines on each side of the street or easement, or a line following the center of a physical feature such as a stream.

Child Day Care Facility – Any institution or place licensed by the Commonwealth of Pennsylvania which is maintained in whole or in part for the care of children, not of common parentage, apart from their parents or guardians, under the age of sixteen during any part of a day with or without stated educational purposes. This definition shall include Child Day Care

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Centers and Family Day Care Homes but shall not apply to public, private or parochial school systems.

1. Child Day Care Center – A facility in which care is provided for seven (7) or more children at any one time where the child care areas are not being used as a family residence.
2. Family Day Care Home – Any single family residence, other than the child's own home, in which child day care is provided at any time for up to six (6) children who are not relatives to the care giver where the child care areas are being used as a family residence.

Clear-cutting – The indiscriminant, or complete, removal of all trees on a site, or any portion thereof greater than one-half (0.5) acre in a contiguous area, during a single timber harvesting operation or within a five (5) year period.

Clear Sight Triangle – At every intersection there shall be a triangular area deemed to be a clear sight triangle. The clear sight triangle shall be determined by the intersecting centerlines and a diagonal line connecting the two points, one at each centerline. The length of each centerline shall be determined as follows: seventy-five (75') feet from the intersection of such centerlines for a street with a local classification or from non-residential or multi-family residential driveways; one hundred (100') feet from the intersection of such centerlines for a street with an collector classification; and, one hundred fifty (150') feet from the intersection of such centerlines for a street with an arterial classification.

- a. There shall be no obstruction of vision between a height of two and one half (2.5') feet and fifteen (15') feet above the centerline grade of the street within the clear sight triangle. Clear sight triangles shall be graded as necessary and kept clear of any buildings, plantings, or other obstructions.

Clinic – An establishment that provides patient care services, including but not limited to, medical, dental, psychological, and / or social services on an outpatient basis.

Communications Antenna – Any device used for transmission or reception of radio, television, cellular telephone, pager, commercial mobile radio service, or any other wireless communications signals, owned or operated by any person or entity licensed by the Federal Communications Commission (FCC) to operate such device.

Communications Co-location – The act of installing wireless communications equipment, from more than one provider, on a single tower, building, or structure.

Communications Equipment Building – An unmanned building containing communications equipment required for the operation of communications antennas and covering an area on the ground no greater than two hundred fifty (250') square feet.

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Communications Tower – A structure, other than a building, including any guy wires principally intended to support facilities for receipt or transmission of broadcast for commercial or public VHF and UHF television, FM radio, two-way radio, common carriers, cellular telephone, fixed point microwave, low power television, or AM radio, including accessory equipment related to telecommunications. Not included are antennae and supportive structures for private, noncommercial, and amateur purposes including but not limited to ham radios and citizen band radios.

Communications Tower Height – The vertical distance measured from the ground level to the highest point on a communications tower, including antennas mounted on the tower.

Community Facility - A publicly, semi-publicly, or semi-privately maintained institution devoted to any of a variety of group activities - civic, social, fraternal, educational, cultural, municipal, and/or recreational with premises and facilities appropriate to such activities provided, however, that the said premises shall not include living quarters for persons other than those engaged in the institution's conduct and/or maintenance.

Comprehensive Plan - The adopted public document for Franklin Township, Jefferson Township, Menallen Township, and Perry Township, Fayette County, Pennsylvania prepared in accordance with the Pennsylvania Municipalities Planning Code (MPC), consisting of maps, charts, and textual material that constitutes a policy guide to decisions about the physical and social development of the municipality. The Comprehensive Plan is also known as the Townships of Franklin, Jefferson, Menallen, and Perry Multi-Municipal Comprehensive Plan.

Concentrated Animal Operation (CAO) – An operation owned or managed by a farmer with more than two animal equivalent units per acre of land suitable and available for manure application on an annualized basis. These operations must have and implement an approved nutrient management plan that has been approved by a county conservation district or the State Conservation Commission.

Concentrated Animal Feeding Operation (CAFO) – An operation that is: (1) any livestock or poultry facility with more than one thousand animal equivalent units; (2) an operation with three hundred and one to one thousand animal equivalent units that are CAO's; or (3) any other agricultural operation with a discharge to surface waters. CAFO's fall under the authority of the Federal Clean Water Act and the National Pollutant Discharge Elimination System regulations and must have and implement Nutrient Management Plans and Erosion and Sedimentation Control plans.

Conservation Subdivision – A form of single-family residential development which permits a reduction in lot area and bulk requirements, provided there is no increase in the number of lots permitted under a conventional development and provided, further, that the resultant land area is devoted to open space.

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Continuing Care Facility – A residential facility, licensed by the Commonwealth of Pennsylvania, consisting of either a single building or a group of buildings, under common or related ownership, located on a single lot or on contiguous lots, containing two or more of the following services: assisted living facility; home and community based services facility; senior housing; independent living facility; nursing home; personal care home; personal support services for a continuing care facility; skilled nursing facility.

1. Home and Community Based Services Facility – A facility which provides services designed to assist elderly or disabled persons, including services such as a wellness center, therapeutic pool, geriatric assessment, rehabilitation, home health care, meals on wheels, and transportation services.
2. Personal Support Services for a Continuing Care Facility – Services provided to residents of a continuing care facility, located within a main building, such as beauty shop, barbershop, gift shop, pharmacy, bank, and laundry and cleaning services and facilities. Although open to the public, these facilities shall primarily be for the use and service of the residents of the Continuing Care Facility.

Convenience Store – A retail establishment with a sales area of five thousand square feet or less offering for sale food products, household items, newspapers, magazines, or freshly prepared foods that may be available for on-site or off-site consumption. Accessory activities may include the operation of no more than two (2) arcade games, video games or other similar devices, automated teller machines (ATMs), check cashing, money orders, movie rentals, lottery tickets, film processing and the sale of liquefied petroleum gas and/or gasoline, but shall not include the repair or service of vehicles. Convenience Store(s) without accessory use of sale of liquefied petroleum gas and/or gasoline shall be defined as Retail Stores.

Conversion – The remodeling or alteration of a structure so as to accommodate more leasable or saleable units or a different use than what had originally been intended for the structure. This shall include the alteration of a non-residential structure into a dwelling unit(s) for at least one family, the modification of a single-family structure to accommodate more units than originally intended, the alteration of existing dwellings into a commercial use, and the alteration of an existing dwelling into a mixed commercial and residential use.

Correctional Facility - a publicly- or privately operated facility housing persons awaiting trial, serving a sentence after being found guilty of a criminal offense, being within the jurisdiction of a Federal, State or local probation, parole or corrections agency and/or receiving treatment other than at a hospital while under the jurisdiction of such authority or agency. The term shall include but not be limited to jails, prisons, juvenile detention centers, work release centers, pre-release centers and treatment centers.

County – Fayette County, Pennsylvania.

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County Planning Commission – The Office of Planning, Zoning, and Community Development of Fayette County, Pennsylvania.

Court – An open, unoccupied, and uncovered space other than a yard. An outer court is one which extends to the street or to the front or rear yard. An inner court (aka courtyard) is usually bounded by three or more walls of an attached building.

Covenant – An agreement legally binding successor owners of a property to certain conditions regarding use of property stipulated by the original owner.

Cropland – Land used for the production of adapted crops for harvest, alone or in a rotation with grasses and legumes, and includes row crops, small grain crops, hay crops, nursery crops, orchard crops and other similar specialty crops.

Cul-de-Sac – A street closed at one end with a vehicular turn around provided at the closed end.

Cultural Service – A museum or similar use engaged in the collection, display or preservation of objects of community or cultural interest.

Cut – The extraction of previously undisturbed earth material in the process of grading.

Developable Land - That land proposed for development which excludes there from all portions thereof (1) dedicated or to be dedicated or devoted for use as public or private streets, (2) dedicated or to be dedicated or devoted to use as public or private improvements, including but not limited to stormwater management facilities, (3) defined by the Pennsylvania Department of Environmental Protection as wetlands, (4) defined by appropriate Federal or State agencies as being within a 100-year floodplain and (5) having a slope in excess of twenty-five percent (25%).

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

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

Distribution Facility - Any premises or part thereof, which provide logistic support for business, such as freight management, inventory control, storage, packaging and consolidation of goods for distribution.

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Dock – A permanently fixed or floating structure extending from the upland into the water, capable of use for vessel mooring and other water-dependent recreational activities. The term “dock” also includes any floating structure, boat lift or mooring piling, detached from the land, capable of use for mooring vessels and/or for other water-dependent recreational activities. The term “dock” also includes any area adjacent to the dock designated for mooring purposes. This term does not include any vessel that is not permanently docked, moored, or anchored. A public dock is considered as one controlled and maintained by a governing body or authority for use by the general public and private dock is considered such if controlled by a private entity with restricted use or open for use for a monetary fee.

Driveway – An impervious surface for vehicular access to a building, garage, parking facility or other vehicular facility, lot or parcel of land.

Dry Cleaner - An establishment that is primarily engaged in dry cleaning and laundry services including the pressing, repair, and dry cleaning of clothing, apparel, or other fabric, other than personal services directly to a consumer.

Dwelling – A building designed exclusively for residential purposes for one or more persons on a permanent basis. For the purposes of this Ordinance, the following are the definitions of the various types of dwelling units:

1. Single Family (Detached)– A building designed for and occupied exclusively as a residence for only one family and not attached to any other building or dwelling units.
2. Single Family (Attached)– A dwelling unit having its own independent outside access, with no other dwelling units located directly and totally above or below it, and having party walls in common with at least one adjacent similar dwelling unit, and located in a building comprised of at least three dwelling units. This dwelling type shall include, but not be limited to, dwelling units commonly known as townhouses, rowhouses, patio homes, carriage homes, and villas. The units do not share any common egress or ingress.
3. Condominium – Real estate, portions of which are designated for separate ownership and the remainder of which is designated for common ownership solely by the owners of those portions, created under either the Pennsylvania Unit Property Act of 1963 or the Pennsylvania Uniform Condominium Act.
4. Multi-Family– A detached residential building containing three or more dwelling units. Units are generally located entirely above or below one another. Units may share outside access and/or internal hallways, lobbies, and similar facilities. The dwelling units cannot be individually lotted, but instead share the lot or tract on which the building containing them is located. The development is usually under one operating unit, as rental or condominium development. This dwelling type includes garden apartments, flats, and multifamily conversions. It does not include townhouses or patio homes.

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5. Duplex - A detached building containing two dwelling units, either one above the other or attached side-by-side. Separate ingress and egress is provided to each unit but there may be a shared front egress into a foyer or entryway.

Dwelling Unit – A single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.

Easement – A public or private right of use over the property of another.

1. Conservation Easement – An easement precluding future or additional development of the land for the purpose of protecting or preserving natural features.
2. Utility Easement – A right-of-way granted for limited use of land for public or quasi-public purpose.

Educational Institution – A structure or part of a structure designed and used for the training and teaching of children, youths and / or adults, including laboratories appurtenant thereto.

Emergency Services - An area utilized for the maintenance, fueling, storage, dispatching or parking of vehicles and/or equipment providing rescue or ambulatory services.

Energy Storage Facility – a facility that stores energy for future use.

Engineer – A professional engineer licensed as such by the Commonwealth of Pennsylvania.

Equestrian Facility – Horse, donkey and mule facilities including horse ranches, boarding stables, riding schools and academies, horse exhibition facilities (for shows and other competitive events), pack stations, and barns, stables, corrals and paddocks accessory and incidental to these uses.

Equipment Rental / Repair – A business providing typical household tools and lawn / garden equipment for repair (such as sharpening, or the repair of small motors or engines) or rental, including hand-operated machinery, power tools, lawn mowers, hedgers, etc. This excludes vehicles, trucks and trailers licensed for street use.

Essential Communications Antenna - Any communications antenna owned or operated exclusively by an agency or authority of the Municipality or Commonwealth of Pennsylvania or any police, fire, emergency medical or emergency management agency or any public utility whose rates are regulated, and are providing a service regulated by the Pennsylvania Public Utility Commission.

Essential Communications Tower – Any communications tower used exclusively to support essential communications antennas.

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Essential Services – The erection, construction, alteration or maintenance, by public utilities or municipal departments, of underground, surface or overhead gas, electrical, steam or water transmission or distribution systems, collection, communication, supply or disposal systems, and their essential buildings, excluding communications towers and antennas as defined herein.

Excavation – The removal of earth or mineral material on or from a site or when such removal is necessary to prepare the site to receive structures.

Fair Housing Act - Title VIII of the Civil Rights Act of 1968, as amended by the Fair Housing Amendments Act of 1988 (42 U.S.C. 3600-3620).

Fairground - An area of land used for fairs in accordance with local and state requirements, exhibitions, and shows including, but not limited to: agricultural related office buildings, animal shows and judging, carnivals, circuses, community meeting or recreational buildings and uses, concerts, food booths and stands, games, rides, rodeos, sales and auctions, storage, theaters, and racetracks for non-motorized events.

Family – A single person occupying a dwelling unit; or, two or more individuals living together on a non-transient basis as a single housekeeping unit and doing their cooking on the premises, when said individuals are related by blood, marriage, adoption, including foster children and including not more than two boarders, roomers, or lodgers; or, A maximum of five children or adults requiring special care or supervision who are under the 24-hour or full-time care of resident “parents” or persons acting in loco parentis; or, Not more than three individuals living together as a single housekeeping unit and doing their cooking in one kitchen on the premises; or, Any number of persons possessing a “handicap” within the meaning of the Fair Housing Act (42 USCS s.3602(h)) who reside in one dwelling unit and live and cook together as a single housekeeping unit. This definition does not include a collective body of persons occupying a hotel, dormitory, lodge, boarding / rooming house, group care facility, commune, or institution.

Family Care Facility - A facility providing shelter, counseling, and other rehabilitative services in a family-like environment for four (4) to six (6) residents, plus such minimum supervisory personnel, as may be required to meet standards of the licensing agency. Residents may not be legally related to the facility operators or supervisors and, by reason of mental or physical disability, chemical or alcohol dependency, or family or school adjustment problems, require a minimal level of supervision but do not require medical or nursing care or general supervision. A family care facility must be licensed and / or approved by the Pennsylvania Department of Public Welfare and may include uses such as foster homes, community residential alternative facilities, or home individual programs. A family care facility shall be considered a single-family detached dwelling and be permitted as such.

Farm Equipment and Supplies Sales – Establishments selling, renting or repairing agricultural machinery, equipment and supplies for use in soil preparation and maintenance, the planting and harvesting of crops, and other operations and processes pertaining to farming.

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Farmer's Market– A regularly occurring (weekly, biweekly, monthly, bimonthly, semi-annually, annually, etc.) and seasonal commercial use with an organized display, indoors or outdoors, of agricultural products in their natural state for retail sale. Such agricultural products shall comprise at least 75% of the retail space available and may or may not be produced and / or grown on the property. Other products such as processed food (dried fruit, cheese or bread, for example), or artisan handiwork or art, may comprise the remaining twenty-five percent (25%) of the retail space available.

Fence – A barrier constructed for the purpose of protection, confinement, enclosure, or privacy. The term “fence” shall include screening walls and shall include hedges and evergreen shrubbery exceeding thirty-six (36) inches in height. The following are types of fences as defined by this Ordinance:

1. Decorative Fence – A fence that has openings that comprise at least seventy-five percent (75%) of the surface area of the fence, including, but not limited to, split rail fences or wrought iron fences, whose purpose is to contribute to the landscaping and exterior design, rather than to enclose property.
2. Security Fence – A fence that has openings that comprise no less than twenty-five percent (25%) of the surface area of the fence, including, but not limited to, board fences, picket fences, chain link fences and the like.
3. Privacy Fence – A fence that has openings that comprise less than ten percent (10%) of the total surface area of the fence and may be erected in a rear or side yard to screen a deck, patio, or swimming pool.

Fill – Any act by which earth, sand, gravel, rock or any other material is placed, pushed, dumped, pulled, transported or moved to a new location above the natural surface of the ground or on top of the stripped surface, including the conditions resulting there from; the difference in elevation between a point on the original ground and a designated point of higher elevation on the finished grade; the material used to make a fill.

Fishing Pier – A platform extending from shore over water, used primarily to provide a means for persons to harvest or attempt to harvest fish there from. The term shall not be construed to include any residential dock, marina, or facility at which vessels are launched or moored, but shall include any abandoned bridge serving the function of a fishing pier; or, a raised walkway over water, supported by widely spread piles or pillars built for the purpose of providing land locked anglers access to fishing grounds that are otherwise inaccessible.

Flea Market– A place where any person or group of vendors, whether professional or non-professional, offer for sale, trade, or barter any goods regardless of whether they are new, used, antique, or homemade; and regardless of whether they are offered for sale in open air, buildings, or temporary structures. The term “flea market” does not include the offering for sale of goods by the owner thereof at owner’s residence at what are commonly referred to as “garage sales” or “yard sales,” providing that such sales do not occur more frequently than once every sixty (60)

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days. The term “flea market” also shall not include any business or occupation that has a valid business license or special use permit pertaining to the sale, trade, or barter of goods.

Flood – A general but temporary condition of partial or complete inundation of normally dry land areas from the overflow of streams, rivers and other waters.

1. One-hundred Year Flood – A flood that, on the average, is likely to occur once every one hundred years (i.e. that has a one percent chance of occurring each year, although the flood may occur in any year).

Flood Insurance Rate Map (FIRM) - A map of the municipality on which the Federal Emergency Management Agency (FEMA) has delineated both the special flood hazard areas and the flood risk premium zones applicable to the Municipality.

1. Special Flood Hazard Area (SFHA) - An area subject to inundation by the base flood, designated zones A, A1 – 30, AE, AH, AO, V, V1 – 30, or VE on the Flood Insurance Rate Map.

Floodplain – The lands adjoining a river or stream that have been, or may be expected to be, inundated by floodwaters in a one hundred year frequency flood.

Flood Prone Area – Any land area susceptible to inundation by floodwater from any source.

Floodway - The channel of a watercourse and portions of the adjoining floodplains reasonably required to carry and discharge the one hundred year frequency flood. Unless otherwise specified, the boundary of the floodway is as indicated on maps and flood insurance studies provided by FEMA. In an area where no FEMA maps or studies have defined the boundary of the one hundred year frequency floodway, it is assumed, absent evidence to the contrary, that the floodway extends from the stream to fifty feet from the top of the bank of the stream.

Floor Area – Sum of the gross livable area of several floors of a building or buildings measured from the face of the exterior walls, or from centerlines of walls that separate two buildings. In particular, floor area includes but is not limited to the following:

- a. Basement space, if the floor to ceiling measures seven feet (7') or more.
- b. Elevator shafts, stairwells and attic space (whether or not a floor has been laid), providing structural headroom of eight feet (8') or more.
- c. Roofed terraces, exterior balconies, breezeways or porches, provided that other fifty percent (50%) of the perimeter of these is enclosed.
- d. Any other floor space used for dwelling purposes, no matter where located within a building.
- e. Accessory buildings, excluding space used for accessory off-street parking or used for loading berths.

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- f. Any other floor space not specifically excluded, excluding space used for air conditioning machinery or cooling towers and similar mechanical equipment serving the building and cellar space.

Floor Area, Building – The sum of the gross horizontal areas of all floors of a building or structure and its accessory buildings on the same lot, excluding cellar and basement floor areas not used as primary living sleeping or business areas, but including the area of roofed porches and roofed terraces.

Floor Area, Habitable – The sum of the floor area of all heated, furnished rooms, within a dwelling unit, used on a daily basis for habitation. Such area may include living rooms; recreation rooms; kitchens; dining rooms; bedrooms; bathrooms; hallways; closets; heated and finished basements, cellars and attics; attached garages which have been converted into an integral part of the living quarters; but does not include: garages, porches whether roofed, unroofed, or enclosed; roofed terraces; unfinished and unheated basements; attics; cellars; garages, etc.

Floor Area, Gross – The total area of a building measured by taking the outside dimensions of the building at each floor level intended for occupancy or storage.

Floor Area, Net Useable – The sum of the gross horizontal areas of the several floors of a building and its accessory buildings on the same lot, excluding cellar and basement floor areas not intended to be occupied or leased, stairways, fire towers, elevator shafts, public lobby area, public restrooms and mechanical rooms. For purposes of determining off-street parking requirements, under no circumstances shall the net useable floor area be less than eighty percent (80%) of the floor area of a building.

Floor Area Ratio (FAR) – Determined by dividing the gross floor area of all buildings on a lot by the area of that lot.

Floor Area, Retail Net – All that space used by customers and retail employees to consummate retail sales, and to include display areas used to indicate the variety of goods available for sale but not to include office space and other general administrative areas.

Food and Grocery Store – A store that sells bakery products, dairy products, delicatessen, meats to the public; this does not include convenience stores.

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.

Forest Management Operations – All activities connected with growing and harvesting of forest products including site preparations, which include the construction and maintenance of roads, and the cultivation and logging of trees.

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Foundation, Permanent – A full perimeter masonry or poured concrete foundation resting upon a suitable concrete footer, said footer to be at least three (3) feet below finished grade. The foundation wall shall have a minimum width of six (6) inches with the footer projecting at least three (3) inches on each side.

Freight Terminal - The premises and building(s) where cargo is stored and where railroad cars, aircraft, and trucks load and unload cargo for shipment or distribution on a regular basis, and which may include facilities for the temporary storage of loads prior to shipment and facilities for the maintenance of transport vehicles.

Front Building Line – A line parallel to the front lot line, at a distance measured perpendicular there from as prescribed in this Ordinance for a required yard. Where there is no required yard then the lot line shall be the front building line. See Figure 2 in the Appendices.

Front Yard – The open space extending across the entire width of the lot between the front line of the building and the street right-of-way. The front yard is measured perpendicular to the building at the closest point to the street right-of-way.

Fuel Dispenser – A device which dispenses vehicle fuel and/or kerosene and which may contain multiple hoses or be capable of serving more than one (1) fueling position simultaneously.

Fuel Island – A concrete platform measuring a minimum of six (6) inches in height from the paved surface on which fuel dispensers are located.

Fueling Position – A location at which a single vehicle may be fueled from a fuel dispenser.

Funeral Home (Including Mortuaries) – A building or part thereof used exclusively for human burial services. Such building may contain space and facilities for:

1. Embalming and the performance of other services used in the preparation of the dead for burial,
2. The performances of autopsies and other surgical procedures
3. The storage of caskets, funeral urns, and other related funeral supplies, and
4. The storage of funeral vehicles, but shall not include facilities for cremation.

Game Preserve - A land area used for the protection of wildlife, usually because of its unique natural character, which provides habitat, food or shelter for wildlife; or, upon which a fee is charged for public or private hunting or fishing and/or upon which game or fish are grown or stocked specifically for hunting or fishing thereon, or for transport to other sites for similar purposes.

Garage – An accessory building either attached to or detached from a residential dwelling on the same property for storing vehicles by the resident of the dwelling and not to be used as a business.

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1. Garage, Community - A group of private garages, detached or under one roof, arranged in a row or around a common means of access and erected for use of residents in the immediate vicinity.
2. Garage, Private - A garage for housing only with a capacity for not more than three (3) motor vehicles. A garage exceeding a three (3) vehicle capacity, intended primarily for housing of cars belonging to the occupants of the premises, shall be considered a private garage if the lot whereupon such garage is located contains not less than fifteen hundred (1,500) square feet for each vehicle capacity.

Garage/Yard Sale - A sale of limited duration conducted from the yard, porch or garage of a single family or two-family dwelling but including no sales in a public right-of-way. Such sale shall be of clothing and household items belonging to the residents only and not purchased for the purpose of resale on the premises. Yard, porch or garage sales shall be considered an accessory use and not a home occupation, and shall be limited to not more than twelve (12) days or any part of a day in a calendar year. Premises of churches, charitable organizations, schools, and other nonprofit organizations are not residences and hence are not subject to the restrictions applicable to garage / yard sales contained in this Ordinance.

Garbage – Unwanted or discarded material, including animal and vegetable waste resulting from the handling, storage, sale and preparation, cooking and serving of food that has insufficient liquid content to be free flowing. This term includes refuse and rubbish.

Garden Center – Land and buildings where the wholesale or retail sale of nursery stock and garden supplies take place. Such nursery stock and supplies may include any of the following: ornamental plants, flowers, shrubs and trees cultivated in a nursery; seed, fertilizer, garden pesticides and herbicides in retail quantities and packaging; garden hand tools; plant containers; garden statuary and furniture; landscape lighting; bird feeders and supplies; and seasonal ornaments and novelties such as Christmas wreaths and decorations. Such use may include the provision of landscape design and or installation services, provided that such services are ancillary to the principal use and offered to clients whose residence or place of business exists elsewhere. Outdoor storage of lawn and garden supplies such as mulch, fertilizer, topsoil and related landscape or garden supplies, such as ornamental stone or gravel, are permitted only where expressly authorized by the regulations governing the jurisdictional zoning district.

Gasoline Service Station – An establishment where the principal use is the retail sale of gasoline, oil, or other motor vehicle fuel and no more than fifteen (15) percent of the floor area is used for convenience and variety goods. The premises may include as an accessory use only, facilities for polishing, greasing, washing, or otherwise cleaning, servicing, or repairing motor vehicles, but does not include liquefied petroleum gas distribution facilities.

Governing Body – The Board of Supervisors of the Township of Menallen, Fayette County, Pennsylvania.

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Grade – The average elevation of the proposed finished grade line of the ground at the front of street side of the proposed building.

Grade, New or Finished – The resulting level of the ground after the final grading where there is a cut, and after normal settlement where there is a fill.

Grading –The stripping or excavation of any material; the filling of any existing ground with natural or man-made material: and/or the relation on any lot, tract or parcel of each or other material. Except for the surface stripping of coal, topsoil, rock and other commonly mined substances, such grading constitutes a change in use of the land.

Greenhouse - A structure consisting primarily of glass, clear plastic, or other light transmitting material in which temperature and humidity can be controlled for the cultivation or protection of plants or seedlings for research or instruction and does not exceed two hundred-fifty (250) square feet.

Greenhouse, Commercial – An agricultural enterprise using a controlled environment (temperature and humidity) for the commercial cultivation and production of plants and does not exceed two hundred-fifty (250) square feet.

Group Care Facility – A facility that functions as a single housekeeping unit providing shelter, counseling, and other rehabilitative services for a maximum of fifteen (15) unrelated persons, plus such minimum supervisory personnel as may be required to meet standards of the licensing agency. Residents may not be legally related to the facility operators or supervisors and, by reason of mental or physical disability, chemical or alcohol dependency, or family or school adjustment problems, require a minimal level of supervision but do not require medical or nursing care. The individuals requiring special care must be deemed permanent residents and their supervisors must provide 24-hour or full-time equivalent coverage of the facility. A group care facility must be licensed and / or approved by the appropriate Commonwealth agencies.

Group Homes - A residential facility used as living quarters by a maximum of five (5) unrelated persons, consisting of children or adults requiring special care, and their attending supervisors. A group home is specifically designed to create a single-family residential setting. The individuals requiring special care must be deemed permanent residents and their supervisors must provide 24-hour or full-time equivalent coverage of the facility. A group home in a residential district shall not be used for meetings by staff who are not on duty.

Group Quarters - Any dwelling or portion thereof that provides lodging or occupancy for more than two (2), but a maximum of five (5), persons who do not constitute a family as defined in this article. Group quarters may or may not have common eating facilities or provide meals, but no provisions for cooking in the rooms are permitted. Group quarters include the following: (1) Educational fraternity and sorority houses that are associated with, but not managed by, an educational organization that may or may not provide services requiring the user to reside on the

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premises; (2) Other quarters of an institutional nature, that may or may not provide services requiring the user to reside on the premises; (3) Non-institutional quarters for compensation. Group Quarters does not include hotels, motels, dormitories, boarding homes, emergency shelters, group care facilities, nursing facilities, and personal care facilities.

Habitable Areas, Basement – Any basement which meets the criteria for habitable space, which has a stairway as a means of ingress and egress, and in which the ceiling area at a height of seven and one-third (7 1/3) feet above basement floor is no less than one hundred (100) square feet.

Habitable Areas, Floor – Any floor usable for living purposes which includes sleeping, eating, cooking, recreation, or any combination thereof. A floor used only for storage purposes is not a “habitable floor”.

Habitable Areas, Room or Space – Space in a structure for living, sleeping, eating or cooking, Bathroom toilet compartments, closets, foyers, halls, storage or utility space, and similar areas are not considered habitable space.

Handicapped Individual – A person with a physical or mental impairment (blindness, hearing impairment, mobility impairment, HIV infection, mental retardation, mental illness, alcoholism, drug addiction, chronic fatigue, learning disabilities, and head injury) that substantially limits one or more major life activities (seeing, hearing, breathing, walking, working, speaking, caring for yourself, and learning).

Health Club – Any establishment including, but not limited to, an athletic club, exercise center, health spa, figure salon, gymnasium, physical fitness center, or any other establishment by any other name that provides exercise equipment and one or more of the following: steam cabinet, steam room, sauna, vapor room, vapor cabinet, toilet facilities, lavatories, showers, lockers, and dressing rooms intended for patron use, excluding facilities used by or under direct supervision and control of licensed medical personnel located in a medical facility, facilities located in athletic departments of schools, and facilities of professional athletic teams. Accessory uses within the facility may include massage therapy, aerobics and physical fitness services (Aerobic and strength training activities, group exercise classes, fitness assessment and counseling, and education seminars).

Height of a Communications Tower - The vertical distance measured from the ground level to the highest point on a Communications Tower, including antennas mounted on the tower.

Height of a Tower - The vertical distance measured from the ground level to the highest point on a Tower not constituting a Communications Tower, including all facilities or structures of any type mounted on the tower.

Helipad – a place for helicopters to land and take off; also referred to as a heliport. It may or may not be part of an airstrip or airport. Temporary staging areas for emergency medical transportation shall not be considered helipads.

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Home-based Business, No-Impact – A business or commercial activity administered or conducted as an accessory use which is clearly secondary to the use as a residential dwelling and which involves no customer, client or patient traffic, whether vehicular or pedestrian, pickup, delivery or removal functions to or from the premises, in excess of those normally associated with residential use. 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 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.
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.

Home Occupation – A home occupation shall be defined as any activity that falls outside the parameters of a no-impact home-based business but is an activity carried on by the occupant of a dwelling as a secondary use, including personal and professional services. These activities may generate some traffic and require off-street parking.

Horticulture – Any use of a lot or parcel of land to cultivate, propagate, and grow trees, shrubs, vines, and other plants including the buildings, structures, and equipment customarily incidental and accessory to the principal use.

Hospital – An institution providing primary health services and medical or surgical care to persons, primarily inpatients, suffering from illness, disease, injury, deformity and abnormal physical and mental conditions, and including, as an integral part of the institution, related facilities such as laboratories, outpatient facilities or training facilities, as defined in current state licensure requirements.

Hotel / Motel – A building or group of buildings where for consideration, rooms or suites of rooms with no culinary facilities are used for temporary lodging of more than ten persons, usually individually, with or without meals, wherein the occupants are furnished hotel services,

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including restaurant and maid service. Any such use that customarily involves the housing of persons for periods of time longer than thirty (30) days shall be considered a boarding house and shall meet the requirements of that use.

Impervious Surface – Any material placed on or above the earth, the artificial impacting of the earth, or any material change in the natural surface of the earth which substantially reduces or prevents the natural percolation of water or which reduces the undisturbed open spaces areas on a lot which has a coefficient of runoff of 0.65 or greater. Area required to be left in pervious surfaces may be located in a different zoning district than the use, provided that such land area is abutting or adjacent and that is deed restricted from further development. Examples include but are not limited to structures, including eaves, roofs and roof overhangs; parking areas (whether hard surfaced or not); driveways; sidewalks; patios and decks; sport courts; and pools.

Impervious Surface Ratio – This is also the “maximum impervious coverage” and is measured by dividing the total areas of all impervious surfaces within the site by the total net buildable site area.

Incinerator – An enclosed device using controlled combustion for the primary purpose of thermally breaking down solid waste, and that is equipped with a flue for the sole purpose of providing incineration service to the public.

Independent Living Facility (includes Retirement Homes/Community) - A multi-unit age-restricted housing development designed to provide individual dwelling units for senior persons who are independently mobile and not in need of supervision, but which includes certain design features associated with the needs of seniors which are not customary in the construction of conventional dwelling units, such as emergency call services, common dining facilities, common laundry facilities, transportation services and similar supporting services for the convenience of the residents. The dwelling units are comprised of apartments, condominiums, or single-family attached structures and may or may not feature a buy-in option in addition to monthly fees for services provided but are operated and maintained under a single management organization.

Industrial Park – An area of land arranged and / or constructed in accordance with a plan for a group of industrial purposes, having separate building sites designed and arranged on streets and having utility services, setbacks, side yards, and covenants or other such regulations controlling or restricting uses.

Institutional Home – A public or private charitable establishment devoted to the shelter, maintenance, or education and care of minor children; homeless, aged or infirmed persons; or members of a religious community.

Junk – Any worn, cast off or discarded article or material which is ready for destruction or which has been collected or stored for sale, resale, salvage or conversion to some other use.

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Junk Yard – An area or land, with or without buildings, where scrap, dismantled, or discarded materials are bought, sold, exchanged, abandoned or stored.

Keeping of Horses – Maintaining horses and/or ponies for personal use of the residents of the lot, not involving any profit-making activity such as boarding, riding instruction or training of horses owned by persons other than residents of the lot.

Kenel – A use of land and structures in combination wherein four or more domestic animals or pets six months or older are groomed, bred, trained and / or boarded for compensation.

Laboratory - A place where scientific studies are conducted, including testing, research, or analysis of medical, chemical, physical, biological, mechanical, or electronic nature.

Land Development – The improvement of one or two or more contiguous lots, tracts or parcels of land for any purpose involving:

1. A group of two or more residential or non-residential buildings, whether proposed initially or cumulatively, ore a single non-residential building on a lot or lots regardless of the number of occupants or tenure; or
2. The division or allocation of land or space, whether initially or cumulatively, between, or among, two or more existing or prospective occupants by means of, or for the purpose of streets, common areas, leaseholds, condominiums, building groups or other features.
3. A subdivision of land.
4. Development in accordance with Section 503(1.1) of the MPC.

Landfill – See Solid Waste Disposal Area.

Landing Strip – A private, non-commercial linear strip of property designed for the landings and takeoffs of small gasoline-powered, propeller-driven aircraft operated and used by the landowner except for aircraft emergencies and, on an infrequent and occasional basis, by invited guests. This includes associated hangar, maintenance and service facilities.

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 / she is authorized under the lease to exercise the right of the landowner, or other person having a proprietary interest in land.

Landscape Architect – A registered professional landscape architect licensed as such by the Commonwealth of Pennsylvania.

Landscaping – Improving the natural beauty of a piece of land by planting or altering the contours of the ground.

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Laundromat– A commercial establishment where self-service washing machines and clothes dryers are available for public use on the premises to wash and / or dry clothing, apparel, or other fabric.

Library - Any premises, building or part of a building where books, films, maps and other educational materials are kept for reading, reference and lending by the public.

Loading Space – A space, accessible from a street or alley in a building or on a lot for the temporary use of vehicles while loading or unloading merchandise or materials.

Lot – A designated parcel, tract or area of land established by a plat or otherwise as permitted by law and to be used, developed or built upon as a unit. See Figure 2 in the Appendices.

Lot Area – The total horizontal area contained within the property lines of a lot, as defined in the deed or as shown on an approved subdivision plan. For the purposes of compliance with minimum lot area requirements, the following shall be excluded: Any area used for gas, oil, natural gas, electric, water or communications; or, any area within a street or other transportation right-of-way, existing or proposed; or, any area within a permanent drainage easement. See Figure 2 in the Appendices.

Lot, Corner – A lot at the junction of and abutting two or more intersecting streets, where the interior angle of intersection is less than one hundred and thirty-five (135) degrees. A lot abutting a curved street or streets shall be considered a corner lot if the tangents to the curve at the points of intersection of the lot lines with the street intersect at an interior angle of less than one hundred and thirty-five (135) degrees. Each yard abutting a street shall be considered a front yard. If a lot is adjacent to two intersecting streets, then a front yard shall be provided adjacent to each of those streets. Every corner lot shall include one rear yard, which shall be identified as the yard opposite the front yard as determined by the Zoning Officer.

Lot Coverage – The area of a lot or parcel that is covered by principal and / or accessory buildings or structures. See Figure 2 in the Appendices.

Lot, Flag – A lot which has less than the minimum required lot width at the public street frontage, but which provides the minimum required lot width at a distance from the lot frontage, usually in excess of the minimum required setback, and which lot includes a strip of land in fee simple ownership for access to the public street to the buildable area of the lot which lies behind another property which fronts on the public street. Flag lots shall have a minimum frontage on a public street of fifty (50') feet.

Lot Frontage - That side of a lot abutting on the street right-of-way and regarded as the front of the lot.

Double Frontage Lot – A lot whose front and rear yards abut public streets, one of which may be an alley.

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Lot, Interior – A lot where the side property lines do not abut a street.

Lot Line – A property boundary line of any lot held in single or joint ownership that divides one lot from another or from a street or any other public or private space. See Figure 2 in the Appendices.

1. Front Lot Line – The dividing line between the street and the lot. The street lot line shall be the same as the legal right-of-way; where a future right-of-way width for a road or street has been established, that width shall determine the location of the street lot line.
2. Rear Lot Line – Any lot line which is parallel to or within forty-five (45) degrees of being parallel to a street lot line, except for a lot line that is itself a street lot line, and except that in the case of a corner lot the owner shall have the option of choosing which of the two lot lines that are not considered a rear lot line. In the case of a lot having no street frontage or a lot of an odd shape, only the one lot line farthest from any street shall be considered a rear lot line. Where there is only one lot line other than street lot lines, it shall be considered the rear lot line.
3. Side Lot Line – Any lot boundary line that is not a street lot line or a rear lot line. In the case of a triangular lot those lot lines other than the street lot line shall be considered side lot lines.

Lot Measurements –

1. Lot Depth – The mean distance from the right-of-way line of the lot to its opposite rear line measured in a direction parallel to the side lines of the lot. Lot depth for triangular lots shall be the mean distance from the street line to the point of intersection of the side yards.
2. Lot, Minimum Width – The minimum lot width at the building setback line.
3. Lot Width – The distance measured between side lot lines, at the required building setback line. In a case where there is only one side lot line, lot width shall be measured between such side lot line and the opposite rear lot lines or street line.

Lot of Record – A lot that has been recorded in the Office of the Recorder of Deeds.

Lot, Through – An interior lot in which the front line and rear line abut upon streets. Where a single lot under individual ownership extends from a street to a street, the widest street shall be deemed the street upon which the property fronts.

Lumberyard - The principal use of land and structures involving the loading and unloading, storage and sales of lumber and millwork materials.

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Manufactured Home – A structure, transportable in one or more sections, which, in the traveling mode, is eight body feet or more in width or 40 body feet or more in length, when erected on site, is 320 or more square feet in floor area, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems contained therein; or a structure that otherwise comes within the definition of a “manufactured home” under the National Manufactured Housing Construction and Safety Standards Act of 1974, as amended (42 U.S.C. 5401-5445).

Manufacturing – The process of making wares by hand, by machinery or by other agency, often with the provision of labor and the use of machinery.

1. Heavy Manufacturing – Manufacturing that includes the production, processing, cleansing, testing and distribution of materials, foods, foodstuffs and products that due to the nature of the materials, equipment or process utilized, is considered to be unclean, noisy, hazardous or is associated with other objectionable elements.
2. Light Manufacturing – Manufacturing that includes the production, processing, cleaning, testing and distribution of materials, goods, foodstuffs and products that by the nature of the materials, equipment and process utilized, is considered to be clean, quiet, and free of any objectionable or hazardous elements.

Marina – a docking and servicing facility for boats and equipped to provide repair service, gassing, and supplies.

