

# ZONING

## ARTICLE I General Provisions

### § 208-100. Effectiveness.

- A. The several classes of zoning districts specified herein and the following regulations are hereby established in full force and effect.

### § 208-101. Title.

- A. This Chapter shall be known and may be cited as the “Moon Township Zoning Ordinance.”

### § 208-102. Community development objectives.

- A. Specific purposes: The provisions of this ordinance are intended to achieve the following purposes:
- (1) To encourage new development that is well-designed, of high quality and suited to the natural conditions of its site.
  - (2) To encourage the coordinated growth of communities; compact, efficient, and economic patterns of development; and to avoid excessive public costs of scattered development.
  - (3) To prevent development which may be hazardous because of the physical character of land and to protect and preserve valued natural, historic, and cultural features of the environment.
  - (4) To ensure the provision of public improvements which are necessary and appropriate for the development, and which are coordinated with nearby areas.
  - (5) To provide flexibility in standards and requirements so that the design of development can be fitted to the character of its site and to the community in which it is located.
  - (6) To prevent one (1) or more of the following: overcrowding of land; blight; danger and congestion in travel and transportation; and loss of health, life or property from fire, panic or other dangers.
  - (7) To define and limit the powers and duties of the Township’s administrative officers and bodies as addressed by this Ordinance.

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### **§ 208-103. Interpretation of requirements.**

- A. The regulations set forth by this Chapter within each zoning district shall apply uniformly to each district and shall be held as the minimum requirements for the protection of public health, safety and general welfare. Wherever the regulations of this Chapter are at variance with the requirements of any other lawfully adopted rules, regulations, deed restrictions, covenants or ordinances, the most restrictive, or that imposing the higher standards shall govern.
- (1) No building, structure or land shall be located, erected, constructed, reconstructed, moved, converted or enlarged nor shall any building, structure or land be altered or used except in full compliance with all provisions of this Chapter and after the lawful issuance of all permits and certificates required by the Chapter.
  - (2) No building or structure shall be erected or altered to create a non-conformance with the requirements specified for the zoning district in which the building or structure is located.
  - (3) No yard or lot existing at the time of this Ordinance's adoption shall be reduced in dimension or area below the minimum requirements. Yards or lots created after this Ordinance's adoption shall meet at least the minimum requirements established by this Ordinance.

### **§ 208-104. Abrogation.**

- A. It is not intended by this Chapter to repeal, abrogate or annul any existing ordinances or enactment or any rule, regulation or permit other than enumerated in § 208-105 herein.

### **§ 208-105. Repealer.**

- A. The Moon Township Zoning Ordinance, Ordinance Number 345, as amended, and as previously codified as Chapter 208 of the Moon Township Code of Ordinances is hereby repealed.

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### § 208-106. Severability.

- A. Should any section or provision of this Chapter be declared by the courts to be unconstitutional or invalid, such a decision shall not affect the validity of this Chapter as a whole, or any part thereof other than the part declared to be unconstitutional or invalid.

### § 208-107. Definitions and word usage.

- A. Certain words used in this Chapter are defined below. Words used in the present tense shall include the future. The singular number shall include the plural and the plural the singular. The word “shall” is mandatory and not permissive.
- B. For the purposes of this Chapter, the following words or terms shall have the specific meanings indicated:

**ACCESSORY STRUCTURE** -- A detached subordinate structure, the use of which is clearly incidental to the principal structure or principal use of the land.

**ACCESSORY USE** -- A use customarily incidental and subordinate to the principal use and located on the same lot as the principal use.

**AGRICULTURE** -- The commercial production and preparation for market of crops, livestock and livestock products, harvesting and preparation for market or use of agricultural, agronomic, horticultural, silvicultural, and aquacultural crops and commodities. The term includes production practices and procedures or types of crops, livestock, livestock products or commodities produced consistent with practices and procedures that are normally engaged by farmers or are consistent with technological development within the agricultural industry.

**AIRPORT** -- The use of land, or building, or structure for facilitating the landing and handling of aircraft and their passengers and freight and without limiting the generality of the foregoing, accessory uses may include ticket offices, restaurants, taverns, confections, luggage checking facilities, and parcel shipping facilities.

- (a) **ASSEMBLY AND REHABILITATION** -- Any building or part thereof designed and used for the assembly and rehabilitation of aircraft.
- (b) **AIRPORT TRAFFIC CONTROL FACILITIES** -- Buildings, towers, observation towers and Nav aids reserved for the communication and relay of aviation commands between ground operators and airborne vehicle operators.
- (c) **MAINTENANCE AND STORAGE HANGAR** -- A building or structure designed and used for the shelter and maintenance of aircraft.

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- (d) OFFICE -- Any building or part thereof in which one or more persons are employed in the management or direction of airport operations and maintenance.
- (e) PARKING -- An open area of land or structure, other than a street used for the long-term or short-term parking of vehicles with or without a fee being charged and available to the public, or as an accommodation to employees, clients or customers, or for the storage of delivery vehicles and rental cars and the like.
- (f) RUNWAY -- Surface or strip of ground for the arrival and/or departure of airplanes.
- (g) SERVICE FACILITIES -- Retail stores, professional and business offices, hotels, business services and personal services, including flight kitchens and aircraft food processing centers which provide direct services to the traveling public and are located on the premises of or are directly related to the Pittsburgh International Airport.
- (h) TAXIWAY -- Any surface area used for the moving of airplanes to and from a runway, parking, apron, terminal and the like.
- (i) TERMINAL -- Any building or part thereof in which one or more persons are employed for airline ticketing, luggage checking facilities, restaurants, bars, retail shops, confections, post office, parcel shipping facilities and janitorial services.

ALLUVIAL SOILS – Soil material, such as sand, silt or clay that has been deposited on land by streams. Alluvial Soils in Moon Township include:

- (a) Ph -- Philo Silt Loam

AMPHITHEATER -- An indoor or outdoor structure or area having tiers of seats, risers, benches or grassy slope rising gradually outward from a central open space or arena where fee-based or non fee-based events, programs, spectacles and the like are performed or displayed.

ANCILLARY COMMERCIAL USE -- Commercial establishments in a planned residential development whose primary function is to supply services and/or products for use within the developed area.

ANIMAL GROOMING FACILITY -- An establishment for the grooming and aesthetic enhancement of domestic animals that does not include medical or surgical treatment, or overnight boarding facilities.

APARTMENT -- A separate building containing a designated number of dwelling units having common corridors and stairways and having shared exit and entrance facilities.

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- (a) **GARDEN** -- An apartment building containing at least three (3) dwelling units, but not more than ten (10) dwelling units, and not exceeding three (3) stories in height, sometimes designed around courts or common open spaces, often having private balconies or patios.
- (b) **HIGH-RISE** -- An apartment building containing two (2) or more dwelling units per floor, which is four (4) or more stories in height that share a common entrance and/or common interior corridor.

**APPLICANT** -- A landowner or developer who has filed an application for a permit or approval authorized by this Chapter.

**APPLICATION FOR DEVELOPMENT** -- Every application, whether preliminary, tentative or final, required to be filed pursuant to this Chapter.

**ARCHITECT** -- An architect licensed as such in the Commonwealth of Pennsylvania.

**ASSEMBLY OR FABRICATION FACILITY** -- Any building or part thereof where pre-manufactured parts are assembled or fashioned into a finished product for wholesale or retail sale.

**AUTOMOBILE SALES, RENTAL, SERVICE AND REPAIR** -- A retail establishment which may include one (1) or more of the following: an open area, other than a street, for the display and sale or rental of new or used automobiles and light duty trucks; buildings which may contain offices and showrooms; an area within a completely enclosed building where reconditioning, preparation, accessory installation, repairs and/or servicing of vehicles is performed.

**BAR** -- An establishment where the principal use is the serving of alcoholic beverages by the drink to the general public and where food or packaged beverages may be served or sold as an accessory use.

**BASEMENT** -- That portion of a building that is partly or completely below ground or the adjacent ground level of the lot.

**BED AND BREAKFAST** -- A detached dwelling owned and operated by the owner in which a maximum of five (5) rooms are provided for overnight guests for a period not more than fourteen (14) consecutive nights in a thirty (30) period, with or without breakfast meals for hire or pay but does not include a boarding house, rooming house, domiciliary hostel, group home or hotel.

**BOARD OF SUPERVISORS** -- The Board of Supervisors of the Township of Moon, Allegheny County, Pennsylvania.

**BOARDING HOUSE** -- An establishment, including a fraternity or sorority house, with lodging for five (5) or more persons where meals are regularly prepared and served for

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compensation and where food is placed upon the table family style, without service or ordering of individual portions from a menu.

**BUFFERYARD** -- A landscaped area of a certain depth which shall be planted and maintained in trees, grass, ground cover, shrubs, bushes or other natural landscaping material and shall consist of a mix of types and sizes of plant material in accordance with the requirements of this Chapter.

**BUILDING** -- Any structure used or intended for supporting or sheltering any use or occupancy.

**BUILDING LINE, FRONT** -- A line parallel to the front lot line or right-of-way line at a distance there from which is equal to the front yard setback in accordance with § 208-208 Table 5: Dimensions required by Chapter 208, Zoning, for the zoning district in which the lot is located.

**BUILDING COVERAGE** -- That percentage of the total lot area which is covered by all principal and accessory structures, including parking structure(s)/garage(s), on the lot.

**BUILDING HEIGHT** -- The vertical distance from the average elevation at finished grade level to the highest point of the roof.

**BUSINESS, PROFESSIONAL OFFICE OR ADMINISTRATIVE OFFICE** -- A building or part of a building in which one (1) or more persons are employed in the management, direction or conducting of business or where professionally qualified persons and their staff serve clients or patients who seek advice, consultation or treatment and may include the administrative offices of non-profit or charitable organization.

**BUSINESS SERVICES** -- Establishments engaged in rendering services to businesses and offices on a fee or contract basis, including but not limited to advertising and mailing; data processing; secretarial; financial; photocopying; quick printing and fax; office supplies; building maintenance; equipment servicing, rental, leasing and sales; employment service; management and consulting services; and other similar business services.

**CARGO FACILITY** -- A freight terminal that utilizes multiple modes of transportation for the transfer and distribution of goods, materials and cargo.

**CARTWAY** -- That portion of the street right-of-way that is surfaced for vehicular use, excluding shoulders and berms.

**CAR WASH** -- An area of land and/or a structure with machine- or hand-operated facilities used principally for the interior and/or exterior cleaning, washing, polishing, or waxing of motor vehicles and whereas no repairs or sales of petroleum fuel or lubricants are performed.

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**CEMETERY** -- Property used for the disposition of the dead, including mausoleums and columbarium, but not including crematoriums.

**CLEAR SIGHT TRIANGLE** -- An area of unobstructed vision at the intersection of two (2) streets or the intersection of a driveway with a street, measured at the height of a driver's eye, which is assumed to be three and seventy-five hundredths (3.75) feet above the road surface, between points at a given distance from the intersection of the center lines of the two (2) streets or of a street and driveway as specified in this Chapter and Chapter 188, Subdivision and Land Development, intended to allow the operators of vehicles approaching simultaneously to see each other in time to prevent a collision.

**CLUSTER LOT DEVELOPMENT** -- A residential development design technique that concentrates residential lots in specific areas of a tract of land to allow the remaining land to be used for recreation, common open space and preservation of sensitive natural resources.

**COLLUVIAL SOILS** -- Soil material, rock fragments, or both, moved by creep, slide or local wash and deposited at the base of steep slopes. Colluvial soils within Moon Township include:

- (a) ER -- Ernest Silt Loam

**COMMERCIAL SCHOOL** -- An establishment providing non-academic training, vocational or trade educational courses and/or programs.

**COMMON AMENITIES** -- Features of a subdivision or land development, other than private improvements, as defined herein, which are required by this Chapter or Chapter 188, Subdivision and Land Development, which are shared in common by the residents or occupants of a subdivision or land development and for which a completion bond may be required to guarantee the installation of such features in compliance with this Chapter or Chapter 188, Subdivision and Land Development, including but not limited to such features as landscaping, bufferyards, parking areas, loading areas and similar facilities.

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

**COMMUNICATION TOWER** -- A structure, typically a steel tower, whose principal use is to be utilized for public or private communication purposes and owned and/or operated by a private corporation or a communication corporation or utility regulated by the Federal Communications Commission (FCC), most often associated with personal communication service. Communication towers shall be considered to be a different and distinct use than a radio or television antenna as found in § 208-417 and not permitted as accessory uses but considered to be a principal use of a lot.

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**COMPREHENSIVE PLAN** -- The community master plan created for the purposes of guiding community development and known as the Comprehensive Plan of the Township of Moon.

**COMPREHENSIVE TRANSPORTATION NETWORK** -- The Township's interconnected system of collector and arterial roads.

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

**CONDOMINIUM** -- A multi-family residential building where each dwelling unit in the building is individually owned and the owner of each unit has an undivided interest in the common areas and facilities of the building and surrounding grounds.

**CONFERENCE AND TRAINING CENTER** -- A facility used for corporate or professional meetings, seminars and/or employee training, but which may include supporting dining and lodging facilities and related recreational facilities as accessory uses.

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

**CONSTRUCTION** -- The erection, renovation, repair, extension, expansion, alteration or relocation of a building, structure or site improvements including the placement of mobile homes.

**COTTAGE HOME**-- Shall mean a detached single-family dwelling constructed as part of a Cottage Home Land Development.

**COTTAGE HOME LAND DEVELOPMENT**-- Is a single-family land development on one or more contiguous parcels of not more than twenty (20) acres total, held in single ownership at the time of recording, for the purpose of residential cottage homes as prescribed in this chapter and the subdivision and land development regulations. The development shall be done as a condominium project, with common ownership of the land.

**COUNTRY CLUB/GOLF COURSE** -- A recreational facility operated by a public or private entity which has, as its principal use, facilities for playing golf and which may include one (1) or more of the following accessory uses: a clubhouse and/or restaurant, locker rooms, pro shop, swimming pool, facilities for racquet sports.

**COUNTY** -- Allegheny County, Pennsylvania.

**CULTURAL CENTER** -- A facility operated for the collection of natural, scientific, artistic or literary objects or works of art, or which provides exhibits and interpretative information



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on the natural environment, botanical or geological exhibits, trails and pathways with interpretive signage, and structures which provide lecture and exhibit space

**DAY-CARE CENTER** -- A facility, other than a residential dwelling unit, where day care for the elderly or child care and educational instructions are provided for seven (7) or more children under the age of sixteen (16) or any number of elderly persons, who are not relatives of the operator, at any one (1) time for part of a twenty-four (24)-hour day, operated for profit, and which is licensed by the Pennsylvania Department of Welfare as a "day-care center."

**DAY-CARE HOME** -- A facility licensed by the Commonwealth of Pennsylvania located within a dwelling for the care on a regular basis during part of a twenty-four- (24) hour day of not more than six (6) children under sixteen (16) years of age, excluding care provided to children who are relatives of the provider. Such use shall be secondary to the use of the dwelling for living purposes, and persons who do not reside in the dwelling shall not be employed.

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

**DENSITY** -- The number of dwelling units per acre of land.

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

**DEVELOPMENT RATIO** -- The proportionate area of a sensitive natural resource that is permitted to be developed.

**DISTRIBUTION CENTER** -- Any building or part thereof where the process of directly marketing and supplying wholesale goods to a retailer or manufacturer is conducted.

**DOMESTIC PETS** -- Animals, reptiles, fish and/or fowl normally permitted in a house and kept for company or pleasure such as dogs, cats, hamsters, gerbils, canaries, parakeets and similar animals or fowl, but not including any animal, reptile, fish and/or fowl normally found on a farm or any other animal, reptile, fish and/or fowl normally found in a zoo. Domestic pets shall not include a sufficient number of dogs and/or cats to constitute a kennel, as defined by this Chapter.

**DORMITORY** -- A building used as a group living facility for a student body or other group as an associated use to a college, university, boarding school or other similar educational use.

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**DOUBLE-FRONTAGE LOT** -- A lot having two (2) or more of its non-adjoining property lines abutting on a street or streets, usually having front and rear street frontage.

**DRIPLINE** -- The perimeter boundary formed by the points farthest away from the trunk of a tree where precipitation falling from the branches of said tree contacts the ground.

**DRIVE-IN THEATER** -- A place of public assembly intended for the viewing of motion pictures from the confines of a motor vehicle and may also include accessory uses and structures such as a snack bar, projector building, speaker stands and ticket office.

**DRIVE-THROUGH FACILITY** -- Any portion of a building or structure from which business is transacted or is capable of being transacted, directly with customers located in a motor vehicle during such business transactions.

**DRIVING RANGE** -- A public or private area operated for the purpose of developing golfing techniques, including miniature golf courses and par 3 courses, but excluding golf courses.

**DRIVEWAY, PRIVATE** -- A vehicular access route serving only one (1) parcel or lot which provides access to a public street, but which does not provide access to any other lot or parcel under separate ownership.

**DWELLING** -- Any building designed or used as permanent living quarters for one (1) or more families, not including hotels, motels or lodging or boarding houses.

- (a) **MULTI-FAMILY** -- A separate, detached building designed for or occupied exclusively as a residence by three (3) or more families. The term “multi-family dwelling” shall be understood to include apartment houses, townhouses and all other family dwellings of similar character where apartments or suites are occupied and used as a separate complete housekeeping unit, but shall not include hotels or motels.
- (b) **SINGLE-FAMILY** -- A separate, detached building designed for or occupied exclusively as a residence by one (1) family.
- (c) **TWO-FAMILY** -- A separate, detached building designed for or occupied exclusively as a residence by two (2) families.
- (d) **QUAD-PLEX** -- A detached building divided by two (2) common party walls into four (4) distinct and separate dwelling units where each dwelling unit has direct access to the outdoors.

**DWELLING UNIT** -- One (1) or more rooms for living purposes, together with separate cooking and sanitary facilities, which is accessible from the outdoors, either directly or through an entrance hall shared with other dwelling units, and is used or is intended to be used by one (1) family.

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**EASEMENT** -A right of way for utility or similar purposes located outside the street right-of-way, as required by this Chapter or the Township's Construction Standard Detail. An easement shall not be considered to be separate and distinct from the lot or parcel burdened by the easement for purposes of this Chapter or Chapter 208, Zoning.

**EMERGENCY SERVICES AREAS** -- An area used for the maintenance, fueling, storage, dispatching or parking of vehicles and/or equipment utilized to provide rescue or ambulatory services, excepting rescue services offered from a fire station, which area may or may not include buildings utilized in connection therewith.

**EMPLOYEE CAFETERIA/DINING ROOM** -- An eating establishment located within a business establishment which is restricted to employees of the business establishment and their invited guests.

**ENGINEER** -- A professional engineer licensed as such in the Commonwealth of Pennsylvania.

**ESSENTIAL SERVICES** -- The provision of distribution systems by public utilities, municipal or other government agencies regulated by the Public Utilities Commission (PUC) or other governmental agencies of underground or overhead gas, electrical, steam or water pipes, sewers, conduit, fire alarm boxes, traffic signals, hydrants and other similar equipment and accessories in connection therewith, reasonably necessary for the furnishing of adequate services by such public utilities or municipal or governmental agencies or for the public health and safety or general welfare. Communication towers shall not be considered essential services for the purposes of this Chapter.

**EXPOSITION HALL** -- A facility devoted principally to the public display or exhibition of products and technology and which may include, as accessory uses, facilities for meeting and/or training.

**FAMILY** -- One (1) or more persons related by blood, marriage or adoption or no more than three (3) unrelated individuals occupying a premises and living as a single housekeeping unit, as distinguished from a group occupying a boarding house, lodging house, club, fraternity or hotel.

**FARMERS' MARKET** -- An establishment or premises where the retail sale of farm products and/or prepared foods produced by local growers occurs.

**FINANCIAL INSTITUTIONS** -- Banks, savings and loan associations and similar institutions.

**FISCAL IMPACT ANALYSIS** -- An assessment of the monetary impact of proposed development a related to the potential costs of Township infrastructure services, tax revenues and public facilities.

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**FLEX SPACE** -- Buildings that can be subdivided for use by multiple tenants primarily for light industrial, warehousing and associated office/administrative space.

**FLOODWAY** -- The channel of the watercourse and portions of the adjoining floodplains which are reasonably required to carry and discharge the 100-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 100-year frequency flood, it is assumed, absent evidence to the contrary, that the floodway extends from the stream to 50' from the top of the bank of the stream.

**FLOOR** -- A habitable area of uniform vertical elevation that is contained within the outside walls of a building or structure.

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

**FREIGHT TERMINAL** -- A building and adjacent loading area where cargo is stored and where commercial vehicles load and unload cargo on a regular basis, which may or may not include facilities for maintenance, fueling, storage or dispatching of the vehicles.