Massage Therapy Business – An establishment offering massage, alcohol rub, fomentation, electric or magnetic treatment, or similar treatment or manipulation of the human body, unless such treatment or manipulation is administered by a medical practitioner, chiropractor, acupuncturist, physical therapist, licensed massage therapists or similar professional person licensed by the Commonwealth of Pennsylvania as part of a medical clinic. This definition excludes a gymnasium, health and fitness center, school, barber / beauty shop, or similar establishment where massage or similar manipulation of the human body is offered by an individual as an incidental or accessory service and does not occupy more than twenty-five (25%) percent of the area of the establishment.

Medical Center – A facility which, in addition to providing primary health services, also provides tertiary and quaternary care with an emphasis on sub-specialty medical and surgical care of patients and medical education, and which may include ancillary activities such as laboratories, clinics, rehabilitation facilities, training facilities, conference facilities, vehicular ambulance service, pharmacies, cafeterias and gift shops as accessory uses and which are customarily incidental to and in direct support of the primary health care mission of the medical center.

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Methadone Treatment Facility – A facility licensed by the Pennsylvania Department of Health to use the drug methadone in the treatment, maintenance, or detoxification of persons.

Mine – Underground areas contained within a continuous barrier of undisturbed minerals and openings to the surface from those areas where the extraction of minerals or stones from the earth is used for commercial purposes.

Mineral – Any aggregate or mass of mineral matter, whether or not coherent. This 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 – All or part of the process involved in the extraction and processing of minerals such as coal, ores, rock, sand, and gravel including mining, drilling, digging, and quarrying. This includes surface and underground mining operations.

Mining Accessory Structure – Any accessory structure to a mining use which is incidental and subordinate thereto, including coal tipples, disposal areas, and ventilation shafts.

Mining, Open Pit– Includes all activity which removes from the surface or beneath the surface of the land some material, mineral resource, natural resource, or other element of economic value, by means of mechanical excavation necessary to separate the desired materials from an undesirable one, or to remove the strata or material which overlies or is above the desired material in its natural condition and position. Open pit mining includes, but is not limited to, the excavation necessary to the extraction of sand, gravel, rock, topsoil, limestone, sandstone, coal, clay, shale, and iron ore for commercial or industrial consumption.

Mining Portal– Structures and appurtenances facilities utilized for the access and egress of men and materials in deep mine operations.

Mobile Home – A transportable, single-family dwelling intended for permanent occupancy contained in one unit or in two or more units designed to be joined into one integral unit capable of again being separated for repeated towing, which arrives at a site complete and ready for occupancy, except for minor and incidental unpacking and assembly operations, and constructed so that it may be used without a permanent foundation. These units do not qualify under the definition of a manufactured home in the National Manufactured Housing Construction and Safety Standards Act of 1974, as units categorized as mobile homes are primarily those units built before 1976, when HUD standards became effective.

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.

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Mobile Home Park – A parcel or contiguous parcels of land which has been so designated and improved that it contains two or more mobile home lots for the placement thereon of mobile homes.

Monopole - An antenna or other facility support structure consisting of a single pole or spire constructed without guy wires or ground anchor.

MPC – The Pennsylvania Municipalities Planning Code (Act of 1968, P.L. 805, No. 247 as reenacted and amended).

Municipal Authority – A body politic and corporate created pursuant to the Act of May 2, 1945 (P.L. 382, No. 164), known as the “Municipalities Authorities Act of 1945.”

Natural Gas Extraction – All or part of the process involved in the extraction and processing of natural gas, petroleum, or other liquid related to oil or gas production or storage, including brine disposal.

Natural State – A condition of property in which it is substantially retained in the condition which exists at the time of submission of any preliminary site plan; provided, however, that any clearing, grubbing, planting, grading and filling with the area to be retained in its natural state shall be approved by the municipality and shall only be authorized if the municipality shall determine that the work would improve the buffering characteristics of the area to be retained in its natural state.

Net Leasable Area – The floor space of a structure that may be rented to tenants or used in business purposes, and excludes common areas and space devoted to the heating cooling and other equipment of a building.

Nightclub – A place of assembly, other than a dwelling unit, including private clubs that may offer food, drink, and entertainment, either live or recorded, and characterized by low light levels and closely packed tables, whether or not the consumption of alcoholic beverages is permitted or allowed on the premises. A nightclub may also be operated as a restaurant during all or part of its hours of operation. An adult cabaret shall not be considered a nightclub.

Nonconforming Building or Structure – A building, structure or part thereof manifestly not designed to comply with the applicable use or extent of use provisions in this ordinance or amendments heretofore or hereafter enacted, where such building or structure lawfully existed prior to the enactment of such ordinance or amendment, or prior to the application of this ordinance or amendments to its location by reason of annexation. Such nonconforming structures include, but are not limited to, nonconforming signs.

Nonconforming Lot – A lot, the area or dimension of which was lawful prior to the adoption or amendment of this ordinance, but which fails to conform to the requirements of the zoning district in which it is located by reasons of such adoption or amendment.

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Nonconforming Use – A use, whether of land or of structure, which does not comply with the applicable use provisions in this ordinance or amendment heretofore or hereafter enacted, where such use was lawfully in existence prior to the enactment of such ordinance or amendment, or prior to the application of such ordinance or amendment to its location by reason of annexation.

Nude Model Studio – Any place where a person who appears in a state of nudity or displays “specified anatomical areas” or “specified sexual activities” is provided to be observed, sketched, drawn, painted, sculptured, photographed or similarly depicted by other persons who pay money or any form of consideration.

Nudity / State of Nudity – The showing of the human male or female genitals, pubic area, vulva, anus, anal cleft, cleavage with less than a fully opaque covering of any part of the nipple, or the showing of the covered male genitals in a discernible turgid state.

Nursery – Any building or lot, or portion thereof, used for the cultivation or growing of plants, trees, shrubs, or flowers and for the selling of plants and landscaping / gardening supplies. All merchandise, other than plants, is kept within an enclosed building or a fully screened enclosure and fertilizer of any type is stored and sold in package form only.

Nursing Home (includes Convalescent Home) – A facility licensed as a nursing home by the Commonwealth of Pennsylvania.

Office - An establishment primarily engaged in providing professional, financial, administrative, management, clerical or other services not involving the manufacture, assembly or repair of goods, or the storage or direct transfer of goods to the customer on the premises, except as may be incidental to a service provided on the premises.

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 space.

1. Common Open Space – A parcel of land or an area of water, or a combination of land and water within a development site and designed and intended for the use or enjoyment of residents of a development, not including streets, off-street parking areas, and areas set aside for public facilities.
2. Private Open Space – common open space held in common ownership in which the use is normally limited to occupants of a single dwelling or building.
3. Public Open Space – lands dedicated to and/or owned by the Township or other public entity and maintained by it for the use and enjoyment of the general public.

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Parcel Delivery Facility - Any premises or part thereof used for courier and freight forwarding operations that involves collecting, temporary storage of, sorting and dispatching packages.

Park - A parcel of ground along with its buildings and fixtures intended primarily for beautification and aesthetic improvement and designated as recreational land.

1. Private Park For Public Use – Privately owned property available for use by the public and containing recreational uses authorized pursuant to this Ordinance.

Parking Lot – An area utilized to meet the parking requirements of this Ordinance, including the parking aisles that provide access to the parking spaces, but not including any streets or driveways that provide access to the parking lot.

Parking Structure – A building with multiple stores of off-street parking spaces where vehicles are temporarily stored with or without a nominal fee, in association with occupational, retail, entertainment, recreational, municipal, educational or residential use(s).

Patio – An area consisting of natural or man-made material constructed at or near grade level, intended for use as an outdoor living area, and not enclosed by a permanent roof or awning.

Permit – A document issued by the governing body authorizing an applicant to undertake certain activities.

Personal Care Facility – A facility, licensed by the Commonwealth and conducted in accordance with Commonwealth requirements, providing health related care and service provided on a regular basis to more than three (3) patients who are resident individuals and who do not require hospital or 24-hour skilled nursing care, but who, because of mental, physical conditions, or age require the services under a plan of care supervised by licensed and qualified personnel. A Personal Care Facility may or may not be operated in conjunction with, or as part of, an Assisted Living Facility.

Personal Service Shop - a building or part thereof used for performing services for the individual and personal needs of persons including barber shops, beauty shops, estheticians, hairdressing salons, tanning salons, shoe repair shops, tailor shops, dressmaking shops, dry cleaning depots, laundromats, photographic studios, optical shops, but does not include any type of adult entertainment use.

Pet Shop - A store where the primary business is the sale of animals to be used as pets, excluding boarding, veterinary and breeding services.

Pharmacy – A retail store which primarily sells prescription drugs, patient medicines, and surgical and sickroom supplies.

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Photographic Studio – A retail establishment for the purpose of photographing subjects and processing photographs for commercial purposes, but not including photography requiring professional models.

Place of Worship / Religious Institution - A church, synagogue, temple, mosque or other building used exclusively for public religious worship, including customary, incidental, educational and social activities in conjunction therewith.

Planning Commission – The Planning Commission of Menallen Township, as created by the Menallen Township Board of Supervisors, in accordance with Article XI of the Pennsylvania Municipalities Planning Code.

Private Club- Any establishment, other than an outdoor recreation facility, operated by a private organization for recreational, educational, fraternal, or social purposes, but only open to members and their guests and not to the general public.

Produce Stand – A seasonal (typically spring through late fall) commercial use with an organized display, indoors and / or outdoors, of agricultural products in their natural state for retail sale. Such agricultural products shall be products grown and / or produced on the property. The sale of products not grown and / or produced on the property and the renting of indoor / outdoor space to outside vendors shall constitute a Farmer’s Market use and shall be regulated as such.

Porch – A roofed or unroofed structure projecting from the front, side or rear wall of a building, not having walls more than thirty inches high and open on all sides, except the side(s) adjoining the building.

Public Grounds – Land designated or maintained for parks, playgrounds, trails, paths and other recreational areas and other public areas; sites for schools, sewage treatment, refuse disposal and other publicly owned or operated facilities; or, publicly owned or operated for scenic or historic sites.

Public Hearing – A formal meeting held pursuant to public notice by the Board of Supervisors, Zoning Hearing Board, or planning commission, intended to inform and obtain public comment, prior to taking action in accordance with the MPC.

Public Meeting – A forum held pursuant to notice under 65 Pa. C.S. CH. 7 (Relating to Open Meetings).

Public Notice – Public notices as defined and published pursuant to the Pennsylvania Township Code, Section 1601 (a) *et. seq.*, and the Pennsylvania Municipalities Planning Code.

Public Utility – An enterprise regulated by the Pennsylvania Public Utility Commission or a government agency, or an activity offered by an authority or municipally owned agency, that renders a public service deemed necessary for public health, safety, and welfare, excluding

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police, fire and similar emergency services and is required by law to (1) serve all members of the public upon reasonable request, (2) charge just and reasonable rates subject to review by a regulatory body, (3) file tariffs specifying all of its charges, and (4) modify or discontinue its service only with the approval of the regulatory agency.

Public Utility Facility / Structure - Any tank, structure, building or part of a building used for the provision of gas, electricity, broadcasting, television and telecommunication services to serve the local area.

Public Utility Transmission Tower - A structure owned and operated by a public utility electric company regulated by the Pennsylvania Public Utility Commission, designed and used to support overhead electricity transmission lines.

Race Track – A commercial establishment for the racing of go-karts, animals, or motor vehicles.

Recreation, Private – Developed or undeveloped open spaces and / or structures and facilities that are provided by individuals or private organizations for the use of specified individuals or private organizations sharing common relationships or associations for the purposes of play, amusement or relaxation.

Recreation, Public – Developed or undeveloped open spaces and / or structures and facilities that are provided by a governmental body for the purposes of play, amusement or relaxation by the public that may include sports facilities, parks, assembly buildings, passive areas, gardens and related amenities.

Recreational Vehicle – A vehicle or piece of equipment, whether self-powered or designed to be pulled or carried, intended primarily for leisure time or recreational use. Recreational vehicles or units include but are not limited to, the following: travel trailers, truck-mounted campers, motor homes, folding tent campers, auto, buses or trucks adapted for vacation use, snowmobiles, mini-bikes, all terrain vehicles, go-carts, boats, boat trailers, and utility trailers.

1. Independent Unit - A unit containing a built-in toilet, lavatory and kitchen sink connected directly to the park water supply and sewer system or to permanently installed water and holding tanks of not less than twenty (20) gallons capacity each. Any such unit, if occupied at any time during the months of December, January, or February shall be considered a dependent unit.
2. Dependent Unit - Any unit other than an independent unit.

Recycling Facility – A facility that accepts recyclable material from the public by donation, redemption, or purchase and separates or recovers reusable materials that can be sold to or reused by a manufacturer as a substitute for, or a supplement to, virgin raw materials. The term does not include transfer facilities, municipal waste landfills, composting facilities or resource recovery facilities.

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Renewable Energy Source – Any method, process or substance whose supply is rejuvenated through natural processes and, subject to those natural processes, remains relatively constant, including, but not limited to, biomass conversion, geothermal energy, solar and wind energy and hydroelectric energy and excluding those sources of energy used in the fission and fusion processes.

Research and Development – A structure or complex of structures designed or used primarily for research and development functions related to industry and similar fields.

Resource Recovery Facility – A processing facility that provides for the extraction and utilization of materials or energy from municipal waste that is generated off-site, including, but not limited to, a facility that mechanically extracts materials from municipal waste, a combustion facility that converts the organic fraction of municipal waste to usable energy, and any chemical and biological process that converts municipal waste into fuel products. The term also includes any facility for the combustion of municipal waste that is generated off-site, whether or not the facility is operated to recover energy. The term does not include:

- a. Any composting facility
- b. Methane gas extraction from a municipal waste landfill
- c. Any separation and collection center, drop-off or collection center from recycling, or any source separation or collection center for composting leaf waste
- d. Any facility, including all units in the facility, with a total processing capacity of less than fifty (50) tons per day

Restaurant – That part or the whole of any building, structure or facility which is used for the preparation or processing of food for sale to the general public for the consumption on or off-premises. Restaurants may be classified as:

1. Carry-out – An establishment whose principal business is the sale of food, desserts, or beverages to the customer in a ready to consume state, in edible or disposable containers, which is primarily consumed off the premises.
2. Drive Thru – A fast-food restaurant characterized by limited menu and catering to drive-thru traffic.
3. Fast Food – An establishment whose principal business is the sale of food or beverages to the customer in a ready to consume state, either at seating facilities within the restaurant or carry-out consumption off the premises and whose method of operation includes the serving of food in edible or disposable containers.
4. Sit Down – A restaurant where customers are served at a table or counter by a restaurant employee and given an individual menu. Included in this group are restaurants that serve cocktails or have cocktail lounges.

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Retail Store / Shop - A building wherein the principal activity is the sale of merchandise at retail to the general public, and where such merchandise is typically sold in small quantities and broken lots, and not in bulk. Retail stores and shops shall include: drug stores and pharmacies; news stands; food stores and supermarkets; candy shops; dry goods, notions and clothing stores; boutiques and gift shops; hardware and home improvement excluding building materials facilities, lumberyards, and garden centers; home furnishings and household appliance and electronics stores; small appliance repair shops; antique shops; art and crafts galleries; tailor and dressmaking shop; pet grooming without overnight boarding; beauty shops; bicycle sales and repair shops; furniture stores; florist shops; opticians; shoe stores; jewelry stores; auto accessory stores; and music stores.

Right-of-way – Land set aside for use as a street or other means of travel or for use by a utility:

1. Legal Right of Way – The street right of way legally in the public domain at the time a plan is submitted.
2. Ultimate Right of Way – The right of way deemed necessary by the municipality or by other governmental agencies with jurisdiction over roads within the municipality to provide adequate width for future street improvements.

Riparian Buffer – Any area within one hundred (100) feet of any stream bank.

Salvage Yard – An area more than two hundred (200) square feet outside of a building on any lot for the handling or storage or scrap metal, paper, rags or discarded, salvaged or waste materials of any kind. This includes automobile wrecking yards, used lumber yards, junk yards and storage of salvaged house wrecking and structural steel materials and equipment, but does not include yards for the storage or sale of operable used cars or machinery or the incidental processing of used or salvaged materials where permitted, as part of the lawful manufacturing or industrial use on the same premises.

Screening – The use of plant materials, fencing and/or earthen berms to aid in the concealment of such features as parking areas and vehicles within them, and to provide privacy between two (2) or more different land uses which abut one another.

Self-Storage Facility – An establishment that rents storage space for personal use by the renter and where no materials of a hazardous nature (toxins, highly inflammable, etc.) are stored. The warehousing of wholesale and / or retail materials and / or products shall not be permitted.

Self-Supporting Tower - A tower that is free standing and not guyed or anchored with cables. This term shall include monopoles, three- and four-sided steel lattice towers and other tower structures that include their own support and are free standing.

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Semi-Nude – A state of dress in which clothing covers no more than the genitals, pubic region, and areola of the female breast, as well as portions of the body covered by supporting straps or devices.

Setback: The required unoccupied space between a structure and the property line of the lot on which it is located.

1. Front Yard Setback: Refers to the unoccupied space between the furthestmost projection of the front of a structure and the public right-of-way.
2. Side Yard Setback: Refers to the unoccupied space between the furthestmost projection of the side of a structure and the closest property line.
3. Rear Yard Setback: Refers to the unoccupied space between the furthestmost projection on the rear of a structure and the closest property line.

Sewage Treatment Facility – A place or premises, including buildings, where sewage and other solid or liquid wastes are treated or screened before discharge.

Shopping Center – A group of commercial establishments planned and developed as a unit.

Sign – Any letter, numeral, symbol, emblem (including device, symbol, logo, or trademark) flag (including banner or pennant), or any other device, figure or similar character used to announce, inform, identify, advertise or otherwise make anything known which is visible from outside the building or structure.

1. Arcade Sign – A building sign projecting beneath the underside of any structural overhang or passageway, either vehicular or pedestrian.
2. Awning Sign – A building sign displayed on any structure made of cloth and metal frame attached only to a building and projecting from the same when so erected as to permit its being raised to a position flat against the building when not in use.
3. Banner Sign – A sign intended to be hung either with or without a frame possessing characters, letters, illustrations or ornamentations applied to paper, plastic, or fabric of any kind excluding flags, emblems, and insignias or political, professional, religious, education, or corporate organizations providing that such flags, emblems, and insignia are displayed for non-commercial purposes.
4. Building Sign – A sign attached to and deriving its major support from a building.
5. Bulletin Board Sign – A free standing sign listing the names, uses and location of various services, offices, or activities within a building or group of buildings of a public use; a charitable use; a professional or semiprofessional use; a medical center; a clinic or hospital; or signs listing church services and religious activities.

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6. Business District Identification Sign – A free standing sign attached to a pole approved as a component of a business district streetscape plan and designed to announce the entrance to the business district.
7. Cornice Sign – A building sign attached or inscribed on a horizontal molded projection which crowns or finishes the wall of a building.
8. Directional Sign – A sign conveying instructions or directions with respect to the use of the premises or a portion of the premises on which it is maintained or a use or practice being conducted on the premises; or directional, informational, or public service signs such as those advertising availability of rest rooms, conveniences, and street address numbers.
9. Double-Faced Sign – A free standing sign carrying the same message on two faces, only one of which is visible from any ground position, the faces of which are not separated by more than eighteen inches.
10. Flag – A display of fabric without frame which moves with the movement of the wind and which advertises no product, service, or entertainment. This shall not be deemed to include a flag or insignia of the United States, the Commonwealth of Pennsylvania, Fayette County, or Menallen Township.
11. Free Standing Sign – A sign supported by upright structural members on or by supports on or in the ground, not attached to any building.
12. Incidental Signs – A flag, sign, pennant, valance, or advertising display that is to be displayed for a limited time.
13. Marquee Sign – A building sign attached to a covered structure projecting from, or extended from, a building façade when such canopy, or covered structure, is supported by the building, including signs mounted on a cantilever where there is no other structural purpose for the cantilever.
14. Outdoor Advertising Sign – A free standing sign on which is portrayed information that directs attention to a business or service not necessarily related to the other uses existing or permitted on the lot upon which the sign is located. Billboards are included in this definition.
15. Parapet Sign – A building sign attached to a wall above the roofline or above any balcony line.
16. Pennant – A display of fabric which moves with the movement of the wind and which advertises a product, a service or an entertainment.
17. Plaque Sign – A building sign consisting of flat plate or tablet intended only for orientation use for building or occupant notification, and containing only the name of the resident, title of person practicing or profession, name of building or name of agent.

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18. Pole Sign - A free standing sign greater than eight (8) feet in height. Pole signs may be supported by a single pole structure, or by two or more uprights or braces placed in the ground.
19. Portable Sign – A temporary sign that by its description or nature will be, or may be, moved from one location to another.
20. Post and Panel Sign – A free standing sign other than a pole sign which is supported by two posts placed in the ground not exceeding eight feet in total height from the most adjacent ground surface, and not attached to any building, including any object placed on the ground in any manner advertising a particular enterprise or parcel.
21. Projecting Sign – A building sign that extends in excess of eight (8) inches beyond any vertical surface of the building that supports it.
22. Pylon Sign – A free standing sign with a dimension character of narrow depth, medium width and tall height, and with a sign face having a vertical dimension in excess of its horizontal dimension.
23. Roof Sign – A building sign erected above the finished roof level of a building and attached to the roof structure.
24. Sandwich Sign – A temporary exterior sign with two faces that are adjoined at the top and displayed at an angle, which is not permanently anchored or secured.
25. Snipe Sign – A sign nailed or otherwise attached to any object, tree, or building or structure advertising any business commodity, service, facility, or entertainment sold or offered elsewhere than upon the same lot where the sign is located.
26. Temporary Exterior Sign – A sign which offers premises for sale, rent or development, advertises the services of professionals or building trades during promotional sales or events, construction or alteration of the premises upon which the sign is located or advertises a special nonrecurring event.
27. Temporary Interior Sign – A sign whose intended use is to promote products or services of special interest reduced process or notification to the public and which is being erected or affixed primarily to attract the public outside of the building.
28. Temporary Sign – A sign not permanently attached to a structure or the ground that can be easily transported to any location.
29. Vehicle Mounted Sign – A temporary sign painted or attached to a vehicle that is related to the business activity, use, service, or product of the owner of the vehicle or to the sale of the vehicle, and which sign is incidental to the primary use of the vehicle.
30. Wall Sign – A sign attached to the wall of the building.
31. Window Sign – A sign attached to a display window, visible through a display window, or any sign regardless of its location or intent that can be read from the street or adjoining property on or through the window of an establishment.

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Sign Face – The plane upon, against or through which an advertisement or display is illustrated.

Sign, Gross Surface Area of – The entire area with a single continuous perimeter enclosing the extreme limits of such sign and in no case passing through or between any adjacent elements of same. The gross surface area of signs having more than one surface visible to the public (double-faced or multiple-faced signs) shall have only one side considered, provided that both faces are identical and not more than thirty-six (36) inches apart. If the interior angle formed by both faces of a double-faced sign is greater than forty-five (45) degrees, both sides of the sign shall be used in computing the sign area.

Sign Height – The vertical distance measured from ground level to the highest point on the sign and its supporting structure.

Skilled Nursing Facility – A facility that provides nursing care and related medical or other personal health services on a continuous twenty-four (24) hour basis for individuals not in need of hospitalization but whom, because of age, disability, illness or other infirmity, require high-intensity comprehensive planned nursing care. The facility shall be licensed by the appropriate state agency.

Slaughterhouse - A place where livestock is slaughtered and may be cut, packaged, and / or processed.

Slope – The face of an embankment, fill, or cut whose surface makes an angle with the plane of the horizon. Slope is expressed as a percentage based upon the vertical difference in feet per one hundred feet of horizontal distance.

Solar Collector – A free standing or fixed device, or combination of devices, structures or part of a device or structure that transforms direct solar energy into thermal, chemical or electrical energy that contributes significantly to a structure's energy supply.

Solar Energy – Radiant energy (direct, diffuse and reflected) received from the sun.

Solar Energy System – A complete design or assembly consisting of a solar energy collector, an energy storage facility (where used), and components for the distribution of transformed energy.

Solid Waste Disposal Area/Facility – An area permitted for use for the disposal of solid waste under the Solid Waste Management Act (35 P.S. §§ 6018.101— 6018.1003). Also includes a facility that receives and temporarily stores solid waste at a location other than the generation site, and which facilitates the bulk transfer of accumulated solid waste to a facility for further processing or disposal.

Street, Arterial - A public street intended for high volume traffic use. Arterial streets carry both regional through traffic and local traffic and collects/distributes traffic primarily from other

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arterial and collector streets. Arterial streets typically carry Average Weekday Daily Traffic (AWDT) volumes of greater than 8,000 vehicles per day.

Street, Collector - A public street designed to provide access from local streets, as well as abutting lots, for distribution of traffic to arterial streets and other collector streets. Collector streets are intended to provide access for lower speed traffic and lower traffic volumes and typically carry AWDT volumes in the range of 3,000 to 7,999 vehicles per day.

Street, Local - A public street designed to provide low speed traffic access to abutting lots, with connections to collector streets and other local streets. Through traffic is discouraged. AWDT volumes are typically less than 3,000 vehicles per day.

Stockyards - An enclosed yard where cattle, pigs, horses, or sheep are kept temporarily.

Story – The portion of a building included between the surface of any floor and the surface of the next floor above it, or if there is no floor above it, then the space between such floor and the ceiling above it.

Story, Half - A story under a gabled, hipped or gambrel roof, the wall plates of which on at least two opposite exterior walls are not more than two (2) feet above the finished floor of such story.

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

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

Structure – Any manmade object having an ascertainable stationary location on or in land or water, whether or not affixed to the land.

1. Accessory Structure – A detached structure customarily incidental and subordinate to the principal structure and located on the same lot.
2. Principal Structure – The structure or portion thereof housing the main use of the land.
3. Temporary Structure – Any structure which is erected to be in place for not more than twelve months, including but not limited to tents, air-supported structures, portable bandstands, reviewing stands, bleachers, mobile office units, construction sheds, sales offices for lots or dwellings or other structures of a similar character.

Studio, Dancing or Music – The use of a premises by a teacher of music and/or dance where students are taught these arts for a fee and where more than one (1) student may be taught in a

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class at one time. This term is synonymous with “Dancing School” and “Music School” and similar terms.

Subdivision and Land Development Ordinance –The Subdivision and Land Development Ordinance of Fayette County, Pennsylvania.

Swimming Pool –Any structure which demands a permanent location in or on the soil which is devoted or intended to be devoted to the art or sport of swimming or diving and the within definition is intended to include swimming pools regardless of whether the same are portable or non-portable, containing in excess of six inches of water.

1. Commercial Swimming Pool – A swimming pool operated for profit and open to the public upon payment of a fee.
2. Private Swimming Pool – A swimming pool that is an accessory structure appurtenant to a one-family or a two-family dwelling and used only by persons residing on the same lot and their private guests.
3. Public Swimming Pool – A swimming pool operated by a unit of government for the general public.
4. Semi-public Swimming Pool – A swimming pool that is an accessory structure appurtenant to a multiple family dwelling, hotel, motel, church, club, etc. and used by persons who reside or are housed on the same lot or who are regular members of such organizations.

Tattoo Parlor – An establishment whose principal business activity is the practice of placing designs, letters, figures, symbols, or other marks upon or under the skin of any person, using ink or other substances that result in the permanent coloration of the skin by means of the use of needles or other instruments designed to contact or puncture the skin.

Tavern / Drinking Establishment – An establishment engaged in the preparation and retail sale of alcoholic beverages for consumption on the premises and that derives in a six-month period less than fifty percent of its gross revenues from the sale of food and beverages for consumption on the premises. This term also includes bar.

Telephone Exchange Building – A building and equipment therein, used or to be used for the purpose of facilitating transmission and exchange of telephone messages between subscribers, but in a residential district not including public business facilities, storage of outside plant materials, trucks or repair facilities, or housing for outside repair crews.

Temporary Shelter – A structure or part thereof, operated on a non-profit basis to temporarily house families or individuals who are victims of disaster, who are affected through action on the

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part of or on behalf of the municipality other than routine redevelopment related relocation activities, or who have bona fide emergency housing needs.

Theater – A building or part of a building devoted to the showing of movies, musical performances, dance, or theatrical productions, usually on a paid admission basis.

Theater, Drive In – An open lot or part thereof, with its appurtenant facilities devoted primarily to the showing of movies or to theatrical productions, usually on a paid admission basis, to patrons seated in motor vehicles or on outdoor seats.

Tower - A structure other than a building, such as a monopole or self-supporting tower, designed and used to support any facility or another structure, other than communications antennas. Guyed towers shall not be deemed within this term and are not permitted. This term shall be broadly interpreted so as to include without limitation all such structures.

Transportation Services – A facility for private taxicab, limousine, bus service and similar passenger service.

Travel Plaza – A facility that provides auto and/or truck fuel and convenience items and include more than four (4) fuel islands and more than eight (8) fueling positions; or facilities that are intended for use by cargo transportation. Accessory activities may include the operation of no more than two (2) arcade games, video games or other similar devices, automated teller machines (ATMs), check cashing, money orders, movie rentals, lottery tickets, film processing, showers, and restaurants.

Travel Trailer – A portable, vehicular structure built on a chassis designed as a temporary dwelling for travel, recreation, vacation, and other short-term use. This term shall include portable campers that can be attached to the bed of pickup trucks.

Truck Terminal –A facility where trucks load and unload goods, products, cargo and / or other materials to be broken down or aggregated in different size loads and reshipped to other destinations.

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

1. Accessory Use – A use customarily incidental and subordinate to the principal use of the lot.

Variance – Relief granted pursuant to the provisions of this Ordinance and Articles VI and IX of the MPC.

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Vehicle – Any device in, upon or by which any person or property is or may be transported or drawn upon a street, excepting tractors, agricultural machinery, devices moved by human power or used upon stationary rails or tracks.

Vehicle Sales, Rental, and Service – A facility for the sales, rental and service of automobiles, trucks, buses, boats and marine equipment, motorcycles, campers, motor homes, and recreational vehicles, but not including heavy equipment.

Viewing Booths – Booths, stalls, portions of a room, rooms or other enclosures that are available for viewing:

1. Films, movies, videos, or visual reproductions of any kind depicting or describing “specified sexual activities” or “specified anatomical areas”; or
2. Persons who appear in a state of nudity or semi-nudity or who offer performances or presentations characterized by the exposure of “specified anatomical areas” or by “specified sexual activities.”

Warehouse – A structure primarily used for the storage of goods and materials.

Wetlands – Lands regulated as wetlands by the Pennsylvania Department of Environmental Protection and / or the U.S. Army Corps of Engineers. Such areas are inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions, including swamps, marshes, bogs and similar areas.

Wholesale Establishment –An establishment primarily engaged in selling merchandise to retailers; to industrial, commercial, institutional, or professional business users, or to other wholesalers; or acting as agents or brokers and buying merchandise for, or selling to, such individuals or companies.

Wild or Exotic Animal -- Any animal of a species prohibited by Title 50, Code of Federal Regulations, or otherwise controlled by the Commonwealth of Pennsylvania. It shall include any animal that is wild, fierce, dangerous, noxious or naturally inclined to do harm. “Wild animals,” however domesticated, shall also include but not be limited to:

1. Dog family (Canidea): all except domesticated dogs, including wolf, fox, coyote, dingo, wolf hybrids, etc.,
2. Cat family (Felidea): all except commonly accepted domestic cats, including lions, pumas, panthers, mountain lions, leopards, jaguars, ocelots, margays, tigers, wild cats, etc.,
3. Bears (Ursidea): all bears, including grizzly bears, brown bears, black bears, etc.,
4. Weasels (Mustelidea): all, including weasels, martens, mink, wolverine, ferrets, badgers, otters, ermine, mongoose, etc.,
5. Raccoons (Procynnidae): all raccoons and civets,
6. Porcupine (Erethizontidae): all porcupines,
7. Skunks,

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8. Snakes: all venomous and constricting snakes,
9. Venomous lizards,
10. Crocodillians: all alligators, caimans, crocodiles, gavials, etc.,
11. Venomous Fish and piranha, and (l) Venomous invertebrates.

Winery – A facility designed for crushing, pressing, fermenting, bottling and cellaring wine for retail and wholesale purposes that produces less than 50,000 cases of wine a year.

Wind Energy Facility, Small - A single tower, or multiple towers, situated on a lot to provide energy from a wind turbine source to an individual home, multi-family residential use, office, or business and industrial and agricultural uses located on the same lot. The wind energy is not to be provided to others for sale off-site in the power grid. The small wind energy system may follow the rules of net metering under the State policy.

Wind Turbine – A device for converting wind energy into mechanical (windmill) or electrical energy.

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

1. Front Yard – A yard extending along the full width of the front lot line and back to a line drawn parallel to the front lot line at a horizontal distance equal to the depth of the required front yard. On a corner lot, the Zoning Officer shall have the authority to determine which yard is the front yard, based upon the predominate pattern in the area.
2. Rear Yard – A yard extending along the full length of the rear lot line and back to a line drawn parallel to the rear lot line at a horizontal distance there from equal to the depth of the required rear yard.
3. Side Yard – An area between any building and side lot line, as defined herein, extending from the front yard to the rear yard, or on through lots, from one front lot line to the other lot line.

Zoning Approval – Approval under the provisions of this ordinance certifying that an application for development or application for zoning approval for occupancy and use has fulfilled the requirements of this ordinance.

Zoning Hearing Board – A Board appointed by the Board of Supervisors of Menallen Township to examine and decide appeals for relief from strict conformance of application of this Ordinance and to hear testimony regarding the validity of any regulations upon development in the boroughs or regarding challenges to the decisions of the Zoning Officer.

Zoning Map – The Menallen Township Zoning Map of Menallen Township together with all amendments subsequently adopted.

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Zoning Officer – The person appointed by the Board of Supervisors of Menallen Township having the powers and subject to the provisions set forth in the MPC, whose duty it shall be to administer this ordinance and such other ordinances that may be assigned by the governing body.

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CHAPTER 3 ZONING DISTRICT REGULATIONS

SECTION 3.0 CLASSIFICATION OF DISTRICTS AND ZONING MAP

- (a) For the purposes of this Ordinance, the Township of Menallen is hereby divided into seven (7) zoning districts, which shall be designated as follows:
- (1) A – Agricultural District
 - (2) CW – Country Woodlands District
 - (3) SR – Suburban Residential District
 - (4) CV- Country Village District
 - (5) MX – Mixed Use Corridor District
 - (6) C – Commercial District
 - (7) I-1 – Industrial District
- (b) The boundaries of said districts shall be as shown upon the map attached to and made a part of this Ordinance, which shall be designated the “Official Zoning Map of the Township of Menallen, Fayette County, Pennsylvania.” Said map and all notations, references, and other features shown thereon shall be made a part of this Ordinance as if the matters and features shown by said map were all fully described herein. The Zoning Map is included at the end of this Ordinance.
- (c) Where uncertainty exists with respect to the boundaries of the various districts, as shown on the Zoning Map, the following rules shall apply:
- (1) The district boundaries are the street lines, unless otherwise shown.
 - (2) Where the district boundaries do not appear to be street lines, the boundaries shall be construed to be property lines or dimensions from street lines.
 - (3) When a district boundary line passes through a parcel of land with no indication of distance, the scale of the map shall determine the location of such line.

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A – AGRICULTURE ZONING DISTRICT REGULATIONS

SECTION 3.1.01 PURPOSE

- (a) Provisions related to the Agriculture Zoning District as well as the specific purpose of the Agriculture district are stated below:

To further the objectives set forth in the Townships of Franklin, Jefferson, Menallen, and Perry Multi- Municipal Comprehensive Plan and the purpose statements and community development objectives set forth in Article I of this Ordinance, the Agriculture district is intended to continue Menallen Township's agricultural history by recognizing the valuable contributions that farming makes to the community. As such, the Agriculture district shall allow adequate space for farming and will provide for agricultural activities that may be considered a nuisance in more densely developed districts. The Agriculture district will also protect and promote the continuation of farming in areas where it is currently a viable component of the local economy.

SECTION 3.1.02 USE NOTICE

(a) Non-Agricultural Dwelling or Use

Owners, residents, and other users of property in the Agriculture district shall be subject to common characteristics of agriculture activities, which include but are not limited to, the creation of noise, odors, dust, the operation of machinery of any kind during any time, the storage and application of manure, fertilizers, herbicides, etc., and the heavy or slow vehicle use of roads. These activities should be considered normal and as unavoidable characteristics of an agricultural area and owners, residents are assumed to have accepted these characteristics by willingly choosing to reside in the Agriculture district. Owners and residents should be familiar with and aware of Section 4 of Pennsylvania Act 133 of 1992 "The Right to Farm Law." (3 P.S. §951 et. Seq.), which states:

"No nuisance action shall be brought against an agricultural operation which has lawfully been in operation for one year or more prior to the date of bringing such action, where the conditions or circumstances complained of as constituting the basis for the nuisance action have existed substantially unchanged since the established date of operation and are normal agricultural operations, or if the physical facilities of such agricultural operations are substantially expanded or substantially altered and the expanded or substantially altered facility has been in operation for one year or more prior to the date of bringing such action."

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SECTION 3.1.03 LAND USE

(a) Permitted Uses

- (1)** Agriculture operations
- (2)** Amphitheater
- (3)** Animal hospital / veterinary office
- (4)** Bed and Breakfast
- (5)** Campgrounds
- (6)** Cemetery / mausoleum
- (7)** Communications antenna
- (8)** Communications equipment building
- (9)** Communications tower
- (10)** Dwelling, Single-family detached
- (11)** Educational institution
- (12)** Equestrian facility
- (13)** Essential services
- (14)** Farm equipment supply and sales
- (15)** Farmer's market / produce stand
- (16)** Forestry
- (17)** Game preserve
- (18)** Garden center
- (19)** Greenhouse, commercial
- (20)** Kennel
- (21)** Nursery
- (22)** Park
- (23)** Parking lot
- (24)** Place of worship / religious institution
- (25)** Recreation, private
- (26)** Recreation, public
- (27)** Slaughter house
- (28)** Stockyards

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(29) Winery

(30) Accessory uses, including:

- i. Garage, private
- ii. Greenhouse
- iii. Home-based business, no impact

(b) Special Exception Uses

- (1)** Agricultural labor housing
- (2)** Airport
- (3)** Amusement and recreation center
- (4)** Amusement park
- (5)** Extractive industry
- (6)** Landing strip
- (7)** Mineral extraction
- (8)** Mobile home park
- (9)** Small wind facility
- (10)** Wind turbines
- (11)** Accessory uses, including:
 - i. Home occupation

(c) Conditional Uses

- (1)** Concentrated Animal Operation
- (2)** Concentrated Animal Feeding Operation
- (3)** Fairground

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SECTION 3.1.04 **SITE DEVELOPMENT STANDARDS**

(a) Lot, Yard, and Height Requirements

The minimum lot area, maximum lot coverage by buildings and structures, minimum depth of front, rear, and side yard requirements, maximum height of structures and other bulk requirements for each district shall be specified in *Table 3.1-1* and *Table 3.1-2*.

Table 3.1-1: Lot Requirements for Agricultural Uses.

| | |
|---|----------|
| | |
| Minimum Lot Area | 2 acres |
| Minimum Lot Width | 200 feet |
| Maximum Structure Height | 35 feet* |
| <i>Building Setback Requirements</i> | |
| Minimum Front Setback | 75 feet |
| Minimum Side Setback | 50 feet |
| Minimum Rear Setback | 50 feet |
| *Structures exclusively for agricultural use shall be exempt provided their location from the nearest property line is equal to the height of the structure plus ten percent. | |

Table 3.1-2: Lot Requirements for Non-Agricultural Permitted Uses

| | |
|--------------------------------------|-----------|
| | |
| Minimum Lot Area | 2 acres |
| Minimum Lot Width | 100 feet |
| Maximum Structure Height | 35 feet * |
| <i>Building Setback Requirements</i> | |
| Minimum Front Setback | 20 feet |
| Minimum Side Setback | 10 feet |
| Minimum Rear Setback | 10 feet |
| *Not to exceed three (3) stories | |

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CW - COUNTRY WOODLANDS DISTRICT REGULATIONS

SECTION 3.2.01 PURPOSE

Provisions related to the Country Woodlands district are outlined in this section. The specific purpose of the Country Woodlands district is stated below.

The purpose of the Country Woodlands District is to preserve the rural landscape, natural resource areas, farmland, woodlands, and other large areas of undeveloped or open land while permitting residential development at low densities. This district is located and designed to reduce the perceived intensity of development and provide privacy for dwellings. As such, the Country Woodlands district provides for a conservation subdivision option.

Specifically, the purposes of establishing an option for conservation subdivisions are:

1. To further the objectives set forth in the Townships of Franklin, Jefferson, Menallen, and Perry Multi-Municipal Comprehensive Plan and the purpose statements and community development objectives set forth in Article I of this Ordinance;
2. To conserve open land, including those areas containing unique and sensitive natural features such as woodlands, steep slopes, stream, floodplains and wetlands, by setting them aside and protecting them from development;
3. To provide greater flexibility in the design and efficiency of siting services and infrastructure, including the opportunity to reduce the length of roads, utility lines, and the amount of paving and grading required for residential development;
4. To reduce erosion and sedimentation by encouraging the retention of existing vegetation and minimizing development on steep slopes;
5. To preserve scenic views and elements of Menallen Township's natural resources and character and to minimize perceived density by minimizing views of new development from existing arterial roadways; and
6. To allow for a diversity of lot sizes and building densities that will accommodate a variety of age and income groups and residential preferences.

SECTION 3.2.02 LAND USES

(a) Permitted Uses

- (1) Dwelling, single-family detached
- (2) Educational institution
- (3) Essential services
- (4) Forestry

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- (5) Park
- (6) Parking lot
- (7) Place of worship / religious institution
- (8) Recreation, private
- (9) Recreation, public
- (10) Accessory uses, including:
 - i. Garage, private
 - ii. Greenhouse
 - iii. Home-based business, no impact

(b) Special Exception Uses

- (1) Agricultural labor housing
- (2) Bed and breakfast inn
- (3) Dwelling, Multi-family – Duplex
- (4) Dwelling, Single-family attached
- (5) Emergency services
- (6) Equestrian facility
- (7) Extractive industry
- (8) Garden center
- (9) Greenhouse, commercial
- (10) Nursery
- (11) Small wind facility
- (12) Accessory uses, including:
 - i. Home occupation

(c) Conditional Uses

- (1) Agriculture operations
- (2) Communications antenna
- (3) Communications equipment building
- (4) Communications tower

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SECTION 3.2.03 **SITE DEVELOPMENT STANDARDS**

(a) Lot, Yard, and Height Requirements

The minimum lot area, maximum lot coverage by buildings and structures, minimum depth of front, rear, and side yard requirements, maximum height of structures and other bulk requirements for each district shall be specified in Table 3.2-1: *Country Woodlands District Lot Requirements*.

| Table 3.2-1: Country Woodlands District Lot Requirements | |
|---|-------------------------------|
| | |
| Minimum Lot Area (with public sewerage) | 1 acre |
| Minimum Lot Area (without public sewerage) | 2 acres |
| Minimum Lot Width | 100 feet |
| Maximum Structure Height | 35 feet* |
| <i>Building Setback Requirements</i> | |
| Minimum Front Setback | 35 feet * |
| Minimum Side Setback | 15 feet |
| Minimum Rear Setback | 25 feet |
| Maximum Lot Coverage | 30% |
| Maximum Density (with public sewage) | 1.0 dwelling unit per acre |
| Maximum Density (without public sewage) | 1.0 dwelling unit per 2 acres |
| *Not to exceed three (3) stories | |

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SECTION 3.2.04 CONSERVATION SUBDIVISION OPTION

Property owners in the Country Woodlands District shall have the option of utilizing Conservation Subdivision techniques. This option shall be available to any applicant submitting for a major residential subdivision. As an incentive to develop conservation subdivisions in the Country Woodlands district, the requirements of Section 3.2.03 and the dimensional requirements of *Table 3.2-1* are hereby waived in exchange for the development standards of Section 3.2.04 (a) through (j).

(a) Applicability

Conservation Subdivision Design may be utilized for any major subdivision within the Country Woodlands District provided that they meet all requirements specified herein.

(b) Calculation of Site Capacity

| Table 3.2- 2: Adjusted Tract Area Approach: | |
|---|---|
| Determination of the maximum number of permitted dwelling units on any given property utilizing the Conservation Subdivision Option shall be based upon the Adjusted Tract Area of the site. The Adjusted Tract Area equals the gross tract area minus the constrained land described below calculated in accordance with the worksheet included in the Appendix. | |
| Constrained land equals the sum of the following: | |
| All land within the rights-of-way of existing public streets or highways, or within the rights-of way for existing rights-of-way of utility lines | |
| All land under existing private streets | |
| Wetlands | <i>Multiply the acreage of designated wetlands by 1.0</i> |
| Floodway | <i>Multiply the acreage within the floodway by 1.0</i> |
| Floodplains | <i>Multiply the non-wetland portion of the 100-year floodplain by 0.50</i> |
| Steep slopes | <i>Multiply the acreage of land with natural ground slopes exceeding 25 percent by 0.80</i> |
| Moderately steep slopes | <i>Multiply the acreage of land with natural ground slopes of between 15 and 25 percent by 0.40</i> |
| If a portion of the tract contains more than one natural feature subject to a density factor, that acreage shall be subject to the most restrictive density factor. | |
| Since average that is contained within the public or private rights-of-way, access easements or access strips is excluded from developable lot area, any portion of these items that also contains a natural feature subject to a deduction from the total tract acreage should not be included when calculating the Adjusted Tract Area. | |
| <i>Permitted Dwelling Units:</i> | <i>The maximum number of permitted dwelling units equals the Adjusted Tract Area multiplied by the maximum density, rounded to the lower number.</i> |

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(c) Dimensional Requirements

All properties that choose to fall under this category of development must adhere to the design standards set forth herein, and shall not exceed the density standards outlined in Table 3.2-3: *Country Woodlands Conservation Subdivision Option Dimensional Standards*.

| Table 3.2-3: Country Woodlands Conservation Subdivision Option Dimensional Standards | |
|---|------------------------------|
| | |
| Maximum Density (with public sewerage) | 2.25 dwelling units per acre |
| Maximum Density (without public sewerage) | 1.2 dwelling units per acre |
| Open Space Requirement (with public sewerage) | 60% |
| Open Space Requirement (without public sewerage) | 40% |
| <i>Standards for Dwelling Groupings or “Clusters”</i> | |
| Setback from all external road rights-of-way | 100 feet |
| Setback from all other tract boundaries | 50 feet |
| Setback from cropland or pasture land | 100 feet |
| Setback from active recreation areas such as courts or playing fields | 150 feet |

(d) Design Standards for the Conservation Subdivision Option

The following standards shall apply to all conservation subdivisions:

- (1) All dwelling units shall abut common space to the front or rear. Common open space across a street shall qualify for this requirement.
- (2) Dwelling unit lots are encouraged to be grouped together in “clusters,” not to exceed more than fifteen (15) dwelling units.
- (3) A plat may contain one or more groupings of dwelling unit lots.
- (4) Views of dwelling unit lots or groupings from exterior roads and abutting properties shall be minimized by the use of changes in topography, existing vegetation, or buffering.
- (5) Dwelling unit lots or groupings shall generally be accessed from interior streets rather than from roads bordering the plat.

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(e) Standards to Determine Common Open Space

- (1)** The minimum common open space shall comprise at least sixty (60) percent of the gross tract area in the case of properties with public sewage, and forty (40) percent in the case of properties without access to public sewage facilities. For the purposes of this subsection, gross land area includes all lands within the parcel, except existing street, railway, and utility rights-of-way.
- (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 and be counter to the purposes of this section:
 - i. The regulatory 100-year floodplain;
 - ii. Slopes above twenty-five (25) percent of at least five thousand (5,000) square feet contiguous area;
 - iii. Habitat areas of endangered or threatened species; and
 - iv. Archaeological sites, cemeteries, and burial grounds.
 - v. Lands containing prime agricultural soils as shown on NRCS soils maps that are at least three and one-half (3.5) acres in size.
- (3)** The following are considered Secondary Conservation Areas and should be included within the Open Space to the maximum extent feasible:
 - i. Important historic sites;
 - ii. Existing healthy, native forests of at least one-acre contiguous area;
 - iii. Individual existing healthy trees greater than eight (8) inches caliper, as measured from their outermost drip line;
 - iv. Other significant natural features and scenic view sheds such as ridge lines, peaks and rock outcroppings, particularly those that can be seen from public roads;
 - v. Lands containing statewide significant agricultural soils as shown on NRCS soils maps that are at least three and one-half (3.5) acres in size.; and,
 - vi. Existing trails that connect the tract to neighboring areas.

(f) Permitted Uses of Open Space

Uses of open space may include the following:

- (1)** Conservation of natural, archeological, 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;

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- (4) Passive recreation areas;
- (5) Active recreation areas, provided that they are limited to no more than 10 percent of the total open space and are not located within Primary Conservation Areas.
 - i. Active recreation areas may include impervious surfaces.
 - ii. Active recreation areas in excess of this limit must be located outside of the protected open space;
- (6) Agriculture, horticulture, silviculture or pasture uses, provided that all applicable best management practices are used to minimize environmental impacts, and such activities are not conducted within Primary Conservation Areas;
- (7) Nonstructural stormwater management practices;
- (8) Individual or community sewage disposal systems may be located within or extend into required open space areas, provided that:
 - i. Subsurface sewage disposal methods are employed
 - ii. All required separation distances are observed
 - iii. Ownership and maintenance responsibilities associated therewith are clearly defined in easements and agreements submitted for approval as part of the subdivision application.
- (9) Easements for drainage, access, and underground utility lines; or
- (10) Other conservation-oriented uses compatible with the purposes of this Ordinance.

(g) Prohibited Uses of Open Space

- (1) Golf courses;
- (2) Roads, parking lots and impervious surfaces, except as specifically authorized in the previous sections;
- (3) Agricultural and forestry activities not conducted according to accepted Best Management Practices; and,
- (4) Other activities as determined by the applicant and recorded on the legal instrument providing for permanent protection.

(h) Design Standards for Common Open Space

Common open space set aside to meet the requirements of 3.2.04 (c) shall comply with the following design standards:

- (1) All open space areas shall be part of a larger continuous and integrated open space system within the parcel being developed. At least seventy-five (75) percent of the common open space areas shall be contiguous to another common open space area. For the purposes of this Subsection, areas shall be considered contiguous if they are within one hundred (100) feet of each other and there are no impediments to access between the areas.

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- (2) Common open space shall protect to the greatest extent possible site features identified in the site inventory and analysis as having particular value in the context of preserving rural character, in compliance with the intent of this Ordinance.
- (3) Primary and secondary environmental corridors and isolated natural resource areas as identified by the Planning Commission are of particular significance for protection.
- (4) Natural features shall generally be maintained in their natural condition, but may be modified to improve their appearance, or restore their overall condition and natural processes. Permitted modifications may include:
 - i. Woodland management.
 - ii. Reforestation.
 - iii. Meadow management.
 - iv. Wetlands management.
 - v. Streambank protection.
 - vi. Buffer area landscaping.
- (5) To preserve scenic views, ridge tops and hilltops should be contained within common open space wherever possible. Trees shall not be removed from ridge tops or hilltops.
- (6) The boundaries of common open space shall be marked by natural features wherever possible, such as hedgerows, edges of woodlands, streams, or individual large trees.
- (7) Where no such natural demarcations exist, additional plantings, fences, or other landscape features should be added to enable residents or the public, if applicable, to distinguish where common open space ends and private lot areas begin. Where structural demarcations, such as fences, are used, they shall be the minimum needed to accomplish this objective.
- (8) Trails in common open space that are located within fifty (50) feet of homes in cluster groups shall be identified by plantings, fences, or other landscape features.
- (9) Under no circumstances shall all common open space be isolated in one area of the development. Common open space shall be distributed appropriately throughout the development to properly serve and enhance all dwelling units, cluster groups, and other common facilities.
- (10) Common open space shall include lands located along existing public streets in order to preserve existing rural landscape character as seen from these streets, and shall, in no case, contain less than the required buffer, setback area, or separation distance.

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- (11) Pedestrian and maintenance access shall be provided to open space land in accordance with the following requirements:
 - i. Each plat shall provide one centrally located access point per fifteen (15) lots, a minimum of thirty-five (35) feet in width.
 - ii. Access to open space land used for agriculture may be appropriately restricted for public safety and to prevent interference with agricultural operations.
- (12) The following areas shall not be included in the calculation of common open space areas:
 - i. Private lot areas.
 - ii. Street and highway rights-of-way, public or private.
 - iii. Railway and utility rights-of-way.
 - iv. Parking areas.
 - v. Areas not meeting the requirements of 3.2.04 (d).

(i) Ownership and Management of Common Open Space

- (1) Dedication of Easements to the Township. Menallen Township may, but shall not be required to, accept dedication of easements for public use of any portion of the common open space. In such cases, the facility remains in the ownership of the community or homeowners' association, or private conservation organization, while the Township holds the easements. In addition, the following regulations shall apply:
 - i. There shall be no cost of acquisition to Menallen Township;
 - ii. Any such easements for public use shall be accessible to the residents of Menallen Township; and
 - iii. A satisfactory maintenance agreement shall be reached between the owner and Menallen Township.
- (2) Community and / or Homeowners' Association. Common open space and recreational facilities may be held in common ownership for the use of all residents of the subdivision or land development and shall thereby be controlled and maintained by a community association or homeowners' association. Association documents shall be in compliance with the Pennsylvania Uniform Planned Community Act or the Pennsylvania Uniform Condominium Act, as the case may be. The association documents shall include, but not be limited to, the following:
 - i. A description of the common space to be owned by the association. This description shall include a plan of the proposal highlighting the precise location of all aspects of common space land;

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- ii. Statements setting forth the powers, duties, and responsibilities of the association, including the services to be provided;
 - iii. A Declaration of Covenants, Conditions, and Restrictions, giving perpetual easement to the lands and facilities owned by the association. The Declaration shall be a legal document providing for automatic 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. The Declaration shall give power to the association to own and maintain common space and to make and enforce rules;
 - iv. Requirements for all owners to provide a pro rata share of the cost of the operations of the association;
 - v. A process of collection and enforcement to obtain funds from owners who fail to comply;
 - vi. A process for transition of control of the association from the developer to the unit owners;
 - vii. Statements describing how the common open space will be insured, including limit of liability; and
 - viii. Provisions for the dissolution of the association.
- (3) Private Conservation Organization and / or the County. With permission of Menallen Township, an owner may transfer either fee simple title of the common open space land or easements on the common open space land to a private non-profit conservation organization or to Fayette County, provided that:
- i. The conservation organization is acceptable to the Township and is a bona fide organization intended to exist indefinitely;
 - ii. The conveyance contains appropriate provisions for proper reverter or retransfer in the event that the organization or the County becomes unwilling or unable to continue carrying out its functions;
 - iii. The common open space is permanently restricted from future development through a conservation easement and the Township is given the ability to enforce these restrictions; and
 - iv. A maintenance agreement acceptable to the Township is established between the owner and the organization or Fayette County.
- (4) Management Plan. Unless otherwise agreed to by the Menallen Township Board of Supervisors, the cost and responsibility of maintaining common space shall be borne by the property owner, community or homeowners' association, or conservation organization. In addition, the applicant shall provide a plan for management of common open space in accordance with the Subdivision and Land Development Ordinance at the time of preliminary plan submission.

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- (5) Remedy. Failure to maintain adequately the common open space land in reasonable order and condition in accordance with the development plan constitutes a violation of this ordinance and will be dealt with as provided in Chapter 8

(j) Sewerage and Water Supply Facilities

(1) Sewerage Facilities.

- i. Sewerage facilities for cluster development may consist of any system meeting the requirements of the Pennsylvania Department of Environmental Protection, Fayette County, and /or Menallen Township.
- ii. If approved by the Board of Supervisors, sewerage facilities or portions thereof may be located within common open space areas, as provided for in (f) (8) of this subsection.
- iii. All sewerage facilities shall be consistent with the requirements of the Subdivision and Land Development Ordinance.
- iv. All public community sewerage facilities shall be owned, operated, and maintained by a general or special purpose unit of government.

(2) Water Supply Facilities.

- i. Water supply facilities may consist of any of following systems, provided they meet the requirements of the Pennsylvania Department of Environmental Protection, Fayette County, and /or Menallen Township: Private, individual wells, private, community wells, or public water supply system.
- ii. All water supply facilities shall be consistent with the requirements of the Subdivision and Land Development Ordinance.
- iii. All public water supply facilities shall be owned, operated, and maintained by a general or special purpose unit of government.

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SR - SUBURBAN RESIDENTIAL DISTRICT REGULATIONS

SECTION 3.3.01 PURPOSE

Provisions related to the Suburban Residential district are outlined in this section. The specific purpose of the Suburban Residential district is stated below:

The Suburban Residential district is intended to provide for more intense, suburban style residential development and to permit alternatives to single-family housing to diversify the housing opportunities within Menallen Township while retaining the rural lifestyle that makes the Township a desirable place to live. As such, the Suburban Residential district provides for a conservation subdivision option, the purpose of which is outlined in *Section 3.2.01* (1) through (6).

SECTION 3.3.02 LAND USES

(a) Permitted Uses

- (1)** Docks, public and private
- (2)** Dwelling, Multi-family – Garden apartments
- (3)** Dwelling, Multi-family – Duplex
- (4)** Dwelling, Single-family detached
- (5)** Dwelling, Single-family attached
- (6)** Educational institution
- (7)** Fishing piers
- (8)** Forestry
- (9)** Marina
- (10)** Park
- (11)** Parking lot
- (12)** Places of worship / religious institution
- (13)** Recreation, private
- (14)** Recreation, public
- (15)** Accessory uses, including:
 - i. Garage, private
 - ii. Greenhouse
 - iii. Home-based business, no impact

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(b) Special Exception Uses

- (1) Agricultural labor housing
- (2) Bed and breakfast inn
- (3) Child day care facility
- (4) Community facility
- (5) Equestrian facility
- (6) Extractive industry
- (7) Nursing home
- (8) Personal service
- (9) Accessory uses, including:
 - i. Home occupation
 - ii. Small wind facility

(c) Conditional Uses

- (1) Agriculture operations
- (2) Communications antenna
- (3) Communications equipment building
- (4) Communications tower

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SECTION 3.3.03 SITE DEVELOPMENT STANDARDS

(a) Lot, Yard, and Height Requirements

The minimum lot area, maximum lot coverage by buildings and structures, minimum depth of front, rear, and side yard requirements, maximum height of structures and other bulk requirements for each district shall be specified in Table 3.3-1: *Suburban Residential District Lot Requirements*.

| Table 3.3-1: Suburban Residential District Lot Requirements | |
|--|-------------------------------|
| | |
| Minimum Lot Area (with public sewerage) | 0.50 acre |
| Minimum Lot Area (without public sewerage) | 2 acres |
| Minimum Lot Width | 100 feet |
| Maximum Structure Height | 35 feet* |
| <i>Building Setback Requirements</i> | |
| Minimum Front Setback | 25 feet |
| Minimum Side Setback | 10 feet |
| Minimum Rear Setback | 25 feet |
| Maximum Lot Coverage | 30% |
| Maximum Density (with public sewage) | 4.0 dwelling units per acre |
| Maximum Density (without public sewage) | 1.0 dwelling unit per 2 acres |
| *Not to exceed three (3) stories | |

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SECTION 3.3.04 CONSERVATION SUBDIVISION OPTION

Property owners in the Suburban Residential District shall have the option of utilizing Conservation Subdivision techniques. This option shall be available to any applicant submitting for a residential subdivision. As an incentive to develop conservation subdivisions in Suburban Residential district, the requirements of Section 3.3.03 and the dimensional requirements of *Table 3.3-1* are hereby waived in exchange for the development standards of Section 3.3.04 (a) through (j).

(a) Applicability

Conservation Subdivision Design may be utilized for any major subdivision within the Suburban Residential District provided that they meet all requirements specified herein.

(b) Calculation of Site Capacity

| | |
|---|---|
| 3.3.-2: Adjusted Tract Area Approach: | |
| Determination of the maximum number of permitted dwelling units on any given property utilizing the Conservation Subdivision Option shall be based upon the Adjusted Tract Area of the site. The Adjusted Tract Area equals the gross tract area minus the constrained land described below calculated in accordance with the worksheet included in the Appendix. | |
| Constrained land equals the sum of the following: | |
| All land within the rights-of-way of existing public streets or highways, or within the rights-of way for existing rights-of-way of utility lines | |
| All land under existing private streets | |
| Wetlands | <i>Multiply the acreage of designated wetlands by 1.0</i> |
| Floodway | <i>Multiply the acreage within the floodway by 1.0</i> |
| Floodplains | <i>Multiply the non-wetland portion of the 100-year floodplain by 0.50</i> |
| Steep slopes | <i>Multiply the acreage of land with natural ground slopes exceeding 25 percent by 0.80</i> |
| Moderately steep slopes | <i>Multiply the acreage of land with natural ground slopes of between 15 and 25 percent by 0.40</i> |
| If a portion of the tract contains more than one natural feature subject to a density factor, that acreage shall be subject to the most restrictive density factor. | |
| Since average that is contained within the public or private rights-of-way, access easements or access strips is excluded from developable lot area, any portion of these items that also contains a natural feature subject to a deduction from the total tract acreage should not be included when calculating the Adjusted Tract Area. | |
| Permitted Dwelling Units: | <i>The maximum number of permitted dwelling units equals the Adjusted Tract Area multiplied by the maximum density, rounded to the lower number.</i> |

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(c) Dimensional Requirements

All properties that choose to fall under this category of development must adhere to the design standards set forth herein, and shall not exceed the density standards outlined in Table 3.3-3: *Suburban Residential Conservation Subdivision Option Dimensional Standards*.

| Table 3.3-3: Suburban Residential Conservation Subdivision Option Dimensional Standards | |
|--|-----------------------------|
| | |
| Maximum Density (with public sewerage) | 6 dwelling units per acre |
| Maximum Density (without public sewerage) | 1.2 dwelling units per acre |
| Open Space Requirement (with public sewerage) | 50% |
| Open Space Requirement (without public sewerage) | 30% |
| <i>Standards for Dwelling Groupings or “Clusters”</i> | |
| Setback from all external road rights-of-way | 100 feet |
| Setback from all other tract boundaries | 50 feet |
| Setback from cropland or pasture land | 100 feet |
| Setback from active recreation areas such as courts or playing fields | 150 feet |

(d) Design Standards for the Conservation Subdivision Option

The following standards shall apply to all conservation subdivisions:

- (6) All dwelling units shall abut common space to the front or rear. Common open space across a street shall qualify for this requirement.
- (7) Dwelling unit lots are encouraged to be grouped together in “clusters,” not to exceed more than fifteen (15) dwelling units.
- (8) A plat may contain one or more groupings of dwelling unit lots.
- (9) Views of dwelling unit lots or groupings from exterior roads and abutting properties shall be minimized by the use of changes in topography, existing vegetation, or buffering.
- (10) Dwelling unit lots or groupings shall generally be accessed from interior streets rather than from roads bordering the plat.

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(e) Standards to Determine Common Open Space

- (1)** The minimum common open space shall comprise at least fifty (50) percent of the gross tract area in the case of properties with public sewage, and thirty (30) percent in the case of properties without access to public sewage facilities. For the purposes of this subsection, gross land area includes all lands within the parcel, except existing street, railway, and utility rights-of-way.
- (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 and be counter to the purposes of this section:
 - i. The regulatory 100-year floodplain;
 - ii. Slopes above twenty-five (25) percent of at least five thousand (5,000) square feet contiguous area;
 - iii. Habitat areas of endangered or threatened species; and
 - iv. Archaeological sites, cemeteries, and burial grounds.
 - v. Lands containing prime agricultural soils as shown on NRCS soils maps that are at least three and one-half (3.5) acres in size.
- (3)** The following are considered Secondary Conservation Areas and should be included within the Open Space to the maximum extent feasible:
 - i. Important historic sites;
 - ii. Existing healthy, native forests of at least one-acre contiguous area;
 - iii. Individual existing healthy trees greater than eight (8) inches caliper, as measured from their outermost drip line;
 - iv. Other significant natural features and scenic view sheds such as ridge lines, peaks and rock outcroppings, particularly those that can be seen from public roads;
 - v. Lands containing statewide significant agricultural soils as shown on NRCS soils maps that are at least three and one-half (3.5) acres in size.; and,
 - vi. Existing trails that connect the tract to neighboring areas.

(f) Permitted Uses of Open Space.

Uses of open space may include the following:

- (1)** Conservation of natural, archeological, 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;

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- (5)** Active recreation areas, provided that they are limited to no more than 10 percent of the total open space and are not located within Primary Conservation Areas.
 - i. Active recreation areas may include impervious surfaces.
 - ii. Active recreation areas in excess of this limit must be located outside of the protected open space;
 - (6)** Agriculture, horticulture, silviculture or pasture uses, provided that all applicable best management practices are used to minimize environmental impacts, and such activities are not conducted within Primary Conservation Areas;
 - (7)** Nonstructural stormwater management practices;
 - (8)** Individual or community sewage disposal systems may be located within or extend into required open space areas, provided that:
 - i. Subsurface sewage disposal methods are employed
 - ii. All required separation distances are observed
 - iii. Ownership and maintenance responsibilities associated therewith are clearly defined in easements and agreements submitted for approval as part of the subdivision application.
 - (9)** Easements for drainage, access, and underground utility lines; or
 - (10)** Other conservation-oriented uses compatible with the purposes of this Ordinance.

(g) Prohibited Uses of Open Space

- (1)** Golf courses;
- (2)** Roads, parking lots and impervious surfaces, except as specifically authorized in the previous sections;
- (3)** Agricultural and forestry activities not conducted according to accepted Best Management Practices; and,
- (4)** Other activities as determined by the applicant and recorded on the legal instrument providing for permanent protection.

(h) Design Standards for Common Open Space

Common open space set aside to meet the requirements of 3.2.04 (c) shall comply with the following design standards:

- (1)** All open space areas shall be part of a larger continuous and integrated open space system within the parcel being developed. At least seventy-five (75) percent of the common open space areas shall be contiguous to another common open space area. For the purposes of this Subsection, areas shall be considered contiguous if they are within one hundred (100) feet of each other and there are no impediments to access between the areas.
- (2)** Common open space shall protect to the greatest extent possible site features identified in the site inventory and analysis as having particular value in the

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context of preserving rural character, in compliance with the intent of this Ordinance.

- (3) Primary and secondary environmental corridors and isolated natural resource areas as identified by the Planning Commission are of particular significance for protection.
- (4) Natural features shall generally be maintained in their natural condition, but may be modified to improve their appearance, or restore their overall condition and natural processes. Permitted modifications may include:
 - i. Woodland management
 - ii. Reforestation
 - iii. Meadow management
 - iv. Wetlands management
 - v. Streambank protection
 - vi. Buffer area landscaping
- (5) To preserve scenic views, ridge tops and hilltops should be contained within common open space wherever possible. Trees shall not be removed from ridge tops or hilltops.
- (6) The boundaries of common open space shall be marked by natural features wherever possible, such as hedgerows, edges of woodlands, streams, or individual large trees.
- (7) Where no such natural demarcations exist, additional plantings, fences, or other landscape features should be added to enable residents or the public, if applicable, to distinguish where common open space ends and private lot areas begin. Where structural demarcations, such as fences, are used, they shall be the minimum needed to accomplish this objective.
- (8) Trails in common open space that are located within fifty (50) feet of homes in cluster groups shall be identified by plantings, fences, or other landscape features.
- (9) Under no circumstances shall all common open space be isolated in one area of the development. Common open space shall be distributed appropriately throughout the development to properly serve and enhance all dwelling units, cluster groups, and other common facilities.
- (10) Common open space shall include lands located along existing public streets in order to preserve existing rural landscape character as seen from these streets, and shall, in no case, contain less than the required buffer, setback area, or separation distance.
- (11) Pedestrian and maintenance access shall be provided to open space land in accordance with the following requirements:
 - i. Each plat shall provide one centrally located access point per fifteen (15) lots, a minimum of thirty-five (35) feet in width.

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- ii. Access to open space land used for agriculture may be appropriately restricted for public safety and to prevent interference with agricultural operations.
- (12) The following areas shall not be included in the calculation of common open space areas:
- i. Private lot areas
 - ii. Street and highway rights-of-way, public or private
 - iii. Railway and utility rights-of-way
 - iv. Parking areas
 - v. Areas not meeting the requirements of 3.2.04 (e)

(i) Ownership and Management of Common Open Space

- (1) Dedication of Easements to the Township. Menallen Township may, but shall not be required to, accept dedication of easements for public use of any portion of the common open space. In such cases, the facility remains in the ownership of the community or homeowners' association, or private conservation organization, while the Township holds the easements. In addition, the following regulations shall apply:
- i. There shall be no cost of acquisition to Menallen Township;
 - ii. Any such easements for public use shall be accessible to the residents of Menallen Township; and
 - iii. A satisfactory maintenance agreement shall be reached between the owner and Menallen Township.
- (2) Community and / or Homeowners' Association. Common open space and recreational facilities may be held in common ownership for the use of all residents of the subdivision or land development and shall thereby be controlled and maintained by a community association or homeowners' association. Association documents shall be in compliance with the Pennsylvania Uniform Planned Community Act or the Pennsylvania Uniform Condominium Act, as the case may be. The association documents shall include, but not be limited to, the following:
- i. A description of the common space to be owned by the association. This description shall include a plan of the proposal highlighting the precise location of all aspects of common space land;
 - ii. Statements setting forth the powers, duties, and responsibilities of the association, including the services to be provided;
 - iii. A Declaration of Covenants, Conditions, and Restrictions, giving perpetual easement to the lands and facilities owned by the association. The Declaration shall be a legal document providing for automatic 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

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- meetings. The Declaration shall give power to the association to own and maintain common space and to make and enforce rules;
- iv. Requirements for all owners to provide a pro rata share of the cost of the operations of the association;
 - v. A process of collection and enforcement to obtain funds from owners who fail to comply;
 - vi. A process for transition of control of the association from the developer to the unit owners;
 - vii. Statements describing how the common open space will be insured, including limit of liability; and
 - viii. Provisions for the dissolution of the association.
- (3) Private Conservation Organization and / or the County. With permission of Menallen Township, an owner may transfer either fee simple title of the common open space land or easements on the common open space land to a private non-profit conservation organization or to Fayette County, provided that:
- i. The conservation organization is acceptable to the Township and is a bona fide organization intended to exist indefinitely;
 - ii. The conveyance contains appropriate provisions for proper reverter or retransfer in the event that the organization or the County becomes unwilling or unable to continue carrying out its functions;
 - iii. The common open space is permanently restricted from future development through a conservation easement and the Township is given the ability to enforce these restrictions; and
 - iv. A maintenance agreement acceptable to the Township is established between the owner and the organization or Fayette County.
- (4) Management Plan. Unless otherwise agreed to by the Menallen Township Board of Supervisors, the cost and responsibility of maintaining common space shall be borne by the property owner, community or homeowners' association, or conservation organization. In addition, the applicant shall provide a plan for management of common open space in accordance with the Subdivision and Land Development Ordinance at the time of preliminary plan submission.
- (5) Remedy. Failure to maintain adequately the common open space land in reasonable order and condition in accordance with the development plan constitutes a violation of this ordinance and will be dealt with as provided in Chapter 8 of this Ordinance.

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(j) Sewerage and Water Supply Facilities

(1) Sewerage Facilities.

- i. Sewerage facilities for cluster development may consist of any system meeting the requirements of the Pennsylvania Department of Environmental Protection, Fayette County, and /or Menallen Township.
- ii. If approved by the Board of Supervisors, sewerage facilities or portions thereof may be located within common open space areas, as provided for in (f) (8) of this subsection.
- iii. All sewerage facilities shall be consistent with the requirements of the Subdivision and Land Development Ordinance.
- iv. All public community sewerage facilities shall be owned, operated, and maintained by a general or special purpose unit of government.

(2) Water Supply Facilities.

- i. Water supply facilities may consist of any of following systems, provided they meet the requirements of the Pennsylvania Department of Environmental Protection, Fayette County, and /or Menallen Township: Private, individual wells, private, community wells, or public water supply system.
- ii. All water supply facilities shall be consistent with the requirements of the Subdivision and Land Development Ordinance.

All public water supply facilities shall be owned, operated, and maintained by a general or special purpose unit of government.

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CV - COUNTRY VILLAGE DISTRICT REGULATIONS

SECTION 3.4.01 PURPOSE

Provisions related to the Country Village (CV) District are outlined in this section.

The CV District is intended to preserve the character of the predominantly residential villages scattered throughout the Township, while permitting non-residential uses such as home offices, places of worship, schools and other low intensity commercial and personal services as well.

Included are standards that will encourage the rehabilitation, preservation, and conservation of existing buildings and sites in a manner that promotes a pedestrian – friendly atmosphere. Commercial and retail uses in this district shall serve the needs of residents in the immediate vicinity. In addition, these standards will encourage revitalization and new development that will be compatible in scale and arrangement to the current village pattern without creating hazards to the public health or safety.

SECTION 3.4.02 LAND USES

(a) Permitted uses

Animal hospital / veterinary clinic
Bus / other transit shelter
Cultural service
Dry cleaner
Dwelling, Multi-family (Garden apartments)
Dwelling, Multi-family (Duplex)
Dwelling, Single-family (Attached)
Dwelling, Single-family (Detached)
Educational institution
Essential services
Forestry
Funeral home / mortuary
Library
Park
Parking lot
Personal care facility
Place of worship / religious institution

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Recreation, private

Recreation, public

Retail store/shop less than 7,000 square feet

Accessory uses, including:

- i. Garage, community
- ii. Garage, private
- iii. Greenhouse
- iv. Home-based business, no impact
- v. Home occupation

(b) Special Exception uses

Assisted living facility

Automotive repair / service

Bakery

Bed and breakfast inn

Child day care facility

Extractive industry

Farmer's market / produce stand

Flea market

Nursing home

Personal service

Restaurant (Carry-out / sit down / fast food)

Small wind facility

(c) Conditional uses

Boarding house

Family care facility

Group care facility

Group quarters

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SECTION 3.4.03 GENERAL DESIGN STANDARDS

All proposed development and/or change in use of a structure within the CV District shall comply with the following:

- (a) New development proposals shall complement the traditional rural village character of the district in terms of building placement, construction, and site design.
- (b) Building frontages shall tend to align along the street at the property line.
- (c) Building facades and materials shall be traditional and shall not detract from the overall feeling of the village.
- (d) A minimum of forty (40) percent of the ground floor of a storefront shall be transparent glass. Blocking, reducing the size, or changing the pattern of the original windows on a structure is strongly discouraged.
- (e) All properties shall conform to the Landscaping and Buffer Requirements set forth in Section 4.5.
- (f) All properties shall conform to the traffic control, access, and off-street parking standards in Section 4.6 and Section 4.8.

SECTION 3.4.04 SITE DEVELOPMENT STANDARDS

(a) Lot, Yard, and Height Requirements

The minimum lot area, maximum lot coverage by buildings and structures, minimum depth of front, rear, and side yard requirements, maximum height of structures and other bulk requirements for each district shall be specified in Table 3.4-1.

| Table 3.4-1: Country Village District Lot Requirements | |
|---|-----------|
| Minimum Lot Area | 0.10 acre |
| Minimum Lot Width | 20 feet |
| Maximum Structure Height | 35 feet * |
| <i>Building Setback Requirements</i> | |
| Minimum Front Setback | 5 feet |
| Minimum Side Setback | 5 feet |
| Minimum Rear Setback | 5 feet |
| <i>*Not to exceed three (3) stories</i> | |

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MX - MIXED USE CORRIDOR DISTRICT REGULATIONS

SECTION 3.5.01 PURPOSE

This Section outlines the provisions related to the Mixed Use (MX) Corridor district.

The intent of the MX District intends to provide for a mixed-use environment of business and higher density residential land uses along the major roadways of the Township. Due to the variety of business types and residential dwellings permitted, critical attention should be placed on site layout, building design, vehicle circulation, and coordination of site features between adjoining properties.

SECTION 3.5.02 LAND USES

(a) Permitted uses

- (1)** Bakery
- (2)** Bank / financial institution
- (3)** Bed and breakfast inn
- (4)** Bus / other transit shelter
- (5)** Business services
- (6)** Campgrounds
- (7)** Child day care facility
- (8)** Clinic
- (9)** Convenience store
- (10)** Cultural service
- (11)** Dry cleaner
- (12)** Dwelling, Multi-family (Garden apartments)
- (13)** Dwelling, Multi-family (Duplex)
- (14)** Dwelling, Single-family (Attached)
- (15)** Dwelling, Single-family (Detached)
- (16)** Educational institution
- (17)** Emergency services
- (18)** Essential services
- (19)** Forestry
- (20)** Funeral home / mortuary

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- (21) Health club
- (22) Laundromat
- (23) Office
- (24) Park
- (25) Parking lot
- (26) Personal care facility
- (27) Pet shop
- (28) Pharmacy
- (29) Photographic studio
- (30) Place of worship / religious institution
- (31) Recreation, private
- (32) Recreation, public
- (33) Restaurant (Carry-out, sit-down, fast food)
- (34) Retail store / shop less than 7,000 square feet
- (35) Retail store / shop up to 25,000 square feet
- (36) Studio, dancing or music
- (37) Tattoo parlor
- (38) Tavern / drinking establishment
- (39) Theater
- (40) Accessory uses, including:
 - i. Garage, community
 - ii. Garage, private
 - iii. Greenhouse
 - iv. Home-based business, no impact
 - v. Home occupation

(b) Special Exception uses

- (1) Assisted living facility
- (2) Automobile car wash
- (3) Automotive repair / service
- (4) Equestrian facility
- (5) Extractive industry
- (6) Flea market

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- (7) Garden center
- (8) Gasoline service station
- (9) Greenhouse, commercial
- (10) Night club
- (11) Nursery
- (12) Nursing home
- (13) Personal service shop
- (14) Private club
- (15) Small wind facility
- (16) Vehicle sales / rental/ service
- (17) Accessory uses, including:
 - i. Drive-thru

(c) Conditional uses

- (1) Boarding house
- (2) Family care facility
- (3) Group care facility
- (4) Group quarters

SECTION 3.5.03 GENERAL DESIGN STANDARDS

All proposed development and/or change in use of a structure within the MX District shall comply with the following:

(a) Building and Site Design.

- (1) Commercial development shall be designed in coordination with development on adjoining commercial sites when possible in order to limit haphazard development patterns.
- (2) New development shall contribute to the feeling of a unified district in scale and character. Materials and colors selected for the exterior of all buildings, structures and equipment shall blend with the natural colors of the surrounding environment.
- (3) Use of natural materials such as wood and stone shall be encouraged. Reflective materials shall be prohibited.

(b) All non-residential uses shall follow the regulations set forth in Section 4.5, Lighting.

(c) All properties shall conform to the Landscaping and Buffer Requirements set forth in Section 4.6.

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- (d) All properties shall conform to the traffic control, access, and off-street parking standards in Section 4.6 and Section 4.8.