**FRONT YARD** -- See "yard, front."

**FRONTAGE** -- The length of a property line bordering a public right-of-way that is open to vehicular traffic.

**FUNERAL HOME** -- A building used for the embalming of the deceased prior to burial, but not including cremation, and for the viewing of the deceased and ceremonies connected therewith before burial or cremation.

**GAS STATION** -- A retail place of business engaged primarily in the sale of motor fuels but also in supplying goods and services generally required in the operation and maintenance of motor vehicles and fulfilling of motorist's needs, including the sale of petroleum products; sale and service of tires, batteries, automotive accessories and replacement items; washing and lubrication services; the supplying of other incidental automotive customer services and products; and the performing of automotive maintenance and repair, excluding such repairs as spray painting, body, fender, axle, frame, major engine overhaul or recapping/re-treading of tires. A "gas station" may also include the operation of a convenience food store.

**GROSS ACREAGE** -- The total acreage of a lot.

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**GROSS FLOOR AREA** -- The sum of the gross horizontal area of several floors of a principal building or buildings located on the same lot. All dimensions shall be measured between exterior faces of walls.

**GROSS SURFACE AREA OF SIGN** -- The entire area within a single continuous perimeter enclosing the extreme limits of writing, representation, emblem or any figure or similar character, together with any frame or other material or color forming an integral part of the display or used to differentiate the sign from the background against which it is placed, excluding necessary supports or uprights upon which such sign is placed. For signs utilizing individual letters or figures or characters mounted directly on the wall or face of a structure, the "gross surface area" shall be the entire area within a single continuous perimeter enclosing the extreme limits of the writing, representation or other communication material.

**GROUNDWATER** -- Water source that is located between saturated soil and rock and is capable of supplying wells and springs.

**GROUP CARE FACILITY** -- An establishment, including, but not limited to an assisted living facility, independent living facility and personal care home, that provides room and board to persons who are residents by virtue of receiving supervised specialized services limited to health, social and/or rehabilitative services provided by governmental agencies, their licensed or certified agents or any responsible non-profit social service corporation. Supervision shall be provided by responsible adults whose number shall be determined and certified by the sponsoring agency. However, one (1) responsible adult shall always be in actual residence on a twenty-four (24)-hour basis. The number of residents shall not exceed fourteen (14) persons, including supervisory adults and the children of supervisory adults.

**GROUP RESIDENCE** -- A dwelling unit where room and board are provided to permanent residents of any age who are mentally or physically handicapped and who are in need of supervision and specialized services, including necessary staff who may or may not reside in the dwelling and who provide health, social and/or rehabilitative services to the residents; such services being provided by a governmental agency, its licensed or certified agents or any other responsible non-profit corporation meeting the minimum requirements of the sponsoring agency.

**HOME OCCUPATION** -- A use of a service character conducted entirely within a dwelling by the residents thereof, which use is clearly secondary to the use of the dwelling for living purposes and which does not change the residential character thereof.

**HOSPITAL** -- An establishment that provides diagnostic health services and extensive medical, surgical and/or psychiatric services and/or treatment either through inpatient care or on an emergency outpatient basis.

**HOTEL** -- An establishment which provides transient lodging accommodations to the general public in sleeping units which each have independent access to a common interior

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corridor and which may provide such additional supporting services as restaurants, meeting rooms, recreation facilities and living quarters for a resident manager or proprietor.

**HYDRIC SOILS** -- Soils, classified by the Allegheny County Conservation District, whose major components are conducive to wetland conditions, are located in a high water table and are saturated with water close to the surface most of the year. Hydric soils in Moon Township include those listed in Appendix C: Hydric Soils in Allegheny County, Pennsylvania.

**INDOOR AMUSEMENT** -- Any establishment which provides amusement, recreation or entertainment for the general public within a completely enclosed structure for a fee or admission charge, including but not limited to theaters, dance halls, bowling alleys, billiard and pool halls, video and other coin-operated game parlors and spas or health clubs where the principal use includes a gymnasium, exercise room, swimming pool or other sports facility.

**INSPECTOR** -- The Township Engineer or his or her designee or any other authorized representative assigned by the Board of Supervisors to make any or all necessary inspections of the work performed and materials furnished by a subdivider, developer and/or their contractors selected to install the improvements required by this Chapter.

**INTERMITTENT STREAM** -- A channel or watercourse that shows or contains flowing water only part of the time.

**INTERNATIONAL TRADE CENTER** -- A facility for the encouragement and conduct of international trade that may include an exposition hall, conference and training center and business or governmental offices.

**INTERNATIONAL BUILDING CODE** -- General regulations adopted by the Township to control all matter concerning the construction, alteration, addition, repair, removal, demolition, occupancy and maintenance of all existing and proposed buildings and structures located within the Township; except as such matters are otherwise provided for in other ordinances or regulations.

**JUNKYARD** -- Any area, lot, land, parcel, building or structure or part thereof used for the storage, collection, recycling, salvage, processing, purchase, sale or abandonment of wastepaper, rags, scrap metal or other scrap or discarded goods, materials, machinery or two (2) or more unregistered, inoperable motor vehicles or other types of junk.

**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.

**KENNEL** -- An establishment where four (4) or more dogs or six (6) or more cats who are six (6) months old or older are kept, bred, trained or boarded at any one (1) time, whether for profit or not.

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LABORATORY -- A building or portion of a building designed for scientific or technical investigation, experimentation, observation or study.

LAND DEVELOPMENT -- Any of the following activities:

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

LAND DEVELOPMENT PLAN -- A plan that encompasses a proposed land development, which, in addition to a plat of subdivision, if required, includes all covenants relating to the use of the land; a topographic and boundary survey of the lot or parcel, the proposed use, location and bulk of buildings and other structures; the intensity of use or density of development; vegetation, drainage, floodways, wetlands and waterways, streets, ways and parking facilities; pedestrian circulation routes, common open space and public facilities. The "land development plan" shall include all of the written and graphic information required by Chapter 188.

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**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 or she is authorized under the lease to exercise the rights of the landowner; or other persons having a proprietary interest in the land.

**LANDSCAPE ARCHITECT** -- A landscape architect licensed as such in the Commonwealth of Pennsylvania.

**LANDSCAPING CENTER/NURSERY** -- Any land used to raise trees, shrubs, flowers, and other plants for wholesale or retail purposes or for transplanting.

**LEVEL OF SERVICE** -- A qualitative measure describing operational conditions within a traffic stream; generally described in terms of such factors as speed, freedom to maneuver, traffic, interruptions, comfort, convenience, and safety. Levels of service (LOS) are designated A through F, with LOS A indicating the best service and LOS F indicating the worst service.

**LIBRARY** -- A building containing printed and pictorial material for public use for purposes of study, reference and/or recreation.

**LIFE CARE FACILITY** -- A facility for the transitional residency of elderly and/or disabled persons, progressing from independent living in single-family units to congregate apartment living where residents share common meals and culminating in a full health and continuing care nursing home facility.

**LIGHT MANUFACTURING** -- The processing and fabrication of certain materials and products where no process involved produces noise, vibration, air pollution, fire hazard or noxious emission which will disturb or endanger neighboring properties. "Light manufacturing" includes the production of the following goods: home appliances; electrical instruments; office machines; precision instruments; electronic devices; timepieces; jewelry; optical goods; musical instruments; novelties; wood products; printed material; lithographic plates; type composition; machine tools; dies and gauges; ceramics; apparel; lightweight metal castings; film processing; light sheet metal products; plastic goods; pharmaceutical goods; and food products, but not animal slaughtering or curing nor rendering of fats.

**LOGGING** -- The act of cutting live trees for cord wood, timber, pulp or for any commercial or non-commercial purpose, including clearing for a single-family detached dwelling unit or clearing for farming purposes, pursuant to a logging permit as approved by the Board of Supervisors. A homeowner who cuts timber of his/her own property for his/her use shall be exempted.

**LOT** -- A tract of land in a plan of subdivision or any other parcel of land described in a deed or legal instrument pursuant to the laws of the Commonwealth of Pennsylvania intended to be used as a unit for development or transfer of ownership. General illustrations of lots are provided in Appendix A.



## ZONING

**LOT AREA** -- The horizontally projected area of a lot computed exclusive of any portion of the right-of-way of any public street.

**LOT DEPTH** -- The mean horizontal distance between the front and rear lot lines.

**LOT, DOUBLE-FRONTAGE** -- See “double-frontage lot.”

**LOT OF RECORD** -- A lot which is part of a subdivision plat duly recorded in the office of the Allegheny County Recorder of Deeds identified in those records by plan book volume and page number.

**LOT WIDTH** -- The mean width measured at right angles to its depth, excepting that lots on cul-de-sacs, turnarounds or curves shall provide the minimum width as required by this Chapter at the minimum required front building line.

**MASSAGE THERAPY ESTABLISHMENT** -- Any business or part thereof where massage services are provided by a person having graduated from a massage therapy training program approved by the Pennsylvania State Board of Private Licensed Schools or equivalent agency if trained in another state, by a person certified through a massage therapy certification exam approved by the National Commission for Certifying Agencies, by a person certified through the National Certification Board for Therapeutic Massage and Bodywork, or is a practitioner or higher level member of the American Massage Therapy Association (AMTA), Associated Bodywork and Massage Professionals (ABMP), or International Massage Association (IMA).

**MEDIATION** -- A voluntary negotiating process in which parties to a dispute mutually select a neutral mediator to assist them in jointly exploring their differences, culminating in a written agreement that the parties themselves create and consider acceptable.

**MEDICAL CLINIC** -- A building or structure where two (2) or more licensed medical professionals provide diagnostic health, medical, surgical and/or psychiatric services and/or treatment diagnosis and treatment to the general public without overnight accommodation and shall include such uses as reception areas, waiting area, consultation rooms, x-ray and minor operating rooms and a dispensary, providing that all such uses have access only from the interior of the building or structure.

**MEDICAL OFFICE** -- A building or structure where one (1) or more licensed medical professionals, provide diagnosis and treatment to the general public without surgical procedures, overnight accommodation or pharmacy and shall include such uses as reception areas, offices, consultation rooms, and x-ray, providing that all such uses have access only from the interior of the building or structure.

**METHADONE TREATMENT FACILITY** -- A facility owned and operated by a private for-profit entity, a private non-profit entity or the Allegheny County Department of Human Services Bureau of Drug and Alcohol where the drug “Methadone” or similar substances are prescribed and administered for the treatment, maintenance or detoxification of persons.

## MOON CODE

**MILITARY FACILITIES** -- Land and/or buildings owned and/or operated by the United States Department of Defense or approved for the training of military personnel, maintenance and development of military vehicles and equipment and/or administrative purposes.

**MINING** -- The removal, refinement and/or processing of coal, sand, gravel, stone or other aggregate resources and including a stone quarry.

**MIXED-USE DEVELOPMENT** -- The development of a single tract of land where commercial and industrial land uses permitted within a Mixed-Use district are combined.

**MOBILE HOME** -- A transportable single-family dwelling intended for permanent occupancy, contained in one (1) unit or in two (2) or more units designed to be joined into one (1) integral unit capable of again being separated for repeated towing, which arrives at a site complete and ready for occupancy except for minor incidental unpacking and assembly operations. See Chapter 72, Building Construction and Fire Prevention, for construction requirements.

**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.

**MOBILE HOME PARK** -- A parcel which has or contiguous parcels of land which have been so designated and improved that it contains two (2) or more mobile home lots for the placement thereon of mobile homes.

**MOTEL** -- An establishment which provides transient lodging accommodations to the general public in units which each have independent access directly to the outside and which may provide such additional supporting services as restaurants, meeting rooms, recreation facilities and living quarters for a resident manager or proprietor.

**MULTI-FAMILY DEVELOPMENT** -- Any land development, which proposes three (3) or more multi-family dwelling units.

**NAVAIDS** -- Communication devices utilized in aiding the navigation of aircraft.

**NEIGHBORHOOD CONVENIENCE STORE** -- Establishments primarily engaged in the provision of frequently or recurrently needed goods for household consumption, such as prepackaged food and beverages, and limited household supplies and hardware. Neighborhood convenience stores shall not include fuel pumps or the selling of fuel for motor vehicles. Typical uses include neighborhood markets and country stores.

**NET FLOOR AREA** -- The total of the floor areas of a building, measured from the interior faces of walls, excluding stairwells and elevator shafts, common hallways which are not leasable space, lobbies, rest rooms, storage (except in conjunction with warehouses and

## ZONING

other industrial uses) and equipment rooms, food preparation areas in a restaurant, interior vehicle parking or loading areas and any other areas not accessible to the general public.

**NIGHTCLUB** -- A commercial establishment that may or may not offer alcoholic and /or nonalcoholic beverages for consumption on the premises and which may also serve food, where the principal use is entertainment, either live or recorded, characterized by closely packed tables around a stage and/or dance floor.

**NO-IMPACT HOME-BASED BUSINESS**—A business or commercial activity administered or conducted as an accessory use which is clearly secondary to the use as residential dwelling and which involves no customer, client or patient traffic, whether vehicular or pedestrian, pick up, delivery or removal functions to or from the premises, in excess of those normally associated with residential use, and which otherwise complies with the requirements of § 208-419 of this Chapter.

**NON-CONFORMING BUILDING OR STRUCTURE** -- A structure or part of a structure manifestly not designed to comply with the applicable use or extent of use provisions in this Chapter, its predecessors or any amendments thereto, such as minimum yard, maximum lot coverage, maximum height and off-street parking requirements, where such structure lawfully existed prior to enactment of this Chapter, its predecessors or amendments thereto. Such non-conforming structures include, but are not limited to, nonconforming signs.

**NON-CONFORMING LOT** -- A lot whereas the area or dimension of which was lawful prior to the adoption of this Chapter, its predecessor or any amendments thereto, but which fails to conform to the requirements of the zoning district in which it is located, such as minimum lot area requirements, by reasons of such adoption or amendments.

**NON-CONFORMING USE** -- A use, whether of land or of a structure, which does not comply with the applicable use provisions in this Chapter, its predecessor or any amendments thereto, where such use was lawfully in existence prior to enactment of this Chapter, its predecessors or amendments thereto.

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

**NURSING HOME AND PERSONAL HEALTH CARE FACILITIES** -- An establishment, licensed by the Commonwealth of Pennsylvania, engaged in providing a patient nursing and health-related personal care, utilizing in whole or part licensed and/or registered nurses, excluding hospital services and excluding day-to-day personal care which is not health care by licensed or registered nurses.

**OFFICIAL MAP** -- The map established by the Board of Supervisors pursuant to law illustrating streets, highways, parks, drainage systems and right-of-ways lines laid out, adopted, and established by law, and any amendments or additions adopted by the Board of

## MOON CODE

Supervisors resulting from the approval of subdivision plats by the Planning Commission and the subsequent filing of approved plats.

**ORDINANCE** -- All references to “this Chapter” refer to the Township of Moon Zoning Ordinance, Ordinance No. 543, as amended, as codified as Chapter 208 of the Moon Code of Ordinances, Zoning.

**OPEN SPACE** -- Public or private land used for recreation, resource protection, amenity and/or buffers, not including any area of a lot, any part an existing or future street right-of-way, easement of access or areas set aside for public or private utilities, stormwater facilities and easements.

**OUTDOOR STORAGE** -- Storage of materials and/or equipment, but not including motorized vehicles such as automobiles, boats and buses, outside of a completely enclosed building.

**OVERLAY DISTRICT** -- A zoning district that encompasses one (1) or more underlying zoning districts and that imposes additional requirements or provisions above that required by the underlying zoning district.

**PARKING STRUCTURE/GARAGE** -- A building with multiple stories of off-street parking spaces where vehicles are temporarily stored, with or without a nominal fee, in association with occupational, commercial, entertainment, municipal, educational or residential use.

**PERMITTED USE** -- An authorized use allowed by right, which may be granted by the Zoning Officer upon compliance with the requirements of this Chapter.

**PERSONAL IMPROVEMENT ESTABLISHMENT** -- An indoor facility including uses such as sport courts, exercise equipment and/or locker rooms that may or may not include a jacuzzi and/or sauna and retail shops for fitness equipment as accessory uses.

**PERSONAL SERVICES** -- Any enterprise providing domestic commodities and services pertaining to the person, their apparel or personal effects commonly carried on or about the person, including but not limited to shoe repair, tailoring, clothes cleaning, watch repairing, barbershops, beauty parlors and related activities.

**PHARMACY** -- A retail store not exceeding seven thousand (7,000) square feet of gross floor area of building which primarily sells prescription drugs, patent medicines and surgical and sickroom supplies.

**PILOT MANUFACTURING** -- An establishment or part thereof which may be used to test concepts and ideas and determine physical layouts, material flows and processes, types of equipment required, costs and other information necessary prior to undertaking full-scale production, and which may include the conduct of small-scale product runs under simulated production conditions.

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**PLACE OF ASSEMBLY** -- Any public or private parcel, building or structure that is designed for the assembly or collection of persons at any one time, or adapted or used for purpose of assembly, where persons may congregate for civic, political, religious, educational, social, recreation and amusement.

**PLACE OF WORSHIP** -- An institution of any denomination where people regularly observe, practice or participate in religious or spiritual services, meetings or activities.

**PLAN, SKETCH** -- Refer to “Sketch Plan.”

**PLANNED DEVELOPMENT** -- A development of land controlled by one (1) landowner to be developed as a single entity for a number of dwelling units or a combination of residential and non-residential uses in accordance with the provisions of the Planned Residential and Planned Non-Residential Development Articles of this Chapter.

- (a) **RESIDENTIAL** -- An area of land at least ten (10) acres in size controlled by one (1) landowner to be developed as a single entity for a number of residential dwelling units or a combination of residential and non-residential uses in accordance with the provisions of the Township Planned Residential Development Ordinance.
- (b) **NON-RESIDENTIAL** -- An area of land at least ten (10) acres in size controlled by one (1) landowner to be developed as a single entity for a combination of non-residential uses in accordance with the provisions of the Township Planned Non-Residential Development Ordinance.

**PLANNING COMMISSION** -- The Moon Township Planning Commission.

**PLANNING DEPARTMENT** – A division of the Township government created by the Board of Supervisors to administer this Chapter and to undertake all other powers and duties specified by Chapter 208 of the Board of Supervisors in accordance with Article II of the Municipalities Planning Code.<sup>2</sup>

**PLANNING DIRECTOR** -- The person appointed by the Township Manager to be the administrative head of the Planning Department.

**PLAT** -- A map or plan, either preliminary or final, presented to the Township for approval, indicating the subdivision, consolidation or redivision of land or a land development.

**POROUS PAVEMENT** – A specialized bituminous (asphalt) paving mixture with a crushed stone storage bed below designed to serve as a storage/infiltration structure or a sub-surface detention basin.

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<sup>2</sup> Editor’s Note: See 53 P.S. ~ 10201 et seq.

## MOON CODE

**POST OFFICE** -- A facility owned and maintained by the Postal Service of the United States of America for the purpose of distributing mail to the public.

**PRELIMINARY APPLICATION** -- The written and graphic materials specified by this Chapter to be submitted to the Township in order to obtain preliminary approval of a proposed subdivision or land development.

**PRINCIPAL BUILDING** -- The building or buildings on a lot in which the principal use or uses are conducted.

**PRINCIPAL BUILDING OR STRUCTURE** -- The building(s) or structure(s) on a lot in which the principal use or uses are conducted.

**PRINCIPAL USE** -- The primary or predominant use of any lot or structure.

**PRIVATE** -- Owned, operated or controlled by an individual, group of individuals, association or corporation, not for profit, and restricted to members who meet certain qualifications and their guests.

**PRIVATE CLUB** -- Any establishment operated by a private organization for social, recreational, educational, fraternal or social purposes, but open only to members and their guests and not to the general public.

**PRIVATE GARAGE** -- A one (1) story accessory structure no larger than the principal structure or no larger than one thousand (1,000) square feet intended to be utilized as a storage facility for privately owned vehicles or equipment on residentially utilized property.

**PRIVATE IMPROVEMENTS** -- All roads, streets, walkways, gutters, stormwater management facilities, curbs, sewers and other facilities not owned, maintained or operated by the Township for which plans and specifications shall comply with the Township's Construction Standard Details.

**PROFESSIONAL OFFICE** -- A room or group of rooms used, either singularly or collectively, for conducting the affairs of those persons who are licensed by the Commonwealth of Pennsylvania as professionals, except veterinarians and medical doctors.