SECTION 3.5.04 SITE DEVELOPMENT STANDARDS

(a) Conservation Subdivision Option

Residential properties in the MX District shall have the option of utilizing the standards set forth in Section 3.3.04 herein regarding Conservation Subdivisions, provided they meet all standards, regulations, and provisions set forth in Section 3.3.04 *et. seq.*

(b) Lot, Yard, and Height Requirements

The minimum lot area, maximum lot coverage by buildings and structures, minimum depth of front, rear, and side yard requirements, maximum height of structures and other bulk requirements for non-residential structures shall be specified in Table 3.5-1 and for residential structures in Table 3.5-2:

| Table 3.5-1: Mixed Use District Lot Requirements | |
|---|-----------|
| | |
| Minimum Lot Area for non-residential properties | 1 acre |
| Minimum Lot Area for residential properties | 0.50 acre |
| Minimum Lot Width | 40 feet |
| Maximum Structure Height | 35 feet * |
| <i>Building Setback Requirements</i> | |
| Minimum Front Setback for properties fronting on SR 40 | 30 feet |
| Minimum Front Setback for all other properties | 15 feet |
| Minimum Side Setback | 10 feet |
| Minimum Rear Setback | 10 feet |
| <i>*Not to exceed three (3) stories</i> | |

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Table 3.5-2: Lot Requirements for residential uses permitted in the Mixed Use District

| | |
|--|-----------|
| | |
| Minimum Lot Area | 0.5 acre |
| Minimum Lot Width | 40 feet |
| Maximum Structure Height | 35 feet * |
| <i>Building Setback Requirements</i> | |
| Minimum Front Setback for properties fronting on SR 40 | 30 feet |
| Minimum Front Setback for all other properties | 15 feet |
| Minimum Side Setback | 10 feet |
| Minimum Rear Setback | 10 feet |
| <i>*Not to exceed three (3) stories</i> | |

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C - COMMERCIAL DISTRICT REGULATIONS

SECTION 3.6.01 PURPOSE

Provisions related to the Commercial (C) District are outlined in this section.

The C District is intended to accommodate larger scale commercial uses that are high traffic generators with larger buildings and sites in locations that can feasibly be served by public or community sewage disposal and/or water supply systems and have the access to the Mon-Fayette Expressway. The standards set forth in this section intend to allow a healthy range of land uses and building development that enhances the character of commercial areas, protects nearby agricultural and residential districts, conserves the value of land and buildings, and promotes increased tax revenues.

SECTION 3.6.02 LAND USES

(a) Permitted uses

- (1)** Agriculture operations
- (2)** Automobile car wash
- (3)** Bakery
- (4)** Bank / financial institution
- (5)** Boat and marine sales / service
- (6)** Boat storage
- (7)** Bottle club
- (8)** Brewery pub
- (9)** Broadcasting studio (radio / television)
- (10)** Business services
- (11)** Catering business
- (12)** Clinic
- (13)** Convenience store
- (14)** Dry cleaner
- (15)** Dwelling, Single-family (Detached)
- (16)** Dwelling, Single-family (Attached)
- (17)** Emergency services
- (18)** Essential services
- (19)** Forestry

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- (20) Gasoline service station
- (21) Health club
- (22) Laundromat
- (23) Night club
- (24) Office
- (25) Park
- (26) Parking lot
- (27) Parking structure
- (28) Personal care facility
- (29) Personal service shop
- (30) Pet shop
- (31) Pharmacy
- (32) Recreation, private
- (33) Recreation, public
- (34) Restaurant (Fast food / sit down)
- (35) Retail store / shop less than 7,000 square feet
- (36) Retail store / shop up to 25,000 square feet
- (37) Studio, dancing or music
- (38) Tattoo parlor
- (39) Tavern / drinking establishment
- (40) Theater
- (41) Travel plaza
- (42) Accessory uses, including:
 - i. Garage, private
 - ii. Greenhouse

(b) Special exception uses

- (1) Continuing care facility
- (2) Dwelling, Multi-family (Garden apartments)
- (3) Dwelling, Multi-family (Duplex)
- (4) Extractive industry
- (5) Hotel / motel

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- (6) Institutional home
- (7) Manufacturing (light)
- (8) Private club
- (9) Retail store / shop over 25,000 square feet
- (10) Skilled nursing facility
- (11) Accessory uses, including:
 - i. Drive-thru

(c) Conditional uses

- (1) Arena
- (2) Shopping center
- (3)

SECTION 3.6.03 GENERAL DESIGN STANDARDS

All proposed development and/or change in use of a structure within the C District shall comply with the following:

(c) Building and Site Design.

- (1) Development shall be cohesive in nature and shall be designed in coordination with development on adjoining commercial sites.
- (2) New development should contribute to the feeling of a unified district in scale and character. Materials and colors selected for the exterior of all buildings, structures and equipment shall blend with the natural colors of the surrounding environment.
- (3) Use of natural materials such as wood and stone shall be encouraged. Reflective materials shall be prohibited.
- (4) No building shall be in excess of thirty-five (35) feet in height; however, the height may be increased for hotels, utilizing the following calculation: one (1) additional foot of height shall be permitted provided the width of the side yard exceeds the minimum required by that same amount.

(d) All non-residential uses shall follow the regulations set forth in Section 4.5, Lighting.

(e) In addition to the landscaping requirements set forth in Section 4.6, the following shall apply:

- (1) A twenty-foot (20) buffer yard shall be provided where a common use abuts an existing agricultural or residential area or an agricultural or residential district boundary. The buffer yard shall be landscaped in accordance with Section 4.6 of this Ordinance.

(f) Vehicular access and traffic controls as well as off-street parking shall conform to the requirements found in Section 4.6 and 4.8 of this Ordinance.

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SECTION 3.6.04 **SITE DEVELOPMENT STANDARDS**

(a) Lot, Yard, and Height Requirements

The minimum lot area, maximum lot coverage by buildings and structures, minimum depth of front, rear, and side yard requirements, maximum height of structures and other bulk requirements for non-residential structures shall be specified in Table 3.6-1 and for residential structures in Table 3.6-2..

| Table 3.6-1: Commercial Lot Requirements | |
|--|-----------|
| | |
| Minimum Lot Area | 1 acre |
| Minimum Lot Width | 100 feet |
| Maximum Structure Height | 35 feet * |
| <i>Building Setback Requirements</i> | |
| Minimum Front Setback | 45 feet |
| Minimum Side Setback | 25 feet |
| Minimum Rear Setback | 30 feet |
| <i>*Not to exceed three (3) stories unless otherwise noted</i> | |

| Table 3.6-2: Lot Requirements for residential uses permitted in the Commercial District | |
|--|-----------|
| | |
| Minimum Lot Area | 0.5 acre |
| Minimum Lot Width | 100 feet |
| Maximum Structure Height | 35 feet * |
| <i>Building Setback Requirements</i> | |
| Minimum Front Setback | 15 feet |
| Minimum Side Setback | 10 feet |
| Minimum Rear Setback | 10 feet |
| <i>*Not to exceed three (3) stories</i> | |

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I-1, INDUSTRIAL DISTRICT REGULATIONS

SECTION 3.7.01 PURPOSE

Provisions related to the Industrial (I-1) District are outlined in this section.

The I-1 District is established in order to accommodate industrial uses of land in a manner appropriate to Menallen Township. The I-1 District has been located where convenient access and services are available or most likely may be made available in the future. The I-1 District is further intended to provide for uses that may not be compatible within conventional residential, commercial, or rural districts. Standards set forth in this section are meant to accommodate industrial uses in locations which can feasibly be served by public or community sewage disposal and/or water supply systems, and with convenient access to the principal roads of the Township while assuring that industrial activities will be conducted in a manner that respects the surrounding residents and land owners.

SECTION 3.7.02 LAND USES

(a) Permitted Uses

- (1)** Building material facility
- (2)** Bus and transit facilities
- (3)** Bus / other transit shelter
- (4)** Boat storage
- (5)** Distribution facility
- (6)** Gas sub station
- (7)** Equipment rental and repair
- (8)** Farm Equipment supply and sales
- (9)** Forestry
- (10)** Freight terminal
- (11)** Incinerator
- (12)** Laboratory
- (13)** Lumberyard
- (14)** Manufacturing (light)
- (15)** Manufacturing (heavy)
- (16)** Office
- (17)** Parcel delivery facility

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- (18) Parking lot
- (19) Parking structure
- (20) Public utility facility / structure
- (21) Recreation, Public
- (22) Recreation, Private
- (23) Recycling facility
- (24) Research and development
- (25) Self-storage
- (26) Sewage treatment facility
- (27) Slaughterhouse
- (28) Telephone exchange building
- (29) Temporary shelter
- (30) Theater, Drive-in
- (31) Transportation services
- (32) Truck terminal
- (33) Warehouse
- (34) Wholesale establishment

(b) Special Exception Uses

- (1) Adult-oriented establishment
- (2) Bath house
- (3) Bore holes
- (4) Extractive industry (oil and gas)
- (5) Mineral extraction
- (6) Junkyard
- (7) Salvage yard

(c) Conditional Uses

- (1) Airport
- (2) Correctional facility
- (3) Hospital / medical center
- (4) Industrial park
- (5) Landing strip
- (6) Methadone treatment facility

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- (7) Racetrack
- (8) Resource recovery facility
- (9) Solid waste disposal area / facility

SECTION 3.7.03 SITE DEVELOPMENT STANDARDS

(a) Lot, Yard, and Height Requirements

The minimum lot area, maximum lot coverage by buildings and structures, minimum depth of front, rear, and side yard requirements, maximum height of structures and other bulk requirements for each district shall be specified in Table 3.7-1:

| Table 3.7-1: Industrial Lot Requirements | |
|---|-----------|
| Minimum Lot Area | 1 acre |
| Minimum Lot Width | 150 feet |
| Maximum Structure Height | 35 feet * |
| <i>Building Setback Requirements</i> | |
| Minimum Front Setback | 50 feet |
| Minimum Side Setback | 25 feet |
| Minimum Rear Setback | 25 feet |
| *Not to exceed three (3) stories | |

SECTION 3.7.04 PERFORMANCE STANDARDS

- (a) Notwithstanding the applicable laws and regulations of the United States Environmental Protection Agency and the Pennsylvania Department of Environmental Protection, Southwest Regional Office, the following performance standards shall be used by the Menallen Township Board of Supervisors, the Planning Commission, and the Township Engineer in reviewing the suitability and possible hazardous impacts of a proposed use within the I-1 District:
- (b) In determining whether a proposed use is or may become noxious, hazardous, or offensive, the following standards shall apply. The proposed use may not:
 - (1) Constitute a nuisance or damage to health or any property due to dissemination of noxious, toxic, or corrosive fumes, smoke, odor or dust in the immediately surrounding area or beyond the boundary line of the I-1 District.

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-
- (2) Result in noise or vibration clearly exceeding the average intensity of noise or vibration occurring from other causes at the property line or beyond the boundary line of the I-1 District.
 - (3) Endanger surrounding areas due to radiation, fire, or explosion.
 - (4) Produce objectionable heat or glare beyond the property line or beyond the boundary line of the I-1 District.
 - (5) Result in electrical disturbance in nearby residences or adversely affect the operation of equipment other than on the property on which the disturbance is located.
 - (6) Discharge any untreated sewage or industrial waste into any stream or otherwise contribute to the pollution of surface or underground waters.
 - (7) Endanger the underground water level or supply for other properties.
 - (8) Create an objectionable traffic condition on the highway or in an adjacent area or generate a nuisance to surrounding property due to truck traffic.
 - (9) Create any other objectionable condition in an adjoining area that will endanger public health and safety or be detrimental to the environmental quality of the surrounding area.
- (c) The applicant shall demonstrate to the Township Engineer that:
- (1) The proposed use(s) will comply with the standards contained in subsections (a) and (b) above.
 - (2) Adequate provisions will be made to reduce and minimize any objectionable elements to the degree necessary to ensure that the proposed use(s) will not be noxious, hazardous, or offensive as defined in subsections (a) and (b) above.
- (d) The Township engineer may require, in order to determine that adequate safeguards are provided, that:
- (1) The applicant shall submit necessary information, impartial expert judgment and written assurances.
 - (2) The applicant shall obtain the advice of appropriate local, state and federal agencies and of private consultants.
 - (3) The applicant's proposed use(s) comply with such tests or provide such safeguards as are deemed necessary by the Board of Supervisors, upon the advice of the Township Engineer.
- (e) Special exception approval shall be required for freestanding signs, except non-illuminated freestanding signs, not exceeding thirty-two (32) square feet in total area and not exceeding six (6) feet in height.
- (f) Advertising or signage for a use that is not conducted or goods not sold on the premises shall not be permitted.

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- (g)** Each use shall have its required off-street parking on its lot, based on the requirements set forth in Section 4.8 of this Ordinance.
- (h)** An attractive fence or natural planted buffer screen, which complies with the requirements of Sections 4.6 and 4.9 of this Ordinance, respectively, shall adequately screen outdoor storage areas.

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CHAPTER 4 GENERAL REGULATIONS

SECTION 4.1 PURPOSE

- (a) The purpose of this Chapter is to establish standards and policies for all uses in all districts. These regulations shall serve as general development standards by establishing uniform criteria for fencing, landscaping, lighting, off-street parking and loading, and similar criteria that are ancillary aspects to all uses within the Township. The provisions for this Chapter shall apply in addition to any other applicable zoning regulations.

SECTION 4.2 ACCESSORY BUILDINGS, USES, AND STRUCTURES

- (a) All accessory uses shall require a Zoning/Development Permit. Accessory buildings, accessory uses, and accessory structures shall be permitted in all districts, provided each is customarily incidental and subordinate to a principal use. There must be a principal structure on the lot prior to the issuance of a Zoning/Development Permit for an accessory structure.
- (b) No use that is to be carried on in an accessory structure shall be in violation of the permitted uses in that district.
- (c) All accessory uses shall comply with the side and rear yard setback requirements for that district.
- (d) No accessory buildings, uses, and structures shall be closer than five (5) feet to a principal structure.

SECTION 4.3 FENCING

- (a) No fence shall be located, constructed, or maintained in a way that will obscure or impair the visibility of an operator of a motor vehicle exiting or entering the property.
- (b) No fence shall be located in a clear sight triangle or within the road right-of-way.
- (c) The finished side of the fence shall be oriented towards the front of the lot or the direction of the adjacent property owner, unless it is a type of fencing where there is no finished side, as in agricultural or stockade fencing.
- (d) Fences to be located within the front yard must have a required setback of ten (10) feet from the edge of the road right of way and shall in no way inhibit passing motor vehicle traffic or road maintenance, cleaning, plowing, or repair. This does not apply to agricultural properties that share fencing along property lines as part of a farming or livestock operation. No setback from side or rear property line is required unless there are special easements.

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- (e) Fences accessory to a farm, such as livestock fencing, shall not exceed a height of six (6) feet, and shall be maintained and kept in good working order.
- (f) Fences shall be see-through type fencing, being constructed of chain-link, post and rail, picket or other similar type fencing material. The use of chain-link, cyclone fencing, or similar types is prohibited in the required front yard of residential or commercial uses.

SECTION 4.4 PERFORMANCE STANDARDS

No use of land or structure in any district shall involve any element, or cause any condition that may be dangerous, injurious, or noxious to any other property or person. Furthermore, every use of land or structure in any district must observe the following performance requirements:

- (a) No activities shall be permitted that carry objectionable substances onto neighboring properties due to erosion by wind or water.
- (b) The discharge of all wastewater shall be in accordance with the current standards of the Pennsylvania Department of Environmental Protection (PA DEP), as provided for through Pennsylvania Act 537, and / or Menallen Township, and comply with all applicable federal regulations.
- (c) Fire protection and fire fighting equipment acceptable to the Fire Chief having jurisdictional responsibility, and conforming to NFPA and BOCA Fire Prevention Code requirements, shall be readily available when any activity involving the handling or storage of flammable or explosive material is conducted.
- (d) No activity shall cause electrical disturbances adversely affecting radio, television or other communication equipment in the surrounding area.
- (e) Vibrations detectable without instruments on a neighboring property in any district shall be prohibited.
- (f) Noise, which is determined to be objectionable because of volume or frequency, shall be muffled or otherwise controlled, except for fire sirens and related apparatus used solely for public safety purposes.
- (g) No emission of unpleasant gases or other odorous matter shall be permitted in such quantities as to be offensive outside the lot lines of the lot on which such gases or odors originate.

SECTION 4.5 LIGHTING

The following lighting requirements are provided to ensure coordinated, safe and functional lighting systems in all zoning districts. The site lighting requirements include:

- (a) No use shall produce an intense light or reflection of an intense light or glare that is visible from any point along a lot line.

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- (b) Pedestrian areas, plazas, and walk lights shall not exceed fifteen (15) feet in height and should be designed to be harmonious with light fixtures on site.
- (c) All pedestrian areas, plazas, and walks with steps or change of grade shall be suitably lighted at all times. Details of proposed lighting fixtures and supports and the locations thereof shall be submitted as required by this Ordinance.
- (d) All light fixtures shall be concealed source fixtures except for pedestrian oriented accent lights.
- (e) Feature lighting, such as up lighting of trees or other plant material, seasonal lighting, etc., shall be so arranged to reflect away from any residential structure.
- (f) Security lighting fixtures shall not project above the facade or roofline of any structure.
- (g) Building, parking, and all other exterior lighting shall be shielded. Security lighting fixtures shall not be substituted for parking lot or walkway lighting fixtures and are restricted to lighting only loading and storage locations or other similar areas requiring security lighting.
- (h) For all non-residential uses, service-area lighting shall be contained within the service yard boundary. No light spillover shall occur outside the service area.
- (i) For all non-residential uses, exterior wall-mounted floodlights shall be prohibited except for security lighting.
- (j) When practical, overhead wiring shall be avoided.
- (k) Spotlights or other types of artificial lighting that provide a concentrated beam of light shall be directed so that the beam of light does not extend beyond any property lines.
- (l) No artificial lighting shall shine directly upon any neighborhood property or be so established that it shall shine directly upon any neighboring property or shall shine directly on or into any room or rooms, porches or patios of any neighboring property.

SECTION 4.6

LANDSCAPING, SCREENING, AND BUFFERING

- (a) Wherever possible, the landscape plan shall preserve and utilize such areas of healthy natural vegetation (such as woodlands and meadows) which may have existed upon a given site prior to development activity.
- (b) New planting materials shall be chosen to prevent soil erosion and subsequent sedimentation, and shall be disease-free and suitable for the local climate. All new planting materials shall be healthy nursery stock. Except where otherwise noted, all new trees shall be balled and burlapped and shall have a minimum size of not less than two (2) inches caliper diameter breast height (DBH).
- (c) Street trees acceptable to the Township shall be planted by the developer along new public roads. Where such roads are within wooded areas, the existing trees shall be

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retained in lieu of new street trees. Recommended street tree species are listed in the Subdivision and Land Development Ordinance. New street trees shall:

- 1) Except where smaller decorative trees are approved, have a minimum size of not less than three (3) inches caliper and a minimum height of not less than six (6) feet above the root ball;
 - 2) Be hardy species (preferably native to the area) with minimal maintenance requirements that are compatible with other features of the site and its environs;
 - 3) Be planted on both sides of the street in an alternating pattern; and
 - 4) Be spaced not less than thirty (30) feet nor more than fifty (50) feet apart, as measured from center to center.
- (d) Landscaping shall be required within parking lots in conformance with Section 4.6 (g) herein.
- (e) Screen Plantings.
- 1) A screen planting is hereby defined as a landscaped barrier of sufficient height and density as to obstruct casual observation.
 - 2) Upon installation, a screen planting shall be not less than five (5) feet tall, achieving a height of not less than eight (8) feet within three (3) years. For parking lot landscaping, screen plantings shall not be greater than four (4) feet tall.
 - 3) Screen plantings shall be located in a planting strip having a minimum depth of ten (10) feet. No plant shall be closer than five (5) feet to any property line.
 - 4) At least fifty (50) percent of the screen planting specimens shall be evergreens, distributed evenly along the length of the barrier.
 - 5) All species within the screen planting shall be indigenous or otherwise well-suited to the Township. A list of recommended species is found in the Subdivision and Land Development Ordinance.
 - 6) Screen plantings may incorporate earthen berms not exceeding forty-eight (48) inches in height.
 - 7) A screen planting shall be provided and continually maintained by the landowner in the following cases:
 - i. In the MX, C, and I-1 districts, the owners shall provide a screen planting along those portions of their perimeters that abut the CW, SR or CV district.
 - ii. Along the perimeter of any non-residential use where such use is contiguous to a residential use or any property within the CW, SR, or CV district.
 - iii. Along the perimeter of any multi- family residential development and along the perimeter of any mobile home park.

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- iv. Where required by the Zoning Hearing Board or where stipulated as a condition of special exception or conditional use approval by the Board of Supervisors.
 - v. A screen planting shall not be required between two (2) non-residential uses of the same or like character.
- 8) No screen planting shall be permitted where it may impose a threat to the public safety by obstructing the view of motorists to oncoming traffic or pedestrians.
- 9) Screen plantings shall be maintained as long as the use or uses on the screened lot is/are in operation. Any plant material that does not survive shall be replaced within six (6) months.
- 10) A screen planting shall not be required where the lot abuts an area of existing natural vegetation that effectively screens the lot from casual observation to a height of at least eight (8) feet.
- (f) Parking lot landscaping.
- 1) Parking lots should be effectively landscaped with trees and shrubs to reduce the visual impact of glare, headlights, and parking lot lights; to delineate driving lanes; and to define rows of parking. Furthermore, parking lots should be adequately landscaped to provide shade in order to reduce the amount of reflected heat and to improve the aesthetics of parking lots.
 - 2) Landscaped areas shall be required within the interior parts of all parking lots designed to accommodate ten (10) or more cars.
 - 3) No less than ten (10) percent of the parking lot shall be landscaped and continually maintained, excluding any screen planting which may be required.
 - 4) Such landscaped areas shall be configured to promote pedestrian safety by defining walkways, to enhance motorist safety by defining traffic lanes, to act as a barrier against wind-borne debris and dust, to provide shade, to reduce the volume and velocity of stormwater runoff, and to enhance the appearance of the parking area.
 - 5) The landscaped areas shall not obstruct sight distances for motorists or pedestrians, nor shall such landscaping create any potential hazard to public safety.
 - 6) Landscaped areas shall be protected from the encroachment of vehicles by use of curbing, wheel stops, bollards, fencing, or other approved barriers.
 - 7) Landscaping in parking areas shall provide moderately dense shade in summer. Trees with large leaves which could clog storm drains should be avoided. Trees that are brittle, disease-prone, have low, spreading branches or shallow root systems, which drop large fruit or much sap, or which are otherwise messy shall also be avoided. New trees shall be healthy nursery stock. Species recommended for use in parking areas are listed in the Subdivision and Land Development Ordinance.
 - 8) Planting islands and planting strips shall meet the following planting requirements:

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- i. Planting islands shall be a minimum of ten (10) feet by (20) feet in area, underlain by soil (not base course material); mounded at no more than a 4 to 1 slope, nor less than a 12 to 1 slope; and protected by curbing or bollards. Each planting island shall contain one shade tree plus shrubs and/or groundcover to cover the entire area, selected from the plant lists in the Subdivision and Land Development Ordinance.
 - ii. All planting strips shall be a minimum of ten (10) feet wide. Strips shall run the length of the parking row, underlain by soil, mounded at no more than a 4 to 1 slope, nor less than a 12 to 1 slope, and shall be protected by curbs, wheel stops or bollards. Planting strips shall contain plantings of street-type shade trees at intervals of thirty (30) feet to forty (40) feet, plus a significant mix of shrubs and groundcovers to cover the entire area at maturity, selected from the plant lists in the Subdivision and Land Development Ordinance.
- 9) The placement of light standards shall be coordinated with the landscape plan to avoid a conflict with the effectiveness of light fixtures.
- 10) All parking lots shall be screened from public roads and from adjacent properties in conformance with the Screen Planting standards set forth in 4.6 (f), herein.
- (g) Residential parking lots.**
- 1) Parallel rows of parking spaces, which are not separated by a driveway, shall be separated by a raised and/or curbed planting strip, a minimum of ten (10) feet wide
 - 2) A single row of parking spaces located parallel to and between two (2) driveways shall be separated from one of the driveways by a raised and/or curbed planting strip, a minimum of five (5) feet wide, landscaped in accordance with 4.6 (g) herein.
 - 3) Parking lots shall be divided into sections of not more than twenty (20) cars each, with the sections separated by raised and/or curbed planting strips, a minimum of ten (10) feet wide, landscaped in accordance with 4.6 (g) herein.
 - 4) The entire parking lot perimeter shall be landscaped in compliance with 4.6 (g) herein.
- (h) Nonresidential parking lots.**
- 1) Parking lots with a capacity of from ten (10) to forty (40) cars shall require a raised and/or curbed planting strip, a minimum of 10 feet wide, landscaped in accordance with the Screen Planting standards set forth in 4.6 (g) herein, around the entire perimeter except where buildings, driveways, and walkways are located.
 - 2) Parking lots with a capacity of from forty-one (41) to one hundred (100) cars shall require a planting strip as in Subsection (1) above, and an additional ten percent (10%) raised and / or curbed planting area(s) within the perimeter of the lot, landscaped in accordance with 4.6 (g) herein.

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- 3) Nonresidential parking lots for more than one hundred (100) cars shall be divided into sections by curbed planting strips and planting islands in accordance with the following regulations:
- i. Planting strips shall be placed parallel to the rows of parking in the following locations:
 - (a) Between main access (entrance - exit) driveways and rows of parking spaces.
 - (b) Between other major driveways and rows of parking spaces (service drives, general internal circulation).
 - (c) Within large parking areas at intervals of not more than four (4) rows of parking stalls.
 - ii. Planting islands shall be placed in the following locations:
 - (a) At the ends of parking rows in order to separate parking stalls from driveways.
 - (b) Within parking rows so that there are no more than twenty (20) parking stalls in a row without a planting island.

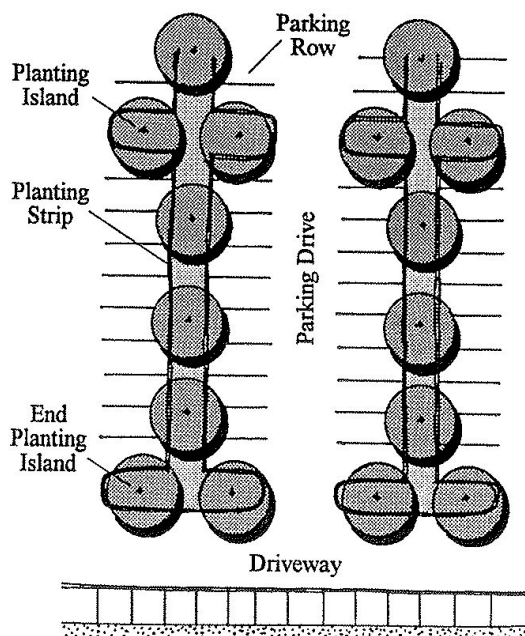


Figure 4-1: Parking lots should feature landscaped planting islands and planting strips as shown above.

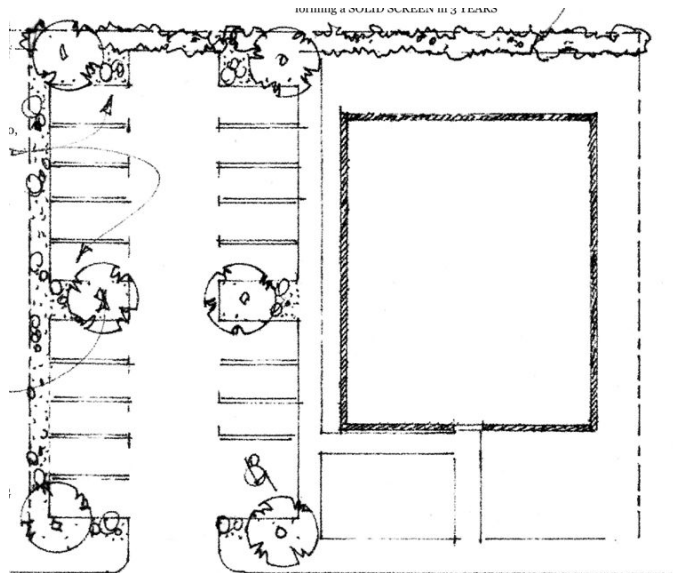


Figure 4-2: The edges of parking lots should also include vegetative buffers, as indicated by this illustration above.

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SECTION 4.7 **VEHICULAR ACCESS AND TRAFFIC CONTROL**

To minimize traffic congestion and hazards, control street access and encourage orderly development of highway frontage, the following regulations shall apply:

(a) Unless clearly impractical or inappropriate due to physical conditions or traffic access management considerations, lots which abut two (2) or more public streets shall have direct access only to the street of lesser functional classification.

(b) Vehicular Ingress and Egress to Arterial and Collector Streets.

- 1) Where lots are created having frontage on an arterial or collector street, any proposed development street pattern shall provide reverse frontage to local streets within the subdivision, unless clearly impractical due to lot configuration or topography.
- 2) Where any use other than a single-family detached dwelling has vehicular access to or from an arterial or collector street, the Township may require that all vehicular entrances and exits be provided with deceleration and acceleration lanes, as may be recommended or required by the Township Engineer and/or the Pennsylvania Department of Transportation. In no event shall vehicles be permitted to back directly into the public street from the off-street parking area.

(c) Location of Ingress and Egress.

- 1) Ingress and egress for off-street parking shall be designed and arranged so that:
 - i. The edge of any access driveway onto a street shall be at least forty (40) feet from any street intersection, measured from the nearest intersection of right-of-way lines, and in no case, within the curb radius, except for a cul-de-sac turnaround.
 - ii. Any use with less than one hundred (100) feet of street frontage shall not have more than one (1) access driveway to such street, and no use with one hundred (100) feet or more of street frontage shall have more than two (2) access driveways to any one (1) street for each four hundred (400) feet of street frontage. The Township may require common access point(s) for two (2) or more uses, where practical, to minimize vehicular access points along streets other than local streets. All access driveways shall be designed to conform to PennDOT specifications with regard to State roads and the subdivision requirements of the Township for local roads, as applicable.
 - iii. Provisions shall be made for safe and efficient ingress and egress to and from public streets without undue congestion or interference with normal traffic flow within the Township.

(d) On any lot, no wall, fence, hedge, tree, shrub, or other obstruction shall be allowed which dangerously obscures the view of approaching traffic along the street, or at any intersection, including driveways.

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- (e) On a corner lot, nothing shall be erected, placed or allowed to grow which dangerously obscures the view within a clear sight triangle, defined by the following:
 - 1) Above the height of two and one-half (2 ½) feet and below the height of twelve (12) feet measured from the centerline grades of the intersecting streets.
 - 2) Within the area bounded by the centerline of intersecting streets and a line joining points on these centerlines seventy-five (75) feet from an intersection of the centerlines of such streets.
- (f) Driveway and street entrances onto public streets shall be maintained in accordance with the requirements of Subdivision and Land Development Ordinance.
- (g) All dead end and cul-de-sac streets are governed by the requirements set forth in the Subdivision and Land Development Ordinance.
- (h) Parking and Driveways.
 - 1) Non-residential properties in any zoning district with frontages of six hundred (600) feet or less on any individual street are only permitted one (1) driveway intersection per street.
 - 2) Non-residential properties in any zoning district with frontages greater than six hundred (600) feet may be permitted a maximum of two (2) driveways per street frontage, provided that such driveways are at least three hundred (300) feet apart and that one (1) driveway is clearly marked for egress only and one (1) driveway is clearly marked for ingress only.
 - 3) Regardless of frontage, a development may be restricted to a single driveway depending on usage and interior and exterior traffic patterns.
 - 4) Each nonresidential use shall provide access easements for its parking aisles and driveways guaranteeing access to all abutting nonresidential lots, unless all possible interconnections between two abutting lots must cross wetlands, floodplain or slopes of fifteen (15) percent or more.
 - 5) Parking areas on abutting lots shall be directly connected by a driveway. These interconnections shall be constructed during the initial land development.
 - 6) Sidewalks shall connect nonresidential buildings with all parking areas, sidewalks along streets and bike trails or sidewalks on abutting property.

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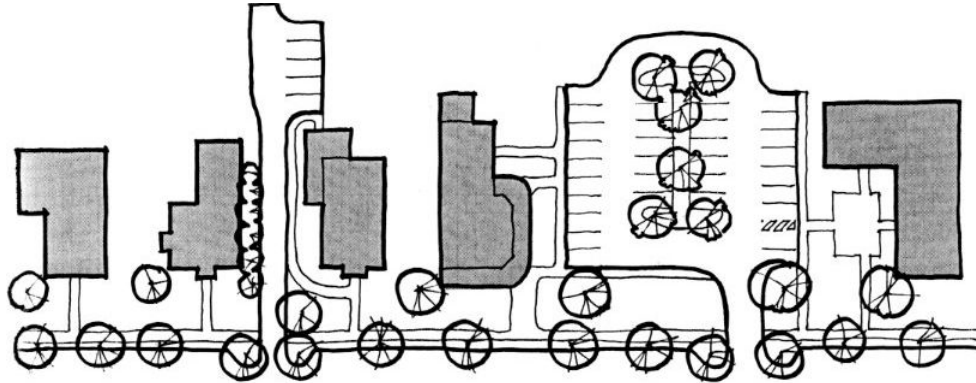


Figure 4-3: Example of shared parking and access along a commercial corridor, with landscaped buffer.

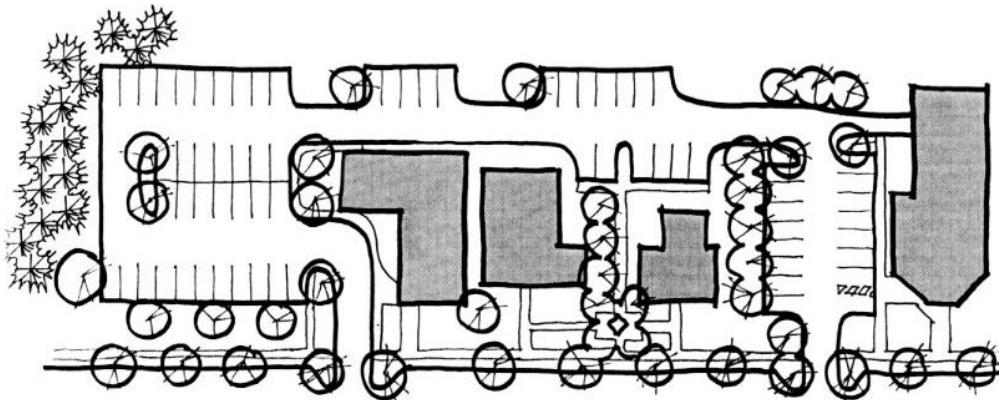


Figure 4-4: A variation of the suggested techniques for shared parking and access along a commercial corridor, with landscaped buffer.

(i) Drive-thrus.

- 1) Entries and/or exits to drive-thru facilities shall be a minimum of one hundred and fifty (150) feet from the street centerline of any intersection, or from another drive-thru facility on the same side of the street, except within a shopping center. Shorter distances from road intersections may be approved if the Township Engineer determines that public safety and/or the efficiency of traffic circulation are not being compromised.
- 2) Drive-thru aisles shall be a minimum one hundred (100) feet from the property line of any residential lot.
- 3) Pedestrian walkways shall not intersect the drive-thru aisles.
- 4) Drive-thru aisles shall have a minimum twelve-foot (12') width on curves and a minimum eleven-foot (11') width on straight sections.

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- 5) Drive-thru aisles shall provide sufficient stacking area behind the menu board to accommodate a minimum ten (10) cars (approximately two hundred (200') feet). From the menu board to the pick-up window there shall be a minimum of two (2) additional stacking spaces (approximately forty (40') feet).
- 6) No drive-thru aisles shall exit directly into a public right-of-way. Aisles shall be integrated with the on-site circulation and shall merge with the driveway. There shall be provided one (1) parking space for every two (2) employees. A minimum of six (6) parking spaces required.
- 7) Drive-thru uses shall be screened and landscaped in the following manner:
 - i. Drive-thru aisles shall be separated from landscaping areas by a six-inch (6") high, poured in place, concrete curb or other suitable protective device meeting Township approval.
 - ii. Speakers at drive-thrus shall not be audible from adjacent residential uses. Sound attenuation walls, landscaping or other mitigation measures may be required as necessary.
 - iii. All service areas, restrooms, and ground mounted mechanical equipment shall be screened from public view.
 - iv. Landscaping shall screen drive-thru aisles or stacking lanes from the public right-of-way and shall be used to minimize the visual impacts of reader-board signs and directional signs.
 - v. Menu board shall be a maximum of thirty (30) square feet, with a maximum height of six (6) feet, and shall face away from the street.

SECTION 4.8 **OFF-STREET PARKING REQUIREMENTS**

- (a) Off-street parking spaces, with proper and safe access from a street, shall be provided on all non-residential lots, either within a structure or in the open, to serve the uses upon that lot.
- (b) For angle parking, stalls shall be between eight and a half (8.5) feet and nine (9) feet in width and be a minimum nineteen (19) feet in length. At the discretion of the Township, a portion of the required parking spaces may be reduced to a minimum of seven and a half (7.5) feet wide by sixteen and a half (16.5) feet in length, if clearly identified as "Compact Car" spaces.
- (c) For parallel parking, stalls shall be between seven (7) feet and eight and a half (8.5) feet in width and between twenty-two (22) feet and twenty-four (24) feet in length.
- (d) The minimum width of aisles providing access to stalls, varying with angle of the parking, shall be as follows in *Table 4.8-1: Parking Standards*:

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| Table 4.8-1: Parking Standards | | |
|---------------------------------------|---|---|
| <i>Angle of Parking</i> | <i>Minimum Aisle Width (Double-Sided Parking)</i> | <i>Minimum Aisle Width (Single-Sided Parking)</i> |
| Parallel | 12' | 12' |
| 45 | 12'-8" | 12'-8" |
| 60 | 16' | 16' |
| 75 | 20' | 18' |
| 90 | 24' | 18' |

- (e) The required parking area shall be measured exclusive of interior drives or maneuvering areas.
- (f) Parking spaces for use by persons with disabilities shall meet Americans with Disabilities Act of 1990 (ADA) standards. All commercial, public, and industrial uses shall provide handicapped parking spaces for the physically challenged as follows in *Table 4.8-2: ADA Parking Standards*:

| Table 4.8-2: ADA Parking Standards | | |
|---|--|---------------------------------------|
| <i>Total Parking Spaces</i> | <i>Required Handicap Accessible Spaces</i> | <i>Required Van Accessible Spaces</i> |
| 1-25 | 1 | 1 |
| 26-50 | 2 | 1 |
| 51-75 | 3 | 1 |
| 76-100 | 4 | 1 |
| 101-150 | 5 | 1 |
| 151-200 | 6 | 1 |
| 201-300 | 7 | 1 |
| 301-400 | 8 | 1 |
| 401-500 | 9 | 2 |
| 501-1000 | 2% of total | |
| over 1000 | 20 plus 1 per 100 over 1000 | |

- (g) One (1) parking access aisle of no less than five (5) feet in width shall be provided for each handicap accessible parking space and shall be a part of the accessible route of no less than three (3) feet in width to the building or facility entrance.

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- (h) Additionally, one (1) in every eight (8) handicap accessible spaces, but not less than one (1), shall be served by an access aisle eight (8) feet wide minimum and shall be designated “Van Accessible” as required by ADA.
- (i) If the land between parking areas and the side or rear lot lines or street right-of-way line is landscaped to the satisfaction of Menallen Township, parking may be allowed in front, side and rear yards, but no closer than twenty-five (25) feet from a side or rear lot line or street right-of-way line.
- (j) All parking areas shall be designed to be accessible year-round.
- (k) Required parking areas shall be asphalt, except where an alternative paving material is permitted or required by the Township upon the recommendation of the Township Engineer. Parking spaces shall have an approved all-weather surface.
- (l) Reserve parking areas may be permitted or required to comprise precast porous paver blocks (such as “grasscrete”), gravel, grass or other approved material, depending upon the degree of anticipated use, based upon the recommendation of the Township Engineer.

(m) Stormwater Management

- 1) All land development plans with off-street parking areas shall be accompanied by a stormwater management plan for the entire site meeting all applicable regulations regarding stormwater management and erosion control.
- 2) Development plans presented at the preliminary plan stage shall clearly indicate drainage patterns across all surface areas and areas altered by proposed developments.
- (n) Parking spaces shall be clearly delineated by suitable markings. Short-term visitor parking spaces shall be differentiated from long-term employee spaces by suitable markings or signage.
- (o) Where required, parking areas shall be provided with outdoor lighting in accordance with Section 4.5 and applicable provisions of the Subdivision and Land Development Ordinance.
- (p) The following minimum number of off-street parking spaces per use shall be provided for the uses indicated below.