**PUBLIC** -- Owned, operated or controlled by a government agency, federal, state, county or local.

**PUBLIC PARK** -- An area of public land specifically defined or set aside for use by and for the general public in both active or passive recreational uses; and includes all landscaping, facilities and apparatus, playing fields, utilities, buildings and other structures that are consistent with the general purposes of public parkland, and whether or not such recreational facilities are publicly operated or operated by other organizations pursuant to arrangements with the public authority owning the park and may include public and private cemeteries.

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**PUBLIC GROUNDS** -- Land reserved for, but not limited to, one (1) or more of the following:

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

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

**PUBLIC IMPROVEMENTS** -- All roads, streets, walkways, gutters, stormwater management facilities, curbs, sewers and other facilities to be dedicated to or maintained by the Township and comply with the Township's Construction Standard Details or other public entities.

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

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

**PUBLIC WORKS** -- Publicly owned facilities and structures for the storage, treatment and distribution of potable water, the collection of sewage and/or the maintenance of municipal roads, structures and other municipal utilities.

**RECREATION FACILITY** -- A building, structure or area designed and equipped for the conduct of sports and/or leisure activities that attract a large number of users. Activities and improvements associated with a recreation facility include:

- (a) Amphitheaters/outdoor theaters.
- (b) Indoor/outdoor swimming pools.
- (c) Indoor/outdoor ice skating rinks.
- (d) Any other public recreation facilities.

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REAR YARD -- See “yard, rear.”

RED BEDS -- Landslide-prone soils including the following soil types as defined by the Allegheny County Conservation District:

- (a) Ev -- Ernest-Vandergrift silt loam
- (b) Gp or GQ -- Gilpin-Upshur complex
- (c) Gr -- Gilpin-Vandergrift silt loam

RESEARCH AND DEVELOPMENT -- Any establishment including laboratories, which carries on investigation in the natural, physical or social sciences or engineering and development as an extension of such investigation with the objective of creating end products and which may include supporting storage and transportation facilities and pilot manufacturing, as defined by this Chapter, as an accessory use.

RESTAURANT, HIGH TURN-OVER -- An eating establishment open to persons of all ages, where food is inexpensive or moderately priced and the customer turnover time is generally less than one (1) hour, including drive-in restaurants and take-out establishments, and where the principal use of the establishment is food service. A “high turnover restaurant” does not include establishments where food service is subordinate or incidental to the consumption of alcoholic beverages, to entertainment or to the sale of merchandise or non-food-related services.

RESTAURANT, LOW TURN-OVER -- An eating establishment open to persons of all ages, where food is more expensively priced than in a high turnover restaurant and where the customer turnover time is generally one (1) hour or longer and where the principal use of the establishment is food service. A “low turnover restaurant” does not include establishments where food service is subordinate or incidental to the consumption of alcoholic beverages, to the sale of merchandise or non-food-related services.

RETAIL STORE -- A business establishment located entirely within an enclosed building which sell goods, services or merchandise to the general public for personal, household or office consumption and which shall not include wholesaling, manufacturing or processing of the goods offered for sale.

RIGHT-OF-WAY -- A strip of land occupied or intended to be occupied primarily as a right-of way for vehicular travel meeting the design standards of Article V of this Chapter and the Township's Construction Standard Detail. The street right-of-way may also be occupied by crosswalks, sidewalks, shade trees, and utilities laid out in accordance with Article V of the is Chapter and the Township's Construction Standard Detail. Every street right-of-way hereafter established and shown on a final plat is to be separate and distinct from the lots or parcels adjoining such right-of-way and not included within the dimensions or areas of such lots or parcels for purposes of this Chapter or Chapter 188, Subdivision and Land Development.



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**SATELLITE DISH ANTENNA** -- A device incorporating a reflective surface that is solid, open mesh, or bar configured and is in the shape of a shallow dish, cone, horn, or cornucopia. Such a device shall be used to transmit and/or receive radio or electromagnetic waves between terrestrially and/or orbitally based uses. This definition is meant to include but not be limited to what are commonly referred to as satellite earth stations, TVROs (television reception only satellite dish antennas), and satellite microwave antennas.

**SELF-SERVICE STORAGE FACILITY** -- A building consisting of individual, small, self-contained units that are leased or owned for the storage of business and household good or contractors supplies.

**SCHOOL** -- A public, sectarian or private non-profit establishment approved by the Commonwealth of Pennsylvania to provide formal academic and/or vocational education at the kindergarten, elementary, and secondary levels.

**SENIOR CENTER** -- A building without overnight sleeping facilities or accommodations that is used to provide daytime care, education, entertainment and dining services to elderly persons.

**SENSITIVE NATURAL RESOURCES** -- Unique and environmentally fragile lands that are susceptible to negative ecological impacts created by land development.

**SEXUALLY-ORIENTED BUSINESS** -- An adult arcade, adult bookstore, adult novelty store, adult video store, adult cabaret, adult motion picture theater, adult theater, escort agency, nude model studio or sexual encounter center as defined in Chapter 55 of the Code of the Township of Moon, Adult Entertainment.

**SHOPPING CENTER** -- A group of commercial businesses developed, owned and maintained as a single entity and sharing a common parking lot.

**SIDE YARD** -- See “yard, side.”

**SIGHT DISTANCE**-- The maximum extent of unobstructed vision (in a horizontal or vertical plane) along a street from a vehicle located at any given point on the street. The safe stopping sight distance for the vertical curves on roadway pavement shall be calculated with an eye of three and seventy-five hundredths (3.75) feet above the pavement.

**SIGN** -- Any structure or device used to attract attention by work or graphic display.

- (a) **ABANDONED** -- A sign structure that has ceased to be used, and the owner intends no longer to use, for the display of sign copy.
- (b) **AWNING** -- A sign displayed on or attached flat against the surface or surfaces of an awning.

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- (c) **BILLBOARD** -- A sign displaying changeable advertising copy which pertains to a business, organization, event, person, place, service or product not principally located or sold on the premises upon which said sign is located.
- (d) **BULLETIN** -- A freestanding ground sign or wall sign designed so that characters or letters can be changed or rearranged without altering the face or surface of the sign used by a school, church, library or other public or semipublic building to announce the name of the organization, hours of operation and changing events.
- (e) **CHANGEABLE COPY** -- A sign which is permanently affixed to a building or on a freestanding pole sign structure that is designed so that characters, letters or illustrations can be changed or rearranged without altering the face or surface of the sign.
- (f) **COMMUNITY** -- A temporary sign, generally made of a woven material and often hung from a light pole or building, of a decorative, festive and/or informative nature announcing activities, promotions or events having broad community interest.
- (g) **DIRECTIONAL** -- An on-premises sign which directs and/or instructs vehicular or pedestrian traffic on the premises relative to parking areas, entrances, exits, loading areas, public telephones and similar information and which shall contain no advertising other than the business name or logo.
- (h) **FREESTANDING IDENTIFICATION** -- A sign supported by one (1) or more uprights, poles or braces permanently placed in the ground, which identifies the business or group of businesses located on the site.
- (i) **GROUND** -- A freestanding sign, the bottom edge of which is no more than eighteen (18) inches above the adjacent ground level.
- (j) **ON-PREMISE** -- A sign erected, maintained or used in the outdoor environment to display messages related to activities on the property on which it is displayed.
- (k) **POLE** -- A freestanding sign erected on a pole or pylon, the bottom edge of which is high enough to provide visibility for motorists and allow for safe pedestrian circulation underneath it.
- (l) **POLITICAL** -- A temporary sign intended to advance a political statement, cause or candidate for office.
- (m) **PORTABLE** -- Any sign, with or without wheels, not permanently attached to the ground, a building or building surface.

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- (n) **ROOF SIGN** -- A sign erected and maintained upon or above the roof of any building and supported solely on the roof structure.
- (o) **TEMPORARY SPECIAL EVENT DISPLAY** -- A banner, flag or pennant constructed of durable material and erected for a specified period time whose sole purpose is to advertise a promotion, special event, grand opening or the like. Said "display" shall be affixed to the building.
- (p) **TEMPORARY** -- A sign that is transitory or temporary in nature used to display either commercial or non-commercial messages.
- (q) **WALL IDENTIFICATION** -- A sign attached to and erected parallel to the face of an outside wall of a building and projecting outward no more than six (6) inches from the wall of the building which identifies the business or group of businesses located in the building.

**SIGN AREA** -- See "gross surface area of sign."

**SIGN FACE** -- The entire area upon which graphic or written material or information is placed for viewing in a single direction.

**SKETCH PLAN** -- An informal plan, not necessarily to exact scale, indicating topographic and other salient existing features of a tract of land and its surroundings and general layout of the proposed subdivision or land development.

**SLOPE MAP** -- A plan identifying the location and extent of topographic gradient changes based upon contour intervals of not more than five (5) feet where the slope is greater than ten percent (10%) and at intervals of not more than two (2) feet where the slope is ten percent (10%) or less.

**SOCIAL SERVICE AGENCY** -- An establishment providing one (1) or more social services for an individual or family limited to counseling, referral, temporary or disaster relief, welfare service or similar human support services.

**SPECIAL EXCEPTION** -- An authorized use of a structure or land which may be granted only by the Zoning Hearing Board after public hearing and in accordance with express standards and criteria specified in this Chapter.

**STADIUM** -- A large, open or enclosed place used for athletic competitions and major events and partly or completely surrounded by tiers of seats for spectators.

**STEEP SLOPE** -- An area where the inclination (vertical distance over horizontal distance) of the land's surface is fifteen percent (15%) or greater, and encompassing a vertical grade differential of ten (10) feet within the slope. Slope is calculated based upon contours at intervals of not more than five (5) feet where the slope is greater than ten (10%) and at intervals of not more than two (2) feet where the slope is ten percent (10%) or less.

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**STORY** -- That part of a building included between the surface floor and the surface floor of the next floor above or if there is no floor above, the space between the floor and the ceiling above. A basement shall be counted as a story when more than one-half (1/2) of such basement height is above the finished lot grade.

**STREET** -- A way designed for circulation of vehicular traffic, including the entire right-of-way and cartway, whether designated as a street, highway, throughway, thoroughfare, parkway, boulevard, road, avenue, lane, place or the like.

- (a) **ARTERIAL** -- A public street which serves large volumes of high-speed and local distance traffic as identified by the Township's Comprehensive Transportation Network.
- (b) **COLLECTOR** -- A public street which, in addition to providing access to abutting lots, intercepts local streets and provides a route for carrying considerable volumes of local traffic to community facilities and arterial streets.
- (c) **CUL-DE-SAC**-- A short street having one (1) end open to traffic and being permanently terminated by a vehicle turnaround, including a court or dead-end street.
- (d) **INTERNAL**- A privately maintained access that serves a the internal street network within a cottage home development. Being a minimum of twenty (20) feet in width, excluding curbs.
- (e) **LOCAL** -- A public street designed to provide access to abutting lots and to discourage through traffic.
- (f) **PRIVATE** -- A street, including the entire private right-of-way, which is privately owned and maintained through private agreement and which is intended for private use. A "private street" provides access to several lots or parcels which do not have access to a public street and which require access to a public street through the private street. (See also "driveway, private.")
- (g) **PUBLIC** -- A street, including the entire public right-of-way, which has been dedicated to and accepted by the Township, County or State or which has been devoted to public use by legal mapping, use or other means.
- (h) **SERVICE** -- A short street or alley, whether public or private, designed only to provide secondary access to a structure or group of structures or to parking and loading facilities accessory to the structures and which is not intended for general traffic circulation.

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**STREET TREE** -- A tree planted in the front yard twelve (12) feet from the front property line and whose use is intended, in conjunction with other street trees, to create a tree-lined street.

**STRUCTURAL ALTERATION** -- Any change in the support members of a building such as bearing walls, columns, beams or girders; changes in the means of ingress and/or egress; enlargement of floor area or height of a structure; or relocation from one (1) position to another.

**STRUCTURE** -- Anything constructed or erected, where the use of which requires a fixed location on the ground or an attachment to something having a fixed location on the ground, including buildings, building additions, carports, garages, porches and other building features, but not including sidewalks, drives, fences and patios.

**SUBDIVISION** -- The division, re-division or consolidation of a lot, tract or parcel of land by any means into two (2) or more lots, tracts, parcels or other divisions of land, including changes in existing lot lines, for the purpose, whether immediate or future, of lease, partition by the court for distribution to heirs or devisees or transfer of ownership or building or lot development; provided, however, that the subdivision by lease of land for agricultural purposes into parcels of more than ten (10) acres not involving any new street or easement of access or any residential dwelling shall be exempted.

**SUBDIVISION AND LAND DEVELOPMENT ORDINANCE** -- The Moon Township Subdivision and Land Development Ordinance.<sup>3</sup>

**SUPPLY YARD** -- A commercial establishment storing or offering for sale building supplies, steel supplies, coal, heavy equipment, feed and grain and similar goods. "Supply yards" do not include the wrecking, salvaging, dismantling or storage of automobile and similar vehicles.

**SUPPORTING RETAIL** -- Selected retail stores, which are compatible with and support the principal uses authorized in a business park.

**SURVEYOR** -- A professional land surveyor licensed as such in the Commonwealth of Pennsylvania.

**TEMPORARY STRUCTURE** -- A building or structure intended to be used for a period of six (6) months or less, including but not limited to construction or land sales trailers, tents, bleachers, air-supported structures, seasonal displays and similar structures.

**THEATER/AUDITORIUM** -- An establishment, other than an adult movie theater or movie house, inside a completely enclosed building devoted to showing motion pictures and/or live dramatic or musical performances.

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<sup>3</sup> Editor's Note: See Ch. 188, Subdivision and Land Development Ordinance.

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**TOWNHOUSE** -- A residential structure consisting of a series of at least three (3), but not more than ten (10), dwelling units not exceeding two and one half (2 1/2) habitable stories in height, attached to each other by continuous vertical walls without opening from basement to roof, with each dwelling unit having separate access to the outdoors not shared with the access of other dwelling units.

**TOWNSHIP** -- The Township of Moon, Allegheny County, Pennsylvania.

**TOWNSHIP BUILDING** -- A building owned and operated by the Township and used primarily for the governance and administration of Township business and affairs.

**TOWNSHIP ENGINEER** -- A professional engineer licensed as such in the Commonwealth of Pennsylvania, duly appointed by the Board of Supervisors to serve as the engineer for the Township.

**TOWNSHIP FORESTER** -- A professional in the science of silvaculture retained by and responsible to the Board of Supervisors to furnish technical assistance regarding the management of the forest resources within the Township.

**TOWNSHIP MANAGER** -- A person retained by the Board of Supervisors and responsible for directing and controlling the business and administrative affairs of the Township.

**TOWNSHIP SOLICITOR** -- An attorney licensed as such in the Commonwealth of Pennsylvania and retained by and responsible to the Board of Supervisors to furnish legal assistance for the administration of municipal regulations and arrangements relative to this Ordinance.

**TRAFFIC NETWORK ANALYSIS** -- A technical report, submitted by a professional traffic engineer, which projects the trip generation of a land development and the anticipated trip impact on the Township's Comprehensive Transportation Network.

**UNIVERSITY/COLLEGE** -- An educational institution, authorized by the Commonwealth of Pennsylvania as such to award associate, baccalaureate or higher degrees, including, principal uses for classrooms, libraries, auditoriums, gymnasiums, stadiums, administrative offices, dormitories and dining facilities, boarding houses, maintenance and operating facilities as well as ancillary uses, such as research facilities, retail services and businesses that support student, faculty and staff needs.

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

**UTILITY SERVICES** -- Facilities that transmit and/or distribute to the general public electric power, cable television and telephone communications.

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**VARIANCE** -- A departure from the strict letter of this Chapter as it applies to specific properties, as authorized by the Zoning Hearing Board in accordance with the terms of this Chapter and the Pennsylvania Municipalities Planning Code.<sup>4</sup>

**VETERINARY SERVICES** -- An establishment owned and operated by a veterinary medical doctor(s), certified in the Commonwealth of Pennsylvania, for the medical or surgical treatment of domestic, agricultural or zoological animals but excluding the boarding and grooming of animals not subjected to medical or surgical treatment.

**WAREHOUSING** -- An establishment for the storage and handling of freight or merchandise, but not including the maintenance or fueling of commercial vehicles.

**WATERCOURSE** -- A channel or conveyance of surface water having defined bed and banks, whether natural or artificial, with perennial or intermittent flow.

**WATER RECREATION** -- Publicly or commonly-owned aquatic facilities including, but not limited to, swimming pools, wave pools, waterslides and diving facilities.

**WATER STORAGE/TOWER** -- Any natural or man-made receptacle or facility or the collection and/or storage of water, whether permanent or temporary, used either for swimming, boating or other recreational purpose or as part of a public water supply system.

**WETLAND** -- An area that is inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal circumstances does support, a prevalence of vegetation typically adapted for life in saturated soil conditions, including swamps, marshes, bogs and similar areas.

**WHOLESALE** -- An establishment engaged in selling merchandise to retailers, institutional, commercial or professional business customers or other wholesalers rather than to the general public or acting as a broker for such merchandise sales.

**WOODSHOP/MILLWORK** -- A facility used for the manufacture of furniture, cabinets, pressed pulp products or other wood products for retail sale to customers but shall not include a wood distillation plant or other similar type use.

**YARD** -- An open space adjacent to a lot line, open and unobstructed from the ground to the sky, except as otherwise provided herein. Typical yard configurations are illustrated in Appendix A.

- (a) **FRONT** -- A yard extending across the full width of the lot and extending back in depth the required minimum distance from the front lot line to a line parallel thereto on the lot.

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<sup>4</sup> Editor's Note: See 53 P.S. 10101 et seq.

## MOON CODE

- (b) REAR -- A yard extending across the full width of the lot and extending forward in depth the required minimum distance from the rear lot line to a line parallel thereto on the lot.
- (c) SIDE -- A yard between the building and the adjacent side line of the lot extending from the front yard to the rear yard.

ZONING CERTIFICATE -- A document signed by the Zoning Officer which is required by this Chapter prior to the commencement of a use or the erection, construction, reconstruction, alteration, conversion or installation of a structure or building.

ZONING DISTRICT -- A finite area of land, as designated by its boundaries on the Zoning Map, throughout which specific and uniform regulations govern the use of land and/or the location, size and use of buildings. The term "zoning district" shall include "overlay districts."

ZONING HEARING BOARD -- The Zoning Hearing Board of Moon Township, Allegheny County, Pennsylvania.

ZONING MAP -- The map delineating the zoning districts of the Township, together with all amendments subsequently adopted. The zoning map shall be considered an integral part of this Chapter.

ZONING OFFICER -- The designated official or an authorized representative appointed by the Board of Supervisors whose duty it shall be to administer this Chapter with power to issue zoning permits and to halt illegal development and construction, and to interpret literally the meaning of the various sections of this Chapter subject to appeal before the Zoning Hearing Board.

ZONING ORDINANCE -- The Moon Township Zoning Ordinance, Ordinance No. 543 , as adopted December 18, 2002, as amended and as codified as Chapter 208 of the Moon Township Code of Ordinances, Zoning.



## ZONING

### **§ 208-108. Zoning map.**

- A. A map entitled “Moon Township Zoning Map“ is hereby adopted as a part of this Chapter. The Zoning Map shall be kept on file for examination in the office of the Township Manager in the Township Building.

### **§ 208-109. Planned residential development plan.**

- A. The review and approval of a land development plan as related to a proposed planned residential development, as defined herein, shall be in accordance with the provisions of Article XIII of this Chapter.

### **§ 208-110. Planned non-residential development plan.**

- A. The review and approval of a land development plan as related to a proposed planned non-residential development, as defined herein, shall be in accordance with the provisions of Article XIV of this Chapter.

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ARTICLE II  
**District Regulations**

**§ 208-200. Districts.**

- A. For the purpose of carrying out the provisions of this Ordinance, the Township is divided into the following zoning and overlay districts, which are shown by the district boundaries on the Zoning Map:

Zoning Districts

**Residential**

- R-1      Semi-Rural Residential  
R-1A     Low Density Residential  
R-2      Suburban Residential  
R-3      Medium Density Residential  
R-4      Urban Residential  
R-5      High Density Residential

**Non-Residential**

- B-P      Business Park  
C-1      Neighborhood Commercial  
C-2      Highway Commercial  
M-1      Industrial  
M-X      Mixed-Use  
RT       Research/Technology  
A-P      Airport  
ED       Educational  
OS       Open Space

Overlay Districts

- AH      Airport Hazard  
CV      Carnot Village  
TG      Trails and Greenways  
TD      Transportation District

**§ 208-201. District boundaries.**

- A. District boundaries shown on the lines of roads, streams and transportation right-of-ways shall be deemed to follow their center lines. The vacation of roads shall not affect the location of such district boundaries. When the Planning Director cannot definitely determine the location of a district boundary by such center lines, by the scale of dimensions stated on the Zoning Map or by the fact that it clearly coincides with a property line, the Planning Director shall refuse action, and the Zoning Hearing Board, upon appeal, shall interpret the location of the district boundary with reference to the scale of the Zoning Map and the purposes set forth in all relevant provisions of this Chapter.

## ZONING

### **§ 208-202. Permitted uses, conditional uses and uses by special exception.**

- A. No building, structure or land shall be constructed or used for any purpose or in any manner other than for one (1) or more of the permitted or conditional uses granted by right to the zoning district in which such building, structure or land is located or of the uses by special exception. Except in the case of development requiring the preparation and approval of a planned land development or as provided for in §208-211.J (2) and §208-211.J (3), not more than one (1) detached principal building shall be located on a lot.
- B. In addition to the basic zoning requirements defined by Article II of this Chapter, all conditional uses shall conform to all the applicable requirements and provisions defined by Article VIII of this Chapter. All uses by special exception shall conform to all applicable requirements and provisions defined by Article IX of this Chapter.

### **§ 208-203. Permitted and conditional uses and uses by special exceptions by zoning district.**

- A. The letter “P” denotes a permitted use by right, subject to the requirements specified by this Chapter and after a zoning certificate has been issued in accordance with Article XI of this Chapter.
- B. The letter “C” denotes a use that is conditional, subject to the requirements specified by this Chapter and provided that the Board of Supervisors grants the conditional use pursuant to Article VIII of this Chapter.
- C. The letter “S” denotes a use that is a special exception subject to the requirements specified by this Chapter and provided that the Zoning Hearing Board grants the special exception pursuant to Article IX of this Chapter.

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**Table 1. Permitted and conditional uses and uses by special exception.**

		Residential						Non Residential									
P Permitted Use C Conditional Use S Use by Special Exception	Authorized Land Uses	R-1	R-1A	R-2	R-3	R-4	R-5	ED	OS	M-1	BP	M-X	RT	C-1	C-2	AP	
		1	Accessory Use	P	P	P	P	P	P	P	P	P	P	P	P	P	P
2	Agriculture	C															2
3	Aircraft Assembly and Rehabilitation															P	3
4	Aircraft Maintenance & Storage Hangars															P	4
5	Airport Office															P	5
6	Airport Parking															P	6
7	Airport Runway and Taxiway															P	7
8	Airport Service Facility															P	8
9	Airport Terminal															P	9
10	Airport Traffic Control Facility															P	10
11	Amphitheater							C	C								11
12	Animal Grooming Facility	P	P	P						P		P	P	P	P		12
13	Apartment, Garden						P							C	C		13
14	Apartment, High Rise						P								C		14
15	Assembly or Fabrication Facility									P			P				15
16	Automobile Repair and Service									P		P		P	P		16
17	Automobile Rental											P			P	P	17
18	Automobile Sales											P			P		18
19	Bar / Nightclub											P		P	P		19
20	Bed and Breakfast	C	C	C	C	C	C							P			20
21	Billboard									C			C				21
22	Boarding House					C	C	C						P			22
23	Business Services									P	P	P	P	P	P	C	23
24	Cargo Facility									C			C			C	24
25	Car Wash													P	P		25
26	Cemetery	C	C						C							C	26
27	Cluster Lot Development	P	P	P	P												27
28	Commercial School									P		P	P		P	P	28
29	Communication Antenna	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	29
30	Communication Tower									C			C			C	30
31	Conference and Training Center									P	P	P	P		P	C	31
32	Corporate Office									P	P	P	P			C	32
33	Country Club / Golf Course	C	C	C	C	C	C		P		C	C	P		C		33
34	Cottage Home Development	P	P	P	P												34
35	Cultural Center							C	C								35
36	Day-care Center							P			P	P	P	P	P	P	36

ZONING

Table 1: (con't).

		Residential						Non Residential									
		R-1	R-1A	R-2	R-3	R-4	R-5	ED	OS	M-1	BP	M-X	RT	C-1	C-2	AP	
Authorized Land Uses																	
37	Distribution Center									P			C			C	37
38	Dormitory							C									38
39	Drive-in Theater											P					39
40	Drive-thru Facility											P	P		P		40
41	Driving Range								P		P	C	P		C		41
42	Dwelling, Quad-plex					P	P							P			42
43	Dwelling, Single Family	P	P	P	P	P			P								43
44	Dwelling, Two Family					P	P										44
45	Emergency Services									P		P	P	P	P	P	45
46	Employee Cafeteria or Dining Room							P		P	P		P			P	46
47	Essential Services	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	47
48	Exposition Hall															C	48
49	Farmers' Market	C							P			P		P	P		49
50	Financial Institution										P	P	P	P	P	P	50
51	Flex Space									P	C		P			C	51
52	Forestry	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	52
53	Freight Terminal									P						C	53
54	Funeral Home											P		P	P		54
55	Gas Station									P		P	P	C	P		55
56	Group Care Facility					C	C							C	C		56
58	Group Residence	P	P	P	P	P	P										58
59	Home Occupation	C	C	C	C	C	C										59
60	Hospital											P			P	C	60
61	Hotel / Motel										P	P	P		P	C	61
62	Indoor Amusement											P		P	P		62
63	International Trade Center												C			C	63
64	Junkyard									C							64
65	Kennel									C					C		65
66	Keeping of horses	S	S	S					S								66
67	Laboratory									P			P				67
68	Landscaping Center / Nursery (Retail)	C								P		P		P	P		68
69	Landscaping Center / Nursery (Wholesale)	P								P		P			P		69
70	Library							P			P	P	P	P	P		70
71	Life Care Facility											P			P		71

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Table 1: (con't).

		Residential						Non Residential									
P Permitted Use C Conditional Use S Use by Special Exception	Authorized Land Uses	R-1	R-1A	R-2	R-3	R-4	R-5	ED	OS	M-1	BP	M-X	RT	C-1	C-2	AP	
		72	Light Manufacturing									P			P		
73	Massage Therapy Establishment														C		73
74	Medical Clinic (Clinic)										P	P			P	C	74
75	Medical Office										P	P		P	P	C	75
76	Methadone Treatment Facility									C							76
77	Military Facilities									P			P			P	77
78	Mining									P			P				78
79	Mixed Use Development									C		C					79
57	Mobile Home Park					P	P										57
80	Neighborhood Convenience Store													P	P		80
81	No-Impact Home Based Business	P	P	P	P	P	P										81
82	Nursing Home and Personal Health Care Facility											P		P	P		82
83	Office, Administrative, Business or Professional									P	P	P	P	P	P	C	83
84	Open Space	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	84
85	Outdoor Storage									C			C		C	C	85
86	Parking Structure / Garage						C	C		C	C	C	C	C	C	C	86
87	Personal Improvement Establishment (Health Clubs)										P	P	P	P	P		87
88	Personal Services											P		P	P		88
89	Pharmacy											P		P	P		89
90	Pilot Manufacturing									P	C		P			P	90
91	Place of Assembly							P				C		C	C		91
92	Place of Worship	C	C	C	C	C	C	P				C		C	C		92
93	Planned Non Residential Development									C	C	C	C	C		C	93
94	Post Office										P			P	P	P	94
95	Private Club											P		P	P		95
96	Public or Private School	C	C	C	C	C	C	P									96
97	Public Park and Playground	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	97
98	Public Works									P			P			P	98
99	Recreational Facility							P	C	C	C	C	C	C	C	C	99
100	Research and Development									P			P			C	100

ZONING

Table 1: (con't).

		Residential						Non Residential								
		R-1	R-1A	R-2	R-3	R-4	R-5	ED	OS	M-1	BP	M-X	RT	C-1	C-2	AP
<b>P Permitted Use</b> <b>C Conditional Use</b> <b>S Use by Special Exception</b>																
<b>Authorized Land Uses</b>																
101	Restaurant, High Turn-over with Drive-thru											P			P	101
102	Restaurant, High Turn-over without Drive-thru											P		P	P	102
103	Restaurant, Low Turn-over										C	P	P	P	P	C
104	Retail Store											P		P	P	
105	Self-Service Storage Facility									C						
106	Senior Center								C			P		P	P	
107	Sexually-Oriented Business									C						
108	Shopping Center											P		C	P	
109	Social Service Agency											P		P	P	
110	Stadium							C								
111	Supply Yard									P						
112	Supporting Retail							C			C		C			C
113	Theater / Auditorium (Theater)							P				C		C	C	
114	Townhouse					P	P							P		
115	Township Building										P	P	P	P	P	
116	University / College							P					C			C
117	Utility Services									P			P			
118	Veterinary Services									P		P		P	P	
119	Warehousing									P			C			C
120	Water Recreation	C	C	C	C	C	C	P								
121	Water Storage / Tower	C								P					C	
122	Wholesaling									P			C			
123	Woodshop / Millwork									P						
124	All Other Uses									C			C			

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**§ 208-204. Development intensity overview.**

- A. General. Any permitted structure or use which is erected, added to or structurally altered shall be located on a lot having not less than the minimum requirements set forth by this Chapter, except as provided for in §208-211.F.
- B. The intensity of all non-residential developments shall comply with the density, yard, setback, height, and lot coverage requirements defined by Table 2: Non-residential requirements and Table 5: Dimensions.
- C. The intensity of planned residential development and planned non-residential development shall comply with the requirements of Article XIII and Article XIV of this Chapter.
- D. Residential development alternatives. To provide housing diversity; to maintain development flexibility; to encourage efficient land development; to promote environmental sensitivity; and to enhance open space conservation, three (3) residential development alternatives shall be available to a developer and/or landowner. General illustrations of the development alternatives are provided in Appendix A of this Chapter. These residential development alternatives include:
  - (1) Conventional lot development.
  - (2) Cluster lot development.
  - (3) Cottage home development

**Table 2. Non-residential requirements.**

<b>Zoning District</b>	<b>Land Use Character</b>	<b>Min. Site Size (Acres)</b>	<b>Min. Lot Area</b>
C-1	Neighborhood Commercial		10,000 SF
C-2	Highway Commercial		20,000 SF
M-1	Light Industrial		1 Acre
B-P	Business Park	10	1 Acre
M-X	Mixed Use	10	1 Acre
RT	Research/Technology	10	1 Acre
AP	Airport	100	10 Acres
ED	Educational	10	1 Acre
OS	Open Space		



## ZONING

### § 208-205. Conventional lot development.

- A. Conventional lot development shall be permitted in all residential zoning districts.
  - (1) No lot located within a conventional lot development shall be less than the minimum lot area per family as defined by Table 3: Conventional lot development densities.
  - (2) Any portion of any tract in any residential zoning district that has an average slope in excess of fifteen (15%) percent may be used for single family dwellings on a minimum lot size of 80,000 SF
- B. All conventional lot developments shall comply with the minimum yard, setback and lot coverage requirements defined in Table 5: Dimensions.
- C. The number of dwelling units permitted on the site equals the maximum listed in Table 3, multiplied by the area, in acres, containing less than fifteen (15%) percent slope plus 0.54 times the area in acres containing greater than fifteen (15 %) percent slope.

**Table 3. Conventional lot development densities.**

<b>ZONING DISTRICT</b>	<b>Min. Lot Area / Family</b>	<b>Maximum Conventional lot Density (DU/Acre)</b>
OS	435,600 SF	0.10
R-1	80,000 SF	0.54
R-1A	40,000 SF	1.08
R-2	20,000 SF	2.2
R-3	12,000 SF	3.63
R-4/C-1	5,445 SF	8.00
R-5, C-2,PNRD,ED	3,630 SF	12.00

### § 208-206. Cluster lot development.

- A. Cluster lot development allows the redistribution of density from sensitive resource areas to non sensitive resource areas to encourage preservation of sensitive resource areas.
- B. Cluster lot development is voluntary and not required.
- C. The lot area and dimensional requirements proposed shall not be less than those in Table 4.
- D. Cluster lot development shall be permitted as a permitted use in the OS, R-1, R-1A R-2, and R-3 residential zoning districts. Except as provided in this section, the cluster lot development shall comply with the requirements of the underlying zoning district in which the development is located.

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- E. The balance of the land not utilized for residential lots shall be reserved as common open space. Ownership and maintenance shall be determined prior to final application approval via the methods outlined in §208-1313
- F. Where practical, common open spaces shall be contiguous and easily accessible. The common open space shall, to the greatest extent practical, include the undisturbed sensitive natural resource areas defined by the requirements of Article III of this Chapter.
- G. The density is the same as what could be proposed under conventional lot development on the site. The dwelling units permitted on the site equals the maximum conventional lot density listed in Table 3, multiplied by the area, in acres, containing less than fifteen (15%) percent slope plus 0.54 times the area in acres containing greater than fifteen (15 %) percent slope.

**Table 4. Cluster lot development densities and dimensional requirements.**

<b>District</b>	<b>Min. Lot Area / Family</b>	<b>Min. Lot Frontage</b>	<b>Front Setback Local Street</b>	<b>Front Setback Arterial Street</b>	<b>Side Setback</b>	<b>Rear Setback</b>
OS	40,000	100	40	50	12	25
R-1	40,000	70	30	40	12	25
R-1A	20,000	70	30	40	12	25
R-2	12,000	65	25	35	8	25
R-3	9,000	65	25	35	8	25

**§208-207 Cottage Home Developments.**

Cottage Home Land Development Plans shall be designed by a registered landscape architect or engineer based on a current topographical survey prepared by a registered surveyor.

- A. Cottage home development allows the redistribution of density from sensitive resource areas to non sensitive resource areas to encourage preservation of sensitive resource areas.
- B. Cottage home development is voluntary and not required.
- C. Cottage home development shall be permitted as a permitted use in the OS, R-1, R-1A R-2 and R-3 residential zoning districts. Except as provided in this section, the cottage home development shall comply with the requirements of the underlying zoning district in which the development is located.

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### D. Gross Site Requirements

- (1) Gross Site Frontage – The access point on existing Township or state streets – 150 ft. minimum.
- (2) Access – less than twenty (20) units may connect to a local road, twenty (20) units or more must connect to a collector or arterial road.

E. Density. The density is the same as what could be proposed under conventional lot development on the site. The dwelling units permitted on the site equals the maximum conventional lot density listed in table 3, multiplied by the area, in acres, containing less than 15% slope plus 0.54 times the area in acres containing greater than 15 % slope.

### F. Setback and Buffer Requirements

- (1) Setbacks for dwelling units shall be fifty (50) feet from all perimeter property lines and fifteen (15) feet from the edge of paving on all internal private driveways within the development.
- (2) In the case where the garage door faces the internal private driveway the face of the garage shall maintain a minimum twenty (20) foot distance from the edge of the driveway.
- (3) A minimum sixteen (16) foot clean distance shall be maintained between adjacent dwelling units. Any distance between buildings less than sixteen (16) foot, the buildings shall be sprinklered.
- (4) A minimum thirty (30) foot setback shall be maintained from all internal public streets within the plan.
- (5) Landscaping and Bufferyards shall be maintained in accordance with §208-213 and §208-214.

### H. Building Requirements

- (1) Garage Door Orientation – To the maximum extent practical garage doors of dwelling units shall not face the internal private driveway.

### I. Parking/Driveway/Internal Streets

- (1) Each dwelling unit shall provide a two (2) parking spaces per unit.
- (2) Visitor parking shall be provided at the rate of at least 0.5 (one half) spaces per unit.

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(3) If internal streets are utilized to develop a cottage home development, the internal streets shall be designed as a private street to be maintained by a Home Owners Association.

J. Open Space. A minimum of forty (40) percent of the gross site area shall be set aside as common open space area within the plan. Where practical, common open spaces shall be contiguous and easily accessible. The common open space shall, at a minimum, include the undisturbed sensitive natural resource areas defined by the requirements of Article III of this Chapter. The open space shall include but not be limited to landscaped plazas, grass areas, fountains, sitting areas, etc. designed by a landscape architect. Open space does not include areas used as buildings, driveways, internal streets or any other space that does not contribute to the quality of the environment. The open space shall be located in such a manner to provide the maximum number of dwelling units easy access to the common open space areas. In addition, a minimum of five (5) percent of the common open space areas shall be dedicated to active recreational areas as agreed upon by the developer and Township at the approval process.

K. Additional Regulations

(1) The development shall be done as a condominium project with common ownership of the land.

### **§ 208-208. Dimensional requirements.**

A. General. Any principal structure or use permitted in the Township's zoning districts which is erected, added to or structurally altered shall conform to the minimum lot dimensions as defined in Table 5: Dimensions.

**Table 5. Dimensions.**

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Zoning District	Min. Lot Frontage (Feet)	Min Building Setbacks (Feet)			Max Building Structure Height (Feet)	Max. Building Coverage
		Front	Side	Rear		
R-1	100	50	15	30	40	20%
R-1A	100	50	15	30	40	20%
R-2	70	40	15	30	40	30%
R-3	70	35	10	30	40	35%
R-4	65	35	10	30	40	40%
R-5	65	35	10	30	40	40%
C-1	65	35	10	30	40	50%
C-2	100	50	10	20	40	75%
M-1	100	50	20	50	40	50%
B-P	150	50	50	50	40	40%
M-X	150	50	50	50	40	75%
RT	150	50	20	50	40	75%
AP	300	150	100	100	40	50%
ED		35	20	30	40	40%
OS	120	50	15	30	40	10%

### § 208-209. Height regulations.

- A. In the R-1, R-2, R-3 and OS districts, no structures shall exceed forty (40) feet in height above the average ground level immediately adjacent to the structure. In any other district, no structure shall exceed forty (40) feet in height above the average ground level immediately adjacent to the structure, except that the maximum height may be increased, provided that all front, side and rear yard depths are increased by one (1) foot for each additional foot of height over forty (40) feet. Under no circumstances shall the height of a structure exceed one hundred (100) feet.
- B. No parking garage/structure shall exceed forty (40) feet in height above the average ground level immediately adjacent to the parking garage/structure. No height increases to parking garages/structures shall be permitted based upon increased yard depths as defined in Subsection A.
- C. Exceptions. The following shall not be considered structures within the meaning of this section and may be erected to any height, provided that they do not constitute a hazard to the airport: church spires, belfries, monuments, tanks, water and fire towers, stage towers and scenery lofts, cooling towers, ornamental towers, spires, chimneys, elevator bulkheads, smokestacks, conveyors and flagpoles.

### § 208-210. Minimum floor area requirements.

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- A. No residential dwelling unit shall have a gross floor area of less than seven hundred twenty (720) square feet.

### **§ 208-211. Lot and yard requirements.**

- A. In all residential districts the requirements listed in Table 3 and 5 are applicable, except that cluster developments shall be permitted to use the minimum requirements in Table 4 where the requirements in Table 5 are greater and cottage home developments shall use the setbacks and frontage requirements in §208-207.
- B. In all non-residential districts the requirements in Table 2 and 5 are applicable.
- C. Any lot of record in the B-P Business Park, RT Research/Technology or M-X Mixed-Use districts legally existing and held in separate ownership from adjacent lots or parcels on the effective date of this Chapter may be used for any permitted use by right or any conditional use or use by special exception authorized in the district in which it is located even though the lot does not meet the minimum site area required for a Business Park or Mixed-Use District development, provided that all other requirements of the zoning district for the proposed use shall be met.
- D. Lots, which abut more than one (1) street, shall provide the required front yards along every street. The side yard shall be opposite the front yard. The configurations of the Township's lots are illustrated in Appendix A.
- E. All structures, whether attached to the principal building or structure or not and whether open or enclosed, including porches, carports, balconies, decks or any platforms in excess of twelve (12) inches above the nearest ground which has not been mounded against or in conjunction with the development of the platform (i.e., that ground which has come to be, prior to the development of the platform, the normal grade level), shall not project into any minimum required front, side or rear yard, except as provided for in Article IV.
- F. Any lot of record existing at the effective date of this Chapter may be used for the erection of a building or structure conforming to the use regulations of the district in which it is located, even though its area and width are less than the minimum requirements of this Chapter, provided that all other requirements of the district can be met.
- G. All on-lot septic tanks shall be constructed in accordance with the requirements of the Pennsylvania Department of Environmental Protection (DEP) and the Allegheny County Health Department (ACHD).
- H. Any portion of a lot once used as a yard or as lot area per family in compliance with the lot area requirements of the district regulations of this Chapter shall not be counted again as required yard or lot area per family for another building.