1) Residential Uses.

For residential uses, the following minimum parking requirements in *Table 4.8-3* shall apply. Individual enclosed garages designed to house two or more cars may be substituted for one off-street parking space.

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| Table 4.8-3: Residential Parking Requirements | |
|---|---|
| <i>Type of Residential Use</i> | <i>Number of Off-Street Spaces Required</i> |
| Multi-family dwellings | Two (2) spaces per dwelling unit |
| Single-family detached and attached dwellings | Two (2) per dwelling unit |
| Group Homes, Group Quarters, Institutional Homes, Nursing Homes, Skilled Nursing Facilities, Assisted Living Facilities, Independent Living Facilities, Family Care Facilities, or similar residential-type use | One (1) space for each five (5) beds, plus one (1) space for each employee on the largest shift |

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2) Non-Residential uses.

For all non-residential uses except business, professional, or government offices, there shall be sufficient parking spaces provided for each use so that there is a minimum of one space for each employee on the shift of greatest employment, plus additional parking spaces to be provided by the application of the appropriate formula for each use as listed in *Table 4.8-4* below. For business, professional, or government offices, the formula below assumes the inclusion of employee parking.

| Table 4.8-4: Non-Residential Parking Requirements | |
|--|---|
| <i>Type of Non-Residential Use</i> | <i>Number of Off-Street Spaces Required</i> |
| Business, professional, or government office | Three (3) parking spaces for each one thousand (1,000) square feet of office space |
| Bowling Alley | Five (5) spaces for each bowling alley lane |
| Church or other place of worship | One (1) space for each five (5) seats (Places of worship are encouraged to seek shared use of parking with other uses with differing times of peak usage) |
| Club, Lodge | One (1) space for each two (2) members the facility is designed to accommodate |
| Cultural services | One (1) parking space for each five hundred (500) square feet of gross floor area |
| Eating or drinking establishment, except fast-food restaurants | One (1) space for each one hundred and twenty-five (125) square feet of gross floor area above the first two thousand four hundred (2,400) square feet |
| Fast-food restaurants and convenience stores | Ten (10) parking spaces for each one thousand (1,000) square feet of floor space, plus six (6) stacking spaces per drive-thru service window |
| Financial institution | Three (3) parking spaces for each one thousand (1,000) square feet of floor area, excluding area used exclusively for filing or storage |
| Golf course | Three (3) parking spaces for each tee |
| High Schools | One (1) parking space for every four (4) students based on the design capacity of the school |
| All other schools, except kindergartens or nursery schools | One (1) parking space for every ten (10) students based on the design capacity of the school |
| Hotel, Motel, Bed & Breakfast Inn | One (1) space for each rental unit (If a restaurant, auditorium, or |

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| | |
|--|---|
| | other related use in connection with such principal use is open to the public, the off-street parking facility for such related uses shall not be less than those required individually for such uses) |
| Kindergarten, adult or child day care or child nursery | Two (2) parking spaces for each one thousand (1,000) square feet of floor area, plus adequate space for client drop-off and pick-up, subject to approval by the Township |
| Laboratory or research facilities, printing and publishing facilities, kennels, junkyards and any other use not specifically provided herein | Sufficient parking to accommodate employees, visitors, or clients, subject to approval of the Board of Supervisors |
| Manufacturing, wholesale sales, storage or distribution, including personal storage facility | One (1) parking space for each one thousand (1,000) square feet of floor area |
| Medical or dental office or clinic | Three (3) parking spaces for each one thousand (1,000) square feet of office/clinic space |
| Mixed Use Development | For any mixed use development, the number of required parking spaces shall be calculated by adding together the parking required for each use to be included within the development, including any residential component, based on a mix of uses reasonable to project long-term parking needs and acceptable to the Township |
| Mortuary, Funeral Home | One (1) space for each three (3) visitors the facility is designed to accommodate |
| Retail Stores, General Business, Commercial And Personal Service Establishments | Three and one half (3.5) parking spaces for each one thousand (1,000) square feet of area used for sales and the display of merchandise |
| Sale of Gasoline | One (1) parking space per pump plus two (2) stacking spaces for each pump island |
| Theater / Auditorium | One (1) space for each five (5) seats |
| Vehicular sales, service, and repair; or car wash | Two (2) spaces for each two hundred (200) square feet of floor or ground area devoted to repairs, sales, or service facilities. In no case shall the spaces for permitted motor vehicle storage in conjunction with a service station be less than five (5) |
| Veterinary office or clinic, animal hospital | Three (3) parking spaces for each one thousand (1,000) square feet of office/clinic space |

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SECTION 4.9 OFF-STREET LOADING REQUIREMENTS

In connection with any building or structure which is to be erected or substantially altered and which requires the receipt or distribution of materials or merchandise by trucks or similar vehicles, there shall be provided off-street loading berths not less than the minimum requirements specified in this section:

- (a)** Areas provided for the loading and unloading of delivery trucks and other vehicles and for the servicing of shops by refuse collection, fuels, and other service vehicles shall be arranged so that they may be used without:
 - 1)** Blocking or interfering with the use of accessways, automobile parking facilities, or pedestrian ways, or
 - 2)** Backing out into a street.
- (b)** All required loading berths shall be located on the same lot as the use to be served, and no portion of the vehicle shall project into any traffic lane. No loading berth for vehicles of more than two (2)-ton capacity shall be located less than one hundred (100) feet from any residential district. No permitted or required loading berth shall be located within fifty (50) feet of any property line. No loading facilities shall be constructed between the building setback line and a street right-of-way line or within a required yard.
- (c)** All off-street loading areas shall be adequately buffered from adjacent streets and properties and landscaped in accordance with the provisions of this Chapter.

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CHAPTER 5 SUPPLEMENTAL USE REGULATIONS

SECTION 5.1 PURPOSE

- (a) The purpose of this Chapter is to establish standards and policies for specific uses in all districts that require particular considerations. These regulations will supplement general development standards by establishing uniform criteria for each use – whether a permitted use by right, a special exception, or a conditional use – and are set forth to achieve compatibility with the principal uses permitted in a zoning district. The provisions for this Chapter shall apply in addition to any other applicable zoning regulations.

SECTION 5.2 ADULT ORIENTED ESTABLISHMENTS

Adult-oriented establishments and commercial uses shall be subject to the following regulations:

- (a) Adult entertainment uses shall not be located within one-thousand (1,000) feet of any residential structure; within one-thousand (1,000) feet of any church, school, park or playground; or within one-thousand (1,000) feet of any other adult entertainment use.
- (b) Advertisements, displays, or other promotional materials for adult entertainment facilities shall not be shown or exhibited so as to be visible to the public from any street, sidewalk, or other public place.
- (c) All building openings, entries, exits, or windows for adult entertainment facilities shall be located, covered, or screened in such a manner as to prevent a view into the interior from any street, sidewalk, or other public place.
- (d) In the case of an adult drive-in motion picture theater, viewing screens shall be situated and screened so as to prevent observation from any street or adjoining property.

SECTION 5.3 AGRICULTURAL OPERATIONS (INCLUDES CONCENTRATED ANIMAL AND / OR ANIMAL FEEDING OPERATIONS)

Agricultural Operations shall be subject to the following regulations:

(a) General Provisions for all Agricultural Operations

- 1) All agricultural practices shall comply with the Pennsylvania Department of Environmental Protection (DEP) standards regarding nutrient management.
- 2) Commercial composting is prohibited. Any on-site composting shall be limited for use on premises on which such composting is made and produced.

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- 3) Solid and liquid wastes shall be disposed of frequently in a manner to avoid creating insect or rodent problems, or a public nuisance. No emission of noxious, unpleasant gases shall be permitted in such quantities as to be offensive outside the lot lines of the tract occupied by an agricultural user.

(b) Provisions for Concentrated Animal Feeding Operations (Animal /Livestock Farming)

- 1) Animals include but are not limited to pigs, chickens, turkeys, cows, sheep, goats, and horses.
- 2) Structures may be erected for a private stable, pen, barn, shed, or silo for raising, treating, and storing products raised on the premises. A dwelling unit is permitted either as part of this structure or as a separate structure.
- 3) Standings under roofed stables must be made of a material that provides for proper drainage so as not to create offensive odors, fly breeding, or other potential nuisances.
- 4) The keeping of horses is subject to the requirements under Section 5.21, Equestrian Facility.
- 5) Fences for pens, corrals, or similar enclosures for livestock must be of sufficient height and strength to retain the animals. No pen, corral, fence or similar enclosure may be closer than twenty (20) feet to an adjacent property line unless it is a part of a larger property line divider.
- 6) Poultry houses for housing more than five hundred (500) birds shall not be located closer than three hundred (300) feet from all property lines and street right-of-way lines.
- 7) Structures for housing more than twenty-five (25) head of livestock shall not be located closer than three hundred (300) feet from all property lines and street right-of-way lines.
- 8) If the owner of the proposed structure also owns the land on the other side of the street (opposite the location of the proposed structure), such structure may only need to meet the setback from the right-of-way the distance specified in the applicable District; however, in no case shall the structure be located closer than three hundred (300) feet to any property line.
- 9) The Zoning Hearing Board may permit the expansion of existing poultry and livestock facilities closer to the property and street right-of-way lines than permitted above, provided that the Zoning Hearing Board finds that the expansion of such facilities will not be more detrimental to surrounding properties than the existing use.

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SECTION 5.4 AGRICULTURAL LABOR HOUSING

Agricultural labor housing shall be subject to the following regulations:

- (a) The proposed housing is necessary and shall only be permitted as an accessory use to a current agricultural use.
- (b) The housing shall be seasonal unless it is shown that an additional full-time dwelling is necessary to the current agricultural use of the subject farm or ranch unit. Seasonal use shall not exceed nine (9) months.
- (c) The housing will be located to minimize the conversion of lands capable of production of farm crops or livestock and shall not force a significant change in or significantly increase the cost of accepted agricultural practices employed on nearby lands devoted to agricultural use.

SECTION 5.5 AIRPORT / LANDING STRIP

Airports or landing strips shall be subject to the following regulations:

- (a) Any proposed runway or landing area shall comply with the standards of the Federal Aviation Administration (FAA) for the class of airport proposed, in accordance with their published Rules & Regulations. Proof of compliance shall be submitted with the application.
- (b) The applicant shall submit a drawn-to-scale site plan for the subject property (at a scale of 1 inch to 200 feet or larger) which shall contain:
 - 1) The location of all existing and proposed structures.
 - 2) The location of all vehicular roads and aircraft runways or helicopter lift-off pads.
 - 3) The location of the property boundary lines.
 - 4) The location of above- and below-ground utility lines.
 - 5) The topography.
- (c) In addition to the site plan, the applicant shall submit a vicinity map at a scale of one inch to one-thousand (1,000) feet or larger which shows the land within two (2) miles of the proposed runway, including the following:
 - 1) The airport approach, transition, and turning zones.
 - 2) The location of above-ground utility lines.
 - 3) The location of dwellings and all structures over twenty-five (25) feet in height.
 - 4) The topography.
 - 5) The property boundary of the airport.

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- (d) Adequate public road capacity, utilities, parking, and runway design shall be available for the level of use of the facility.
- (e) Except for helicopter pads and ultra light vehicle flight facilities, which are required to have sufficient space for safe takeoff and landing, all facilities shall have the airport approach zone and airport transition zone contained within the property boundary.
- (f) The facilities shall not reduce the value or use of land available to other property owners in the area due to noise or safety.
- (g) There is adequate evidence of a safe design of the facilities, including a written acceptance or statement of exemption by the FAA.
- (h) Before and during operation of any airport, landing strip or flying field facilities, the following height limits shall be met:
 - 1) In any airport approach zone, no building or structure shall be erected which is more than one (1) foot in height for each fifty (50) feet said building or structure is distant from the end of the landing or takeoff strip.
 - 2) In any airport transition zone, no building or structure shall be erected which is more than one (1) foot in height for each seven (7) feet said building or structure is distant from the inside airport approach zone boundary.
 - 3) In any airport turning zone, no building or structure shall be erected to a height greater than one hundred fifty (150) feet.
 - 4) No helicopter pad, landing strip, flying field, or airport may be approved or operated in a location where there will be: electrical interference with radio communication between airports and aircraft; on- or off-site lights which make it difficult for flyers to distinguish the landing area or which glare in the eyes of flyers; or buildings, trees, or other objects which impair visibility or otherwise endanger the landing or taking off of aircraft.

SECTION 5.6

AMUSEMENT PARKS AND RECREATION CENTERS

Amusement Parks/Recreation Centers shall be subject to the following regulations:

- (a) No person shall conduct, engage in, or operate in any manner a recreation center or amusement center/arcade without having first obtained the appropriate licenses required by the Commonwealth of Pennsylvania. A separate recreation center or amusement center/arcade license shall be required for each location.
- (b) The operation of an amusement or recreation center as an accessory use shall be pursuant and subservient to the purposes of the normal permitted recreational activity;
- (c) The center shall not be located within one thousand (1,000) feet of a church, public school, or any other amusement/recreation center.

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- (d) No use shall include the feeding, sheltering or penning of animals or fowl or the storage of refuse or compost within one hundred (100) feet of any adjacent property not used for agricultural purposes.
- (e) This type of establishment shall not be open from 12:00 midnight to 8:00 A.M. on any given day.
- (f) A screen planting pursuant to the requirements set forth in Section 4.6 of this Ordinance is required.
- (g) Lighting shall conform to the standards set forth in Section 4.5 of this Ordinance.

SECTION 5.7 ANIMAL DAYCARE / DOG DAYCARE

Animal day care facilities and dog day care facilities shall be subject to the following regulations:

- (a) The number of pets / animals to be permitted shall be determined by the Zoning Officer and / or Zoning Hearing Board.
- (b) Kennels / overnight boarding facilities shall not be permitted unless submitted as part of an application for kennels / boarding facilities.
- (c) Hours of operation shall be between 7 AM and 6 PM.

SECTION 5.8 ANIMAL HOSPITALS/ VETERINARY OFFICES

Animal hospitals and veterinary offices shall be subject to the following regulations:

- (a) In the Agricultural district, such uses shall be accessory to a farm, or when proposed as a principal use shall have a minimum site area of two (2) acres. In all other districts, they must comply with the setback, rear yard, side yard, and front yard requirements for that district.
- (b) Such uses shall be located at least one hundred (100) feet from any property line adjoining a residential use or zoning classification and at least fifty (50) feet from any other property line.
- (c) Outdoor runs and similar facilities shall not be permitted.

SECTION 5.9 ASSISTED LIVING FACILITY / INDEPENDENT LIVING FACILITY

Assisted living facilities, and / or independent living facilities shall be subject to the following regulations:

- (a) The minimum site required shall be five (5) acres.
- (b) The maximum dwelling unit density shall be twelve (12) units per acre.

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- (c) The facility shall include the following supporting uses:
 - 1) Common leisure and/or recreational areas
 - 2) Common dining area
- (d) In addition, the facility may include one (1) or more of the following supporting uses, subject to approval by the Township:
 - 1) Postal station for use of the residents and staff only;
 - 2) Banking facility for use of the residents and staff only;
 - 3) Pharmacy and/or medical offices for use of the residents only;
 - 4) Personal services for the use of the residents only, including beauty shop, barber shop, common laundry facilities, dry cleaning valet;
 - 5) Ice cream parlor and/or florist/gift shop for the use of residents and their invited guests only;
 - 6) Elderly day care center licensed by the Commonwealth;
 - 7) Taxi, van, or similar transportation services for the residents.
- (e) Screen planting and buffering shall be in accordance with the provisions set forth in Section 4.6 of this Ordinance.
- (f) Off-street parking shall be as required by the provisions set forth in Section 4.8 of this Ordinance.

SECTION 5.10 AUTOMOBILE CAR WASH

Automobile car washes shall be subject to the following regulations:

(a) General Requirements

- 1) Any trash or service area of a car wash shall be fully screened from other properties and public streets
- 2) To the extent practicable, wash bays shall be sited parallel to the adjacent street in such a way as to use the frontage efficiently and be oriented away from any abutting residentially zoned property
- 3) If accessory vacuuming facilities are provided, a minimum of one parking space shall be provided for each vehicle capable of being serviced at any one time at such vacuum facility
- 4) Parking spaces for accessory vacuuming facilities shall not interfere with circulation or entrance or exit drives
- 5) All automobile car washes shall be required to be equipped with, and shall maintain in operation, a water recycling system that will recycle not less than fifty percent (50%) of the water being used by such automobile car wash

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- 6) Automobile car washes shall not be open for business or otherwise in operation during the nighttime and early morning hours of 10:00 p.m. and 7:00 a.m. the following day

(b) Location

- 1) The lot proposed for a car wash shall contain at least ten thousand (10,000) square feet and shall provide an off-street paved parking
- 2) Such space shall contain at least two hundred (200) square feet per waiting vehicle.
- 3) Each wash bay of a car wash shall have the following vehicle stacking capacity for vehicles waiting to be serviced:
 - i. Three (3) stacking spaces for each bay in a self-service car wash
 - ii. Six (6) stacking spaces for each in-bay automatic or conveyor car wash

(c) Access, Circulation and On-site Parking

- 1) The lot proposed for a car wash shall front on, and have direct access to, an arterial or collector street.
- 2) The ingress or egress points of a car wash, or any driveway thereon, shall not be located so to impede the safe operation of any intersection.
- 3) Access points and driveways shall be planned and shared between properties to the greatest extent possible
- 4) Sidewalks to accommodate pedestrian activity shall be provided and pedestrian access shall be provided from the perimeter of the property to the automobile car wash
- 5) The circulation system shall provide continuous traffic flow and conflicts between major pedestrian movement and vehicular circulation shall be minimized

SECTION 5.11 AUTOMOBILE REPAIR AND SERVICE

Automobile repair and service uses shall be subject to the following regulations:

- (a) No portion of the front or ride side lines of an automotive repair or service station or any part of their appurtenances or accessory uses, shall be placed within fifty (50) feet of any residential dwelling.
- (b) Outside storage of inoperable vehicles is prohibited in residential areas and is allowed in business and industrial areas only under certain conditions.
- (c) The only vehicles which may be stored outside in connection with an auto repair business are:
 - 1) Customer vehicles awaiting service may be stored outside for a period not to exceed two months and a work order or some other written proof must be provided to show that the vehicle is actually awaiting service.

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- 2) Employees' personal vehicles used for travel to and from work.
- 3) A vehicle used in connection with the auto repair operation, such as a wrecker.
- (d) Vehicles which may not be stored outside are:
 - 1) Inoperable vehicles which are not awaiting service.
 - 2) Inoperable vehicles which are being "scrapped out" or used for replacement parts for another vehicle being repaired.
 - 3) Operable vehicles not awaiting service and not used in connection with the business.

SECTION 5.12 BATH HOUSE

An adult bath house/steam shall be subject to the following regulations:

- (a) The Menallen Township Zoning Hearing Board shall have the discretion to consider in granting or denying the special exception any reasonable fact or circumstance relating to the public health, safety and welfare, including, but not limited to, the following:
 - 1) The character and suitability of the area or neighborhood in which the bath house/steam room is to be located;
 - 2) The proximity of the site for the steam room/bath house or adult steam room/bath house to churches, schools, playgrounds, parks or other community facilities adversely affected; and
 - 3) Traffic congestion and parking problems.
- (b) The following requirements shall apply to the construction and maintenance of bath houses/steam rooms:
 - 1) All steam room/bath house rooms, restrooms and bathrooms used in connection with the licensed premises shall be constructed of materials which are impervious to moisture, bacteria, mold, or fungus growth. The floor-to-wall and wall-to-wall joints shall be constructed to provide a sanitary cove with a minimum radius of one (1) inch.
 - 2) Floors, walls and equipment in steam rooms/bath house rooms, restrooms and in bathrooms used in connection with the establishment must be kept in a state of good repair and sanitary at all times. Sanitary towels, wash cloths, cleaning agents and toilet tissue must be made available for each customer.
 - 3) Doors on steam rooms or bath house rooms shall not be locked during use. All steam rooms and bath house rooms shall be clearly marked by signs.
 - 4) All massage tables, bath tubs, shower stalls, bath areas and floors shall have surfaces which can be readily disinfected.
 - 5) Separate steam rooms and bathing rooms, dressing, locker and toilet facilities shall be provided for female and male patrons, so that female and male patrons may be served simultaneously.

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(c) It shall be unlawful for:

- 1) Anyone to engage in, conduct or carry on a steam room/bath house or adult steam room/bath house without a valid license issued pursuant to this chapter.
- 2) Any person in a licensed establishment to place his or her hands upon, or to touch with any part of his or her body, or to fondle in any manner, or to massage, the genital area of any other person.
- 3) Any person in a licensed establishment to expose the genital area or any portion thereof of any other person.
- 4) Any person owning, operating or managing a licensed establishment knowingly to cause, allow or permit in or about such licensed establishment any agent, employee, or any other person under his or her control or supervision to perform such acts prohibited in subparagraphs (1) through (3) of this section or any obscene act.
- 5) Any person to employ any person under the age of eighteen (18) to work in any adult steam room/bath house.

SECTION 5.13 BED AND BREAKFAST INN

Bed and Breakfast Inns shall be subject to the following regulations:

- (a) The minimum lot size shall be that of the underlying zoning district in which the use is located.
- (b) No more than six (6) guests rooms suitable to accommodate twelve (12) guests shall be provided. No guest shall be accommodated for more than seven (7) consecutive nights.
- (c) Breakfast and/or afternoon tea shall be the only meals provided, and shall be provided only to guests of the Bed and Breakfast. There shall be no separate cooking facilities in any guest room.
- (d) Amenities provided by the Bed and Breakfast such as swimming pool, porches, or decks shall be limited for the use of the residents and guests of the facility.
- (e) In addition to applicable parking requirements in Section 4.8, there shall be one (1) off-street parking space per guest room and one (1) space for each non-resident employee. The off-street spaces shall be screened from adjacent residential properties by fencing or natural vegetation in accordance with Section 4.6 (h).
- (f) Only one (1) non-illuminated sign no larger than sixteen (16) square feet may be displayed to identify the Bed and Breakfast facility, in accordance with Chapter 6.

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SECTION 5.14 BOARDING HOUSES AND GROUP QUARTERS

A boarding house facility or group quarters facility shall be subject to the following regulations:

- (a) Community resources, such as schools, churches, recreational and health services, police protection and fire protection from an organized fire department, shall be available to the facility.
- (b) The building shall meet the legal requirements of the community as to building codes and fire protection and emergency vehicle access. Where local fire and emergency vehicle access regulations do not exist, fire safety and emergency vehicle access approval shall be obtained from the County.
- (c) Persons being kept in group quarters shall not be bedfast or suffering from any communicable disease.
- (d) Boarding homes and group quarters shall be licensed by the Commonwealth of Pennsylvania.
- (e) No separate kitchen shall be installed for any person being kept in boarding homes or group quarters.
- (f) In considering whether to permit the establishment of a facility and/or the number of persons that should be permitted in such a facility, the Menallen Township Zoning Hearing Board shall take into account the number of other existing facilities in the general area, regardless of community boundaries, and the potential overall impact on the neighborhood or area.

SECTION 5.15 CAMPGROUNDS

Campgrounds shall be subject to the following regulations:

- (a) The minimum lot area of a campground shall be ten (10) acres.
- (b) Side and rear buffers shall be a minimum of twenty five (25) feet in width and shall be planted with a combination of deciduous and evergreen trees and shrubs.
- (c) All outdoor storage and loading areas, dumpsters shall be screened with a minimum six (6) foot fence or wall.
- (d) The maximum number of camping spaces within each campground shall be no more than fifteen (15) per acre of the total area of the tract or tracts.
- (e) Each camping space shall be numbered and shall have a minimum width of thirty (30) feet and a minimum depth of fifty (50) feet.
- (f) The campground owner shall be responsible for the maintenance of all campground facilities, including areas designated as open

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- (g) All water facilities, sewage disposal systems, rest rooms, solid waste disposal and vermin control shall be approved and maintained in accordance with the requirements of the DEP.
- (h) All lighting shall be arranged and shielded so that no glare of direct illumination shall be cast upon adjacent properties or public streets.

SECTION 5.16 CHILD DAY CARE FACILITY

A Child Day Care Facility, which shall include both Child Day Care Center and Family Day Care Home, shall be subject to the following regulations:

- (a) Meet Commonwealth of Pennsylvania child day care licensing requirements;
- (b) Comply with all building, fire safety, health code, and business licensing requirements;
- (c) Lot size, building size, setbacks, and lot coverage conform to the standards of the zoning district except if the structure is a legal nonconforming structure;
- (d) A safe passenger loading area must be provided;
- (e) Signage, if any, will conform to the standards set forth in this Ordinance;
- (f) No structural or decorative alteration that will alter the single-family character of an existing or proposed residential structure or be incompatible with surrounding residences is permitted. Any new or remodeled structure must be designed to be compatible with the residential character of the surrounding neighborhood.
- (g) Location
 - 1) A child day care center shall not be located within three hundred (300) feet of another child day care center that is not an accessory use to a residential structure.
- (h) Limitations in Use of a Family Residence (Family Day Care Home Only)
 - 1) No family day care home shall be located in a private family residence unless the portion of the residence where the children have access is used exclusively for the children during the hours the center is in operation, or is separate from the usual living quarters of the family.
 - 2) No family day care home shall include more than three (3) employees working on the premises at any given time.
- (i) Accessory Use
 - 1) A child day care center, if sited on the premises of an operating community service facility shall be considered accessory to the principal use of the property concerned.

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SECTION 5.17 COMMUNICATIONS TOWERS AND ANTENNAS

Communication towers and antennas shall be subject to the following regulations:

- (a)** Communication towers shall be erected within the minimum yard and building setback requirements of the districts in which they are to be built.
- (b)** The height regulations of this Ordinance may be increased provided that every minimum yard setback is increased by one (1) foot for each one (1) foot of height above the maximum height. The setback requirement may be waived if the tower is equipped with a “fold point,” which, if there is a failure, would cause the failure to occur at a predetermined point. The communications towers shall not at any time exceed two hundred (200) feet.
- (c)** Any applicant proposing construction of a new communication tower shall demonstrate that a good faith effort has been made to obtain permission to mount the communications antennas on an existing building, structure, or communication tower. A good faith effort shall require that all owners of potentially suitable structures within a one-quarter (1/4) miles radius of the proposed tower site be contacted and that the applicant state the reasons why the sites would not be suitable.
- (d)** Communication towers shall be securely anchored in a fixed location on the ground, and plans submitted showing a cross section of the proposed structure, structural compliance with building codes documenting that the proposed structure meets or exceeds those standards, and documentary evidence from a professional engineer shall be provided that the proposed structure will withstand wind, storm, ice, lightening, and other natural forces. Additionally, documentation shall be provided by a professional engineer demonstrating that the communication tower is structurally capable of handling antennas, dishes and other equipment mounted or attached to the communication tower and what the maximum load limits are for the structure.
- (e)** The owner of the land and tower operator will not prohibit co-location by other personal wireless service companies.
- (f)** All communication towers shall have a finish that reduces the visibility of the structure. Communication towers shall not have strobe lights or any illumination unless required by local, state, or federal regulation.
- (g)** The communication tower and all equipment shall be enclosed by a chain link fence ten (10) feet high with three (3) strands of barbwire constructed on the top of the chain link fence. The communication tower shall be shielded or guarded against climbing of unauthorized personnel. Access to the site shall be restricted and remain locked. The base of a communication tower shall be landscaped so as to screen the foundation and base and communications equipment building from abutting properties with a natural screening no higher than six (6) feet. Structures related to the communication tower shall be equipped with a twenty-four (24) house security system.

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- (h)** The communication tower and related equipment shall be promptly removed if the communication tower is not used for communication purposes for any continuous one (1) year period.
- (i)** The communications tower may be located on a lot occupied by other principal structures and may occupy a leased parcel with in a lot meeting the minimum lot size requirements for the zoning district.
- (j)** Recording of a plat of subdivision shall not be required for a lease parcel on which a communications tower is proposed to be constructed, provided the communications equipment building is unmanned.
- (k)** The applicant shall demonstrate that the proposed height of the communications tower is the minimum height necessary to perform its function.
- (l)** The foundation and base of any communications tower in the industrial zone shall be set back from a property line (not lease line) in any residential district at least one hundred (100) feet and shall be set back from any other property line (not lease line) at least fifty (50) feet.
- (m)** The communication equipment building shall comply with the required yards and height requirements of the zoning district in which it is proposed to be located.
- (n)** The applicant shall submit certification from a registered Pennsylvania Structural Engineer that a proposed communications tower will be designed and constructed in accordance with the current Structural Standards for Steel Antenna Towers and Antenna Supporting Structures, published by the Electrical Industrial Association/Telecommunications Industry Association and applicable requirements of the municipality's Building Code.
- (o)** The applicant shall demonstrate that the location of the proposed communications tower complies with all building and safety codes and that tower structure failure, falling ice or other debris will not adversely affect surrounding areas.
- (p)** All guy wires associated with guyed communication towers shall be clearly marked so as to be visible at all times and shall be located within a fenced enclosure.
- (q)** No signs or lights shall be mounted on a communications tower, except as may be required by local, state, or federal regulation.
- (r)** Communications towers shall be protected and maintained in accordance with the requirements of the Menallen Township Building Code.
- (s)** One (1) off-street parking space shall be provided within the fenced area.
- (t)** In January of each year, the owner or operator of a communications tower shall submit written verification to Menallen Township that there have been no changes in the operating characteristics of the communications tower as approved at the time of approval of the use by special exception, including, at a minimum:
 - 1)** Copy of the current Federal Communications license, if applicable;

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- 2) Name, address and emergency telephone number for the operator of the communications tower;
- 3) Copy of Certificate of Insurance evidencing general liability coverage in the minimum amount of \$1,000,000 per occurrence covering the communications tower and communications antennas;
- 4) At any time during the calendar year, if an amendment to the Federal Communications Commission license is issued, a copy of the amended license shall be submitted to the Municipality.

(u) Bond for Removal Costs.

- 1) At the time of issuance of the permit for construction of the wireless communications facility, a bond or escrow account shall be posted with the Township in an amount certified by the applicant's engineer and confirmed by the Township engineer to be sufficient to cover the costs of removing such wireless communications facility and disposing of all of its components, together with a financial security agreement authorizing the Township to use the funds to remove the facility if the facility is abandoned, and further authorizing the Township to place a lien on the premises in the event the escrow or bond is insufficient to cover the costs of removal and disposal.
- 2) The financial security agreement shall be executed by both the applicant and the landowner.
- 3) At the time of filing of the Annual Report required in Section (t), above, any new owner of the land or of the facility, as well as an organization utilizing the facility, shall reaffirm the validity of the financial security agreement and/or execute a new financial security agreement as may be required by the Township Solicitor.
- 4) If the Township Zoning Officer shall find that an abandoned wireless communications facility has not been removed within ninety (90) days of the cessation of use, said officer shall give written notice to the owner of the building or premises on which such facility is located.
- 5) Removal of the facility shall be effected within fifteen (15) days after receipt of the notice. If such facility is not removed after the conclusion of such fifteen (15) day period, the Zoning Officer is hereby authorized to cause the antenna to be removed forthwith at the expense of the owner of the building or premises on which such antenna is located.
- 6) If the escrow or bond is insufficient to cover the entire cost of removal and disposal, the Township may place a lien upon the premises that may be collected in accordance with the rules for collection of municipal liens.

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SECTION 5.18 CONTINUING CARE FACILITY

Continuing Care Facilities shall be subject to the following regulations:

- (a)** No such use shall be operated without approval and, where appropriate, licensing by such agencies as the Pennsylvania Department of Social Services, the Pennsylvania Department of Health, and other such appropriate local, state and federal agencies which may have authority in a particular case.
- (b) Location**
 - 1)** In the consideration of an application for such a use, the concentration of such facilities shall be taken into account to prevent clustering in certain neighborhoods or areas, thereby creating an institutional setting and changing the area's character and social structure.
 - 2)** The location of such a use shall be restricted to parcels located where public water and sewer is available.
 - 3)** No such use shall be established except on a lot fronting on, and having access to, a road designated as a major collector (or higher) unless the Menallen Township Zoning Hearing Board finds that the type and amount of traffic generated by the facility is such that it will not cause an undue impact on the neighbors or adversely affect safety of road usage.
 - 4)** No such use shall be established in any area until Fayette County emergency services has determined that adequate emergency medical service and fire protection is available in short response time.
 - 5)** The location for such use should be convenient to shopping, social, educational and cultural uses.
 - 6)** No structure used for or in conjunction with such use shall be located closer than one hundred (100) feet to any lot line in any CW or SR District.
- (c)** All such uses shall be designed to accommodate service vehicles with access to the building at a side or rear entrance.
- (d)** Minimum parcel size is three (3) acres.
- (e)** All off-street parking and loading areas shall be effectively screened in accordance with the provisions set forth in Section 4.6 of this Ordinance.
- (f)** The proposed use including all structures, roads and landscaping shall be sited, designed and constructed in a manner, which minimizes the impact of the development on the neighborhood and Fayette County. The scale of the physical facilities shall be such that the appearance of the project will be visually harmonious and appropriate to the neighborhood and immediate area.

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SECTION 5.19 CORRECTIONAL FACILITY

Correctional facilities shall be subject to the following regulations:

- (a) The proposed correctional facility use is appropriate in the location for which it is proposed in accordance with the criteria in Section 8.10 of this Ordinance.
- (b) Traffic, sanitary and environmental safety measures must be provided, and be operational and fully usable before such operations or activities and functions commence.
- (c) Light fixtures for security and night operations are positioned and designed to avoid glare and safety hazards on adjacent roadways or properties and nuisance effects on the nearby area.
- (d) A formal written standing commitment from the highest responsible official and/or policy board that operational policies, practices (including maximum inmate number) and staffing plans will provide on-going security and control to prevent unauthorized trespass and litter on adjacent properties or unreasonable risk to safety of nearby residents.
- (e) An Emergency Response Plan which guarantees that the facility owner will either provide directly or to the municipality whatever supplementary equipment, personnel, and financial resources as deemed necessary by the municipality to properly train and develop the necessary resources for effective response to fire, explosion, riot, epidemic, toxic spill or other identifiable potential incidents.
- (f) A Communications Plan which defines in detail the manner in which municipal officials, broadcast and print news media, and any other appropriate public safety officials will be immediately notified and fully briefed on listed reportable incidents, including their ultimate disposition and preventive measures being undertaken to prevent their recurrence, as well as a mechanism for advisory input from Menallen Township to the owner.
- (g) An Accountability Chart that identifies the on-site and parent organization chain of command by position and name of incumbents, such names to be regularly updated.
- (h) A Maintenance Plan which assures that the physical appearance and utility functions, as well as residential and food processing, storage and serving areas will be kept in a sanitary and secure condition with reasonable effort to assure that the value of adjacent properties will not be adversely affected.
- (i) Correctional institution principal and accessory structures shall be a minimum distance of one-thousand (1,000) feet from any property line and two thousand (2,000) feet from any existing residential dwelling, other than the owner's.
- (j) Landscaping plans shall be reviewed by the Board as part of the land development plan rather than requiring any necessary variances, with security as a primary consideration, and the Board shall take into account the security plan when considering any modifications of required landscape planting and/or bufferyards.

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- (k) All permits, licenses, and approvals required from federal or state agencies must be secured with documentation supplied with the application, or said requirement shall become a condition of approval.
- (l) Nothing in this Section or this Ordinance is intended nor shall be applied or interpreted to attempt to regulate those aspects of correctional institutions which are specifically regulated by the Pennsylvania Department of Corrections or U.S. Department of Justice, provided that the above essential precautions are defined by such regulations in as much detail as required herein. The intent of this Section is to provide a mechanism whereby Menallen Township can assure that the site planning and site location of such activities and facilities complies with reasonable precautions for public safety, public health and protection of nearby property values.

SECTION 5.20 DWELLING, SINGLE-FAMILY ATTACHED (INCLUDES TOWN HOMES, PATIO HOMES, VILLAS, ETC.)

Attached single-family residential dwellings shall be subject to the following regulations:

- (a) No more than six (6) dwelling units shall be attached.
- (b) To break up the mass of the attached units, the front facade of each attached unit shall be treated differently, with different building materials and / or different architectural designs or treatments. These treatments shall blend in with the character of the surrounding neighborhood.
- (c) The principal orientation of the attached single-family units shall be the public street on which the lot has frontage. There shall be at least one (1) entrance of each unit facing the public street, and the principal windows of the attached single-family units shall also face this street.
- (d) Vehicular entrances to the attached single-family development shall be minimized and designed in such a way as to maximize safety, maximize efficient traffic circulation, and minimize the impact on any adjacent residential neighborhood.

SECTION 5.21 DWELLING, MULTI-FAMILY (INCLUDES GARDEN APARTMENTS, DUPLEXES, AND MID-RISE APARTMENTS)

Multi-family dwellings to include garden apartments, duplexes, and mid-rise apartments shall be subject to the following standards:

- (a) The area and bulk regulations under the applicable zoning district shall apply.
- (b) Multi-family dwellings consisting of multiple buildings shall adhere to the following regulations:
 - 1) The maximum length of a multi-family dwelling shall be one hundred and seventy-five (175) feet.

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- 2) Multi-family dwellings are encouraged to be located in clusters that create common open areas, rather than situated parallel to one (1) another. Where clustering is not feasible due to site conditions, there shall be no more than three (3) abutting buildings parallel to each other within the development.
 - 3) Staggered setback of dwellings and a variation in façade design shall be encouraged to offer visual variety, individualism, and some private yard area. It is recommended that no more than two (2) contiguous units shall have the same façade setback within a building. Changes in setbacks shall be a minimum of four (4) feet.
 - 4) Buildings within the development shall be designed to provide individual dwelling units with views and direct access to required open areas.
 - 5) Dwellings shall be set back a minimum of fifteen (15) feet from common parking areas and shall be set back a minimum of twenty-five (25) feet from common refuse areas.
 - 6) Dwellings must be setback a minimum of twenty-five (25) feet from the tract boundary.
 - 7) Sidewalks shall be provided to connect dwellings with parking areas, recreational/open areas, and refuse facilities.
- (c) Lighting shall be in accordance with Section 4.4 of this Ordinance.
- (d) Buffering shall be in accordance with Section 4.6 of this Ordinance, in addition to which all areas not covered by impervious surfaces shall be landscaped and, maintained with suitable ground cover and plants. Existing vegetation is encouraged to be maintained for landscaping purposes.
- (e) Required parking shall adhere to those standards set forth in Section 4.8 of this Ordinance. Parking areas shall be adequately landscaped to provide shade, to screen vehicles from public streets, and to reduce glare and noise within the development. Parking lots shall be setback a minimum of twenty-five (25) feet from any right-of-way and shall be screened with landscaping. Landscaping shall be provided around the perimeter of all parking areas, except for access points and walkways.
- (f) Circulation and access shall be as provided in this Ordinance and in the Subdivision and Land Development Ordinance.

SECTION 5.22 EQUESTRIAN FACILITY

Equestrian facilities shall be subject to the following regulations:

- (a) For public equestrian facilities, or boarding facility, the lot shall contain at least two (2) acres for the first equine (horse) and at least one (1) additional acre for each additional equine.
- 1) Thus, two (2) acres of land are required for one (1) equine, three (3) acres for two (2) equines, four (4) acres for three (3) equines, and so on.