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- I. No structure or use of land which has non-conforming yards may be enlarged or expanded in any manner which will further reduce the minimum dimension of such non-conforming yards as outlined in Article VII of this Chapter.
- J. Uses, structures or buildings per lot.
  - (1) Only one (1) single-family detached dwelling unit, one (1) mobile home or one (1) two-family detached dwelling, together with its permitted accessory structures, shall be located on any single lot. A development proposing two (2) or more single-family detached dwellings, mobile homes or two-family detached dwellings on one (1) lot shall not be permitted, except in accordance with Article XIII of this Chapter or Section 208-207 Cottage Home Development.
  - (2) Two (2) or more multiple-dwelling residential structures on one (1) lot shall be permitted, provided that:
    - (a) The minimum lot area per family or dwelling unit as provided for in Table 3: Conventional lot development densities and Table 4: Cluster lot development densities of this Article is required.
    - (b) Any portion of a lot once used as lot area per family shall not be utilized again for another required lot area per family.
    - (c) The land development shall conform to the minimum lot width requirement of the zoning district in which it is located.
    - (d) The land development shall conform to all the yard requirements around the perimeter of the lot for the zoning district in which it is located.
    - (e) An adequate, Township-approved access shall be provided to a public road for municipal services such as fire, police emergency vehicles and other service vehicles.
    - (f) Every principal building or structure shall be separated by not less than thirty (30) feet from any other principal building or structure on the side.
  - (3) A non-residential development in which two (2) or more buildings or structures are proposed on one (1) lot shall be permitted, provided that:
    - (a) The land development does not exceed the maximum building coverages as defined by this Chapter.
    - (b) The land development shall conform to the minimum lot area and minimum lot width requirements of the zoning district in which it is located.

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- (c) The land development shall conform to all the yard, bufferyard and landscape requirements around the perimeter of the lot for the zoning district in which it is located.
- (d) An adequate, Township-approved access shall be provided to a public road for municipal services such as fire, police emergency vehicles and other service vehicles.

K. Enclosed structures.

- (1) No building or enclosed structure shall be located within two hundred (200) feet of any operating oil or gas well. No building or enclosed structure shall be located within two hundred (200) feet of any non-operating oil or gas well unless said well has been properly capped in accordance with all applicable local, county, state and federal regulations and documentation to that effect has been provided to the Township.
- (2) No oil or gas well may be constructed or drilled within two hundred (200) feet of any building or enclosed structure. Further, the Township may require any new oil or gas well to be entirely fenced when, in the opinion of the Township, the well is accessible to the general public. Additionally, the Township may also require that a developer and/or landowner construct a Township-approved barrier in the event that the land development is constructed near an existing oil or gas well and, in the opinion of the Township, there is a reasonable chance that the well could be accessible to residents, employees, business owners or customers in the development.

**§ 208-212. Clear sight triangle.**

The sides of a clear sight triangle shall be measured along the center line of existing streets and shall meet the minimum standards specified as follows:

	Type of Street		
	Arterial/ Collector (feet)	Local (feet)	Service (feet)
Clear sight triangle (main to side street)	500/30	250/25	200/25

**§ 208-213. Vegetation preservation and bufferyards.**

Vegetation preservation and bufferyards are governed by the specifications in this section and the provisions of the Municipalities Planning Code.

- A. Vegetation preservation. The removal of trees, shrubbery, foliage, grass or other natural growth shall be in accordance with the provisions of this Chapter and with any other Chapter of the Township Code regulating land development and logging. The activity of “grubbing” (defined as the cleaning of underbrush from a well-treed area) shall be permitted with the expressed approval of the Zoning Officer. A landscape plan shall be prepared and submitted



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at the time of final subdivision and/or land development application, bearing the seal of a registered landscape architect.

### B. Cutting and clearing of vegetation; violations and penalties.

- (1) Forestry activities of timber harvesting and/or logging, whether by clear-cutting, selective cutting or other common practice, shall be permitted in any zoning district. All forestry activities shall comply with Township Ordinance 448.
- (2) The cutting of trees and/or clearing of vegetation within forty (40) feet of the property line or the maximum bufferyard which could be applicable to the property as required by § 208-213, whichever is greater is, prohibited. Grubbing activity, as defined in Subsection A, is permitted where the purpose is to improve the appearance of the property.
- (3) “Imminent development” shall be considered to be development which is reasonably expected to commence and for which there are realistic plans to commence on a minimum eight (8) hours per day, forty (40) hours per week basis (utilizing a five (5) on, two (2) off standard workweek basis) within sixty (60) days of the completed cutting activities and for which a subdivision or land development plan or plat and a conceptual landscape plan has been submitted and approved by the Township.
- (4) The penalty for violating this section shall be a maximum of five hundred dollars (\$500.00) for each day in excess of sixty (60) that the cleared property is not subject to significant development activities, as defined above, unless the lack of significant development for time in excess of sixty (60) days following the clearing of the property occurred for reasons other than a lack of reasonable expectations as to when development would and could commence and/or a lack of realistic plans for the commencement of development. This language is not intended to prohibit the culling of diseased, dead or dying plants or trees, the development of flower or vegetable gardens or the removal of single trees or clumps of vegetation for aesthetic, safety or other concerns. It does prohibit the mass or large-scale defoliation of potential bufferyards preparatory to development until shortly before the proposed development actually takes place.
- (5) In addition to any other remedy available to the Township and in the event that the construction of structures and/or infrastructure on the site does not commence despite an approved land development plan within six (6) months of the completion of the clearing operations as determined by the Township, the disturbed area identified in § 208-213B(2) shall be reforested in accordance with requirements of Bufferyard 1 or, where applicable the Special Bufferyard as set forth in §208-213E. Should this six (6) month period fall during a season not conducive to planting, the Township may permit the developer, landowner and/or his agents to delay this reforestation until a time more conducive, but shall commence, in no case, any later than April 1. Furthermore, at the time of the subdivision and/or land development plan or plat approval, the Township shall require that a performance security be provided, in the favor of the Township, to

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guarantee this reforestation, in an amount approved by the Township Engineer. The lot must be reforested with a species comparable to the predominant species on the lot prior to the commencement of the clearing operations.

- (6) The landscape plan required by § 208-213A shall show the location and species of all existing trees twelve (12) inches in diameter at breast height (“dbh”). All such trees shall be marked in the field in order that they may be inspected by the Township. Applicants are encouraged to maximize the retention of all healthy existing trees six (6) inches or more dbh. All trees including those not listed in Appendix B are subject to approval by the Township arborist with respect to health, location and species type. Trees to be preserved should not be disturbed within the drip line. Any change to the existing grade within the drip line shall disqualify the opportunity for credits. A developer preserving existing approved trees shall be entitled to the following credits from the bufferyard requirements of § 208-213:
    - (a) Eighteen (18) inch dbh or greater tree located in required bufferyards: six (6) trees.
    - (b) Eighteen (18) inch dbh or greater tree located outside required bufferyards: seven (7) trees.
    - (c) Twelve (12) inch to eighteen (18) inch dbh located in required bufferyards: four (4) trees.
    - (d) Twelve (12) inch to eighteen (18) inch dbh located outside required bufferyards: five (5) trees.
    - (e) Six (6) inch to twelve (12) inch dbh tree located in required bufferyards: two (2) trees.
    - (f) Six (6) inch to twelve (12) inch dbh tree located outside required bufferyards: three (3) trees.
- C. Bufferyards shall be required in conjunction with the development of any lot, as defined by Table 6: Bufferyards. Illustrations of the required bufferyards can be found in Appendix B of this Chapter.

**Table 6. Bufferyards.**

**Required Bufferyards**

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<b>Development Proposed</b>	<b>1</b>	<b>2</b>	<b>3</b>
Multi-Family use in any Residential District			
Adjoining property in any residential district	X		
Adjoining property in any other district		X	
Any use in C-1, C-2 or M-X			
Adjoining property in any residential district	X		
Adjoining any multi-family use, or property in any ED, OS, M-1, B-P or A-P District		X	
Adjoining any property in any C-1, C-2, M-X or RT District			X
Any use in the BP District			
Adjoining any property in any residential district	X		
Adjoining any property in other district		X	
Any use in RT, M-1 or A-P District			
Adjoining any property in any residential district	X		
Adjoining any property in any C-1, C-2, B-P, OS, ED or M-X District		X	
Adjoining any property in any M-1 or A-P District			X
Any use in ED District			
Adjoining any property in any Residential District	X		
Adjoining any property in any other district		X	

D. Bufferyards requirements.

(1) Bufferyards 1, 2 and 3 listed in the Table 6: Bufferyards in Subsection C are defined as follows:

(a) Bufferyard 1.

[1] No structures or uses, including but not limited to buildings, accessory structures, parking spaces, access drives and lighting devices, may be located closer than forty (40) feet to any front, side or rear lot line except that access drives may be located in the front bufferyard, or other bufferyard if required by the Township’s driveway permit ordinance.

[2] In addition to the requirements of Appendix B, a row of low level evergreen shrubs or hedges shall be planted or earthen mounding shall be constructed in the bufferyard which shall provide a year-round visual screen capable of acting as a barrier to light beams emanating from the headlights of passenger cars. These low level shrubs, hedges or mounds shall be of such

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height that a person facing a passenger car with the shrubs, hedges or mounds between him/her and the car could observe the car's low beam lights only as a result of the diffused or reflected light from the headlights and not because the main, direct beam from those lights was observable.

(b) Bufferyard 2

[1] No structures or uses, including but not limited to buildings, accessory structures, parking spaces, curbs, access drives and lighting devices, may be located any closer than twenty (20) feet to any front, side or rear lot line except that access drives may be located in the front bufferyard, or other bufferyard if required by the Township's driveway permit ordinance.

[2] In addition to the requirements of Appendix B, a row of low level evergreen shrubs or hedges shall be planted or earthen mounding shall be constructed in the bufferyard which shall provide a year-round visual screen capable of acting as a barrier to light beams emanating from the headlights of passenger cars. These low level shrubs, hedges or mounds shall be of such height that a person facing a passenger car with the shrubs, hedges or mounds between him/her and the car could observe the car's low beam lights only as a result of the diffused or reflected light from the headlights and not because the main, direct beam from those lights was observable.

(c) Bufferyard 3

[1] No structures or uses, including but not limited to buildings, accessory structures, parking spaces, curbs, access drives and lighting devices, may be located any closer than ten (10) feet to any front, side or rear lot line except that access drives may be located in the front bufferyard, or other bufferyard if required by the Township's driveway permit ordinance.

(d) Bufferyard plantings for Bufferyards 1, 2 and 3 shall be in accordance with the conceptual illustrations set forth in Appendix B.

E. Any property having frontage on Business Route 60 from Hangar Road to the Montour Run Interchanges or the southerly side of Beaver Grade Road between Ewing Road and the Cutler Hammer access drive, shall maintain a one hundred and fifty (150) foot bufferyard from the right-of-way of said roads and any appurtenances, such as interchanges and ramps. Notwithstanding the foregoing, the special bufferyard required by this Section shall not be required to exceed thirty percent (30%) of the depth of a parcel. Existing vegetation in this buffer shall not be disturbed, other than the removal of dead or diseased trees or other vegetation, except that any area within a public or private right-of-way or easement may be disturbed to the extent necessary to provide public streets, public utilities, access drives, essential services or stormwater retention facilities. Bufferyard plantings shall be in accordance with the conceptual illustrations set forth in Appendix B. Additionally, should a stormwater retention facility be proposed within this bufferyard, a detailed landscaping plan

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for said facility must be submitted and approved by the Township Engineer or a landscape architect retained by the Township.

- F. When the bufferyard width specified in §208-213D is in conflict with the provisions of Table 1: Permitted and conditional uses and uses by special exception or any other Chapter of the Township of Moon, the greater distance shall apply. The landscaping requirements shall be adhered to regardless of what the yard requirement is.
- G. In instances where an existing structure houses the principal use of the property and is located within any required bufferyard, a bufferyard of not less than the minimum distance from the existing structure to the property line shall be required. This reduced bufferyard width shall apply only to the yard area which the existing structure encroaches upon. If the existing structure is located within the required bufferyard on one (1) side of the building, the required bufferyard as determined by Subsection C shall apply on all other yard areas. All landscaping requirements shall be adhered to regardless of the bufferyard width.
- H. All yard areas not utilized for parking facilities, driveways, gardens, the planting of trees or shrubs, flower, vegetable or herb beds or similar uses must be seeded, sodded or landscaped within a reasonable period of time. The phrase “a reasonable period of time” shall be interpreted to be within two (2) weeks after construction activities are completed, unless those activities are completed between a time period of November 1 through April 1. In such case, the required sodding or seeding must occur within two (2) weeks of April 1.
- I. All trees and shrubs required to be planted within the bufferyard shall be of the minimum diameters and heights set forth in the illustrations to Appendix B which trees and shrubs shall be planted in accordance with Appendix B and accepted conservation practices.
- J. It shall be the responsibility of the developer and/or landowner to assure the continued growth of all required landscaping and/or to replace the same in the event of freezing, drought, vandalism, disease or other reasons for the discontinued growth of the required trees, shrubs and bushes.
- K. Stormwater management facilities and structures may be maintained within a bufferyard, but the existence of such facilities or structures shall not be a basis for a failure to meet the landscaping requirements.
- L. Deviation from the requirements of § 208-213 and Appendix B shall be permitted only as a conditional use in accordance with the requirements of § 208-854 of this Chapter.

### **§ 208-214. Landscaping.**

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Landscaping shall be provided in accordance with the following specifications:

- A. Landscaping required in bufferyards as outlined in § 208-213 cannot be substituted for any required landscaping mandated in this section.
- B. A landscape plan, with appropriate details, shall be prepared and submitted at the time of final subdivision and land development application. This landscape plan must contain and show the following information:
  - (1) All required bufferyards with proposed plantings (identifying each proposed tree, bush or shrub) drawn to scale and identifying the height and width of any proposed mounds.
  - (2) All required planting independent of any bufferyard requirements (identifying each tree, bush, shrub, the use of sod or seeding, etc.) drawn to scale.
  - (3) Any planting in excess of the requirements in § 208-213 and this Section.
  - (4) Any existing trees which are to be preserved and for which a credit is being sought in accordance § 208-213(B)(6), accurately identifying their relative size and location.
  - (5) Demarcation of areas of trees and vegetation, which will not be disturbed as part of land development.
- C. At least one (1) deciduous tree must be planted for each seven hundred (700) square feet of net floor area in conjunction with any non-residential development.
- D. At least one (1) deciduous tree must be planted for each dwelling unit in conjunction with any multi-family development. All trees which are required to be planted as per the regulations of this section shall be of minimum diameters and heights set forth in the illustrations to Appendix B and shall be planted in accordance with Appendix B and accepted conservation practices.
- E. In conjunction with the development of a lot for any use, the developer and/or landowner must show that the removal of any trees or natural vegetation is necessary for the imminent and orderly development of the lot. Imminent development is defined in § 208-213 Subsection B.
- F. Landscaping of parking areas.
  - (1) Parking area perimeter for surface parking and parking garages. Perimeter parking area landscape screening shall be provided in accordance with the bufferyard standards as defined and required in Section 208-213D. The perimeter parking landscape area shall be a minimum of ten (10) feet wide.
    - (a) Surface parking area.

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- [1] Interior landscaping shall be required for new parking areas or expansion of existing parking areas containing more than four thousand (4,000) square feet or ten (10) parking spaces. Where a pre-existing parking area is altered or expanded to increase the size to four thousand (4,000) or more square feet of area or ten (10) or more parking spaces, interior landscaping for the entire parking area shall be provided and not merely to the extent of its alteration or expansion.
  - [2] For a surface parking area, at least ten percent (10%) of the total aggregate parking spaces must be landscaped in accordance with § 208-213 Subsection D.
  - [3] Interior landscape islands shall be a minimum ten (10) feet wide with a total area of at least one hundred sixty (160) square feet. One (1) internal landscape island shall be provided for every ten (10) parking spaces.
  - [4] No more than ten (10) parking spaces shall be provided in an unbroken row without the provision of interior landscape islands.
  - [5] At least one (1) shade tree shall be provided in each interior landscape island. The remaining area of the required interior landscape islands and/or interior landscape area shall be landscaped with shrubs or perennials, either not to exceed two (2) feet in height, or turf grass.
  - [6] Required plantings for interior landscape islands shall be in accordance with the conceptual illustrations set forth in Appendix B. All trees and shrubs required to be planted by this Section shall be of the minimum diameters and heights set forth in the illustrations of Appendix B.
  - [7] There shall be a minimum distance of five (5) feet from the edge of paving to the base of all shade trees.
  - [8] All landscape islands shall be enclosed by appropriate curbing or a similar device at least six (6) inches wide and six (6) inches in height above the paving surface (wedge curbing is acceptable).
  - [9] Each tree of the type described in Subsection F (1) (a) [5] shall be presumed to shade a circular area having a radius of fifteen (15) feet with the trunk of the tree as the center, and there must be sufficient trees so that, using this standard, twenty percent (20%) of the vehicle accommodation area (excluding driveways and traffic aisles) shall be shaded.
- (b) Parking garages/structures.

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- [1] Landscaping for parking garage/structures for the applicable zoning district(s) shall be provided in accordance with Bufferyard 3 requirements as defined in this Article and Appendix B. All trees and shrubs required to be planted by this Section shall be of the minimum diameters and heights set forth in the illustrations of Appendix B.

- G. Landscaping for service structures. All service structures shall be fully screened. For the purposes of this Subsection, service structures shall include propane tanks, dumpsters, air conditioning units and condensers, electrical transformers and other equipment or elements providing service to a building or a site.
- (1) Location of screening. A continuous planting, hedge, fence, wall or earthen mounding shall enclose any service structure on all sides unless such structure must be frequently moved, in which case screening on all but one (1) side is required. The average height of the screening material shall be one (1) foot more than the height of the enclosed structure, but shall not be required to exceed eight (8) feet in height. When a service structure is located next to a building wall, perimeter landscaping material may fulfill the screening requirements for that side of the service structure if that wall or screening material is of an average height sufficient to meet the height requirement set out in this Section. Whenever service structures are screened by plant material, such material may count towards the fulfillment of required landscaping.
  - (2) Protection of screening material. Whenever screening material is placed around any trash disposal unit or waste collection unit that is emptied or removed mechanically on a regular basis, a fixed barrier to contain the placement of the container shall be provided within the screening material on those sides where there is such material. The barrier shall be at least eighteen (18) inches from the material and shall be of sufficient strength to prevent possible damage to the screening when the container is moved. The minimum front opening of the screening material shall be twelve (12) feet to allow service vehicles access to the container.
- H. All areas not utilized for structures, driveways, planting strips or parking facilities must be seeded, sodded or landscaped within a reasonable period of time. The phrase “a reasonable period of time” shall be given the same interpretation given that phrase as it is used in § 208-213(H) of this Chapter.
- I. All freestanding signs shall be landscaped, except those signs which have traffic traveling below them. A landscape plan must be submitted as part of the application for a sign permit. The Zoning Officer must approve the landscape plan prior to issuing a sign permit.
- J. On newly created single-family detached residential lots, a minimum of one (1) deciduous street tree must be planted in the front yard no closer than twelve (12) feet from the front property line. The species and size of said street tree(s) shall be selected from the list of permitted street trees found in Appendix B of this Chapter.



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- K. Landscape walls are non-structural, non-load bearing walls less than thirty (30) inches in height and used in the art of arranging or modifying the features of a landscape to secure beautiful or advantageous effects. Retaining walls greater than thirty (30) inches in height must meet the requirements of § 208-400(I).
- L. Deviation from the requirements of § 208-214 shall be permitted only as a conditional use in accordance with the requirements of § 208-854 of this Chapter.

**ARTICLE III**  
**Environmental Performance Standards**

**§ 208-300. Purpose.**

- A. The Environmental Performance Standards analysis provides a rational methodology for:
- (1) Protecting persons and property from hazards resulting from the inappropriate development of land in areas that contain sensitive natural resources.
  - (2) Inventorying the sensitive natural resources located within a particular lot.
  - (3) Establishing the intensity and location of development in relation to the natural capabilities of the land to support such development.
  - (4) Laying out all proposed buildings, structures, streets and utilities principally within the portions of a lot that contain no sensitive natural resources.
  - (5) Encouraging development on previously disturbed land. For the purposes of this Article, previously disturbed land shall mean land whose topography has been altered by the activities of man prior to [The Date of This Ordinance]. It shall include, without limitation, strip mined areas and high walls adjacent thereto, shallow mining which has created a likelihood of subsidence, waste disposal, previous grading for development, mineral removal, borrow and fill areas. It shall not include disturbances such as landslides, natural erosion or other acts of God. Land which has been subject to forestry or agriculture shall not be considered previously disturbed land.

**§ 208-301. Sensitive natural resources.**

- A. This Article provides standards to protect specific natural resources that are sensitive to development. These sensitive natural resources include the following:
- (1) Floodways;
  - (2) Wetlands/Hydric soils;
  - (3) Watercourse;
  - (4) Lakes/water bodies;
  - (5) Colluvial soils; and

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- (6) Red beds.
  - (7) Steep Slopes
- B. Any land that does not contain sensitive natural resources shall be considered as non-sensitive resource areas.
- C. Previously disturbed land shall be considered non-sensitive resource areas.

### § 208-302. Applicability

This Article shall be applicable to all subdivisions and land developments, except that the requirements of Section 208-303A and Section 208-303B shall not apply to residential subdivisions or land developments where the size of each lot equals or exceeds eighty thousand (80,000) square feet.

### § 208-303. Performance Standards

Protection of the Township's sensitive natural resources is governed by the following performance standards:

#### A. Slopes

- (1) For the purposes of this section, slopes used in the Development ratios table (Table 7) shall be at least fifty (50) square feet in area, measured on a horizontal plane. (For example, two (2) foot contours twenty-five (25) feet in length.)
- (2) The development ratios established for the Township's slopes are as follows:

**Table 7. Slopes.**

<b>Slope</b>	<b>Maximum Slope Disturbance</b>
<b>0-15%</b>	<b>100 %</b>
<b>&gt;15-25%</b>	<b>60%</b>
<b>&gt;25%</b>	<b>20%</b>

#### B. Unstable Soils

- (1). Unstable Soils include Red Beds and Colluvial Soils.
- (2). If applicant proposes to disturb unstable soils:

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- (a) The applicant shall also submit a stability report prepared by a professional geo-technical engineer licensed in the Commonwealth of Pennsylvania addressing the anticipated environmental and structural impacts of the proposed development, as well as the construction techniques and mitigation measures needed to protect the public health safety and welfare. The stability report shall conform to the requirements of § 188-304 of Chapter 188, Subdivision and Land Development.
- (b) The Township Engineer or Township Geo-technical Consultant shall review the stability report and supporting data and make a recommendation to the Township as to whether the proposed development conforms to the requirements of applicable Township ordinances and sound engineering practice.
- (c) To ensure foundation stability, the Township Engineer may require core borings at designated building footprint sites.

### C. Wetlands.

- (1) Wetlands shall not be disturbed except that:
  - (a) Wetlands that are less one-hundred (100) square foot in area that provide minimal environmental benefit may be disturbed if mitigated. The Township encourages onsite relocation and enhancement.
  - (b) Wetlands may be disturbed to the minimum extent necessary to provide access to the site.
  - (c) In the AP Zoning District, wetlands may be disturbed where necessary for the safe or orderly development of the Airport in compliance with federal and state regulations, directives, and guidance documents pertaining to airport development and operations (including those issued by the Federal Aviation Administration), provided that the disturbance of such wetlands complies with all state and federal regulations applicable thereto.
- (2) The Township encourages developers to design the site in a fashion which integrates existing wetlands into the site's landscaping.
- (3) The developer or land owner shall also comply with all applicable Federal and Commonwealth of Pennsylvania wetlands laws and regulations.

### D. Floodways

- (1) In any subdivision or land development exceeding ten (10) acres, floodways shall not be disturbed except that:
  - (a) Flood retention dams, culverts and bridges approved by the Pennsylvania Department of Environmental Protection may be constructed in the floodway.

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- (b). Trails, ballfields and other forms of passive recreation not involving construction of any building may be constructed in the floodway.
  - (c). Floodways may be disturbed to the minimum extent necessary to provide access to the site.
- (2) In any subdivision or land development ten (10) acres or less, the subdivision or land development shall comply with Chapter 108 of the Moon Township Code of Ordinances.
  - (3) Surface parking areas or similar paved open areas shall not be constructed within a the floodway.

### E. Watercourses, Lakes, Water Bodies

- (1). Watercourses, Lakes and Water Bodies shall not be disturbed except that:
  - (a). Watercourses, Lakes and Water Bodies may be disturbed to the minimum extent necessary to provide access to the site.
  - (b). In the AP Zoning District, watercourses, lakes and water bodies may be disturbed where necessary for the safe or orderly development of the Airport in compliance with federal and state regulations, directives, and guidance documents pertaining to airport development and operations (including those issued by the Federal Aviation Administration), provided that the disturbance of any such watercourse, lake or water body complies with all state and federal regulations applicable thereto.
  - (c) Water bodies that are less one-hundred (100) square foot in area that provide minimal environmental benefit may be disturbed if mitigated. The Township encourages onsite relocation and enhancement.
- (2). No more than one (1) watercourse crossing shall be permitted per land development, except in accordance with the following:
  - a. Watercourse crossings shall be minimized to the greatest extent practical through the use of common streets and driveways. Only one watercourse crossing will generally be permitted. Greater than one watercourse crossing shall only be permitted if access through a common street or driveway is not possible due to extraordinary topographic conditions of the site.
  - b. The width of the disturbed area for the crossing shall not exceed 100 feet.
  - c. The crossing must be essential to access the site. No other access route to the site is feasible.

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- d. The disturbed area shall be restored according to the guidelines in 208-612-C.
- e. The applicant shall take additional precautions and use best management practices to reasonably ensure that sediment and other nonpoint pollutants will not enter the watercourse.
- f. The applicant shall obtain any required permits from appropriate Federal, Commonwealth, county, and/or local agencies having jurisdiction over such matters prior to work beginning on the site.
- g. If the crossing includes a culvert or a bridge, that culvert/bridge shall be sufficiently oversized to provide an acceptable margin of safety to allow for potentially increased storm flows over time.

### **§ 208-304. Environmental Preservation and Other Incentives.**

- A. Purpose: The purpose of providing incentives is to promote the efficient use of land, infrastructure and economic resources; to provide development flexibility; to enhance development longevity, to enhance overall development quality; to improve the environment and to enhance the overall quality of life for the residents of the Township of Moon.
- B. Slope Disturbance Credit: The incentive offered by this subsection B is a slope disturbance credit that can be used to permit additional slope disturbances on land areas between 15% and 25% in gradient. The disturbance credit shall be used within the same development where the development enhancement(s) are being provided.
  - (1) Methods: A developer and/or landowner may incorporate one or more of the following methods to obtain slope disturbance credits:
    - (a) Stormwater run-off reduction measures. Applicant may propose one or more of the following items:
      - i. Groundwater Recharge. Provide area(s) for groundwater recharge through on-site stormwater infiltration for an amount of impervious area equal to one (1) times the additional disturbed area. The minimum required recharge volume shall be equal to one and one-half (1.5) inches of runoff for the area defined.
      - ii) Additional Landscaping. Install additional landscaping equal to one (1) times the additional disturbed area. This additional landscaping may be used to stabilize cut and fill slopes; to increase the habitat value of any on-site stormwater management facility; to re-establish watercourse buffers or for other on-site uses. The additional

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landscaping shall be installed in conformance with the planting requirements of Bufferyard 1. Watercourse buffers shall conform to the planting requirements for watercourse buffer §208-612 D.)

- iii) Porous Pavement. Utilize porous pavement to reduce stormwater runoff. The porous pavement utilized shall be incorporated into the stormwater management plan for the site and used to help minimize the stormwater volume required to be detained on the site. The size of the additional disturbance permitted shall be equal to the amount of porous pavement. An illustration of typical porous pavement construction is included within Appendix A of this chapter. Porous pavement installed shall conform with acceptable industry and government standards.
- iv) Green Roof. A developer and/or landowner that utilizes green roof construction in a building design shall receive a additional disturbance credit equal to a maximum of one hundred percent (100%) of the total surface area of the green roof. Green roof construction shall conform with accepted industry and government standards.

### (b) Environmental cleanup and improvement

- i) If the development site contains environmental contamination or other hazards due to previous land uses as identified in a phase one environmental assessment, the applicant may propose to clean up the contamination/hazard. For example, the applicant may propose to remove landfilled hazardous materials, propose to remove mining highwalls, or propose the remediation and treatment of abandoned mine drainage.
- ii) Applicant shall describe the value of the remediation offered, the applicants role either directly or indirectly in causing the contamination/hazard, and the additional slope disturbance credit that the applicant is seeking. The Township Engineer and the Township Environmental Advisory Council shall review the request and make a recommendation to the Planning Commission and the Board of Supervisors on the relative value of the improvement.
- iii) The Board of Supervisors shall consider the reviews and other evidence provided and decide if a slope disturbance credit is warranted to help clean up the site. If the Board of Supervisors finds that a credit is warranted, it shall also set the amount of the slope disturbance credit to be granted to the applicant.
- iv) This incentive shall only be available to parties not directly or indirectly responsible for causing the contamination and/or hazard.

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- (c) Voluntary public road right-of-way dedication
  - (i) A developer and/or landowner who voluntarily dedicates additional right-of-way to the Township for which the need has been identified on the Township's Official Map shall receive a maximum additional slope disturbance credit equal to the total right-of-way area dedicated to the Township, provided that no additional compensation is granted to the developer and/or landowner for the dedication of the right-of-way.
- (d) Use of preferred materials for external building facings
  - (i) A developer and/or landowner who voluntarily agrees to face the exterior walls of buildings proposed within a development with brick, stone and / or glass shall receive a slope disturbance credit equal to the wall area covered with brick and/or stone. Each principal building proposed within the development shall have a minimum 2/3rds of its total exterior wall area covered with these materials to qualify for this credit.

### C. Parking Incentives.

- (1). Common off-street parking areas. To encourage efficient, well planned and landscaped off street parking areas, two (2) or more adjoining buildings may create a common parking area. Such common parking areas shall be eligible for up to a ten (10%) percent reduction in the overall number of required parking spaces, provided that a shared parking analysis is provided to show that the reduction is justified and that the proposed common parking area employs improved design elements in terms of one or more of the following:
  - (a). Access control
  - (b). Traffic circulation
  - (c) Pedestrian circulation
  - (d) Landscaping
- (2) Structured parking incentive in the BP and M1 zoning districts. Where structured parking is proposed in the BP or M1 zoning districts and the structured parking footprint covers less than ten (10%) percent of the site, the structured parking footprint shall not be included in the maximum building coverage calculation.

### D. Planned Residential Development (PRD) Incentives. Maximum project gross density may be increased by up to twenty-five (25%) percent in the R1 Zoning District and up to fifteen



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(15%) in other residential zoning districts by incorporating one or more of the following provisions:

- (1). A density bonus of two and one half (2.5%) percent of the gross site density for developments that include a common community building / club house featuring one or more common facilities, including, but not limited to:
  - (a). A lounge area
  - (b). A multi-purpose room
  - (c). A hot tub/ sauna
  - (d). A game room
- (2). A density bonus of two and one half (2.5%) percent of the gross site density for developments that include common, active recreational facilities including, but not limited to:
  - (a). A tot-lot
  - (b). A swimming pool
  - (c). Game court(s) or recreational field(s) of sufficient size to play sports such as baseball, soccer and football.
- (3). A density bonus of two and one half (2.5%) percent of the gross site density for developments that include an internal multi-purpose trail system throughout the project and a connection of that trail system to a public sidewalk system or other trail system located or planned adjacent to the site. Multi-purpose trails designed in lieu of construction of sidewalks shall not be eligible for this incentive, unless the trail constructed is available for use by the general public and is at least eight (8) feet in width.
- (4). A density bonus of five (5%) percent of the gross site density for developments in which all principal buildings on the site are constructed with a minimum of seventy-five (75%) of the exterior building facings being brick or stone.
- (5). A density bonus for developments that correct off-site roadway deficiencies near the site or provide a donation in lieu for the Township to upgrade existing off-site roads, traffic signals, and intersections within the Township. The rate of density bonus for developments incorporating this provision is based on the value of the improvements as set by the Township Engineer's review. Developments incorporating this provision shall receive a bonus according to the following:

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- (a). A bonus of two and one half (2.5%) percent of the gross density of the site, if the improvement is valued at less than seven hundred and fifty (\$750.00) dollars per unit.
  - (b). A bonus of five (5%) percent of the gross density of the site, if the improvement is valued between seven hundred and fifty (\$750.00) dollars per unit and one thousand (\$1,000.00) dollars per unit.
  - (c). A bonus of seven and one half (7.5%) percent of the gross density of the site, if the improvement is valued at greater than one thousand (\$1,000.00) dollars per unit.
- (6) A density bonus of two and one half (2.5%) percent of the gross site density for developments in which at least twenty-five (25%) of the units include basic accessibility features including, at a minimum the following:
- (a). A bedroom and a bathroom on the entry level
  - (b). Lever and loop type handles/hardware
  - (c). Minimum internal doorway widths of thirty-six (36") inches
  - (d). A front entry free of steps or stairs
- (7) A density bonus of two and one half (2.5%) percent of the gross site density for developments in which the minimum bufferyard used to separate the site from all surrounding land uses is at least twice that of the required bufferyard.

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### ARTICLE IV Additional Requirements

#### **§ 208-400. Accessory and temporary uses and structures.**

- A. All accessory structures shall comply with the requirements of § 208-211(E) and § 208-213 of this Chapter, except freestanding structures accessory to a single-family dwelling.
- B. General. Accessory buildings shall occupy the same lot as the main use or building.
- C. Separation from principal building. All accessory buildings and structures shall be separated from the principal building by ten (10) feet.
- D. Private garages. An accessory building used as a private garage shall be permitted to be located in the rear yard or side yard provided that setbacks are maintained and the structures do not encroach into any recorded easements. The building shall be permitted to be located in the front yard of a sloping lot if the lot line has more than a ten (10) foot difference in elevation from midpoint of the front lot line to a point fifty (50) feet away midway between the side lot lines.
- E. Front yard restrictions. All accessory buildings and structures used for storage, private garages, swimming pools, satellite dishes or other similar use shall be permitted to be located in any portion of the rear yard or side yard. No accessory structures shall be located in the front yard, except private garages as provided for in § 208-400.D.
- F. Satellite dish. An accessory structure used as a satellite dish shall be in accordance with provisions of Article IV.
- G. Buildings or structures moved into or within the jurisdictions of the Township of Moon shall comply with the provisions of this code for new buildings and structures.
- H. Temporary buildings, structures and uses such as reviewing stands and other miscellaneous structures, sheds, canopies or fences used for the protection of the public shall be permitted to be erected, provided a special permit is received from the Zoning Officer for a limited period of time. Temporary buildings or structures shall be completely removed upon the expiration of the time limit stated in the permit.
- I. Retaining walls: Retaining walls and similar structures shall be considered accessory structures. A building permit is required prior to construction. The retaining wall shall be designed by a registered professional engineer who shall certify that the wall is of sound construction, will not cause a dangerous condition and will not constitute a public or private nuisance. In appropriate cases, such structures may be required to be covered with suitable ground cover such as ivy or other plant material or an architectural surface treatment finish, or completely screened from abutting properties. Retaining walls shall not be erected on the

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right-of-way. When cribbing is used as a type of construction for a retaining wall, the material used must have its exposed surface earth covered and seeded to prevent erosion. No retaining walls shall be constructed of wood cribbing.

- (1) Guards. Where retaining walls with differences in grade level on either side of the wall are in excess of thirty (30) inches and the high side is located near a walk, path, parking lot or driveway or any other location that may be hazardous to pedestrians, such retaining walls shall be provided with guards that are constructed in accordance with Township's Building Code Section 1003.12 or other protective measures.

### **§ 208-401. Off-street parking and loading.**

#### A. Overall parking requirements.

- (1) Off-street parking spaces shall be provided in accordance with the specifications in this section in any zoning district whenever any new use is established or for the new portion whenever any existing use is enlarged. An existing use which conforms to the bufferyard and landscaping requirements of this Chapter or which is willing to do so, may adopt the parking space measurements shown in Subsection (1).
  - (a) A standard off-street parking space shall have minimum rectangular dimensions of not less than nine (9) feet in width and nineteen (19) feet in length, exclusive of driveways, aisles and other circulation areas. Traffic aisles that serve as collector aisles, that is, aisles that serve as throughways to any public or private street or adjoining property shall be a minimum of thirty (30) feet in width if parking spaces are proposed on both sides of the aisle.
  - (b) A compact off-street parking space shall have minimum rectangular dimensions of not less than eight (8) feet in width and nineteen (19) feet in length, exclusive of driveways, aisles and other circulation areas. A maximum of ten percent (10%) of the total parking spaces required may be designated for compact cars in the B-P and ED zoning districts.
- (2) Driveways and traffic aisles between two (2) rows of off-street parking spaces shall be of a width not less than twenty-four (24) feet, except for one-way aisles for angle parking which shall be no less than eighteen (18) feet in width.
- (3) Any lighting devices used to illuminate any off-street parking lot or parking structure shall be so arranged as to reflect the light away from all adjoining properties. Lighting shall be required in parking areas with fifteen (15) or more parking spaces. Lights shall be required at the access drive or point of entry to a parking area where it intersects with any public or private street if, in the opinion of the Township, there is insufficient light on the aforementioned public or private street.

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- (4) All off-street parking spaces shall be provided on the lot of the principal structure which they are intended to serve.
- (5) When the setback requirement in this section is in conflict with the provisions of this Chapter or any other Chapter regulating land development, the greater distance shall apply.
- (6) When two (2) or more uses are located within the same building or structure or when two (2) or more uses are located in more than one (1) building on one (1) property, off-street parking spaces equal in number to the sum of the separate requirements for each use shall be provided. The land development plan shall contain a tabular summary of each use and the parking spaces assigned to it.
- (7) Off-street parking areas which are used for the storage of vehicles and are not accessible to the general public shall be graded for proper drainage and finished with an all-weather surface such as gravel or slag which has been properly graded, choked and compacted.
- (8) Off-street parking areas for more than five (5) vehicles and access drives leading to the parking area which are accessible to the general public shall be graded for proper drainage and paved with concrete, bituminous asphalt or other similar material. The developer/property owner shall provide assurance that in the event that development occurs at a time of year which makes it impractical to pave, paving will occur as soon as weather permits.
- (9) When the determination of parking spaces required for a use results in a fraction of a space, any fraction shall be counted as one (1) space.
- (10) Off-street parking shall be provided in accordance with the ratios specified in Table 9: Minimum parking and loading requirements for the various categories of uses.
- (11) Overflow parking. Parking spaces required less than 10 days a year, but may be needed for occasional events or occasional equipment servicing may be provided through the use of Grasscrete or other similar open-paving material.
- (12) For Multifamily developments the visitor parking spaces required in Table 9, shall be provided in common areas throughout the site.

### B. Handicapped-accessible parking space requirements.

- (1) The providing of handicapped-accessible parking spaces shall be in accordance with the following ratios:

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**Table 8. Handicapped-accessible parking space requirements.**

<b>Total Number of Spaces in Parking Lot</b>	<b>Required Minimum Number of Accessible Spaces</b>
1 to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	7
301 to 400	8
401 to 500	9
501 to 1,000	2 % of total
1,001 and over	20 + 1 for each 100 over 1,000

- (2) Accessible spaces shall be twelve (12) feet in width and nineteen (19) feet in length and shall be located the shortest practical distance to an accessible entrance to the building.
- (3) Except as provided in Subsection B(4), access aisles adjacent to accessible spaces shall be sixty (60) inches minimum.
- (4) One (1) in every eight (8) accessible spaces, but not less than one (1), shall be served by an access aisle ninety-six (96) inches wide minimum and shall be designated as “van accessible.”
- (5) All signage designating accessible spaces shall be in accordance with the Americans with Disabilities Act (ADA) requirements and the Pennsylvania Vehicle Code.

C. Surface parking area specifications.

- (1) Off-street parking spaces provided in surface parking area shall not be located any closer than ten (10) feet to the right-of-way line of a public or private roadway. The area between the right-of-way and off-street parking spaces shall be seeded and planted with shrubbery, hedges, trees or other landscaped barrier which will prevent the shining of lights from the parking area onto the roadway.

D. Parking garage/structure specifications.

- (1) Parking garages/structures shall be considered a building that is an accessory to the principal use of a lot and shall be included in all building coverage calculations.
- (2) Parking garages/structures shall be illuminated in conformance to the requirements of this Chapter and Chapter 188, Subdivision of Land.

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- (3) Parking garages/structures shall not be located any closer to a right-of-way line or a property line than that which is permitted by the building setbacks defined in Table 5: Dimensions.
- (4) The perimeter of all parking garages/structures shall be landscaped in conformance to the Bufferyard 3 requirements as defined in § 208-213. Illustrations of the bufferyards can be found in Appendix B of this Chapter.

### **§ 208-402. Loading requirements.**

Off-street loading shall be provided in accordance with the specifications in this section in any non-residential zoning district wherever any new use is established or, as to the new portion, wherever any existing use is enlarged. The phrase “off-street loading“ shall include both loading and unloading.