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(b) Location

- 1) All barns, stables, and other structures used for the housing of animals on any lot or parcel used as a commercial or public stable shall be located not less than thirty (30) feet from all property and street right-of-way lines, except as otherwise herein provided.
 - 2) All barns, stables, and other structures used for the housing of animals, on any lot used as a private stable or for incidental agricultural uses, shall be located not less than ten (10) feet from any property line and not less than twenty-five (25) feet from the front property line, except as otherwise herein provided.
 - 3) Any barn, stable, or other structure used for the housing of animals may be located not less than five (5) feet from the rear or side property line, provided such property line is contiguous with a freeway, railroad, or levee right-of-way, or a property line of a public park or parcel which, at the time the building or structure is erected, is used for or occupied by a public or private stable.
 - 4) Any barn, stable, or other structure used for the housing of animals may be located not less than three (3) feet from the rear or side property line, provided:
 - i. The building or structure is constructed with solid walls with no openings of any kind within ten (10) feet of the property line, and
 - ii. The floor area of any building or structure used as a private stable, barn, or for the housing of animals shall not exceed 1,000 square feet.
- (c) Any corral, riding ring, or exercise yard used for keeping horses shall be enclosed by fence or other enclosure; and no part of any such corral, riding ring, or exercise yard shall be located closer than twenty (20) feet to any door, window, or other opening of any building or structure on the same or any other parcel used or designed to be used for human habitation.
- (d) All fences which enclose livestock shall be constructed of an adequate height and shall be designed so as to control and contain such livestock at all times, and so as to prevent such livestock from reaching across any property lines, so as to damage adjacent property.

SECTION 5.23 ESSENTIAL SERVICES

All communication lines, pipelines for distribution to individual properties, and all underground electric transmission lines, overhead utility lines, radio receivers and transmitters, electric transmission lines, and substations less than 33 KV shall be subject to the following regulations:

- (a) Prior to the installation of any of the essential services defined above, the owner of such service shall file with the Zoning Hearing Board, all maps and other pertinent information as deemed necessary by the Board for review of the proposed project.

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- (b) In considering applications for the placement of essential services, as regulated in this section, the Zoning Hearing Board shall consider the effect of the proposed project upon the health, safety and general welfare of the area, as existing and as anticipated, and the effect of the proposed project upon the Comprehensive Plan.
- (c) Radio transmitters and receivers accessory to an essential service may be located on existing utility poles or light standards within public right-of-way provide the radio transmitters and receivers comply with the following standards:

 - 1) Radio transmitters and receivers located on a utility pole/tower or light standard shall be at least fifteen (15) feet above grade.
 - 2) Radio transmitter and receiver devices shall not exceed eighteen (18) inches in length or width, or extend more than eighteen (18) inches from the pole. Antennas may not extend more than twenty-four (24) inches from the equipment.
 - 3) The applicant shall submit a map prior to issuance of a permit showing the location of all proposed radio transmitters and receivers. The map shall be accompanied by a list of all sites referenced by the closest street address or property identification number.
 - 4) The list of sites must also describe the type of pole to be used.
 - 5) The applicant shall notify the Zoning Hearing Board of any changes to the approved list prior to erecting or placing any additional equipment in the right-of-way
- (d) The applicant shall notify the Zoning Hearing Board, at the time of permit application, of any obstructions that would cause traffic to be rerouted or stopped.
- (e) The Zoning Hearing Board may deny a permit or attach conditions to the permit approval to protect the public health, safety and welfare, to prevent interference with the safety and convenience of ordinary travel over the right-of-way, or when necessary to protect the right- of-way and its users. The Zoning Hearing Board may consider one or more of the following factors:

 - 1) The extent to which right-of-way space where the permit is sought is available;
 - 2) The competing demands for the particular space in the right-of-way;
 - 3) The availability of other locations in the right-of-way or in other rights-of-way for the equipment of the permit applicant;
 - 4) The applicability of ordinance or other regulations of the right-of-way that affect location of equipment in the right-of-way.

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SECTION 5.24 FAIRGROUNDS

Fairgrounds shall be subject to the following regulations:

- (a) Fairgrounds must comply with all rules and regulations of federal, state, County and local agencies.
- (b) Each use must comply with applicable building and fire codes as they apply to building or grounds in which the use is located. The Building Official must approve all occupancies.
- (c) Food and beverage service uses must be associated with an event sponsored by an approved principal use.
- (d) Disaster or emergency response staging uses may include such temporary activities such as a public address system, heliport, communication equipment, command center and temporary housing.
- (e) Applications for conditional uses must specify the location, duration and scale of the proposed use.
- (f) Any building used for Fair purposes may be used for the seasonal storage of boats, autos, and other recreational vehicles if the following conditions are met:
 - 1) All boats, autos, and recreational vehicles shall be brought to the Fairgrounds in the month of October and removed during the month of April.
 - 2) No signage is allowed as part of the seasonal storage activities.
 - 3) Buildings used for seasonal storage must be primarily for Fair purposes and cannot be erected for the main purpose of storage.
- (g) Outside commercial storage is prohibited.

SECTION 5.25 FAMILY CARE FACILITY

Family care facilities shall be subject to the following regulations:

- (a) In accordance with applicable state laws, facilities shall be registered with or licensed by the appropriate state government departments and shall be required to be in continuing compliance with the minimum standards outlined for such facilities.
- (b) Location
 - 1) Any family care facility shall have at least one property line abutting a major thoroughfare, intermediate thoroughfare or collector street. No state licensed facility shall be located within one thousand (1,000) feet of another Commonwealth- licensed care facility regardless of community boundaries.
 - 2) Family care facilities shall have a minimum side yard setback of at least twenty-five (25) feet.

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- 3) The proposed site and building shall be in full compliance with all yard and bulk regulations (including setback, lot size, and lot width regulations) for the district in which it is located.
- 4) In considering whether to permit the establishment of a facility and/or the number of people that should be permitted in such a facility, the Zoning Hearing Board shall take into account the number of other existing facilities in the general area, regardless of community boundaries, and the potential overall impact on the neighborhood or area.
- (c) Twenty-four (24) hour supervision shall be provided by staff qualified by the sponsoring agency.
- (d) Adequate open space opportunities for recreation shall be provided on the lot for the residents consist with their needs and the area shall be secured by a fence with a self-latching gate.
- (e) Where applicable, certification or licensing by the sponsoring agency shall be prerequisite to obtaining a certificate of occupancy and a copy of an annual report with evidence of continuing certification shall be submitted to the Zoning Officer in January of each year.
- (f) Off-Street Parking and Loading
 - 1) Off-street parking shall be provided for any employees who are not residents of the home. Whenever off-street parking areas are adjacent to land used or zoned for residential purposes, a wall or landscaped screen shall be provided along the sides of the parking area adjacent to such residential land or use.
 - 2) The facility shall provide for safe loading and unloading of residents.
 - 3) Adequate provisions shall be made for access for emergency medical and fire vehicles.

SECTION 5.26 FLEA MARKETS

Flea Markets shall be subject to the following regulations:

- (a) Any applicant who shall have obtained a valid permit to conduct a flea market shall secure a business license to conduct such activity.
- (b) The flea market shall be located on an arterial or collector street.
- (c) The flea market shall have maintained restroom facilities and shall comply with Pennsylvania Department of Environmental Protection, Regional Office facilities regulations.
- (d) The flea market shall have adequate on-site parking, including areas for customer parking and vendor loading/unloading. Required parking shall be one (1) space for every two hundred (200) square feet of indoor / outdoor sales area.

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- (e) The flea market shall maintain an opaque fence of at least six (6) feet in height around the perimeter of the market area (parking areas may or may not be excluded)

SECTION 5.27 GASOLINE SERVICE STATION

Gasoline service stations shall be subject to the following regulations:

- (a) No street entrance or exit of such service station for vehicles shall be within two hundred (200) feet of a street entrance or exit of any school, park, or playground conducted for and attended by children.
- (b) No building or dispensing equipment or such service station shall be within one hundred (100) feet of any hospital, church, or public library.
- (c) Equipment above surface or ground for the service of motor vehicles shall be no closer than fifteen (15) feet to any property line.
- (d) Automobile supplies may be displayed for sale at gasoline pumps at a distance not to exceed five (5) feet from said pumps.
- (e) The width of any entrance driveway leading from the public street to such service station shall not exceed thirty (30) feet at its intersection with curb line or edge of pavement.
- (f) No two driveways leading from a public street to such service station shall be within fifteen (15) feet of each other at their intersection with the curb or street line.
- (g) Parking and vehicle access shall be so arranged that there will be no need for the motorist to back over sidewalks or onto streets.

SECTION 5.28 GARDEN CENTERS, GREENHOUSES (COMMERCIAL) AND NURSERIES

All garden centers, public or commercially operated greenhouses and /or nurseries shall be subject to the following regulations:

- (a) All public greenhouses and nurseries shall have vehicular access to an arterial or collector road.
- (b) The display and sale of items not grown on the premises shall be incidental to the nursery or greenhouse operation. The display area for these items shall not exceed twenty-five percent (25%) of the total gross display and sales area on the subject property.
- (c) The display, sale, or repair of motorized nursery or garden equipment shall not be permitted.
- (d) All outdoor display areas shall be set back at least twenty-five (25) feet from the street right-of-way line.
- (e) All structural improvements, including parking and loading facilities, but not including a freestanding sign, shall be screened from adjoining residentially zoned properties.

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(f) One (1) freestanding or attached sign may be permitted advertising the business.

- 1) Such sign shall not exceed twelve (12) square feet in size and must be set back at least ten (10) feet from all lot lines.

SECTION 5.29 GROUP CARE FACILITY

Group Care Facilities shall be subject to the following regulations:

(a) In accordance with applicable state laws, facilities shall be registered with or licensed by the appropriate state government departments and shall be required to be in continuing compliance with the minimum standards outlined for such facilities.

(b) Location

- 1) Any group care facility shall have at least one property line abutting a major thoroughfare, intermediate thoroughfare or collector street. No state licensed facility shall be located within one thousand (1,000) feet of another Commonwealth- licensed care facility regardless of community boundaries.
- 2) Group care facilities shall have a minimum side yard setback of at least twenty-five (25) feet.
- 3) The proposed site and building shall be in full compliance with all yard and bulk regulations (including setback, lot size, and lot width regulations) for the district in which it is located.
- 4) In considering whether to permit the establishment of a facility and/or the number of people that should be permitted in such a facility, the Zoning Hearing Board shall take into account the number of other existing facilities in the general area, regardless of community boundaries, and the potential overall impact on the neighborhood or area.

(c) Twenty-four (24) hour supervision shall be provided by staff qualified by the sponsoring agency.

(d) Adequate open space opportunities for recreation shall be provided on the lot for the residents consist with their needs and the area shall be secured by a fence with a self-latching gate.

(e) Where applicable, certification or licensing by the sponsoring agency shall be prerequisite to obtaining a certificate of occupancy and a copy of an annual report with evidence of continuing certification shall be submitted to the Zoning Officer in January of each year.

(f) Off-Street Parking and Loading

- 1) Off-street parking shall be provided for any employees who are not residents of the home. Whenever off-street parking areas are adjacent to land used or zoned for residential purposes, a wall or landscaped screen shall be provided along the sides of the parking area adjacent to such residential land or use.

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- 2) The facility shall provide for safe loading and unloading of residents.
- 3) Adequate provisions shall be made for access for emergency medical and fire vehicles.

SECTION 5.30 GROUP HOMES

Group homes shall be subject to the following regulations:

- (a) In accordance with applicable state laws, facilities shall be registered with or licensed by the appropriate state government departments and shall be required to be in continuing compliance with the minimum standards outlined for such facilities.
- (b) Location
 - 1) Any group home shall have at least one property line abutting a major thoroughfare, intermediate thoroughfare or collector street. No state licensed facility shall be located within one thousand (1,000) feet of another Commonwealth- licensed care facility regardless of community boundaries.
 - 2) Group homes shall have a minimum side yard setback of at least twenty-five (25) feet.
 - 3) The proposed site and building shall be in full compliance with all yard and bulk regulations (including setback, lot size, and lot width regulations) for the district in which it is located.
 - 4) In considering whether to permit the establishment of a facility and/or the number of people that should be permitted in such a facility, the Zoning Hearing Board shall take into account the number of other existing facilities in the general area, regardless of community boundaries, and the potential overall impact on the neighborhood or area.
- (c) Twenty-four (24) hour supervision shall be provided by staff qualified by the sponsoring agency.
- (d) Adequate open space opportunities for recreation shall be provided on the lot for the residents consist with their needs and the area shall be secured by a fence with a self-latching gate.
- (e) Where applicable, certification or licensing by the sponsoring agency shall be prerequisite to obtaining a certificate of occupancy and a copy of an annual report with evidence of continuing certification shall be submitted to the Zoning Officer in January of each year.
- (f) Off-Street Parking and Loading
 - 1) Off-street parking shall be provided for any employees who are not residents of the home. Whenever off-street parking areas are adjacent to land used or zoned for residential purposes, a wall or landscaped screen shall be provided along the sides of the parking area adjacent to such residential land or use.

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- 2) The facility shall provide for safe loading and unloading of residents.
- 3) Adequate provisions shall be made for access for emergency medical and fire vehicles.

SECTION 5.31 HELIPAD

Helipads shall be subject to the following regulations:

- (a) The proposed helipad will not be detrimental to the health, welfare, and safety of Township residents and their property. In particular, where the proposed helipad is to be located on a property that abuts property used or zoned for residential purposes, the Township, in granting approval, may impose additional conditions upon the placement and operation of the proposed helipad, including but not limited to:
 - 1) Setback from the residential boundary
 - 2) Hours of operation
 - 3) Flight patterns
 - 4) Specific noise mitigation
 - 5) Any other aspect that would be intended to minimize off-site impacts of the proposed helipad.
- (b) The landing pad must be at least sixty (60) feet square or a circle with a sixty (60)-foot diameter. This pad must be paved and level.
- (c) At least two (2) approach lanes to each landing pad shall be provided and maintained free of obstructions and shall be located not less than ninety (90) degrees apart. Each approach lane shall be located within forty-five (45) degrees left or right of the prevailing winds and shall fan out at an angle of ten (10) degrees from the width of the landing pad to a width of one thousand (1,000) feet and shall have a glide-angle slope of eight to one, measured from the outer edge of the pad. Approach lanes shall be located entirely within the property on which the helipad is to be situated, unless the Township is satisfied with arrangements reached between the applicant and adjacent property owners that assure that any portion of an approach lane beyond the applicant's property will be permanently maintained free of obstructions. Such agreement shall be secured by easement or deed restriction and shall be so noted on any recorded plan.
- (d) Clear areas for emergency landings of the helicopter in the event of mechanical failure shall be available. These emergency landing areas shall be located within the normal glide range of the helicopter with one engine off when operating in the approved takeoff or landing lane from the helipad.
- (e) An application for a helipad on a roof shall be accompanied by a certification by a registered engineer that the loads imposed by the helicopter will be supported by the structure.

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SECTION 5.32 HOME OCCUPATION

A home occupation (as defined in Section 2, Definitions) shall be subject to the following regulations:

- (a)** No more than two (2) persons other than the residents of the dwelling shall be employed in the conduct of the home occupation.
- (b)** Any outdoor display or storage of materials, goods, supplies or equipment shall be prohibited, other than the signs noted below.
- (c)** No traffic shall be generated by such home occupation in greater volumes than would normally be expected in a residential neighborhood, and any need for parking generated by the conduct of such home occupation shall be met off the street.
- (d)** There shall be no change to the residential appearance of the premises and the primary function of the occupation shall not be the sales or rentals of goods from site.
- (e)** There shall be allowed one (1) on-site non-illuminated identification sign not to exceed four (4) square feet and vehicular signs.
- (f)** Permitted home occupations.
 - 1)** The commercial boarding of grazing animals over one hundred fifty (150) pounds average adult weight, consistent with the provisions set forth in Section 5.20 of this Ordinance, as applicable.
 - 2)** The storage of automobiles, boats, travel trailers, motor homes, and nonhazardous materials within fully enclosed structure(s).
 - 3)** Retail sales and services or personal services, as defined in Chapter 2.
 - 4)** Beauty parlors and barber shops, provided that no more than two (2) stylist or barber chairs are provided and all other provisions of this Ordinance are met.
 - 5)** Instructional services, provided that a maximum of two (2) musical students may be instructed at any one time. Non-music instruction shall be limited to no more four (4) students at any one time and no more than two (2) trips per hour.
 - 6)** Family Day Care Homes, as provided for in Section 5.15 of this Ordinance.

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SECTION 5.33 HOTELS / MOTELS

Hotels / motels shall be subject to the following regulations:

- (a) The maximum number of guests per unit shall not exceed five (5) persons.
- (b) Each guest room shall contain not less than two hundred fifty (250) square feet of floor area.
- (c) The minimum lot size shall be five (5) acres with a minimum width of three hundred (300) feet.
- (d) All buildings shall set back no less than one hundred fifty (150) feet from any street line, and no less than sixty (60) feet from any side or rear property line.
- (e) The maximum building height shall be four (4) stories, but not to exceed forty-five (45) feet.
- (f) Screening and planting shall be in conformance with Section 4.6 of this Ordinance.
- (g) All lighting shall conform to the requirements of Section 4.5 of this Ordinance.

SECTION 5.34 HOSPITAL / MEDICAL CENTER

Hospitals / medical centers shall be subject to the following regulations:

- (a) The minimum lot area required for a hospital or medical center shall be ten (10) acres.
- (b) The property shall be served by public water and public sewers.
- (c) All hospitals and / or medical centers shall be licensed by the Commonwealth and the license shall be maintained throughout the occupancy. Failure to maintain the license shall be grounds for revocation of the Certificate of Occupancy.
- (d) Water pressure and volume shall be adequate for fire protection.
- (e) Ingress, egress, and internal traffic circulation shall be designed to ensure access by emergency vehicles.
- (f) The parking and circulation plan shall be referred to the State Police and volunteer fire company for comments regarding traffic safety and emergency access.
- (g) All property lines adjoining residential use or zoning classification shall be screened by a twenty-five (25) foot wide planting screen in accordance with the provisions set forth in Section 4.6 of this Ordinance.
- (h) Lighting shall be in accordance with Section 4.5 of this Ordinance.
- (i) Disposal of medical waste shall be in accordance with all applicable permits and handling requirements of the Pennsylvania Department of Environmental Protection (PA DEP) and the U.S. Environmental Protection Agency (EPA).

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- (j) If a private use helipad for air emergency vehicles shall be proposed, it shall meet all requirements and certifications of the Federal Aviation Administration (FAA) and in addition shall meet all requirements of Section 5.31, *et. seq.*, herein.

SECTION 5.35 INCINERATOR

A certified incinerator shall be part of agricultural or waste disposal systems and subject to the following regulations:

- (a) A certified incinerator shall be permitted only when it is necessary to accommodate the solid waste management needs of the area which it is intended to serve.
- (b) A certified incinerator shall have the following dimensions:
 - 1) The incinerator shall have a firebox or charging compartment of not over ten (10) bushels or approximately twelve (12) feet in capacity.
 - 2) The incinerator shall be provided with a chimney extending not less than ten (10) feet above grade and shall be equipped with a spark arrestor.
- (c) The incinerator should be constructed to withstand internal temperatures of at least 1200 degrees F. in intermittent operation and to provide resistance to alternate heating and cooling. The design should be such that during a period of at least two (2) years of normal usage the structural parts will not warp, crack, corrode, or otherwise fall in a manner so that doors or covers do not fit tightly or that masonry cracks or other openings are produced through which flying brands or sparks may pass.
- (d) Location.
 - 1) The incinerator is located so as to minimize incompatibility with the character of the surrounding area and to minimize the effect on the value of the surrounding property.
 - 2) The incinerator shall not be located within fifteen (15) feet of any building or structure and generally should be positioned so that there is not direct exposure to buildings, wood fences, or piled combustible materials in the event of failure of the spark arrestor. The incinerator shall be located so that a nuisance is not created by reason of their smoke.

SECTION 5.36 INDUSTRIAL PARK

Industrial parks shall be subject to the following regulations:

- (a) The minimum lot area shall be ten (10) acres.
- (b) The industrial park must have access to an arterial or collector street.
- (c) A buffer yard shall be planted that is no less than twenty-five (25) feet along the perimeter of the property if it borders a residential use. Buffer yards shall consist of a mixture of deciduous and evergreen trees, shrubs, and groundcover and shall be in conformance with Section 4.6 of this Ordinance.

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- (d) Parking shall be adequate for each intended use within the industrial park and shall be in conformance with Section 4.8 of this Ordinance.

SECTION 5.37 INSTITUTIONAL HOMES

Institutional homes shall be subject to the following regulations:

- (a) In accordance with applicable state laws, facilities shall be registered with or licensed by the appropriate state government departments and shall be required to be in continuing compliance with the minimum standards outlined for such facilities.
- (b) Location
 - 1) Any institutional home shall have at least one property line abutting an arterial or collector street. No state licensed facility shall be located within one thousand (1,000) feet of another Commonwealth- licensed care facility regardless of community boundaries.
 - 2) Institutional homes shall have a minimum side yard setback of at least twenty-five (25) feet.
 - 3) The proposed site and building shall be in full compliance with all yard and bulk regulations (including setback, lot size, and lot width regulations) for the district in which it is located.
 - 4) In considering whether to permit the establishment of a facility and/or the number of people that should be permitted in such a facility, the Zoning Hearing Board shall take into account the number of other existing facilities in the general area, regardless of community boundaries, and the potential overall impact on the neighborhood or area.
- (c) Twenty-four (24) hour supervision shall be provided by staff qualified by the sponsoring agency.
- (d) Adequate open space opportunities for recreation shall be provided on the lot for the residents consistent with their needs and the area shall be secured by a fence with a self-latching gate.
- (e) Where applicable, certification or licensing by the sponsoring agency shall be prerequisite to obtaining a certificate of occupancy and a copy of an annual report with evidence of continuing certification shall be submitted to the Zoning Officer in January of each year.
- (f) Off-Street Parking and Loading
 - 1) Off-street parking shall be provided for any employees who are not residents of the home. Whenever off-street parking areas are adjacent to land used or zoned for residential purposes, a wall or landscaped screen shall be provided along the sides of the parking area adjacent to such residential land or use.
 - 2) The facility shall provide for safe loading and unloading of residents.

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- 3) Adequate provisions shall be made for access for emergency medical and fire vehicles.

SECTION 5.38 JUNK YARD AND SALVAGE YARD

Junk yards and salvage yards shall be subject to the following regulations:

- (a) The minimum lot area shall be ten (10) acres.
- (b) The junkyard/salvage yard must be enclosed with a chain link fence with a minimum height of ten (10) feet with a self-latching gate.
- (c) A buffer yard shall be planted that is at least twenty-five (25) feet wide along the perimeter of the property. Buffer yards shall consist of a mixture of deciduous and evergreen trees, shrubs, and groundcover, pursuant to Section 4.6 of this Ordinance.
- (d) It shall be unlawful for any person to place, store, or permit to be placed or stored on any property a junk vehicle, unless such vehicle is kept in a fully enclosed structure or otherwise screened from public view. This provision shall not preclude:
 - 1) The diligent repair of a junk vehicle within a period not to exceed sixty (60) days; provided, however, that such vehicle is owned by the resident of the dwelling unit at which it is parked;
 - 2) The placement or storage of junk vehicles on any lot containing a heavy equipment and specialized vehicle sale, rental and service establishment, a junkyard, a motor vehicle storage and impoundment yard, a service station, a vehicle service establishment or a vehicle sale, rental and ancillary service establishment, provided such placement or storage is in accordance with the applicable provisions of this Ordinance for such uses; or,
 - 3) The placement or storage of junk farm vehicles and conveyances which are part of the inventory of a bona fide agricultural operation.
- (e) No person or owner shall allow the accumulation of junk to occur on their premises except in accordance with the applicable provisions of this Ordinance for junkyards. This provision shall not preclude the accumulation of material that may be regarded as junk being stored in an orderly fashion under a proper cover or within an appropriate structure, or otherwise screened from open public view, provided that:
 - 1) The accumulation of junk cannot be observed by the public from any point accessible to the public;
 - 2) No offensive or noxious sounds, odors, or sights which are hazardous to the health, safety, and welfare of the people of Menallen Township or detrimental to their property rights or that generally interfere with the peacefulness or orderliness of the community are caused thereby; and,
 - 3) The accumulation of junk does not result in the breeding or harboring of rats, mosquitoes, or other vermin.

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- (f)** Any person or owner proposing to store waste tires or tire derived materials shall obtain DEP approval of a plan prior to such storage that addresses the DEP “Interim Policy for the Storage of Waste Tires and Tire-Derived Materials” or any subsequent regulations that address this issue. The approved plan shall be submitted to the Menallen Township Zoning Officer as part of the Zoning/Development Permit application.

 - 1)** The provisions of this subsection do not apply to persons who store less than five-hundred (500) waste tires/equivalent amount of tire-derived materials in open storage or store less than one-thousand five-hundred (1,500) tires/equivalent amount of tire-derived materials in enclosed storage; unless such storage threatens or causes harm to the public health, safety, welfare, or the environment.
 - 2)** No person or owner may store waste tires or tire-derived materials for more than one (1) year unless seventy-five (75%) percent of the total number of waste tires (including tire-derived materials) that were present at the site during the preceding calendar year were processed or disposed of. Any facility in which waste tires or tire-derived products are stored contrary to the provisions of this subsection shall be classified as a waste disposal facility and shall be subject to the provisions of Section 5.38 of this Ordinance and may be subject to the applicable requirements of the Solid Waste Management Act (Act 97) and regulations set forth therein. Each person or owner that stores waste tires or tire-derived materials shall submit a copy of an annual operation report to the Menallen Township Zoning Officer, prepared in accordance with the DEP Interim Regulations, on or before January 30 of each year.
- (g)** The site shall have appropriate measures taken that prevent site contamination from oils, gas, grease, or other contaminants including metals. Should there be wells located within one-thousand (1,000) feet of the site, the Menallen Township Zoning Hearing Board may require a liner and guarantee that the applicant shall remove any contaminated topsoil.
- (h)** No garbage or other organic waste shall be stored on such premises.
- (i)** All junk shall be stored or arranged so as to permit access by fire fighting equipment and to prevent accumulation of stagnant water. Junk shall be spaced in rows with at least twenty (20) feet between each double row so as to permit movement of fire fighting equipment. Junk shall not be piled to a height of more than six (6) feet from the ground.
- (j)** All gasoline and fluids shall be drained from any junked vehicle into containers and properly disposed of within twelve (12) business hours from arrival on said premises of the junked vehicle. Fluids shall be stored in accordance with DEP Regulations and the National Fire Protection Association Standards.
- (k)** Such premises shall be maintained in a manner so as not to cause a public or private nuisance, a menace to the health or safety of persons on or off the premises, offensive or noxious sounds or odors, the breeding, harboring, or infestation of rats, rodents, or vermin, or a violation of any health or sanitation law, ordinance, or regulation of any governmental body.
- (l)** No burning of junk, rubbish, or other material connected with a junkyard shall be ignited or otherwise commenced except between the hours of 9:00 A.M. and 3:00 P.M., Monday

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through Friday, and at no other times. No oil, grease, tires, gasoline or any other material that might be hazardous or tend to produce noxious odors or smoke shall be burned within a junkyard at any time. Burning must be attended and controlled at all times. All burning shall be prohibited where not allowed by other municipal ordinance or state regulations.

SECTION 5.39 THE KEEPING OF HORSES AND PONIES ON LESS THAN TEN (10) ACRES

The keeping of horses and ponies shall be subject to the following regulations:

- (a) Horses and ponies used for recreational purposes may be kept on less than ten (10) acres of land for the purpose of the immediate family use provided that the property is at least two (2) acres, and the general regulations for farms and agriculture are not violated.
- (b) Structures needed for the keeping of horses and ponies on less than ten (10) acres shall maintain a front yard setback of one hundred (100) feet. The side yard setback and rear yard setback shall be a minimum of fifty (50) feet.
- (c) Perimeter fences shall be constructed around all fields and meadows that are used for keeping of horse operations and/or similar activities. The perimeter fence can be located on the property line.

SECTION 5.40 KENNEL

Kennels shall be subject to the following regulations:

- (a) The operator or owner of a kennel shall hold all current state and local licenses and permits for the location, activity, and number of animals so specified.
- (b) Any exterior fenced area wherein animals exercise or are otherwise exposed must be located a minimum of one hundred fifty (150) feet from any principal structure on adjacent lots.
- (c) The perimeter of the exterior exercise area must be fenced with a weatherproof material, a minimum of five (5) feet in height, accessible only through a self-latching gate.
- (d) Any structure used to house animals shall be equipped with code-approved nontoxic noise-dampening material or acoustic tile.
- (e) No kennel may be established within one-half (1/2) of a mile of an existing kennel.
- (f) A kennel shall be on a lot with a minimum lot area of two (2) acres.
- (g) All kennels shall operate under a plan approved by the Township for the disposal of animal waste.
- (h) At no time shall animals be permitted to run loose on the lot other than in a completely enclosed area.

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- (i) All noise standards of Section 4.4 of this Ordinance shall apply.
- (j) The Zoning Hearing Board reserves its right to attach any additional conditions of approval pursuant to this section in order to protect the public's health, safety and welfare.
- (k) Approval as a special exception shall be subject to periodic inspections to ensure compliance with the conditions of approval.

SECTION 5.41 METHADONE TREATMENT FACILITY

Methadone treatment facilities shall be subject to the following regulations:

- (a) A methadone treatment facility shall not be permitted within five hundred (500) feet of an existing school, public playground, public park, residential housing area, child-care facility, church, meeting house or other actual place of regularly stated religious worship established prior to the proposed methadone treatment facility, unless by majority vote, the Menallen Township Zoning Hearing Board votes in favor of the issuance of an occupancy permit or certificate.
- (b) At least fourteen (14) days prior to the Menallen Township Zoning Hearing Board voting on whether to approve the issuance of an occupancy permit or certificate of use for a methadone treatment facility at a location that is closer than five hundred (500) feet of an existing school, public playground, public park, residential housing area, child-care facility, church, meeting house or other actual place of regularly stated religious worship established prior to the proposed methadone treatment facility, one or more hearings regarding the proposed methadone treatment facility location shall be held within Menallen Township following public notice.
- (c) All owners of property located within five-hundred (500) feet of the proposed location shall be provided written notice of said public hearings at least thirty (30) days prior to the public hearings occurring.

SECTION 5.42 MINERAL EXTRACTION (MINING)

Mineral extraction and mining uses shall be subject to the following regulations:

- (a) The applicant must provide the Zoning Hearing Board with:
 - (1) A plan for access to the site, including copies of any road bonds, or submission of application of any road bonds;
 - (2) The areas to be mined;
 - (3) Location of adjacent properties, roads, and natural features;
 - (4) Any required federal and state permits, or proof of the submission of application;
 - (5) Or other required local permits, or proof of the submission of application;

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- (6) A copy of approved Erosion and Sedimentation Control Plans;
 - (7) A copy of all National Pollutant Discharge Elimination System (NPDES) permits;
 - (8) A copy of lease agreement;
 - (9) A copy of blasting plan;
 - (10) A copy of hours of operation;
 - (11) A copy of the remediation plan;
 - (12) A copy of the memorandum of the lease agreement;
 - (13) An emergency contact list for daylight hours and hours after main office would be closed, and
 - (14) An emergency services response plan to local fire companies (such plan can include a meeting with emergency response providers to outline emergency response procedures).
- (b) The Zoning Hearing Board may designate certain conditions that may pertain to roads as follows:
- (1) The operator shall provide to the zoning hearing board information as to how they shall clear mud and debris from roads.
 - (2) The operator shall clear mud and debris from roads as soon as the operator notices it on the road or as soon as the operator is notified of a problem with mud and debris.
- (c) The Zoning Hearing Board may designate certain conditions that may pertain to buffering and screening standards as follows:
- (1) A fence around the perimeter of the property shall be provided. The fence shall be a minimum six (6) foot high chain link fence. Warning signs shall be placed on the fencing.
 - (2) Landscaped buffers shall be required as follows:
 - i. Abutting residential areas: plantings will be in front of all fencing that is visible to a resident, with the intent to conceal stockpiles, waste piles, processing or manufacturing equipment, open excavation, and/or quarrying pit.
 - ii. Abutting Public Lands: plantings will be in front of all fencing that is visible to a visitor, with the intent to conceal stockpiles, waste piles, processing or manufacturing equipment, open excavation, and/or quarrying pit. Native plants shall be used as to allow cohesiveness between mining site and public land.
 - iii. Abutting major transportation routes: plantings shall be high enough to conceal stockpiles, waste piles, processing or manufacturing equipment, open excavation, and/or quarrying pit.

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SECTION 5.43 **MOBILE HOME PARKS**

Mobile home parks shall be subject to the following regulations:

- (a) The minimum site area of any mobile home park shall consist of ten (10) contiguous acres.
- (b) All mobile home parks shall comply with the following minimum requirements:
 - (1) They shall be free from adverse influence by wetlands, garbage, or rubbish disposal areas or other potential breeding places for insects or rodents.
 - (2) They shall not be located in an identified floodplain area.
 - (3) All lots shall be serviced by public and/or private sewer and water.
 - (4) Guest parking shall be provided in a common off-street parking area at the ratio of one (1) parking space for every three (3) mobile home lots.
 - (5) Minimum lot width shall be forty (40) feet for single unit mobile homes and seventy feet (70) for double mobile home units.
 - (6) All solid waste containers shall be screened from all lots and public right-of-ways with fencing a minimum of six (6) feet in height.
- (c) Mobile Home Park Lot Requirements
 - (1) Mobile home lots within the park shall have a minimum lot area of six thousand (6,000) square feet.
 - (2) Mobile homes lots shall contain at least four hundred (400) square feet of open space which is not to be located in any required yard setback or buffer area.
 - (3) The area of the mobile home lot shall be improved to provide adequate foundation for the placement of the mobile home in such a position as to allow a minimum of fifteen (15) feet between the mobile home and the street right-of-way.
 - (4) The maximum number of mobile home lots within each mobile home park shall not be more than seven (7) lots per acre of the total area of the mobile home park.
- (d) Screening and Buffer Requirements within the Mobile Home Park.
 - (1) Repair, maintenance, storage areas or facilities, and sewage treatment buildings shall be effectively and attractively screened from the mobile home lots, internal streets, and public roads or streets by man-made screens or natural plant materials.
 - (2) All mobile homes shall be located at least fifty (50) feet from any of the above facilities and structures.

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SECTION 5.44 NIGHTCLUBS

Nightclubs shall be subject to the following regulations:

- (a) Nightclubs shall cease operations between the hours of 2:00 AM and 5:00 AM.
- (b) There shall be no noise or vibration discernible along any property line greater than the average noise level occurring on adjacent streets and properties.
- (c) All operations shall be conducted within a completely enclosed building and doors and windows shall remain closed during hours when entertainment is presented.
- (d) The owner/operator of the nightclub shall provide private security, licensed under the laws of the Commonwealth of Pennsylvania if the maximum permitted occupancy allowed by the Township Building or Fire Codes for the nightclub exceeds one hundred (100) persons.
- (e) Any nightclub that proposes a maximum permitted occupancy allowed by the Building or Fire Codes of two hundred (200) or more persons shall be located at least five hundred (500) feet from any property line that adjoins a residential zoning classification.
- (f) Any nightclub that offers adult entertainment, as defined herein, shall be further subject to Section 5.2 of this Article.

SECTION 5.45 OUTDOOR STORAGE

Outdoor storage shall be an accessory use to commercial or industrial properties and shall be subject to the following regulations:

- (a) Outdoor storage of man-made products shall be screened from view of public rights-of-way and adjacent residential uses. Screening shall be in accordance with Section 4.6.
- (b) Outdoor storage facilities for fuel (with the exception of firewood) and raw materials shall be enclosed with an approved safety fence compatible with the architectural and landscaping style employed on the lot. In addition to a fence, bulk storage tanks shall be enclosed by a moat or berm to contain potential spillage.
- (c) All organic refuse or garbage shall be stored in tight, vermin-proof containers. In instances where garbage storage is centralized, such storage shall be enclosed on three (3) sides by an architectural screen or plantings, in accordance with Section 4.6 of this Ordinance.
- (d) No highly flammable or explosive liquids, solids, or gases shall be stored in bulk above ground, except the following:
 - 1) Tanks or drums of fuel connected directly with and located and operated on the same lot as the energy devices or heating appliances they serve.
 - 2) Tanks or drums for storage of not more than three hundred (300) gallons of fuel oil (other than that used for home heating) or gasoline or diesel fuel, provided such tanks

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are located no closer than twenty-five (25) feet to any building or lot line or fifty (50) feet from any right-of-way line.

- (e) No materials or wastes shall be deposited upon a lot in such form or manner that they may be transported off the lot by natural causes or forces, nor shall any substance which can contaminate a stream or watercourse, or otherwise render such stream or watercourse undesirable as a source of water supply or recreation, or which will destroy aquatic life, be allowed to enter any stream or watercourse.

SECTION 5.46 PERSONAL CARE HOME

Personal care homes shall be subject to the following regulations:

- (a) No such use shall be operated without approval and, where appropriate, licensing by such agencies as the Pennsylvania Department of Social Services, the Pennsylvania Department of Health, and other such appropriate local, state and federal agencies which may have authority in a particular case.
- (b) Minimum parcel size is one (1) acre.
- (c) The maximum dwelling unit density shall be twelve (12) rooms per acre.
- (d) The facility may include the following supporting uses:
 - 1) Common leisure and/or recreational areas.
 - 2) Common dining area.
- (e) Location
 - 1) In the consideration of an application for such a use, the concentration of such facilities shall be taken into account to prevent clustering in certain neighborhoods or areas, thereby creating an institutional setting and changing the area's character and social structure.
 - 2) The location of such a use shall be restricted to parcels located where public water and sewer is available.
 - 3) No such use shall be established except on a lot fronting on, and having access to, a road designated as a major collector (or higher) unless the Menallen Township Zoning Hearing Board finds that the type and amount of traffic generated by the facility is such that it will not cause an undue impact on the neighbors or adversely affect safety of road usage.
 - 4) No such use shall be established in any area until Fayette County emergency services has determined that adequate emergency medical service and fire protection is available in short response time.
 - 5) The location for such use should be convenient to shopping, social, educational, and cultural uses.

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- 6) No structure used for or in conjunction with such use shall be located closer than one hundred (100) feet to any lot line in any CW or SR District.
- (f) All such uses shall be designed to accommodate service vehicles with access to the building at a side or rear entrance.
- (g) Off-street parking shall be as required by the provisions set forth in Section 4.8 herein. All off-street parking and loading areas shall be effectively screened in accordance with the provisions set forth in Section 4.6 of this Ordinance.
- (h) The proposed use including all structures, roads and landscaping shall be sited, designed and constructed in a manner, which minimizes the impact of the development on the neighborhood and Menallen Township. The scale of the physical facilities shall be such that the appearance of the project will be visually harmonious and appropriate to the neighborhood and immediate area.
- (i) The use shall minimize adverse impact on floodplains, wetlands, steep slopes, and prime agriculture and forested land. In planning the development, the applicant shall consider prominent on-site geographic features such as outstanding trees and tree lines, stone walls, open fields within the public viewshed, ridgelines, hilltops and historic sites and shall preserve such existing features to the greatest extent possible.
- (j) Landscaping and buffering shall be in accordance with Section 4.6 herein.

SECTION 5.47 NATURAL GAS EXTRACTION

Natural gas extraction shall be subject to the following regulations:

- (a) The property owner or his agent shall submit a copy of a letter notifying Board of Supervisors prior to issuance of a Temporary Zoning/Development Permit and commencement of the drilling operation.
- (b) Upon receipt of a temporary use permit application, a processing fee, and the aforementioned letter; the Zoning Officer shall issue a temporary use permit placard for the drilling operation. The property owner or his agent shall conspicuously post this placard at the nearest point of public access.
- (c) Revocation of any required federal, state, municipal, or other required approvals shall constitute an automatic revocation of the temporary Zoning/Development Permit.

SECTION 5.48 NURSING HOME

Nursing homes shall be subject to the following regulations:

- (a) No such use shall be operated without approval and, where appropriate, licensing by such agencies as the Pennsylvania Department of Social Services, the Pennsylvania Department of Health, and other such appropriate local, state and federal agencies which may have authority in a particular case.