- A. Off-street loading spaces in conjunction with warehousing or other industrial uses shall have minimum rectangular dimensions of twelve (12) feet in width and fifty-five (55) feet in length. Off-street loading spaces in conjunction with offices, retail or service uses shall have minimum rectangular dimensions of twelve (12) feet in width and thirty (30) feet in length. All land development plans which propose off-street loading facilities shall provide verification that adequate turning radiuses are provided within the parking/driveway areas where trucks and/or delivery vehicles will be traversing.
- B. Loading spaces shall be provided in accordance with 10: Minimum parking and loading requirements. “Service“ shall include hotels, motels, restaurants, eating and drinking establishments.
- C. Off-street loading spaces shall be located in areas that will not impede traffic on public streets. At no time may loading vehicles obstruct traffic on a public thoroughfare.

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**Table 9. Minimum parking and loading requirements.**

Use	Minimum Parking Requirements	Minimum Loading Requirements	
		Building Floor Area	# of spaces
Agriculture	1.5 for each dwelling units, plus 1 per employee		
Airport and military facility, mixed use development, university/college	As determined by the Township following a parking needs analysis		
Animal grooming facility	1 employee space, plus 2 for patrons		
Assembly or fabrication facility, woodshop/millwork	1 for every 750 square feet of gross floor area	0-5,000 square feet 5,001 to 20,000 square feet Each additional 20,000 square feet or fraction thereof	1 2 1 additional
Automobile sales and rental	1 for every 400 square feet of showroom space plus 1 for every 500 square feet of outdoor display area	Per Building	1
Bars and Nightclubs	1 for each 4 square feet of net floor area devoted to seating at stools or standing area, plus 1 for each 50 square feet of net floor area devoted to seating at tables with chairs		
Bed and Breakfast	1 space for each guest room		
Boarding house	1 for each 2 full time staff, plus 1 for every 2 beds		
Business and personal service, financial institution, office (administrative/corporate office and professional office other than medical or dental)	1 for every 300 square feet or net floor area	0-20,000 square feet 20,001 to 60,000 square feet Each additional 60,000 square feet net floor area or fraction thereof	0 1 1 additional
Car wash	1 for every 200 square feet of office plus 10 spaces for vehicular stacking		
Cemetery / Mausoleum	2, plus 1 for each 2 employees		
Commercial School	1 for each staff, plus 1 for every 2 students		



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**Table 10. (con't.)**

Use	Minimum Parking Requirements	Minimum Loading Requirements	
		Building Floor Area	# of spaces
Day-care home/center	1 for each 300 square feet of gross floor area with a minimum of 4 spaces		
Dormitory	1 for every 2 beds		
Drive-in theater	1 for each 2 staff		
Driving range	1 for every 2 tee stands		
Farmers' market	1 for every 300 square feet of gross floor area		
Flex space	1 for every 300 square feet of gross floor area	0 to 5,000 square feet 5,001 to 20,000 square feet Each additional 20,000 square feet or fraction thereof	1 2 1 additional
Funeral home	25 for the first parlor, plus 10 for each additional parlor		
Gas station, automotive repair and service	1 for each employee and employer, plus three for each repair bay		
Golf course, country club and private club	1 for each 4 members, plus the number of spaces required for a low turnover restaurant if a restaurant is included		
Group care facility	1 for each 2 full time staff, plus 1 for every 5 residents		
Group residence	1 for every 4 residents, plus 1 for each employee on peak shift		
High turnover restaurant (with or without drive thru)	1 for every 50 square feet of net floor area		
Home occupation	Determined in accordance with § 208-419 and § 208-824 of this chapter		
Hospital	1 for each bed, plus 1 for each employee and staff on peak shift	0-20,000 square feet 20,001 to 60,000 square feet Each additional 60,000 square feet net floor area or fraction thereof	0 1 1 additional

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**Table 10. (con't.)**

Use	Minimum Parking Requirements	Minimum Loading Requirements	
		Building Floor Area	# of spaces
Hotels/motels	1 for every sleeping room, plus additional spaces as required by this chapter for restaurants, bars, conference rooms or any other accessory use which is open to the general public		
Indoor amusement, stadium, amphitheater, place of assembly	5 spaces for each alley for bowling alleys; 1 space for each 50 square feet of water surface area for swimming pools; 1 space for each 3 seats for theaters, stadiums, coliseums, arenas or similar places of assembly	0-20,000 square feet 20,001 to 60,000 square feet Each additional 60,000 square feet net floor area or fraction thereof	0 1 1 additional
International trade center, expository hall	1 for each 300 square feet of gross floor area with a minimum of 4 spaces	0 to 50,000 square feet 5,001 to 20,000 square feet Each additional 20,000 square feet or fraction thereof	1 2 1 additional
Junkyard	1 for each employee on peak shift, plus 2 for patrons		
Kennel	1 for each employee, plus 1 for each 1,000 square feet		
Laboratory, pilot manufacturing, research and development	1 for every 500 square feet of gross floor area	0 to 5,000 square feet 5,001 to 20,000 square feet Each additional 20,000 square feet or fraction thereof	1 2 1 additional
Landscape center, nurseries (wholesale)	1 for every 2 acres of production sales area		
Landscaping center, nurseries (retail)	1 for every 200 square feet of sales area, plus 1 for every 2 peak hour staff		
Library and senior center	1 for every 200 square feet of public space, plus 1 for each employee		
Life care facility, nursery home and personal health care facility	1 for each staff, plus 1 for each 3 beds or residents	0 to 20,000 square feet 20,001 to 60,000 square feet Each additional 60,000 square feet net floor area or fraction thereof	0 1 1 additional
Low turnover restaurant	1 for every 75 square feet of net floor area		

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**Table 10. (con't.)**

Use	Minimum Parking Requirements	Minimum Loading Requirements	
		Building Floor Area	# of spaces
Massage therapy establishment	1 for each table, plus 1 for each staff person on shift of maximum employment		
Medical and dental office	1 for every 200 square feet of net floor area		
Medical clinic	1 for every 3 seats in waiting room and 1 space for every employee		
Methadone treatment facility	4 for each doctor or practitioner, plus 1 space for each employee		
Mining	1 for each employee of peak shift		
Mobile home park	1.5 for each dwelling unit		
Multi-family dwelling (townhouse, garden apartment, quad-plex, high-rise apartment)	1.5 for each dwelling unit, 0.5 spaces per unit for visitor parking		
Neighborhood convenience store	1 for each 200 square feet of gross floor area		
Personal improvement establishment (health club, spa)	1 for each 400 square feet of gross floor area		
Place of worship, conference and training center	1 for every 4 seats in the largest meeting room		
Post office	1 space per employee on shift of maximum employment and one space per 800 square feet of gross floor area		
Public park, recreation facility	as determined by the Township following a parking needs analysis		
Retail store and pharmacy	1 for every 200 square feet of net floor area		1 per retail store
School (public and parochial)	1 space per employee, plus 1 space per 10 students of design capacity		
Self-service storage facility	In accordance with the requirements of § 208-846		
Sexually-oriented business	1 for every 500 square feet of gross floor area		
Shopping center	1 for every 200 square feet of gross floor area		1 per retail store

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**Table 10. (con't.)**

Use	Minimum Parking Requirements	Minimum Loading Requirements	
		Building Floor Area	# of spaces
Single and two-family dwelling	2 for each dwelling unit		
Social service agency	1.5 for each employee at peak shift		
Supply yard	1 for every 200 square feet of gross floor area	0 to 5,000 square feet 5,001 to 20,000 square feet Each additional 20,000 square feet or fraction thereof	1 2 1 additional
Theater/Auditorium	1 for every 4 seats in each screening room		
Township building	1 for every 300 square feet of net floor area		
Utility services	2 per utility service		
Veterinary services	1 per employee and 2 per exam table		
Warehouses, light manufacturing, wholesaling, freight terminal, public works, distribution center, cargo facility	1 for every 750 square feet of net floor area	0 to 5,000 square feet 5,001 to 20,000 square feet Each additional 20,000 square feet or fraction thereof	1 2 1 additional
Water recreation	1 space for every 7 persons lawfully permitted in the pool at one time and one space per employee subject to a lesser number determined by the director that is in accordance with that number of members who are within a reasonable walking distance of the pool		
Water storage/tower, communication tower	1 for each tower		
Accessory use, billboard, emergency services, employee cafeteria/dining room, essential services, forestry, open space, outdoor storage, supporting retail	0 or as defined by Article VIII of this chapter		
Other uses	1 for each 300 square feet of gross floor area or 1 for each 3 occupants at maximum allowable occupancy, whichever is greater		

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### § 208-403. Prohibited signs; exemptions.

- A. No sign shall be permitted in any district except as herein provided.
- B. The following signs shall be exempt from the provisions of this Chapter:
  - (1) Official notices authorized by a court, public body or public safety official.
  - (2) Directional, warning or information signs authorized by federal, state or municipal governments.
  - (3) Memorial plaques, building identification signs and building cornerstones when cut or carved into a masonry surface or when made of noncombustible material and made an integral part of the building or structure.
  - (4) The flag of a government or non-commercial institution, such as a school.
  - (5) Religious symbols and seasonal decorations within the appropriate public holiday season.
  - (6) Works of fine art displayed in conjunction with a commercial enterprise where the enterprise does not receive direct commercial or economic benefit.
  - (7) Street address signs and combination nameplate and street address signs that contain no advertising copy and which do not exceed six (6) square feet in area.
  - (8) A sign authorized by the Township to be located on public facilities and parks and fields and related to private, non-profit organizations.

### § 208-404. Restricted signs.

- A. These restricted signs shall not be permitted in any zoning district because the Board of Supervisors has provided for multiple advertising alternatives which are as cost-effective as the restricted signage and which do not have the drawbacks (interference with traffic and pedestrian safety; tendency to depress property values; negative impact upon long-fostered commercial and residential environments; and the creation of litter) associated with the restricted signs.
- B. The following devices and locations shall be specifically prohibited:
  - (1) Signs located in such a manner as to obstruct or otherwise interfere with an official traffic sign, signal or device, or obstruct or interfere with a motorist's view of approaching, merging or intersecting traffic.

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- (2) Except as provided for elsewhere in this Chapter, signs encroaching upon or overhanging a public right-of-way. No sign shall be attached to any utility pole, light standard, street tree or any other public facility located within the public right-of-way.
- (3) Signs which blink, flash or are animated by lighting in any fashion that would cause such signs to have the appearance of traffic safety signs and lights, or municipal vehicle warnings from a distance.
- (4) Any sign attached to, or placed on, a vehicle or trailer parked on public or private property, except for signs meeting the following conditions:
  - (a) The primary purpose of such a vehicle or trailer is not the display of signs.
  - (b) The signs are magnetic, decals or painted upon an integral part of the vehicle or equipment as originally designed by the manufacturer, and do not break the silhouette of the vehicle.
  - (c) The vehicle or trailer is in operating condition, currently registered and licensed to operate on public streets when applicable, and actively used or available for use in the daily function of the business to which such signs relate.
- (5) Vehicles and trailers are not used primarily as static displays, advertising a product or service, nor utilized as storage, shelter or distribution points for commercial products or services for the general public.
- (6) Balloons, streamers or pinwheels except those temporarily displayed as part of a special sale, promotion, celebration or community event.
- (7) Banners and pennants, other than temporary special event displays as authorized by § 208-405 of this Chapter or those used for decoration and not for advertising at a residence.
- (8) Portable or wheeled signs.

### **§208-405. Temporary signs.**

- A. Special promotions, event and grand opening signs. Signs temporarily displayed to advertise special promotions, events and grand openings shall be permitted for non-residential uses.
- B. Temporary special event display signs shall be permitted to be erected on the face of a public building, place of worship, place of assembly or building housing a private non-profit organization.
- C. Limitations on temporary signs.

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- (1) Such signs shall be limited to one (1) sign per street front.
- (2) Such signs may be displayed for not more than thirty (30) consecutive days in any three (3) month period, and not more than sixty (60) days in any calendar year. The signs shall be erected no more than five (5) days prior to the event or grand opening, and shall be removed not more than one (1) day after the event or grand opening.
- (3) The total area of all such signs shall not exceed thirty-two (32) square feet.
- (4) Signs shall be non-illuminated.

### **§ 208-406. Sign permit required.**

- A. No sign except a temporary real estate sign, a contractor's sign or political sign as authorized by § 208-414 shall thereafter be erected or altered in any way unless a sign permit has been issued by the Zoning Officer. Applications for sign permits shall include detailed drawings of the construction and the design of the sign(s) and a plan indicating the location of the sign(s) on the property and shall be accompanied by such fee as may be required by resolution of the Board of Supervisors.

### **§ 208-407. Multiple street frontages.**

- A. In non-residential districts, lots having a total lot area greater than two (2) acres which front on more than one (1) street shall be permitted to have one (1) authorized freestanding sign on each street frontage. Any lot in a non-residential district shall be permitted to have one (1) authorized wall identification sign on each side of the building which faces the street.

### **§ 208-408. Sign area.**

- A. The area of a sign shall include that area enclosed by one (1) continuous line, connecting the extreme points or edges of a sign. The area includes all lettering, wording and accompanying designs or symbols, together with the background (whether open or enclosed) on which they are displayed. On a two (2) sided sign, only one (1) face is counted in computing the sign's area. The area of the sign does not include minimal supporting framework or bracing, but all other ornamental attachments or decorative structures shall be included in determining the area of a sign.

### **§ 208-409. Illumination and animation.**

- A. No sign shall move, flash, oscillate or emit noise, except for that portion of a permitted sign which indicates time and/or temperature. Signs shall be illuminated only when authorized by

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this Chapter. All illumination, when authorized, shall be directed upon the sign face and not towards adjoining properties or roadways. The intensity of any source of illumination of any sign, whether indirect or internal, shall be controlled so as not to create glare and to be compatible with the intensity of ambient light and illumination on surrounding properties. Electronic changeable copy signs shall not change the message that they display at an interval less than one (1) minute.

### **§ 208-410. Nuisance prohibited.**

- A. No sign shall be constructed, located or illuminated in any manner which causes the sign or its illumination to be a nuisance, to reflect undue glare or to create distraction, confusion, visual difficulties or any other hazardous condition for drivers of vehicles, pedestrians or operators of aircraft.

### **§ 208-411. Visibility restrictions.**

- A. No sign or sign structure shall be erected at the intersection of any street in such a manner as to obstruct free and clear vision, nor at any location where by its position, shape or color it may interfere with or obstruct the view of or be confused with any authorized traffic sign, signal or device.
- B. Signs in rights-of-way. No sign other than an official traffic sign or similar sign shall be erected within ten (10) feet of the lines of any street, or within any public way, unless specifically authorized by other ordinances or regulations of the this jurisdiction or by specific authorization of the Zoning Officer.

### **§ 208-412. Unsafe conditions; notice to repair.**

- A. All signs must be constructed of durable material and maintained in good condition. Any sign found to be in an unsafe condition upon inspection shall be declared to be a public nuisance, and the Zoning Officer shall give notice to the owner, in writing, to repair or remove the sign within ten (10) working days. Upon failure of the owner to comply, the Township shall remove the sign at the owner's expense.

### **§ 208-413. Holiday decorations.**

- A. Holiday decorations displayed for recognized federal or state holidays shall be exempted from the provisions of this Article IV, except as they may produce glare, interference with traffic safety or in any other way become a public nuisance or public safety hazard. Holiday decorations shall not include banners or special event displays which are regulated by this Chapter.



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- B. The Board of Supervisors believes that the public's familiarity with such decorations causes them not to produce the potential confusion or unsafe distraction which might otherwise be the case and such decorations enhance rather than detract from property values and an appropriate commercial and residential environment.

### § 208-414. Permitted signs.

- A. Conformance to codes. Any sign hereafter erected shall conform to the provisions of this ordinance and the provisions of the Moon Township Building Code and of any other ordinance or regulations within this jurisdiction.
- B. Obsolete sign copy. Any sign copy that no longer advertises or identifies a use conducted on the property on which said sign is erected must have the sign copy covered or removed within thirty (30) days after written notification from the Zoning Officer; and upon failure to comply with such notice, the Zoning Officer is hereby authorized to cause removal of such sign copy, and any expense incident thereto shall be paid by the owner of the building, structure or ground on which the sign is located.
- C. Signs authorized in all zoning districts. The following signs are authorized in all zoning districts. The limitations and regulations detailed below exist for the purpose of permitting reasonable advertising space while maintaining property values, maintaining appropriate commercial and residential atmospheres and avoiding advertising wars based on sign size or some other sign attribute other than the sign message.
  - (1) Bulletin board. One (1) bulletin board which is indirectly illuminated and which does not exceed forty (40) square feet in surface area shall be permitted in connection with any place of assembly, place of worship, school or similar public structure.
  - (2) Real estate signs. Real estate signs shall be permitted in all zoning districts, subject to the following limitations:
    - (a) Real estate signs located on a single residential lot shall be limited to one (1) sign, not greater than six (6) feet in height and six (6) square feet in area.
    - (b) Real estate signs advertising the sale of lots located within a subdivision shall be limited to one (1) sign per entrance to the subdivision, and each sign shall be no greater than thirty-two (32) square feet in area nor six (6) feet in height. All signs permitted under this section shall be removed promptly when the sale, lease or development of the property is complete.
    - (c) Real estate signs advertising the sale or lease of space within commercial or industrial buildings shall be no greater than thirty-two (32) square feet in area nor six (6) feet in height, and shall be limited to one (1) sign per street front.

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- (d) Real estate signs advertising the sale or lease of vacant commercial or industrial land shall be limited to one (1) sign per street front, and each sign shall be no greater than six (6) feet in height, and thirty-two (32) square feet for property of ten (10) acres or less, or one hundred (100) square feet for property exceeding ten (10) acres.
  - (e) Real estate signs shall be removed promptly after execution of a lease agreement in the event of a lease, or the closing of the sale in the event of a purchase.
  - (f) Real estate signs advertising an open house shall be limited to one (1) sign at the entrance to the subdivision for directional purposes. Each sign shall be no greater than two (2) square feet in area nor three (3) feet in height. The sign shall be removed promptly daily not to be left overnight.
- (3) Contractor's or artisan's signs. One (1) non-illuminated temporary construction sign announcing the names of contractors, mechanics or artisans engaged in performing work on the premises shall be permitted on a lot, provided that the sign shall not exceed twelve (12) square feet in area; shall not impede motorists' visibility; and shall be removed immediately upon completion of the work.
- (4) Political signs. Political signs shall be permitted in all zoning districts, subject to the following limitations.
- (a) Such signs shall not exceed a height of four (4) feet nor an area of sixteen (16) square feet.
  - (b) Such signs shall not be placed in any public right-of-way or obstruct traffic visibility.
- D. Signs authorized in residential zoning districts. The following signs shall be permitted in all residential zoning districts:
- (1) One (1) non-illuminated or indirectly illuminated permanent wall or freestanding ground identification sign containing only the street address and/or name of a residential development or multi-family building or development which shall not exceed fifteen (15) square feet in area. A sign identifying the name of a residential subdivision may be affixed to a freestanding decorative wall rather than to a building wall, provided that the decorative wall meets all applicable Chapter requirements and does not obstruct visibility for traffic entering or leaving the plan.
  - (2) One (1) non-illuminated wall sign for an authorized home occupation which shall not exceed two (2) square feet in area.
  - (3) One (1) non-illuminated or indirectly illuminated freestanding ground business identification sign for a lawfully maintained non-conforming use in a residential zoning district which shall not exceed twelve (12) square feet in area.

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- E. Signs authorized in all zoning districts other than residential. The following signs shall be permitted in all zoning districts other than residential zoning districts:
- (1) Directional signs.
    - (a) Directional signs shall not be permitted on lots less than twenty thousand (20,000) square feet in area.
    - (b) On lots with areas between twenty thousand (20,000) square feet and one (1) acre, a maximum of six (6) non-illuminated, indirectly illuminated or internally illuminated directional signs, each of which shall not exceed four (4) square feet in area, shall be permitted. For each additional acre or fraction thereof, two (2) additional directional signs shall be permitted.
    - (c) Directional signs shall not be located on the right-of-way of a public street and shall be of a height no greater than three (3) feet. Directional signs shall not be placed in a location which inhibits clear sight distance for motorists or pedestrians and shall be placed on the premises no further than twenty-five (25) feet from the entrance to the property that they are intended to identify or, if an interior directional sign, no more than ten (10) feet from the parking area, driveway or other facility they are intended to identify.
  - (2) Changeable copy sign. In addition to the authorized business identification signs, one (1) non-illuminated, indirectly illuminated or internally illuminated changeable copy sign shall be permitted per lot, regardless of the number of businesses on the lot, which shall not exceed thirty (30) square feet in area and which shall be permanently affixed to the wall of the building or to an authorized freestanding sign on the lot.
  - (3) Wall identification sign. One (1) non-illuminated, indirectly illuminated or internally illuminated wall identification sign shall be permitted on each building occupied in connection with any legal business or industry, only if the following requirements are met:
    - (a) The wall identification sign shall not have a surface area greater than two (2) square feet for each linear foot of the wall upon which the sign shall be erected.
    - (b) The wall identification sign may be placed on any side of the building except where the property upon which the sign will be erected borders residentially zoned property. In this case, the sign cannot be placed on the side of the building facing the residentially zoned property.
    - (c) The wall identification sign shall not be located on the roof nor extend above the height of the building.
    - (d) No sign shall project over any public sidewalk or street right-of-way.