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(b) Minimum parcel size is one (1) acre.

(c) The maximum dwelling unit density shall be twelve (12) rooms per acre.

(d) The facility may include the following supporting uses:

1) Common leisure and/or recreational areas

2) Common dining area

(e) Location

1) In the consideration of an application for such a use, the concentration of such facilities shall be taken into account to prevent clustering in certain neighborhoods or areas, thereby creating an institutional setting and changing the area's character and social structure.

2) The location of such a use shall be restricted to parcels located where public water and sewer is available.

3) No such use shall be established except on a lot fronting on, and having access to, a road designated as a major collector (or higher) unless the Menallen Township Zoning Hearing Board finds that the type and amount of traffic generated by the facility is such that it will not cause an undue impact on the neighbors or adversely affect safety of road usage.

4) No such use shall be established in any area until Fayette County emergency services has determined that adequate emergency medical service and fire protection is available in short response time.

5) The location for such use should be convenient to shopping, social, educational, and cultural uses.

6) No structure used for or in conjunction with such use shall be located closer than one hundred (100) feet to any lot line in any CW or SR District.

(f) All such uses shall be designed to accommodate service vehicles with access to the building at a side or rear entrance.

(g) Off-street parking shall be as required by the provisions set forth in Section 4.8 herein. All off-street parking and loading areas shall be effectively screened in accordance with the provisions set forth in Section 4.6 of this Ordinance.

(h) The proposed use including all structures, roads and landscaping shall be sited, designed and constructed in a manner, which minimizes the impact of the development on the neighborhood and Menallen Township. The scale of the physical facilities shall be such that the appearance of the project will be visually harmonious and appropriate to the neighborhood and immediate area.

(i) The use shall minimize adverse impact on floodplains, wetlands, steep slopes, and prime agriculture and forested land. In planning the development, the applicant shall consider prominent on-site geographic features such as outstanding trees and tree lines, stone

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walls, open fields within the public viewshed, ridgelines, hilltops and historic sites and shall preserve such existing features to the greatest extent possible.

- (j) Landscaping and buffering shall be in accordance with Section 4.6 herein.

SECTION 5.49 PRIVATE CLUB

Private clubs shall be subject to the following regulations:

- (a) Any establishment that includes a restaurant shall further be subject to the off-street parking requirements of Section 4.8 for the portion of the building devoted to restaurant use.
- (b) Any rental of the facility to non-members shall require on-site management and/or security personnel during the event.
- (c) Activities on the site and within the building shall comply with the noise standards specified in Section 4.3 of this Ordinance.
- (d) All off-street parking that adjoins residential zoning classification shall be screened as required in Section 4.6 (h) of this Ordinance.

SECTION 5.50 PUBLIC UTILITY/ STRUCTURE

Public utility facilities and / or structures shall be subject to the following regulations:

- (a) The required lot area and location shall be specified as part of the special exception permit and be determined in relation to the proposed use, the intensity of such use and the effects of such use upon the environment.
- (b) If findings indicate that a hazard may result or that interference with the development or use and enjoyment of surrounding properties may ensue, fencing or screening with densely planted evergreen hedge or other shielding material may be required in a manner consistent with such findings.

SECTION 5.51 RACETRACK

Racetracks shall be subject to the following regulations:

- (a) The minimum lot size shall be twenty (20) acres for a go-kart track and shall be fifty (50) acres for drag strips and motor speedways.
- (b) The racetrack facility shall be located on a lot which has direct access to a major thoroughfare, major collector, minor thoroughfare, minor collector, principal arterial, interstate, or service road.
- (c) Lighting shall conform with the standards set forth in Section 4.4 of this Ordinance

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- (d) Go-kart tracks and stands shall be set back three hundred (300) feet from the property line. All other operations including parking shall be set back one hundred (100) feet from the property line. Drag strip and motor speedway operations, including parking, shall be set back three hundred (300) feet from side and rear property lines and one hundred (100) feet from all front and side street property lines.
- (e) A secure fence of at least six (6) feet in height shall be provided to restrict entry when the facility is not open.
- (f) A screening buffer of a minimum of twenty-five (25) feet wide, pursuant to the regulations set forth in Section 4.6 (e), is required around the perimeter of the facility.
- (g) Hours of operation shall not exceed 7:00 AM to 11:00 PM
- (h) The operation of the track will not exceed the maximum allowable noise levels as provided in this Section 4.4 (f) or any applicable Fayette County or Menallen Township nuisance or noise ordinances.

SECTION 5.52 RESOURCE RECOVERY FACILITY

A resource recovery facility shall be subject to the following regulations:

- (a) The applicant shall provide copies of state and federal permits for these activities; copies of the Material Safety Data Sheets (MSDS) for each material; and certify and provide evidence that said activity complies fully with all applicable state, federal, county, or municipal requirements. Nothing in this Ordinance is intended to relieve any party of the responsibility to comply with all applicable state, federal, county, or Township laws.
- (b) In addition, as part of the application for a conditional use, the applicant shall submit a Community and Environmental Impact Analysis that shall contain the following information:
 - (1) Hydrologic analysis;
 - (2) Geologic conditions;
 - (3) Soils classification;
 - (4) Mineral bearing areas;
 - (5) Land use impacts;
 - (6) Transportation impacts;
 - (7) Emergency and safety services;
 - (8) Economic impact analysis, including impact upon the agricultural industry;
 - (9) Air quality impact analysis, including a risk analysis of impacts to human health, animals, and vegetation; and
 - (10) Community character impact analysis, including conformance with county and multi-municipal comprehensive plans

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- (c) No resource recovery facility shall be located within fifteen-hundred (1,500) feet of any existing residence except for the residence of the facility owner.
- (d) All resource recovery facilities shall be located a minimum of one-hundred twenty-five (125) feet from any street right-of-way.
- (e) A screening buffer of a minimum of fifty (50) feet wide, pursuant to the regulations set forth in Section 4.6 (e) is required around the perimeter of the facility.
- (f) A fence around the perimeter facility shall also be provided. The fence shall be a minimum eight (8) foot high privacy fence.

SECTION 5.53 SELF-STORAGE FACILITY

Self-storage facilities shall be subject to the following regulations:

- (a) The leases for all self-storage units shall include clauses prohibiting the storage of flammable liquids or radioactive, highly combustible, explosive, or hazardous materials.
- (b) The local fire department shall be provided with 24-hour access to the grounds. A lockbox shall be provided for its use.
- (c) The maximum size of individual storage compartments shall be twelve hundred (1,200) square feet.
- (d) Such uses should be located on an arterial or collector street.

SECTION 5.54 SHOPPING CENTER / RETAIL STORE OVER 25,000 SQUARE FEET

Shopping centers and retail stores over twenty-five thousand (25,000) square feet shall be subject to the following regulations:

- (a) The area and bulk regulations for shopping centers or retail stores over twenty-five thousand (25,000) square feet under the applicable zoning districts shall apply.
- (b) Primary access shall be from a collector or arterial street.
- (c) Parking shall be in accordance with Section 4.8.
- (d) Shopping center or retail uses including parking and service areas shall be fully screened from all adjacent residential uses and districts in accordance with Section 4.6 of this Ordinance.
- (e) Outdoor Storage shall comply with standards set forth in Section 4.7 of this Ordinance.
- (f) Lighting shall comply with standards set forth in Section 4.4 of this Ordinance.
- (g) Establishments furnishing shopping carts shall provide defined areas on the site for the storage of such carts that shall be clearly marked and designed for such use.

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- (h) Trash receptacles for patron use shall be provided outside of any establishment with take-out service or convenience shopping.
- (i) Sidewalks shall be provided along all street frontage, in front of all stores and commercial uses, and pedestrian access to sidewalks on or adjacent to the property.

SECTION 5.55 SKILLED NURSING FACILITY

Skilled nursing homes shall be subject to the following regulations:

- (a) No such use shall be operated without approval and, where appropriate, licensing by such agencies as the Pennsylvania Department of Social Services, the Pennsylvania Department of Health, and other such appropriate local, state and federal agencies which may have authority in a particular case.
- (b) Minimum parcel size is one (1) acre.
- (c) The maximum dwelling unit density shall be twelve (12) units per acre.
- (d) The facility may include the following supporting uses:
 - (1) Common leisure and/or recreational areas.
 - (2) Common dining area
- (e) Location
 - (1) In the consideration of an application for such a use, the concentration of such facilities shall be taken into account to prevent clustering in certain neighborhoods or areas, thereby creating an institutional setting and changing the area's character and social structure.
 - (2) The location of such a use shall be restricted to parcels located where public water and sewer is available.
 - (3) No such use shall be established except on a lot fronting on, and having access to, a road designated as a major collector (or higher) unless the Menallen Township Zoning Hearing Board finds that the type and amount of traffic generated by the facility is such that it will not cause an undue impact on the neighbors or adversely affect safety of road usage.
 - (4) No such use shall be established in any area until Fayette County emergency services has determined that adequate emergency medical service and fire protection is available in short response time.
 - (5) The location for such use should be convenient to shopping, social, educational, and cultural uses.
 - (6) No structure used for or in conjunction with such use shall be located closer than one hundred (100) feet to any lot line in any CW or SR District.

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- (f) All such uses shall be designed to accommodate service vehicles with access to the building at a side or rear entrance.
- (g) Off-street parking shall be as required by the provisions set forth in Section 4.8 herein. All off-street parking and loading areas shall be effectively screened in accordance with the provisions set forth in Section 4.6 of this Ordinance.
- (h) The proposed use including all structures, roads and landscaping shall be sited, designed and constructed in a manner, which minimizes the impact of the development on the neighborhood and Fayette County. The scale of the physical facilities shall be such that the appearance of the project will be visually harmonious and appropriate to the neighborhood and immediate area.
- (i) The use shall minimize adverse impact on floodplains, wetlands, steep slopes, and prime agriculture and forested land. In planning the development, the applicant shall consider prominent on-site geographic features such as outstanding trees and tree lines, stone walls, open fields within the public viewshed, ridgelines, hilltops and historic sites and shall preserve such existing features to the greatest extent possible.
- (j) Landscaping and buffering shall be in accordance with Section 4.6 herein.

SECTION 5.56 SMALL WIND ENERGY SYSTEM

Small wind energy systems shall be subject to the following regulations:

- (a) Lot size shall not be less than one (1) acre inclusive of the permitted principal use.
- (b) The tower height inclusive of blade tip shall not exceed one-hundred twenty (120) feet measured from the ground level below the base of the tower.
- (c) Setbacks from all lot lines shall be a factor of 1.25 times the tower height. Towers are prohibited from locating in the front yard.
- (d) Monopole (single-pole) tower style is encouraged.
- (e) Guy wires of towers shall be located on the premises of the applicant.
- (f) The small wind energy system is to operate on the same lot to serve the principal use.

SECTION 5.57 SOLAR ENERGY EQUIPMENT

Any solar energy equipment authorized by this Ordinance shall be considered accessory structures and the generation of energy or heat as an accessory use to the principal use in any zoning district and shall be subject to and comply with the following:

- (a) Solar energy equipment shall be located on the same lot as the principal use.
- (b) Solar energy equipment shall comply with all setback and height requirements for accessory uses within the applicable zoning district.
- (c) The solar energy equipment is to operate on the same lot to serve the principal use.

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- (d) Solar panels shall comply with the performance standards requirements contained in Section 4.4 of this Ordinance.
- (e) The solar energy equipment shall meet and be installed in accordance with all applicable requirements of the Township Building Code.

SECTION 5.58 SOLID WASTE DISPOSAL FACILITY

A solid waste disposal facility shall be subject to the following regulations:

- (a) The applicant shall provide copies of state and federal permits for these activities; copies of the Material Safety Data Sheets (MSDS) for each material; and certify and provide evidence that said activity complies fully with all applicable state, federal, county, or municipal requirements. Nothing in this Ordinance is intended to relieve any party of the responsibility to comply with all applicable state, federal, county, or Township laws.
- (b) In addition, as part of the application for a conditional use, the applicant shall submit a Community and Environmental Impact Analysis that shall contain the following information:
 - (1) Hydrologic analysis;
 - (2) Geologic conditions;
 - (3) Soils classification;
 - (4) Mineral bearing areas;
 - (5) Land use impacts;
 - (6) Transportation impacts;
 - (7) Emergency and safety services;
 - (8) Economic impact analysis, including impact upon the agricultural industry
 - (9) Air quality impact analysis, including a risk analysis of impacts to human health, animals, and vegetation; and
 - (10) Community character impact analysis, including conformance with county and multi-municipal comprehensive plans
- (c) No solid waste disposal facility shall be located within fifteen-hundred (1,500) feet of any existing residence except for the residence of the facility owner.
- (d) All solid waste disposal facilities shall be located a minimum of one-hundred twenty-five (125) feet from any street right-of-way.
- (e) A screening buffer of a minimum of fifty (50) feet wide, pursuant to the regulations set forth in Section 4.6 (e) is required around the perimeter of the facility.
- (f) A fence around the perimeter facility shall also be provided. The fence shall be a minimum eight (8) foot high privacy fence.

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SECTION 5.59 STORAGE SHEDS

Storage sheds shall be subject to the following regulations:

- (a) Such storage sheds shall be an accessory use to a residential property only.
- (b) Sheds shall set back at least sixty (60) feet from the front property line.
- (c) Sheds shall set back at least four (4) feet from the rear property line
- (d) Sheds shall set back at least two (2) feet from the side property line unless the proposed shed is on the street side of a corner lot, in which case the setback shall be fifteen (15) feet from the street side property line.
- (e) The maximum area of a detached storage shed shall not exceed four hundred (400) square feet. The area occupied by all accessory buildings in a rear yard shall not exceed forty (40) percent of the area of the rear yard.
- (f) The maximum height of a detached storage shed shall not exceed ten (10) feet. For roofs with a slope greater than one (1) inch to the foot, the height is measured as the average of the height to the top plate and the roof ridge.

SECTION 5.60 SWIMMING POOLS

Swimming pools shall be subject to the following regulations:

- (a) A swimming pool, owned and operated by private persons, firms, corporations, associations, charity, or other entity other than a municipality, department, authority or subdivision thereof, which persons, firms, corporations, associations, charity, or other entity is not organized for profit and for the enjoyment of which no individual admission charge is made, shall be subject to the terms and conditions of this Ordinance.
- (b) No swimming pool may be located within ten (10) feet of any property line.
- (c) The swimming pool shall be walled or fenced as to prevent uncontrolled access from the street or from an adjacent property and said fence shall not be less than four (4) feet high in height and shall be maintained in good condition. An above ground pool that has a top edge four (4) feet above the ground completely around the perimeter of the pool will not require an additional fence. Access to above ground swimming pool is to be removed or locked when the swimming pool is unattended.
- (d) Swimming pools shall be equipped with an adequate filtration system.
- (e) Adequate screening shall be provided pursuant to Section 4.6 of this Ordinance.
- (f) A permit is required to construct and locate a swimming pool.

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SECTION 5.61 TRUCK AND HEAVY EQUIPMENT RENTAL, SALES, AND SERVICE

Truck and Heavy Equipment Rental, Sales and Service shall be subject to the following regulations:

- (a) The minimum site required shall be five (5) acres.
- (b) The site shall have frontage on and direct vehicular access to an arterial or collector street.
- (c) No part of any truck or heavy equipment or accessories displayed outdoors shall be less than thirty-five (35) feet from any A, CW, or SR District nor less than twenty (20) feet from any other property line.
- (d) No vehicle or equipment shall be parked on adjacent property or in any public street right-of-way.
- (e) No vehicle shall be displayed or offered for sale that does not have all of the mechanical and body components necessary for its safe and lawful operation.
- (f) A permanent structure for office administration, sales, rental and/or servicing shall be provided.
- (g) All property lines adjoining an A, CW, or SR District shall have a twenty-five (25) foot wide planting screen in accordance with Section 4.6 of this Ordinance.

SECTION 5.62 YARD AND GARAGE SALES

A garage, patio, or yard sale as defined in this Ordinance shall be subject to the following regulations:

- (a) No more than three (3) sales may be conducted in any one (1) calendar year.
- (b) Each sale shall last no more than three (3) consecutive days beginning each day no earlier than 7:00 A.M. and ending no later than dusk, and shall be held no sooner than ninety (90) calendar days after a prior sale.
- (c) Only a temporary advertising sign conforming to the standards of this Ordinance shall be permitted, and posting the sign earlier than fourteen (14) days prior to the sale shall be prohibited. The sign must be removed at the close of the yard or garage sale.
- (d) Personal property sold at a sale shall not include secondhand goods obtained for purposes of resale.

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SECTION 5.63 VEHICLE SALES

Vehicle sales or rental facilities shall be subject to the following regulations:

- (a)** All vehicle sales shall have a maximum lot size of one (1) acre.
- (b)** Except as provided for in other regulations, no unregistered or uninspected motor vehicle shall be parked, kept, or stored on any premises, and no vehicle shall at any time be in a state of major disassembly, disrepair, or in the process of being stripped or dismantled.
- (c)** A vehicle sales establishment may not at any one time have less than ten (10) vehicles for sale. The sale of less than ten (10) vehicles at any one time as an accessory use to either a residential, commercial, or agricultural zoned property shall be strictly prohibited.
- (d)** Exterior lighting shall be reduced to fifty percent (50%) after 11:00 PM.
- (e)** The site shall frontage on and direct access to an arterial or collector street
- (f)** The area used for display of merchandise offered for sale and the area used for the parking of customer and employee automobiles shall be continuously paved and maintained in either concrete over a base of crushed stone compacted to not less than six (6) inches in dept or other surfacing of an equivalent or superior character, approved by the Township Engineer.
- (g)** All lots used for the outdoor display of automobiles shall have a completely enclosed building on the same lot which has not less than two thousand (2,000) square feet of gross floor area where all repair, servicing, sales, and customer car washing shall be performed.
- (h)** No vehicle or other merchandise displayed outdoors shall be less than five (5) feet from any property line. No vehicle shall be parked on adjacent property or in any public street right-of-way.
- (i)** No vehicle shall be displayed or offered for sale which does not have all of the mechanical and body components necessary for the safe and lawful operation thereof on the streets and highways of the Commonwealth of Pennsylvania.
- (j)** All lights and light poles shall be located at least ten (10) feet from any street right-of-way or property line and all lighting shall be shielded and reflected away from adjacent streets and properties.
- (k)** No oscillating or flashing lights shall be permitted on the lot, on any of the structures or poles on the lot, or on any merchandise displayed outdoors.
- (l)** No strings of lights or flags, flashers, or other display paraphernalia shall be permitted on the lot, on any of the structures or poles or on merchandise displayed outdoors, except for such signs as may otherwise be permitted by Section 6 of this Ordinance.
- (m)** All required off-street parking spaces shall be reserved exclusively for the parking of customer and employee vehicles and shall not be used for the display of merchandise.

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- (n) Customer vehicles with external damage awaiting repairs shall be located either inside a building or in an outdoor area screened by a six (6) foot hedge or opaque fence.

SECTION 5.64 WIND ENERGY FACILITIES

Wind energy facilities shall be subject to the following regulations, except for those intended to apply to stand-alone Wind Turbines constructed primarily for residential or farm use.

- (a) No wind energy facility, or addition of a wind turbine to an existing wind energy facility shall be constructed, operated, or maintained within Menallen Township without a permit.
- (b) The applicant must provide written notice of application to all property owners and tenants occupying property within two thousand (2,000) feet of the boundaries of the property upon which the wind energy facilities will be located.
- (c) No wind energy facilities shall be located where the center of the tower(s) is a distance of five (5) times the height of the tower from the base to the hub of the rotor from any off-site occupied residence or occupied commercial structure existing at the time of the filing of a nonresidential subdivision plan, unless the owner of such existing residential or commercial structure shall have executed a non-disturbance easement, covenant or consent which has been recorded in the Office of the Recorder of Deeds of Fayette County, Pennsylvania.
 - (1) Such easement or covenant shall run with the land and, at a minimum, provide that the said property owner waives and releases any and all claims, damages and/or losses resulting from higher noise levels, visual impacts or flickering reflections and/or shadows which may arise as a result of the location of a wind turbine generator(s) within the established setback distance of an existing residential or commercial structure on the property of the owner executing same.
 - (2) Such easement, covenant or consent before recording shall be submitted to the governing body for approval at the same time the nonresidential land development plan is submitted for approval.
 - (3) Such easement, covenant or consent shall meet such requirements as to form and content consistent with this Ordinance as may be required by the municipal governing body.
- (d) Unless satisfactory evidence is furnished to the municipal governing body that the developer has included in a lease agreement or other agreement with landowner a provision for sufficient security for the decommissioning and removal of tower facilities and restoration of the site at the time when the turbine generator facilities no longer have a useful life, which provisions are at least as stringent as the requirement herein imposed, and unless satisfactory evidence has been furnished to the governing body that such security has in fact been provided, the developer shall meet the following requirement:

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- (1) The developer shall immediately following the first year of operation and every fifth year thereafter, at its own expense, retain an independent engineer acceptable to the municipal governing body to estimate the cost of decommissioning and removal of the tower facilities and restoration of the site, net of any expected salvage value of the tower(s) and its components and the developer shall submit such report to the municipal governing body and landowner upon receipt.
- (2) If the independent engineer concludes that such decommissioning, removal and restoration will cost in excess of the estimated salvage value, the developer shall set aside funds (“required decommissioning funds”) sufficient for decommissioning and restoration by either providing a performance bond, a surety bond, a letter of credit or by depositing required decommissioning funds sufficient to off-set any shortfall in salvage value into an escrow account to be held by an escrow agent acceptable to the Developer and the property owner for the benefit of the property owner, as well as the Developer, subject to claims of the landowners.
- (3) The escrow agent shall provide those funds to the party removing such turbine(s) and restoring the property in the event the cost of disassembling and removal thereof from the premises and restoration of the premises exceeds the salvage value of the improvement.
- (4) The submission of a nonresidential land development plan shall constitute the agreement and consent of the developer and owner of the property, their respective heirs, successors and assigns that:
 - i. The salvage value of the turbine(s) and its components may be utilized to off-set the cost of decommissioning, removal and site restoration; and,
 - ii. If the developer or then owner fails to remove the turbine(s) and restore the site within a reasonable time, after said tower(s) has ceased to be in operation for a period of twelve (12) months, then the municipality may dispose of the tower(s) and its related components and apply the salvage value to the costs of decommissioning, removal and restoration.
- (5) The estimated cost of decommissioning will be updated every fifth year, to take into account inflation or other factors deemed relevant by the independent engineer including, but not limited to, any increase or decrease of the market value of the structure and its related components being decommissioned and the cost of labor to perform the decommissioning.
- (6) The deposit, bonds or letters of credit shall be adjusted accordingly to the current required decommissioning funds and any sum necessary to make prior contribution equal to the Required Decommissioning Funds necessary to perform the decommissioning removal and restoration.
- (7) Any funds in excess of the Required Decommissioning Funds will be returned to the developer after decommissioning, removal and restoration.

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- (8)** Any costs of decommissioning, removal and restoration in excess of the decommissioning shall be promptly paid by the developer or then owner of the turbine(s) to the contractor retained for the removal and restoration.
- (9)** Any performance bond, surety bond or letter of credit, if used, in lieu of a deposit of cash, shall contain such terms and provisions as shall be acceptable to the municipal governing body.
- (e)** All wind energy facilities shall be equipped with a redundant braking system. This includes both aerodynamic overspeed controls (including variable pitch, tip, and other similar systems) and mechanical brakes. Mechanical brakes shall be operated in a fail-safe mode. Stall regulation shall not be considered a sufficient breaking system for overspeed protection.
- (f)** All electrical components of the Wind Energy Facility shall conform to relevant and applicable local, state, and municipal codes, and relevant and applicable international standards.
- (g)** Wind turbines shall not be climbable up to fifteen (15) feet above ground surface.
- (h)** The applicant shall cooperate with local emergency services to develop and coordinate implementation of an emergency response plan for the wind energy facilities and shall provide a copy of the project summary and site plan to local emergency services.
- (i)** Lighting shall be screened or shielded from any adjacent residentially zoned or residentially used property, in accordance with the provisions set forth in Section 4.5 of this Ordinance
- (j)** Landscaping shall be in accordance with the provisions set forth in Section 4.6 of this Ordinance
- (k)** Noise and shadow flicker shall be minimized to the greatest extent possible and shall be subject to the Performance Standards set forth in Section 4. 4 of this Ordinance.

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CHAPTER 6 SIGN REGULATIONS

SECTION 6.1 PURPOSE

The purpose of this Chapter is to encourage the proper placement, size, type, and illumination of signs for the enhancement of the community. These provisions also seek to recognize and preserve the uniquely rural views of Menallen Township and to mitigate the adverse effects signage can have on these views.

SECTION 6.2 APPLICABILITY

- (a) The provisions set forth herein shall apply to all zoning districts.
- (b) Sign regulations shall pertain to and govern the placing, illumination, animation and maintenance of all signs that are visible from the public right-of-way.
- (c) No sign shall be painted, placed, or replaced without first meeting the standards set forth herein.

SECTION 6.3 GENERAL REGULATIONS

(a) Sign Area.

- (1) The area of a sign shall mean the area of all lettering, wording, and accompanying designs, logos, and symbols, together with the background on which they are displayed, whether open or enclosed. The area of a sign shall not include any supporting framework, bracing, or trim which is incidental to the display, provided that it does not contain any lettering, wording, or symbols.
- (2) Where the sign consists of individual letters, designs, or symbols attached to a building, awning, wall, or window, the area shall be that of the smallest rectangle which encompasses all of the letters, designs, and symbols.
- (3) Signs may be multi-sided. In determining the area of a double-sided sign, only one side shall be considered, provided both faces are identical in size. When the interior angle formed by the faces of a multi-sided sign is greater than forty-five (45) degrees, then all sides of such sign shall be considered in calculating the sign area.

(b) Height of a Sign.

- (1) The distance from the highest portion of the sign to the mean grade at the base of the sign. In the case of a sign located on an isolated mound, height shall be measured to the original grade.

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(c) Sign Structure.

- (1)** Sign structures shall be in keeping with the architectural style of the building that it is related to.
- (2)** A sign structure is defined as the supporting structure erected and used to support a sign such as brackets, posts, monument bases, etc.

(d) Location of Signs.

- (1)** No sign shall be placed in such a position as to endanger traffic on a street by obscuring view or by interfering with official street signs or signals, by virtue of position or color.
- (2)** No projecting sign shall extend into the cartway of the right-of-way, or be less than ten (10) feet above a pedestrian way.
- (3)** No wall sign shall project more than twelve (12) inches beyond the edge of the building.
- (4)** No freestanding sign may occupy an area designated for parking, loading, walkways, driveways, fire lane, easement, cartway of the right-of-way or other areas required to be unobstructed.
- (5)** Signs, not including historical markers and banners approved by Menallen Township, shall not be affixed to a utility pole or structure, lighting standard, parking meter, park bench, tree, shrub, rock, or natural object except plaques of a maximum of one (1) square foot.

(e) Materials.

- (1)** Sign materials should be consistent with and complement the original construction materials and architectural style of the building façade on which they are to be displayed. All signs, excluding awning and window signs, shall be constructed only of wood, metal, stone or other appropriate material with painted, engraved or raised messages. Plastic sign inserts shall be permitted for internally lit signs.

(f) Illumination of Signs. Signs may be illuminated, unless otherwise specified herein, consistent with the following standards:

- (1)** Where permitted, illumination may be:
 - i. External. Illumination of a sign, with an external light, shall be so shielded that the source of light shall not be visible from any point off the lot on which the sign, building, or structure being illuminated is erected, and so that only the sign, building, or structure is directly illuminated.
 - ii. Internal. Sign lettering may be back-lit, halo-lit illumination, or reverse channel letters with halo illumination.

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(2) Illumination shall be permitted only to the extent necessary to allow signs to be seen and read at night at a distance not to exceed five hundred (500) feet.

(3) Neon lighting is not permitted in residential districts.

(g) Construction of Signs.

(1) Every sign permitted in this article must be kept in good condition and repair as determined by Menallen Township Zoning Officer.

(2) A sign using electricity shall be installed in conformance with Menallen Township 's electrical code. All signs not attached to a building shall be connected by underground service only.

(h) Removal of Signs. A sign shall be found to be in violation of this Ordinance, and may be required to be removed by the Zoning Officer, under the following circumstances:

(1) The sign has not been maintained in good condition and safe repair, and has deteriorated to the point that it cannot perform its intended use, or creates a safety hazard. The Zoning Officer shall specify a period of time in which the owner of the sign may repair or rehabilitate the sign, thereby restoring its intended use or correcting the safety hazard.

(2) The sign has been erected without an applicable permit or does not comply with the other requirements of this Ordinance.

SECTION 6.4 BILLBOARDS

All billboards shall be subject to the following regulations:

(a) All billboards shall conform to the basic sign regulations and requirements set forth above.

(b) Location

(1) Billboards shall only be allowed in the I-1 and C zoning districts and shall be the principal use that the property is devoted.

(2) No more than one (1) billboard shall be located on a property.

(c) Dimensions

(1) The maximum height for the billboard shall be no more than twenty (20) feet measured from the ground to the top of the sign.

(2) Surface area of for billboard signs shall not exceed two hundred (200) sq. ft. per side.

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SECTION 6.5 PROHIBITED SIGNS AND ILLUMINATION

Prohibited Signs. It shall be unlawful, upon or after the effective date of this Ordinance or any amendment thereto, for any person, firm or corporation to erect any of the following signs within Menallen Township:

- (a) Any sign which by color, shape or location conflicts with or resembles a traffic signal device.
- (b) Signs erected without the permission of the property owner or authorized agent.
- (c) Signs that create a hazard by obstructing the clear view of vehicles and pedestrian traffic.
- (d) Any sign that obstructs free ingress or egress from a door, window, fire escape or other exitway.
- (e) Any sign or object with flashing or intermittent lighting, revolving, moving, sound producing or animated parts, with the exception of signs that display time and/or temperature exclusively, and barber poles. This includes electronic message centers and billboards.
- (f) Signs that exhibit statements, words, or pictures of obscene or pornographic subjects as determined by Menallen Township.
- (g) Signs containing beacon lights.
- (h) Roof signs.
- (i) Any sign inconsistent with this Ordinance.

SECTION 6.6 SIGNS EXEMPT FROM PERMITS

The following shall not require sign permits:

- (a) Government flags, insignia or decorative banners.
- (b) Legal notices of a governmental agency.
- (c) Directional signs provided they do not contain advertising, (including logos), do not exceed four (4) square feet, and do not obstruct the sight triangles at internal intersections on the premises.
- (d) Public monument, plaque or historic identification marker erected by a government agency.
- (e) All buildings in all zoning districts shall be required to display the address of the property in such a fashion as is clearly visible from the street and which is in accord with the provisions of this Section. The area of an address sign shall be exempt from the computation of the total permitted sign area; provided the sign does not contain any advertising, trade names or logos.

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- (f)** Professional accessory use or nameplate signs provided that signs shall not be illuminated and shall not exceed two (2) square feet in sign area. Not more than one sign shall be erected for each permitted use.
- (g)** Home security signs, not exceeding one (1) square foot.
- (h)** Public service and information signs advertising the availability of public restrooms, telephones or similar public conveniences, not exceeding three (3) square feet in area.
- (i)** Menus and signs indicating business hours provided signs shall not exceed two (2) square feet and that signs shall be located in a permanently mounted display box on the façade of the building adjacent to the entrance, displayed within a window adjacent to the entrance, or at a podium that will be placed inside the restaurant upon closing.
- (j)** Trespassing signs and signs indicating private ownership of roadways or other property, on the same premises therewith, provided that the total sign area shall not exceed two (2) square feet and shall be spaced at intervals of not less than one hundred (100) feet of street frontage.
- (k)** Political signs, provided that they do not exceed four square feet in area, are placed on private property not more than sixty (60) days prior to the election or referendum and are removed within ten (10) days after an election or referendum. No political sign shall be placed on Township property, except as hereafter provided, or on any property or pole for which permission has not been received from the owner. On election days, political signs may be placed on Township property being used as an official polling place. Such signs may be placed no earlier than 5:00 p.m. the day preceding the election and must be removed no later than 8:00 a.m. the day following the election. Larger signs for political purposes shall be considered off-premises signs and regulated as such.
- (l)** Temporary signs, including the following:
 - (1)** Civic event signs and banners on public and private property, which shall be removed within seventy-two (72) hours after the event and which shall not be erected more than thirty (30) calendar days prior to the event.
 - (2)** Artisan signs, erected and maintained on the premises where the work is being performed during the period in which such work is being performed, provided that such signs shall not exceed twelve (12) square feet, and provided that not more than one (1) such sign shall be erected on any property in single and separate ownership. Signs shall be removed upon the completion of the work.
 - (3)** Signs advertising garage or yard sales, provided no sign shall exceed six (6) square feet in sign area. Signs shall be permitted only on the premises where the sale is to be conducted and limited to one (1) per street frontage. Signs shall not be placed more than fourteen (14) days prior to the garage or yard sale and shall be removed at the close of the garage or yard sale.
 - (4)** Real estate signs advertising the sale or rental of the premises upon which the sign is erected, provided that the sign shall not exceed six (6) square feet in sign area on any one (1) street frontage of any property in single and separate ownership.

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- (5)** Sandwich Boards shall be permitted according to the following regulations:
 - i. Signs shall not exceed eight (8) square feet.
 - ii. Signs are permissible along the sidewalk, provided a minimum walking distance of five (5) feet shall be maintained to allow for a pathway for pedestrians.
 - iii. Only one (1) sandwich board will be permitted in front of the business it advertises.
 - iv. Sandwich boards shall be weighted at the base so that the sign cannot be moved by strong winds.
 - v. Sandwich boards shall be taken indoors at the close of business each day.

SECTION 6.7 SIGNS REQUIRING A PERMIT

(a) In the A, CW, and SR districts, the following signs require a permit:

- (1)** Any sign which may be permitted in any other district, provided that the use advertised by such sign is a permitted use in such district.
- (2)** Professional, accessory use, home occupation, or name signs on the same lot indicating the name, profession or activity of the occupant of the dwelling, provided that the area of any one side of any such sign shall not exceed two square feet, and provided that not more than one such sign shall be erected for each permitted use or dwelling.
- (3)** Signs for a primary or secondary school, place of worship, hospital, college or university or nursing home, on the same lot therewith, for the purpose of displaying the name of the institution and its activities or services, provided that the area on one side of such sign shall not exceed forty (40) square feet, and provided that not more than one such sign shall be erected for each one hundred (100) linear feet of street frontage.
- (4)** For garden apartment or rental developments, one sign identifying the name of the development and the name of the owner, manager, realtor or person to contact, telephone number and the number of units available, not exceeding sixteen (16) square feet on any one face and thirty-two (32) square feet total area may be permitted, but no more than one sign may be erected facing on each street serving the development.
- (5)** One sign on each separate apartment building identifying the building, provided that the area of any one side of any such sign shall not exceed eight (8) square feet.
- (6)** One freestanding sign not exceeding fifty (50) square feet shall be permitted for each entrance to a subdivision consisting of more than ten (10) lots, provided that

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such sign shall identify or express solely the name of the subdivision and any trademark attributable to such subdivision.

(b) In the CV, MX, and C districts, the following signs shall require permits:

- (1) Any sign which may be permitted in any other district, provided that the use advertised by such sign is a permitted use in such district.
- (2) Freestanding sign. One (1) one sign may be erected for a business of single or separate ownership where such a sign is mounted within the building setback area and is not connected with the building.
 - i. The total area at the face of such sign shall not exceed thirty-six (36) square feet; provided, however, that if a sign is erected having more than one face, the combined total area of all faces shall not exceed seventy-two (72) square feet.
- (3) Wall signs. One or more signs may be attached to or mounted on a building front, side or rear, provided that the total area of such sign or signs does not exceed one (1) square foot for each one linear foot of the building front, side or rear upon which the sign or signs are erected.
 - i. However, every principal use shall be allowed at least thirty-five (35) square feet in total sign area for each building front, side or rear. In no event shall the total sign area on each building front, side or rear exceed fifteen percent (15%) of the area of the building face upon which said sign or signs are mounted.
- (4) Projecting sign. Up to three (3) projecting signs may be erected on a building front, side or rear for a business of single or separate ownership where such signs are limited to nine square feet; provided however, that if a sign is erected having two faces, the combined total area of both faces shall not exceed eighteen (18) square feet. Signs projecting over public walkways shall be permitted to do so only subject to a clearance limit of eight feet from grade level to the bottom of the sign or any associated sign structure, whichever is lower. No such sign shall extend vertically above the highest point of the building facade on which it is mounted.
- (5) Total signage. The total area of both wall signs and projecting signs (area of one side only) per building front, side or rear shall not exceed one square foot for each one linear foot of the building front, side or rear upon which the sign or signs are erected except that every principal use shall be allowed at least thirty-five (35) square feet in total sign area for each building front, side or rear.
- (6) Flags with commercial advertising shall be permitted as an accessory sign to a principal business or commercial establishment sign authorized by this section. Accessory flags shall be subject to all of the following provisions:
 - i. Clearly accessory to a permitted business or commercial establishment sign.

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- ii. Limited to one flag per business establishment.
 - iii. No larger than three by five (5) feet and in good condition.
 - iv. Displayed only during business hours.
 - v. Inserted on a wall mount properly affixed to the building within which such use is conducted, with the bottom or lowest portion of the flag projecting or hanging no less than seven (7) feet above the public sidewalk or public street.
 - vi. Do not project greater than six (6) feet over the public right-of-way.
- (7) Portable freestanding signs. Portable freestanding signs shall be permitted when accessory to a principal business or commercial establishment subject to all of the following provisions:
- i. Clearly accessory to, and placed adjacent to, a permitted business or sign.
 - ii. Limited to one portable freestanding sign per business establishment.
 - iii. Contain a total area not exceeding two feet by three feet per sign face.
 - iv. Displayed only during business hours.
 - v. Placed on private property
- (8) Shopping center signs. In addition to such signs as are permitted for individual establishments, there shall be permitted one freestanding sign on each frontage street, indicating the name of the shopping center, names of various establishments and schedules of events in the shopping center. This sign shall not exceed one hundred and fifty (150) square feet in size, per face of the sign; provided, further, however, that no individual establishment shall be permitted to erect an individual freestanding sign under Section 6.7 (b) (1), (2), and (3) herein.
- (9) Auto service station signs. This use will be allowed one (1) sign in addition to all other signs allowed in commercial districts to identify the price and type of fuel sold by the service station. In addition, two (2) portable signs not exceeding eight (8) square feet on each face may be displayed on the premises for the purpose of advertising the cost of fuel or other products or services. The total area of such sign shall not be included in calculating permitted sign size.
- (c) In the I district, the following signs shall require a permit:
- (1) Any sign which may be permitted in any other district, provided that the use advertised by such sign is a permitted use in such district.
 - (2) One (1) or more signs for the purpose of identifying the use or occupancy of such, provided that the total area of such signs does not exceed one square foot of area for each one linear foot of building frontage along the street on which said signs are displayed, and provided that the total area of such signs does not exceed two hundred (200) square feet, and provided, further, that not more than fifty (50)

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square feet of the permitted sign area may be on signs located within the required minimum front yard.

SECTION 6.8 **PERMIT PROCEDURES**

It shall be unlawful to erect, construct or significantly alter any sign which requires a sign permit without first filing with Menallen Township an application in writing, which application shall contain the information required by Menallen Township on its Application for Permit. The following shall be provided:

- (a) The name, address, and telephone number of the property owner, and the signature of the owner or duly authorized agent for the owner.
- (b) Two copies of a plan drawn to scale depicting:
 - (1) The design of each sign face and sign structure with the dimensions, total area, sign height, depth, structural details, materials, lighting scheme, and proposed location.
 - (2) The building elevations, existing and proposed facades, parapet walls, cornices, and the location and size of all proposed and existing signage.
 - (3) Such other information as required by Menallen Township Zoning Officer.

The following illustrations depict types of signage discussed in this Chapter:

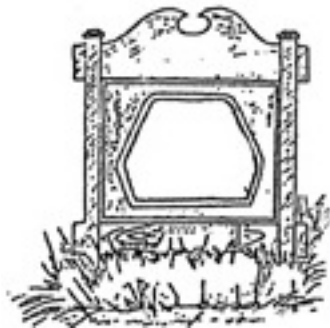


Figure 6-1: Freestanding sign.



Figure 6-2: Another style of freestanding sign.



Figure 6-3: Freestanding monument-style sign.



Figure 6-4: Projecting sign.



Figure 6-5: Wall signs.

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CHAPTER 7

NON-CONFORMING LOTS, STRUCTURES, AND USES

SECTION 7.1 PURPOSE

- (a)** This purpose of this Chapter is to set forth standards and regulations regarding nonconforming uses, structures, and lots. These standards shall apply to all nonconforming uses, structures and lots, as defined by this Ordinance. Nothing contained herein shall require any change in the overall layout, plans, construction, size or designated use of any development, building, structure or part thereof for which official approval and required permits have been granted prior to the effective date of this Ordinance or any amendment thereto.

SECTION 7.2 NONCONFORMING USES

- (a)** These regulations shall apply to any use of a structure or lot in any Zoning District that is a nonconforming use as defined by this Ordinance. Whenever the boundaries of a Zoning District shall be changed so as to transfer an area from one Zoning District to another Zoning District of a different classification, these regulations shall apply to any uses which thereby become nonconforming.
- (b)** Where, at the effective date of adoption or amendment of this Ordinance, a lawful use of a lot or structure exists that is made no longer permissible under the terms of this Ordinance as enacted or amended, such use may be sold or otherwise transferred to other owners and may be continued as long as it remains otherwise lawful in accordance with the provisions of this Chapter.
- (c)** Single-family dwellings that are nonconforming uses in any nonresidential zoning district classification may be enlarged or expanded to occupy a greater area of the lot or to increase the height of the dwelling, provided all applicable area and bulk regulations of the Zoning District in which the property is located are met.
- (d)** No other nonconforming use of a lot or nonconforming use of a structure shall be enlarged or increased or extended to occupy a greater area of the lot or structure than was occupied at the effective date of adoption or amendment of this Ordinance, unless the Zoning Hearing Board, after public hearing, shall interpret that the enlargement or extension is necessitated by the natural expansion and growth of the nonconforming use. Any such enlargement or expansion shall conform to the area, height and yard requirements of the Zoning District in which it is located.
- (e)** No nonconforming use shall be moved in whole or in part to any other portion of the lot occupied by such use at the effective date of adoption or amendment of this Ordinance.
- (f)** Any nonconforming use may be extended throughout any part of a structure that was designed for such use at the time the use became nonconforming; however, a nonconforming use shall not be extended to occupy any structure, lot or portion of a lot

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that was not owned by the owner of the nonconforming use at the time the use became nonconforming.

- (g) A nonconforming use shall not be changed to any use other than a conforming use, except as permitted as a use by special exception by the Zoning Hearing Board in accordance with the following standards:

 - 1) The new use will more closely correspond to the uses authorized in the District as permitted uses, conditional uses or uses by special exception.
 - 2) The new use will be in keeping with the character of the neighborhood in which it is located and will have an equal or lesser impact on the neighborhood than the existing nonconforming use.
 - 3) Any change from one nonconforming use to another shall comply with the parking requirements of Section 4.8 of this Ordinance for the new use and shall be subject to the area, bulk and buffer area regulations for such use in the Zoning District where such use is authorized as a permitted use, conditional use or use by special exception.
 - 4) When a nonconforming use is changed to a conforming use, the use thereafter shall not be changed to a nonconforming use.
 - 5) Where a nonconforming use exists on a lot, a conforming use shall not be established on the same lot unless the nonconforming use is discontinued.
- (h) When a nonconforming use of a structure and/or lot is discontinued or abandoned for twelve (12) consecutive months, the structure and/or lot shall not thereafter be used, except in conformance with the regulations of the Zoning District in which it is located, except that when the discontinuance was beyond the control of the owner or tenant and was without intent to abandon the use, the Zoning Hearing Board may, when application is made not later than one (1) year from the date the use was discontinued, approve an extension of not more than one (1) additional year within which the use may be resumed. No additional extensions may be approved.
- (i) Residential dwellings that are nonconforming uses in the C or I District may be rebuilt on the existing foundation in the event of damage or destruction, provided the reconstruction is started within eighteen (18) months of the date of destruction.
- (j) In the case of nonconforming uses, other than dwellings, when damage or destruction of a structure in which the nonconforming use is conducted involves fifty percent (50%) or less of the gross floor area of the structure, repairs or reconstruction may be undertaken, provided that such restoration is started within eighteen (18) months of the date of destruction. No enlargement or expansion of the nonconforming structure shall be undertaken unless the provisions of Section 7.2 (c) and (d) herein are met.
- (k) In the case of nonconforming uses other than dwellings, when the structure in which the nonconforming use is conducted is damaged or destroyed by fire or other means to an extent of more than fifty percent (50%) of its gross floor area, the structure shall be reconstructed only to house a conforming use.

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SECTION 7.3 NONCONFORMING STRUCTURES

- (a) A nonconforming structure may be enlarged or structurally altered, provided the enlargement or alteration does not encroach any further into a required yard setback than the existing nonconforming structure does and, further provided that no new nonconformities are created. All other alterations or enlargements shall require review by the Zoning Hearing Board and, after public hearing, the Zoning Hearing Board may determine undue hardship and may authorize a variance for the reasonable modification of such structure.
- (b) Any nonconforming structure that has been partially or completely damaged or destroyed by fire or other means may be rebuilt or repaired on its existing foundation even though such foundation may violate the setback requirements for the Zoning District in which the structure is located, provided that the repair or reconstruction and re-occupancy of the structure occurs within eighteen (18) months of the date that the original structure was damaged or destroyed. No enlargement or expansion of the nonconforming structure shall be undertaken unless the provisions of Section 7.3 (a) herein are met.
- (c) Should a nonconforming structure be moved for any reason for any distance whatever, it shall thereafter conform to the requirements of the Zoning District in which it is located.

SECTION 7.4 NONCONFORMING SIGNS

- (a) No nonconforming advertising sign, billboard, commercial advertising structure or statuary shall be moved to another position on the building or lot on which it is located after the effective date of this Ordinance or amendment thereto.
- (b) Whenever any use of a building or structure or land or of a combination of buildings, structures and land ceases, all signs accessory to such use shall be deemed to become nonconforming and shall be removed within thirty (30) days.
- (c) All presently existing signs which conformed to the Zoning Ordinance prior to the effective date of this Ordinance but which fail to conform to the provisions of this Ordinance shall be deemed nonconforming and shall be removed at the owner's expense within five (5) years of such effective date, except freestanding signs which are nonconforming only because of height.
- (d) Nonconforming signs may be repaired or reconstructed, provided that no structural alterations are made that increase the gross surface area of the sign; however, nonconforming signs that are damaged or destroyed to an extent of more than fifty-one percent (51%) of their replacement cost at the time of destruction shall not be reconstructed except in conformity with the provisions of this Ordinance. Replacement cost shall be determined by the Township Engineer upon request by the Township. The Engineer shall inspect the sign and submit a report to the Zoning Officer within five (5) working days of the Township's request. The cost of the services of the Township Engineer shall be borne by the applicant. Said cost shall not exceed the amount established from time to time by Resolution of the Board of Supervisors.

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SECTION 7.5 NONCONFORMING LOTS

- (a) Any lot of record existing at the effective date of this Ordinance may be used for the erection of a structure conforming to the use regulations of the Zoning District in which it is located, without a lot area or lot width variance, even though its lot area and width are less than the minimum required by this Ordinance; however, such lot must comply with the front, rear and side yards, height and lot coverage standards of the Zoning District wherein it is located.
- (b) Where structures exist on adjacent nonconforming lots of record that have front yards less than the minimum depth required, the minimum front yard for an adjacent nonconforming lot of record shall be the average depth of the nonconforming front yards on the adjacent nonconforming lots in the same block on the same side of the street.

SECTION 7.6 LOTS OF RECORD

- (a) A lot which is of public record in single and separate ownership at the time of enactment of this Ordinance may be used for a permitted use in the district in which it is located; provided, however, that the minimum and maximum regulations of this district are met as closely as possible.
- (b) Reduction of Lot Area. No lot shall be so reduced that the area of the lot, or the dimensions of the required open spaces shall be less than prescribed by this Ordinance.
- (c) Modification of Front Yard Requirements. Where an unimproved lot of record is situated on the same street frontage with two (2) improved lots or one (1) unimproved and one (1) improved lot, the front yard requirement for that district may be modified so that the front yard shall be an average of the existing and as required front yard.
- (d) Projection into Required Yards. No building and no part of a building shall be erected within or shall project into any required yard in any district, except that:
 - 1) An unenclosed porch, not more than fourteen (14') feet in height, cannot encroach a distance of more than ten (10') feet into a required front or rear yard, provided that in no case shall this encroachment extend into such front or rear yard more than one-half (1/2) the required depth of the yard.
 - 2) A terrace, deck, patio, or landing place, not covered by a roof, canopy, or trellis, which does not extend above the level of the first floor of the building cannot encroach a distance of more than twelve (12') feet into a required yard, provided that this encroachment is not more than forty (40%) percent of the required depth or width of the yard.
 - 3) A porte-cochere, or carport, may be erected over a driveway in a required side yard, provided that such structure is:
 - (1) Not more than fourteen (14') feet in height and twenty (20') feet in length.

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- (2) Entirely open on at least three (3) sides, exclusive of the necessary supporting columns and customary architectural features.
- (3) At least three (3') feet from the side lot line.
- 4) A buttress, chimney, cornice, pier, or pilaster of a building may not project more than eighteen (18") inches into a required yard.
- 5) Open, unenclosed fire escapes, steps, bay windows and balconies may project not more than three (3') feet into a required yard.
- 6) An unattached garage which fronts on an alley and which is accessory to a residential building may be erected within the required rear or side yards provided that it meets the following requirements:
 - (1) The maximum height of such garage be limited to fifteen (15') feet.
 - (2) For those lots twenty-two (22') feet wide or less, a side yard shall not be required.
 - (3) Lots greater than twenty-two (22') feet, but less than thirty feet (30'), one (1) side yard shall be required of no less than three (3') feet.
 - (4) Lots greater than thirty (30') feet, two (2) side yards shall be required of no less than three (3') feet each.
 - (5) In those instances where a side yard setback is not provided, a two (2) hour rated firewall shall be constructed on the side lot line side of the structure abutting the neighboring property.
 - (6) The distance from the rear lot line shall not be less than three (3') feet.
 - (7) The distance from a principal structure shall not be less than ten (10') feet

SECTION 7.7 REGISTRATION OF NONCONFORMITY

- (a) The owner of a nonconforming use shall make an application for registration of the nonconforming use and upon presentation of documentation acceptable to the Zoning Officer that the use was lawfully in existence prior to the effective date of this Ordinance or any amendment that created the nonconformity, the Zoning Officer shall register the same on a map and by the Fayette County Assessor's Tax Parcel Number as a legal nonconforming use.
- (b) In the course of administering this Ordinance and reviewing applications for zoning certificates, Certificates of Occupancy or variances, the Zoning Officer shall register all nonconforming structures and nonconforming lots as they become known through the application process.

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SECTION 7.8

DISCLAIMER

- (a)** Nothing in this Ordinance shall be deemed to prevent the strengthening or restoring to a safe condition of any structure or part thereof declared to be unsafe by any official charged with protecting the safety of the public, provided all other requirements of this Ordinance are met.

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CHAPTER 8 ZONING ORDINANCE ADMINISTRATION

SECTION 8.1 PURPOSE

- (a) The purpose of this Chapter to describe the procedures for administration and enforcement of this Ordinance and the duties and responsibilities of the Zoning Officer, Zoning Hearing Board and Planning Commission.

SECTION 8.2 ENFORCEMENT

- (a) The provisions of this Ordinance shall be enforced by a Zoning Officer with the aid of the State Police and other municipal agencies. He or she shall receive such compensation from the Township of Menallen such as the Board of Supervisors by resolution shall provide.

SECTION 8.3 POWERS AND DUTIES OF ZONING OFFICER

Powers and duties of Zoning Officer. It shall be the duty of the Zoning Officer and he or she shall have power to:

- (a) Keep a record of all plans and applications for permits and all permits issued with notations as to special conditions attached thereto. All records shall be open for public inspection.
- (b) Review applications for zoning permits for erections or alterations of structures or changes of use; determine whether such construction or use is in accordance with the general requirements of this Ordinance, all other applicable ordinances, and with the laws and regulations of the Commonwealth. The Zoning Officer shall issue no permit unless it conforms to all applicable ordinances, statutes, and regulations.
- (c) Conduct inspections and surveys to determine compliance or noncompliance with the terms of this Ordinance. In carrying out such surveys, the Zoning Officer or his or her representative may enter upon any land or building.
- (d) Make written orders requiring compliance with the provisions of this Ordinance to be served personally or by certified mail.
- (e) Maintain a map showing the current zoning classification of all land.
- (f) Participate in all proceedings before a Zoning Hearing Board, presenting facts and information to assist the Board in reaching a decision that shall be compatible with this Ordinance.
- (g) Institute civil enforcement procedures when the provisions of the Township of Menallen's ordinances are not being followed.

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- (h) The Zoning Officer shall not have the power to permit any use or change of use unless it also conforms to the requirements of all other ordinances of the Township of Menallen and with the laws of the Commonwealth of Pennsylvania.

SECTION 8.4 BUILDING PERMIT; USE AND OCCUPANCY PERMIT

- (a) No structure shall be constructed, altered, added to in any way, relocated or demolished or the use of any structure changed or industrial or public water supply wells drilled, nor shall any unoccupied open areas of any lot be utilized, whether by patios, swimming pools or parking areas, other than for residences or other uses, until a building permit is secured from the Building Official.
- (b) A use and occupancy permit shall be required prior to any of the following:
 - 1) Each change in use of any commercial or industrial building or property where a building permit is not applicable.
 - 2) Use of land or change in the occupancy use thereof, except that the placing of vacant land under cultivation shall not require a use and occupancy permit.
 - 3) Change in use of any nonconforming use where a building permit is not applicable.
 - 4) Each change of tenant or occupant of any commercial or industrial building even if the general type of use does not change.

SECTION 8.5 APPLICATION FOR A ZONING PERMIT

All applications for zoning permits shall be made in writing by the owner or authorized agent and shall be filed with the Zoning Officer. The application shall:

- (a) Include a statement as to the proposed use of the structure or land.
- (b) Be accompanied by a plan, drawn to scale, showing the location of the structure in relation to property and road lines.
- (c) Give the name and address of the person who has so located and staked the road lines.
- (d) If the applicant desires the Zoning Hearing Board to grant a special exception or variance, then, in addition, the application shall set forth the nature of the special exception or variance and shall state briefly the reasons why such special exception or variance should be granted.

SECTION 8.6 PERMIT EXPIRATION

- (a) Every permit issued under the authority of this Ordinance shall expire and become invalid if the authorized work or utilization of the property has not commenced within one (1) year after issuance of the permit, or if the authorized work or utilization of the property has been suspended or abandoned for a period of one (1) year or more after the commencement of work or utilization of the property.

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- (b) Upon completion of the work authorized by any permit, the applicant for the permit shall notify the Building Official of such completion. No permit shall be considered as complete or as permanently effective until the Building Official has noted on the permit that the work has been inspected and approved as being in conformity with the provisions of this Ordinance.

SECTION 8.7 PERMIT FOR TEMPORARY STRUCTURE

- (a) Permits for temporary structures related to construction work authorized under a valid building permit may be issued by the Zoning Officer only for the time that construction work is in progress and for a period not to exceed six months. The permit may be renewed for an additional six month period upon demonstration of continued need for the structures; however, all temporary structures shall be removed upon completion of construction.

SECTION 8.8 USES BY RIGHT, SPECIAL EXCEPTIONS, CONDITIONAL USES, AND USES NOT PERMITTED

- (a) A use listed by right is permitted subject to the requirements for the district in which it is located, after approval has been granted in accordance with the requirements of the Subdivision and Land Development Ordinance, if applicable, and after a zoning permit has been issued in accordance with the provisions of this Chapter.
- (b) A use listed as a use permitted by special exception may be permitted as such provided the Zoning Hearing Board authorizes issuance of a zoning permit by the Zoning Officer, subject to any requirements of Chapter 5, and after approval has been granted subject to the requirements of the Subdivision and Land Development Ordinance, if applicable, and such further restrictions as the Board of Supervisors may impose to ensure protection of adjacent uses or the health, safety, and general welfare.
- (c) A use listed as a use permitted as a conditional use may be permitted as such provided the Board of Supervisors has received a positive recommendation from the Township Planning Commission, has granted the conditional use subject to any expressed standards set forth in Chapter 5 of this Ordinance, and after approval has been granted subject to the requirements of the Subdivision and Land Development Ordinance, if applicable, and such further restrictions as the Board of Supervisors may impose to ensure protection of adjacent uses or the health, safety, and general welfare.
- (d) A use not listed as being permitted by right, special exception, or conditional use in a particular zoning district is not permitted in that zoning district.

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SECTION 8.9 SPECIAL EXCEPTION

- (a) In any instance where the Zoning Hearing Board is required to consider a special exception in accordance with the provisions of this Ordinance, the Board shall apply the following standards:
- 1) The Zoning Hearing Board shall determine if the applicant has shown that the proposed special exception will not substantially injure or detract from the use of the neighboring property or from the character of the neighborhood, land that the use of property adjacent to the area included in the proposed change or plan is adequately safeguarded.
 - 2) The Zoning Hearing Board shall determine if the applicant has shown that the proposed special exception will serve the best interests of Menallen Township, the convenience of the community and the public welfare.
 - 3) The Zoning Hearing Board shall determine if the applicant has shown that the effect of the proposed special exception will facilitate the logical, efficient, and economical extension of public services and facilities, such as public water, sewers, police and fire protection, and public schools.
- (b) In granting a special exception, the Zoning Hearing Board may attach such reasonable conditions and safeguards, which conditions may include, but are not limited to, harmonious design of buildings, plantings and its maintenance as a sight or sound screen, the minimizing of noxious, offensive or hazardous elements, adequate standards of parking, and sanitation, as it may deem necessary to implement the purpose of this Ordinance.

SECTION 8.10 CONDITIONAL USE

In deciding all applications for conditional uses the Menallen Township Board of Supervisors shall be guided by the following standards and criteria:

- (a) The proposed use conforms to the applicable regulations of the district.
- (b) The proposed use should not cause undue noise, glare or pollution of the surrounding areas, as determined by the Board of Supervisors, upon recommendation by the Township Engineer and Township Planning Commission.
- (c) Anticipated levels of traffic congestion, noise, glare, and pollution created by the proposed use will be similar to the levels created by the uses permitted in that district.
- (d) Any visual or functional conflicts between the proposed use and surrounding existing uses shall be kept to a minimum. Increased setbacks, planted buffers, wooden fences or other measures may be required by the Board of Supervisors to minimize potential conflicts, or to reduce anticipated levels of noise. Visual and functional conflicts include, but are not limited to, loading docks, parking lots, service driveways, or large nonresidential buildings adjacent to residential neighborhoods or open space areas, without adequate buffering.

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- (e) In granting a conditional use, the Board of Supervisors may attach such reasonable conditions and safeguards, which conditions may include, but are not limited to, harmonious design of buildings, plantings and its maintenance as a sight or sound screen, the minimizing of noxious, offensive or hazardous elements, adequate standards of parking, and sanitation, as it may deem necessary to implement the purpose of this Ordinance.

SECTION 8.11 VARIANCES

- (a) In accordance with Section 910.2 of the MPC, the Zoning Hearing Board, upon appeal, shall have power to authorize variances from the provision of this Ordinance. The applicant must provide evidence to the Zoning Hearing Board of the need for the variance based upon all the following criteria and the Zoning Hearing Board may grant a variance provided that all of the findings are made where relevant in a given case.
 - 1) That there are unique physical circumstances or conditions, including irregularity, narrowness, or shallowness of lot size or shape, or exceptional topographical or other physical conditions peculiar to the particular property, and that the unnecessary hardship is due to such conditions, and not the circumstances or conditions generally created by the provision of the zoning ordinance in the neighborhood or district in which the property is located.
 - 2) That because of such physical circumstances or condition, there is no possibility that the property can be developed in strict conformity with the provisions of the zoning ordinance and that the authorization of a variance is therefore necessary to enable the reasonable use of the property.
 - 3) That such unnecessary hardship has not been created by the appellant.
 - 4) That the variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located, nor substantially or permanently impair the appropriate use or development of adjacent property, nor be detrimental to the public welfare.
 - 5) That the variance, if authorized, will represent the minimum variance that will afford relief and will represent the least modification possible of the regulation in issue.

SECTION 8.12 APPEALS

- (a) An appeal from the decision of the Zoning Officer shall be filed within thirty (30) days thereof.

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SECTION 8.13 DUTIES OF THE PLANNING COMMISSION

- (a) Menallen Township shall retain a municipal planning commission that shall review all applicable matters relating to lot line changes, subdivisions, land developments, planned residential developments, or any other matter of a planning or zoning nature as prescribed within the Pennsylvania Municipalities Planning Code.

SECTION 8.14 VIOLATIONS AND PENALTIES

- (a) Any persons, partnership or corporation who or which has violated or permitted the violation of the provisions of this Ordinance shall, upon being found liable thereof in a civil enforcement proceeding commenced by the Township of Menallen, pay a judgment of not more than \$500, plus all court costs, including reasonable attorney fees incurred by the municipality as a result thereof. In addition, the following shall apply to all violations:
 - 1) 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 of Menallen may enforce the judgment pursuant to the applicable rules of civil procedure.
 - 2) Each day that a violation continues shall constitute a separate violation, unless the District Justice, when determining that there has been a violation, further determines that there was a good-faith basis for the person, partnership or corporation violating this Ordinance to have believed that there was no such violation, in which event there shall be deemed to have been only one such violation until the fifth day following the date of the determination of a violation by the District Justice, and thereafter each day that the violation continues shall constitute a separate violation.
 - 3) All judgments, costs, and reasonable attorney fees collected for the violation of this Ordinance shall be paid to the Township of Menallen.

SECTION 8.15 NOTICE OF VIOLATION

- (a) When written notice of the violation of any of the provisions of this Ordinance shall have been served, by registered mail or otherwise, by the Zoning Officer on the owner, agent or occupant, contractor or builder involved, such violation shall be discontinued within thirty (30) days. However, if in the opinion of the Zoning Officer the violation creates an imminent danger to life and property or is willful and deliberate, the violator shall be ordered to discontinue such violation immediately. The giving of notice of a violation as herein provided shall not be interpreted to supersede or deny the Zoning Officer and the Township of Menallen the right and duty to prosecute a violator for a violation of each respective provision of this Ordinance.
- (b) Written notice of a violation shall be given to the owner of record of the parcel on which the violation has occurred, any person who has filed a written request to receive

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enforcement notices regarding that parcel and any other person requested, in writing, by the owner of record. The enforcement notice shall state at least the following:

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

SECTION 8.16 ADDITIONAL REMEDIES

- (a) In case any building, structure or land is or is proposed to be erected, constructed, reconstructed, altered, converted, maintained or used in violation of this Ordinance, the Township of Menallen Board of Supervisors or, with the approval of the Board of Supervisors, an officer of the municipality, in addition to other remedies, may institute in the name of the Township any appropriate action or proceeding to prevent, restrain, correct or abate such building, structure or land or to prevent, in or about such premises, any act, conduct, business or use constituting a violation.

SECTION 8.17 AMENDMENT BY GOVERNING BODY

- (a) The governing body of Menallen Township may, from time to time, amend this Ordinance and/or the Zoning Map by proceeding in the manner set forth in this section and as otherwise required by law.
- (b) An amendment proposed by the Township of Menallen Board of Supervisors shall be prepared by the Menallen Township Solicitor, Zoning Officer or Planning Commission. If a Board-proposed amendment is not prepared by the Planning Commission, said proposed amendment shall be referred to the Planning Commission for review and comments.
- (c) The proposed amendment shall be referred to the Fayette County Planning Commission for review and comment.
- (d) The proposed amendment shall be advertised as required by the Municipalities Planning Code.

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- (e) If the proposed amendment would effect a change in the Zoning Map, if adopted, the property so affected shall also be posted in the manner required (if so required) by the Municipalities Planning Code.
- (f) After advertising (and posting of the property, if any) has occurred, the respective governing body shall hold a public hearing on the proposed amendment of this Ordinance and/or Zoning Map before voting on its adoption.

SECTION 8.18

LANDOWNER-PROPOSED CURATIVE AMENDMENTS

- (a) Any landowner in the Township of Menallen may submit a written proposal, on the form provided at the Menallen Township Building, requesting an amendment of this Ordinance or Zoning Map as they relate to the landowner's property, and shall pay the fee fixed by their respective governing body for such a submission.
- (b) Since amendment of this Ordinance or Zoning Map is a decision that falls within the legislative discretion of the municipality in which it occurs, the Board shall have no obligation or duty to grant a hearing or to take any action on any proposal for amendment of this Ordinance or the Zoning Map submitted by a landowner.
- (c) If a landowner submits a proposal for the amendment of this Ordinance and/or Zoning Map and the respective governing body decides to take no action on the proposal, the municipal staff shall return the application and fee submitted by the landowner or other person, and the Township shall take no further action on the submission.
- (d) If the governing body decides to grant a hearing on any proposal to amend this Ordinance and/or Zoning Map as submitted by a landowner, the municipal staff shall refer the proposal to the Menallen Township Planning Commission and the Fayette County Planning Commission for review and commentary. The municipal staff shall also advertise the proposed amendment as required by the Municipalities Planning Code and, if the proposal involves any change to the Zoning Map, any affected property shall be posted. The governing body shall hold such public hearing or hearings as it deems appropriate on the proposal submitted by the landowner to amend this Ordinance and/or Zoning Map, but the Board shall be under no obligation to take any final action on the proposal.

SECTION 8.19

EVALUATION OF MERITS OF CURATIVE AMENDMENT

- (a) If the governing body determines that a validity challenge has merit, the governing body may accept a landowner's curative amendment, with or without revision, or may adopt an alternative amendment that will cure the challenged defects. The governing body shall consider the curative amendments, plans, and explanatory material submitted by the landowner and shall also consider:
 - 1) The impact of the proposal upon roads, sewer facilities, water supplies, schools and other public service facilities

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- 2) If the proposal is for a residential use, the impact of the proposal upon regional housing needs and the effectiveness of the proposal in providing housing units of a type actually available to and affordable by classes of persons otherwise unlawfully excluded by the challenged provisions of this Ordinance or Map.
- 3) The suitability of the site for the intensity of use proposed by the site's soils, slopes, woodlands, wetlands, floodplains, aquifers, natural resources, and other natural features.
- 4) The impact of the proposed use on the site's soils, slopes, woodlands, wetlands, floodplains, natural resources, and natural features; the degree to which these are protected or destroyed, the tolerance of the resources to development and any adverse environmental impacts.
- 5) The impact of the proposal on the preservation of agriculture and other land uses which are essential to public health and welfare.

SECTION 8.20 PROCEDURE FOR CURATIVE AMENDMENTS

- (a) The governing body of the municipality shall vote, within thirty (30) days following such declaration by the governing body, by formal action whether or not to declare this Ordinance or portions thereof substantially invalid. In the event of the failure of a majority of the governing body to declare this Ordinance or portions thereof substantially invalid within the thirty (30) days following such declaration, the declaration shall be deemed null and void.
- (b) The declaration by a majority of the Board of Supervisors of the substantive invalidity of this Ordinance shall be binding upon the municipality from the moment the initiating governing body declares this Ordinance invalid.
- (c) Upon the declaration that this Ordinance is invalid by the municipality, the municipality shall begin to prepare and consider a curative amendment to this Ordinance to correct the declared invalidity.
- (d) Within one hundred eighty (180) days from the date of the declaration, pursuant to Section 8.19, subsection (a), above, Menallen Township shall enact a curative amendment to or reaffirm the validity of this Ordinance pursuant to the provisions required by Section 8.20, to cure the declared invalidity of this Ordinance.
- (e) Upon the initiation of the procedures by the governing body as set forth in subsection (a), the governing body shall not be required to entertain or consider any landowner's curative amendment as provided for within the Pennsylvania Municipalities Planning Code, nor shall the local Zoning Hearing Board be required to give a report subsequent to the declaration and proposal based upon the grounds identical to or substantially similar to those specified in the resolution required by subsection (a).
- (f) Upon completion of the procedures as set forth in subsections (a) and (b), no rights to a cure pursuant to the provisions of the Pennsylvania Municipalities Planning Code, shall, from the date of the declaration and proposal, accrue to any landowner on the basis of the

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substantive invalidity of this Ordinance for which there has been a curative amendment pursuant to this section.

- (g) The municipality, having utilized the procedures as set forth in subsections (a) and (b), may not again utilize said procedures for a thirty-six (36) month period following the date of the enactment of a curative amendment or reaffirmation of the validity of this Ordinance pursuant to subsection (b); provided, however, if after the date of declaration and proposal there is a substantially new duty or obligation imposed upon the municipality by virtue of a change in statute or by virtue of a Pennsylvania Appellate Court decision, the municipality may utilize the provisions of this section to prepare a curative amendment to this Ordinance to fulfill said duty or obligation; provided, however, that the municipality shall not be deemed to have utilized the procedures set forth in subsections (a) and (b) either if the municipality takes formal action to not declare this Ordinance invalid in accordance with subsection (a) or if they fail to act in accordance with subsection (a).

SECTION 8.21 APPLICATIONS

- (a) Applications for amendment of this Ordinance shall be presented or postmarked to each participating municipality on the same day and shall contain the materials specified below, unless the applicant is proceeding for curative amendment or appeal within this Ordinance. In the latter cases, the applicant shall be bound by the requirements contained therein.
- (b) The applicant's name and address and his representative and the interest of every person represented in the application;
- (c) A fee as specified by the participating municipal fee schedule charged to any person or persons desiring to amend this Ordinance;
- (d) A plan showing the extent of the area to be rezoned; streets bounding and intersecting the area; the land use and zone classifications of abutting districts, and photographs of the area to be rezoned and abutting areas;
- (e) A statement of the circumstances in the proposed district and the abutting districts and any other factors on which the applicant relies as reasons for supporting the proposed rezoning;
- (f) The approximate time schedule for the beginning and completion of development in the area;
- (g) A site plan to scale, indicating the location of structures, uses, and areas for off-street parking and loading.

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SECTION 8.22 NOTICE AND CONDUCT OF HEARINGS

(a) Notice.

- 1) Written notice of the hearing shall be given to the public, the applicant, the Zoning Officer, the Board of Supervisors, the Planning Commission and to any person who has made timely request for the same. A notice of the hearing shall be given to other persons at such a time and in such manner as the Board of Supervisors or the Zoning Hearing Board shall designate.
- 2) 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 of land at least one (1) week prior to the public hearing.
- 3) In addition, at least fourteen (14) days prior to the public hearing, written notices shall be sent by first class mail to the addresses to which real estate tax bills are sent for all real property located within three hundred (300) feet of the property line boundaries of the property for which the appeal is filed including properties across any street right-of-way. The names and addresses shall be provided by the appellant.

(b) The Zoning Hearing Board shall conduct hearings in accordance with the following requirements:

- 1) The first hearing shall be commenced 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) Each subsequent hearing before the Board or hearing officer shall be held within forty-five (45) days of the prior hearing, unless otherwise agreed to by the applicant in writing or on the record. An applicant shall complete the presentation of his case-in-chief within one hundred (100) days of the first hearing. Upon the request of the applicant, the Board or hearing officer shall assure that the applicant receives at least seven (7) hours of hearings within the one hundred (100) days, including the first hearing. Persons opposed to the application shall complete the presentation of their opposition to the application within one hundred (100) days of the first hearing held after the completion of the applicant's case-in-chief. And the applicant may, upon request, be granted additional hearings to complete his case-in-chief provided the persons opposed to the application are granted an equal number of additional hearings. Persons opposed to the application may, upon the written consent or consent on the record by the applicant and the Township, be granted additional hearings to complete their opposition to the application provided the applicant is granted an equal number of additional hearings for rebuttal.
- 3) The hearings shall be conducted by the Zoning Hearing Board or the Zoning Hearing Board may appoint any member as a hearing officer. The decision, or, where no decision is called for, the findings, shall be made by the Zoning Hearing Board; however, the appellant or the applicant, as the case may be, in addition to the Township, may, prior to the decision of the hearing, waive decision or findings by the Zoning Hearing Board and accept the decision or findings of the hearing officer as final.

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- 4) The parties to the hearing shall be the Township, any person affected by the application who has made timely appearance of record before the Zoning Hearing Board, and any other person including civic or community organizations permitted to appear by the Zoning Hearing Board. The Zoning Hearing Board shall have power to require that all persons who wish to be considered parties enter appearances in writing on forms provided by the Zoning Hearing Board for that purpose.
- 5) The chairman or acting chairman of the Zoning Hearing Board or the hearing officer presiding shall have power to administer oaths and issue subpoenas to compel the attendance of witnesses and the production of relevant documents and papers, including witnesses and documents requested by the parties.
- 6) 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.
- 7) Formal rules of evidence shall not apply, but irrelevant, immaterial or unduly repetitious evidence may be excluded.
- 8) The Zoning Hearing Board or the hearing officer, as the case may be, shall keep a stenographic record of the proceedings. Fees for the stenographer and transcript are governed by Section 8.26 of this Ordinance.
- 9) The Zoning Hearing Board or the hearing officer shall not communicate, directly or indirectly, with any party or his representatives in connection with any issue involved except upon notice and opportunity for all parties to participate, shall not take notice of any communication, reports, staff memoranda or other materials, 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.
- 10) The Zoning Hearing Board or the hearing officer, as the case may be, shall render a written decision or, when no decision is called for, make written findings on the application within forty-five (45) days after the last hearing before the Zoning Hearing Board or hearing officer. 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. If the hearing is conducted by a hearing officer, and there has been no stipulation that his decision or findings are final, the Zoning Hearing Board shall make his report and recommendations available to the parties within forty-five (45) days and the parties shall be entitled to make written representations thereon to the Zoning Hearing Board prior to final decision or entry of findings, and the Zoning Hearing Board's decision shall be entered no later than thirty (30) days after the report of the hearing officer.

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SECTION 8.23 FAILURE TO RENDER A DECISION

- (a) Where the Zoning Hearing Board fails to render a decision within the required forty-five (45) day period or fails to commence or complete the required hearing as provided in this Chapter, the decision shall be deemed to have been rendered in favor of the applicant, unless the applicant has agreed in writing or on the record to an extension of time.
- (b) When a decision has been rendered in favor of the applicant because of failure of the Zoning Hearing Board to meet or render a decision, the Zoning Hearing Board shall give public notice of the decision within ten (10) days from the last day it could have met to render a decision in the same manner as provided herein. If the Zoning Hearing Board shall fail to provide such notice, the applicant may do so. Nothing in this Section shall prejudice the right of any party opposing the application to appeal the decision to the Court of Common Pleas.

SECTION 8.24 MEDIATION

- (a) Parties to proceedings authorized in this Chapter may utilize mediation as an aid in completing such proceedings. In proceedings before the Zoning Hearing Board, in no case shall the Zoning Hearing Board initiate mediation or participate as a mediating party. Mediation shall supplement, not replace, those procedures in this Chapter once they have been formally initiated. Nothing in this Subsection shall be interpreted as expanding or limiting municipal police powers or as modifying any principles of substantive law.
- (b) Participation in mediation shall be wholly voluntary. The appropriateness of mediation shall be determined by the particulars of each case and the willingness of the parties to negotiate. The municipality, in offering the mediation option, shall assure that in each case, the mediating parties, assisted by the mediator as appropriate, develop terms and conditions for:
 - 1) Funding mediation;
 - 2) Selecting a mediator who, at a minimum, shall have a working knowledge of municipal zoning and subdivision procedures and demonstrated skills in mediation;
 - 3) Completing mediation, including time limits for such completion;
 - 4) Suspending time limits otherwise authorized in this Ordinance or in the Pennsylvania Municipalities Planning Code, provided there is written consent by the mediating parties, and by an applicant or Township decision-making body, if either is not a party to the mediation;
 - 5) Identifying all parties and affording them the opportunity to participate;
 - 6) Subject to legal restraints, determining whether some or all of the mediation sessions shall be open or closed to the public;

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- 7) Assuring that mediated solutions are in writing and signed by the parties, and become subject to review and approval by the appropriate decision-making body pursuant to the authorized procedures set forth in this Ordinance.
- (c) No offers or statements made in the mediation sessions, excluding the final written mediated agreement, shall be admissible as evidence in any subsequent judicial or administrative proceedings.

SECTION 8.25 FEES AND EXPENDITURES

- (a) Each applicant for any permit required under this Ordinance or for any variance from or special exception to this Ordinance shall, at the time of making application, pay to the Zoning Officer for the use of the Township of Menallen a fee or fees in accordance with a fee schedule adopted by resolution of the Board of Supervisors or as such schedule may be amended from time to time by resolution of the Board of Supervisors.
- (b) The Board of Supervisors may prescribe reasonable fees with respect to hearings before the Zoning Hearing Board. Fees for said hearings may include compensation for the secretary and members of the Zoning Hearing Board, notice and advertising costs and necessary administrative overhead connected with the hearing. The costs, however, shall not include legal expenses of the Zoning Hearing Board, expenses for engineering, architectural or other technical consultants or expert witness costs.
- (c) The appearance fee for a stenographer shall be shared equally by the applicant and the Zoning Hearing Board. The cost of the original transcript shall be paid by the Zoning Hearing Board if the transcript is ordered by the Zoning Hearing Board or hearing officer or shall be paid by the person appealing from the decision of the Zoning Hearing 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.
- (d) Members of the Zoning Hearing Board may receive compensation for the performance of their duties as may be fixed by the Board of Supervisors, but in no case shall it exceed the rate of compensation authorized to be paid to the members of the Board of Supervisors. Within the limits of funds appropriated by the Board of Supervisors, the Zoning Hearing Board may employ or contract for secretaries, clerks, legal counsel, consultants and other technical services.

SECTION 8.26 TIME LIMITATIONS

- (a) No person shall file any proceeding before the Zoning Hearing Board later than thirty (30) days after a preliminary or final application for development has been approved by an appropriate Township officer, agency or body, if such proceeding is designed to secure reversal or to limit the approval in any manner, unless such person alleges and proves that he had no notice, knowledge or reason to believe that such approval had been

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given. If such person has succeeded to his interest after such approval, he shall be bound by the knowledge of his predecessor in interest.

- (b) The failure of anyone, other than the landowner, to appeal from an adverse decision by a Zoning Officer on a challenge to the validity of an ordinance or map filed pursuant to Section 916.2 of the Pennsylvania Municipalities Planning Code shall preclude an appeal from a final approval except in the case where the final submission substantially deviates from the approved tentative approval.
- (c) All appeals from determinations adverse to the landowner shall be filed by the landowner within thirty (30) days after notice of the determination is issued.

SECTION 8.27 STAY OF PROCEEDINGS

- (a) Upon filing of any proceeding and during its pendency before the Zoning Hearing Board, all land development pursuant to any challenged ordinance, order or approval of the Zoning Officer or of any agency or body, and all official action thereunder shall be stayed unless the Zoning Officer or any other appropriate agency or body certifies to the Zoning Hearing 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, that may be granted by the Zoning Hearing Board or by the Court having jurisdiction of zoning appeals on petition after notice to the Zoning Officer or other appropriate agency or body. When an application for development, preliminary or final, has been duly approved and proceedings designed to reverse or limit the approval are filed with the Zoning Hearing 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 Zoning Hearing 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.
- (b) All appeals from decisions rendered by the Zoning Hearing Board shall be taken to the Fayette 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).

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