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- (e) Where the building fronts on two (2) streets, two (2) wall identification signs shall be permitted and their location shall be in conformance with Subsection E(3)(b).
  - (f) Where more than one (1) business is located in one (1) building, more than one (1) wall identification sign shall be permitted, provided that each wall identification sign shall not exceed two (2) square feet per linear foot of the store frontage for which each sign is intended. When more than one (1) sign will be erected on a single building, all these signs shall be located on the front of the building.
  - (g) Wall identification signs shall not be permitted in conjunction with non-conforming uses or authorized conditional uses or uses by special exception in residential zoning districts.
- (4) Freestanding ground or pole sign. In addition to a wall identification sign(s), one (1) single or double-faced, non-illuminated, indirectly illuminated or internally illuminated freestanding ground or pole sign may be erected on a commercially or industrially zoned property, provided that all structures are set back thirty-five (35) feet or more from the front property line, subject to the following requirements:
- (a) Lots with an area of less than twenty thousand (20,000) square feet and/or less than one hundred (100) feet in frontage shall not be permitted to erect a freestanding pole sign but may erect a freestanding ground sign subject to the requirements of this section. Lots with an area of from twenty thousand (20,000) square feet to one (1) acre and greater than one hundred (100) feet in width shall be permitted a freestanding pole sign, the maximum height of such sign being eighteen (18) feet and the maximum size being forty (40) square feet. The sign shall be set back not less than ten (10) feet from every property line, except where the property abuts a public right-of-way, the sign shall be set back not less than ten (10) feet from the right-of-way. The bottom edge of any freestanding pole sign shall be a minimum of eight (8) feet above the normal ground level, if the area under the sign is landscaped, and a minimum of fourteen (14) feet above the finished grade if traffic circulates under the sign.
  - (b) The sign shall contain only the logotype, trademark and/or name and address of the company or commercial or industrial center on the property.
  - (c) There shall be only one (1) freestanding ground or pole sign per lot which does not have multiple street frontages. If a ground sign exists or is proposed, a pole sign shall not be permitted. If a pole sign exists or is proposed, a ground sign shall not be permitted.
  - (d) The top of any freestanding pole sign on a property greater than one (1) acre in size shall not exceed twenty-five (25) feet in height above normal ground level

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and shall be set back not less than ten (10) feet from every property line, except that where the property abuts upon a public right-of-way, the sign shall be set back not less than ten (10) feet from the right-of-way. The bottom edge of any freestanding pole sign shall be a minimum of eight (8) feet above the normal ground level, if the area under the sign is landscaped, and a minimum of fourteen (14) feet above the finished grade if traffic circulates under the sign.

- (e) The maximum height of a freestanding ground sign shall be six (6) feet above the adjacent ground level. All freestanding ground signs shall be located at least ten (10) feet from any property line, except that where the property abuts on a public right-of-way, the freestanding ground sign shall be set back at least ten (10) feet from the right-of-way.
- (f) The maximum surface area, as defined by § 208-408 of this Chapter, for freestanding business identification ground signs in any non-residential zoning district shall be thirty-two (32) square feet on lots equal to or less than two (2) acres. On lots greater than two (2) acres, a ground sign of fifty (50) square feet shall be permitted. On lots greater than two (2) acres, the maximum surface area may be increased one (1) square foot above fifty (50) square feet for every two (2) feet that the sign is set back from the minimum ten (10)-foot setback line.
- (g) The maximum surface area, as defined by § 208-408 of this Chapter, for freestanding pole signs in the various non-residential zoning districts shall be as shown on the following chart:

### Freestanding Pole Signs

Zoning District	Maximum Surface Area (square feet)
R-1, R-2, R-3, R-4, R-5	Not permitted
A-P	Not permitted
B-P	Not permitted
ED	Not permitted
C-1	Not permitted
C-2	90
M-1	60
M-X	90
RT	90
OS	Not permitted

- (h) Any property having frontage on Business Route 60 or the Airport Service Road, regardless of its zoning classification, may construct one (1) freestanding sign which is intended to be viewed from Business Route 60 or the Airport Service Road. This sign shall be a freestanding ground sign. This freestanding ground

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sign shall not preclude a lot from having a freestanding sign on its frontage of any other public street in accordance with the requirements of this Chapter.

(5) Awning signs.

- (a) The copy area of awning signs shall not exceed an area equal to twenty-five percent (25%) of the background area of the awning or awning surface to which such a sign is affixed or applied, or the permitted area for wall or fascia signs, whichever is less.
- (b) Neither the background color of an awning, nor any graphic treatment or embellishment thereto such as striping, patterns or valances, shall be included in the computation of sign copy area.
- (c) Awning signs and walls signs are mutually exclusive, and a business may erect either one (1) or the other, but not both.

(6) Menu boards.

Menu board signs shall not be permitted to exceed fifty (50) square feet.

### § 208-415. Billboards.

A. Billboards may be permitted as a conditional use when approved by the Board of Supervisors after submission and review by the Planning Commission in accordance with Article VIII of this Chapter, and provided that all of the following requirements are met:

- (1) Location. Billboards shall not be erected within a residential zoning district or within five hundred (500) feet of the line of any public or parochial school property. Required spacing shall be measured from a point perpendicular to the structure along the front lot line parallel to the center line of the roadway to which the billboard is oriented. Billboards shall be erected within four hundred (400) feet of the center line (measured horizontally) of Business Route 60 (LR 1023), including the Beaver Valley Expressway, the Airport Service Road, and the Airport Parkway (LR 1057).
  - (a) On interstate and limited access highways, billboards shall not be erected within five hundred (500) feet of an interchange or safety rest area measured along the interstate or limited access highway from the beginning or ending of the pavement widening at the exit from or entrance to the main traveled way.
  - (b) The minimum front, side and rear yard requirements applying to a principal use as set forth within the zoning district in which the billboard is to be located shall apply to each billboard structure.

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- (c) A billboard shall be considered a structure and shall be included in the calculation of maximum building coverage as specified in Table 5: Dimensions. The maximum lot coverage calculation shall be cumulative, including the billboard and any other structures and buildings on the same lot therewith.
  - (d) No billboard shall be erected in such a manner as to block the view from the road or street of any existing business identification sign or residential or non-residential structure or to limit or reduce the light and ventilation requirements under Chapter 72, Building Construction and Fire Prevention.
  - (e) No billboard shall be constructed within the clear sight triangle of the public street or road on which it is situated and shall not in any case obstruct or impede traffic safety.
  - (f) Billboards shall maintain a lateral minimum spacing of seven hundred fifty (750) feet between billboard structures. Required spacing shall be measured from a point perpendicular to the centermost point of the billboard structure along the front lot line parallel to the center line of the roadway to which the billboard is oriented.
  - (g) Billboards may not be mounted on the roof, wall or other part of a building or any other structure.
- B. Size and height. A billboard shall have a maximum allowable gross surface area of seven hundred-fifty (750) square feet per sign face. A billboard shall have a maximum of two (2) sign faces per billboard structure.
- (1) The billboard structure may have sign faces placed back to back or in a V-shaped configuration on a single billboard structure.
  - (2) A billboard sign face shall be independently supported and have vertical supports of metal which are galvanized or otherwise treated to prevent rust and corrosion.
  - (3) The one (1) vertical support shall be capable of enabling the entire sign face to be able to withstand a minimum sixty (60) miles per hour wind load.
  - (4) The entire base of the billboard structure shall be permanently landscaped with suitable shrubbery and/or bushes of minimum height of three (3) feet placed in such manner as to screen the foundation of the structure.
  - (5) Landscaping shall be maintained by the billboard sign owner in an attractive and healthy manner in accordance with accepted conservation practices.
  - (6) Permanent landscaping shall form a base and/or backdrop to the billboard sign when practical in the opinion of the Zoning Officer.

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- (7) All curbs and grading shall be in accordance with Chapter 88, Erosion and Sediment Control.
  - (8) No bare earth cuts are permitted on a hillside.
  - (9) All earth cuts or fills are to be permanently seeded or planted.
  - (10) A billboard with display lighting shall be constructed so that it does not glare upon adjoining property.
  - (11) Display lighting shall not operate between 12:00 midnight and 5:00 a.m., prevailing local time.
  - (12) No billboard structure, sign face or display lighting shall move, flash or emit noise. No display lighting shall cause distractions, confusion, nuisance or hazard to traffic, aircraft or other properties.
  - (13) The use of colored lighting is not permitted.
- C. Maintenance.
- (1) A billboard structure shall be entirely painted every three (3) years.
  - (2) Every ten (10) years, the owner of the billboard shall have a structural inspection made of the billboard by an engineer or an architect and shall provide to the Township a certificate from the engineer or architect certifying that the billboard is structurally sound.
  - (3) Annual inspections of the billboard shall be conducted by the Township to determine compliance with the provisions of this Chapter.
  - (4) Billboards found to be in violation of this Chapter shall be brought into compliance or shall be removed within thirty (30) days upon proper notification by the Township. Failure to comply shall be a violation of this Chapter.
  - (5) Billboards using removable paper or other materials shall be maintained in such condition as to eliminate loose or frayed material protruding or hanging from the structure.
- D. Permits. Prior to submission of an application for a building permit, the applicant for billboard use shall obtain and submit with the application approvals from the County of Allegheny, the Pennsylvania Department of Transportation (PennDOT) and, when applicable, the United States Federal Aviation Administration.
- E. Application fees. Said application shall be accompanied by an application fee in an amount equal to that set by resolution of the Board of Supervisors.



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### § 208-416. Satellite dish antennas.

A. Parabolic or satellite dish antennas shall be permitted as accessory structures, provided that:

- (1) No such antenna shall be located in any front yard, unless a variance is granted by the Zoning Hearing Board upon presentation of evidence establishing that the placement of the antenna in the front yard is the only feasible method of obtaining reception because of the physical characteristics of the property and the location of existing structures on the property.
- (2) No more than one (1) antenna shall be located on any one (1) lot in a residential district.
- (3) The maximum diameter of any antenna shall be twelve (12) feet.
- (4) The maximum height of any freestanding antenna shall be fifteen (15) feet.
- (5) No part of any freestanding antenna shall be located any closer than ten (10) feet to any property line.
- (6) No such antenna shall be located on the roof of any accessory building such as detached garages or sheds.
- (7) Roof-mounted antennas shall not be permitted in residential zoning districts, unless a variance is granted by the Zoning Hearing Board upon presentation of evidence that a roof-mounted antenna is the only feasible method of obtaining reception because of the physical characteristics of the lot and the location of existing structures on the lot.
- (8) The base of any such antenna shall be screened with landscaping or one hundred percent (100%) opaque fencing.

B. A building permit shall be required for the installation of any antenna. The permit shall be subject to payment of the fee established from time to time by the Board of Township Supervisors.

C. These provisions do not pertain to satellite dish/television antennas less than one (1) meter in diameter.

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### § 208-417. Other antennas.

Other radio and television antennas, which are subject to licensing and/or regulation by the Federal Communications Commission (FCC), are permitted accessory uses, subject to the following:

- A. Any freestanding antenna which is not attached to a dwelling or other principal structure shall be located at least fifteen (15) feet from any dwelling unit or principal structure on the lot.
- B. Antennas and associated structures which do not exceed thirty (30) feet in height shall be located at least fifteen (15) feet from any property line. Antennas which exceed thirty (30) feet in height shall provide an additional one (1) foot of clearance from the property line for every one (1) foot of height in excess of thirty (30) feet.
- C. Antennas shall not be permitted in any front yard.
- D. The antenna and associated structures shall be securely anchored in a fixed location on the ground, and the applicant shall provide qualified evidence that the proposed structure will withstand wind and other natural forces.
- E. The antenna and its associated supports, such as guide wires, or the yard area containing the structure shall be protected and secured to guarantee the safety of the general public. Associated supports and guide wires shall not be located closer than five (5) feet to any property line.
- F. In granting the use, the Zoning Officer may attach reasonable conditions warranted to protect the public health, safety and welfare, including but not limited to fencing, screening and increased setbacks.
- G. The base of any such antenna shall be screened with landscaping or one hundred percent (100%) opaque fencing.
- H. Regulations are applicable to communications antennas mounted or located on existing or newly constructed non-residential buildings, light poles/standards or on utility transmission poles and communications equipment building/cabinets. Communications antennas mounted or located on existing or newly constructed non-residential buildings, light poles/standards or on utility transmission poles and communications equipment building/cabinets shall be permitted in all zoning districts, subject to the following criteria:
  - (1) The applicant shall provide a certification from an engineer, having demonstrated capability and competence in matters of structural integrity, that the proposed installation will not exceed the structural capacity of the pole or building upon which the communications antenna is proposed to be located, considering wind, ice, snow and other loads associated with the communications antenna location.

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- (2) The applicant shall provide detailed construction drawings indicating how the communications antennas will be mounted for review by the Township Engineer.
- (3) There shall be no minimum building setback requirements for the antenna.
- (4) The antenna shall be no more than twelve (12) feet higher than the structure on which it is to be mounted and shall be designed so as to have minimal visual impact to the building or structure, utilizing techniques such as being the same color as the building or pole on which it is located.
- (5) The applicant shall provide authorization from the legal owner of the lot to install the communications antenna and any structure accessory to the communications antenna.
- (6) The applicant shall provide agreements, easements, or rights-of-way necessary to ensure access for the purpose of installation and maintenance.
- (7) Any existing or newly constructed light pole/standard or utility transmission pole may be constructed, reconstructed or altered for the purpose of accommodating the location and/or installation of communications antenna, provided that the height of the light pole/standard or utility transmission pole, once constructed, reconstructed or altered, shall not exceed sixty-five (65) feet.
- (8) All communications antennas shall be operated so that they will not cause interference with other communications antennas.
- (9) If any accessory communications equipment building/cabinets are proposed for the operation of the communications antenna, the following regulations shall be adhered to:
  - (a) The communications equipment building/cabinets and associated equipment may be located at or near the base of any existing or newly constructed light pole/standard. If the communications equipment building/cabinets are proposed for communications antenna located on a non-residential building or structure other than an existing or newly constructed light pole/standard, such communications equipment building/cabinets may be located on the structure or building on which the communications antenna is located.
  - (b) For those communications antennas that are mounted on utility transmission poles, the communications equipment building/cabinets shall be located within the utility easement or right-of-way.
  - (e) Any communications equipment building/cabinets where the area encompassing the communications equipment building/cabinets is equal to or less than one hundred (100) square feet shall be subject to the height and setback requirements of the zoning district for an accessory structure. Any communications

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equipment building/cabinets where the area encompassing the communications equipment building/cabinets is greater than one hundred (100) square feet shall be subject to the height and setback requirements of the zoning district for a principal building or structure.

- (f) If fencing is to surround the equipment buildings/cabinet, the fence shall be screened by an additional landscape buffer in accordance with the requirements of bufferyard 3.

### **§ 208-418. Allowable yard projections.**

- A. General. Eaves, cornices or other similar architectural features shall be permitted to project into a required yard no more than twelve (12) inches. Chimneys shall be permitted to project no more than two (2) feet, provided the width of any side yard is not reduced to less than ten (10) feet.
- B. Front yards. Open, unenclosed ramps, porches, platforms or landings, not covered by a roof, shall be permitted to extend no more than six (6) feet into the required front yard, provided such porch does not extend above the first level and is no more than six (6) feet above grade at any point.
- C. Rear yards. Windows shall be permitted to project into a required rear yard no more than six (6) inches.
- D. Separation between buildings. There shall be least ten (10) feet of clear space between every main building and accessory building on a lot. There shall be at least twenty (20) feet of clear space between every residential building and another principal building on the same lot.

### **§ 208-419. No-Impact Home Based Business**

- A. No-Impact Home Based Business are permitted by right in all residential zoning districts as long as the business or commercial activity satisfies the following requirements, except that such permission shall not supercede any deed, restriction, covenant or agreement restricting the use of the land, nor any master deed, by law or other document applicable to a common interest ownership community:
  - (1) The business activity shall be compatible with the residential use of the property and surrounding residential uses.
  - (2) The business shall employ no more than one (1) employee in addition to family members resideing in the dwelling.

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- (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; except that the name of the business may be indicated on the residence mailbox, as long as the mailbox sign does not exceed one (1) square foot in area.
- (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 a neighborhood.
- (6) The business activity may not generate any solid wastes 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 twenty-five (25%) percent of the habitable floor area.
- (8) The business may not involve any illegal activity.

### **§ 208-420. Animal Grooming Facility.**

An animal grooming facility shall be a permitted use subject to the following express standards and criteria:

- A. No outdoor pens shall be constructed or provided.
- B. Noise shall not exceed the levels as outlined as acceptable within the performance standards of Article VI of this Chapter.
- C. No overnight boarding facilities shall be provided.
- D. Operations shall be limited to one (1) grooming table.
- E. Hours of operation shall be limited to between 8:00 am to 8:00 pm.
- F. Off-street parking shall be provided for one (1) employee on duty and two (2) patrons maximum.

### **§ 208-421. Day-care center.**

A day-care home/center shall be a permitted use subject to the following express standards and criteria:

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- A. Exterior open space shall be provided, being usable and accessible only for the children at a minimum ratio of sixty-five (65) square feet per child. Interior space shall be provided as per the regulations of the Pennsylvania Department of Welfare. In addition, other lot and area requirements within the zoning district in which the day-care center is proposed shall apply.
- B. Off-street parking spaces required for day-care centers shall be one (1) for each three hundred (300) square feet of gross floor area with a minimum of four (4) spaces.
- C. Depending on traffic and/or adjoining use of the premises, a fence with approved height and strength by the Township may be required along the lot's perimeter for the protection of those using the day-care home/center.
- D. Safe vehicular access and areas for discharging and picking up children shall be provided.

### **§ 208-422. Exterior finishes.**

- A. The exterior finish of the building, whether finished face brick, wood veneer, siding or any other finished facing materials approved by the Zoning Officer, shall come down the building to within six (6) inches of finished grade. Plain masonry block or poured concrete shall not be considered a finished product; nor shall either of these construction surfaces be considered as a finished product if painted.

### **§ 208-423. Screening of roof equipment.**

- A. Mechanical equipment designed to be located on the roof of a structure/building must be screened with typical building materials approved by the Zoning Officer. The screen must be designed to complement building design and conceal this equipment from neighboring property owners and the public on adjacent roadways.

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### ARTICLE V Supplemental Regulations

#### **§ 208-500. Purpose.**

The provisions of this Ordinance shall be subject to such additions or modifications as provided by the following regulations. These regulations are intended to supplement, not repeal, abrogate, impair or replace any existing ordinances that relate to zoning or building construction within the Township.

#### **§ 208-501. Carnot village overlay. (Reserved)**

The Carnot Village Overlay is established generally over the portion of Beaver Grade Road between Narrows Run Road and Thorn Run Road to regulate the use of buildings, structures and land within the Township's "Village" area. The requirements of this Section shall supplement the requirements of the underlying zoning districts.

#### **§ 208-502. Trails and greenways overlay. (Reserved)**

The Trails and Greenways Overlay established shall be an overlay district to provide a comprehensive network of pedestrian and bike facilities.

#### **§ 208-503. Transportation district overlay.**

The Transportation District Overlay established shall be an overlay district on the Township Zoning District Map, and properties located within that overlay district shall further be subject to the regulations of this Chapter.

#### **§ 208-504. Airport Zone Overlay.**

- A. The intent of this overlay district is to regulate development and the use of land in the Township of Moon in the flight path of present and projected aircraft operations at Pittsburgh International Airport (PIT).
- B. Airport Zone Height Limitations are indicated on the Airport Zone Overlay Map for the Pittsburgh International Airport.
- C. All land uses which are classified as uses by right in the underlying zoning districts established in § 208-203 which meet the standards of this overlay district as to height and interference factors published by the County and FAA shall be uses by right.

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- D. Any use within the boundaries of this overlay district which creates the following conditions must comply with applicable FAA and PennDOT regulations. Notice of proposed construction or alteration must be submitted to the County, FAA and PennDOT Bureau of Aviations. Such construction or alteration is subject to review and possible modification of design in accordance with applicable FAA and PennDOT regulations. The conditions are as follows:
- (1) Creates electrical interference with navigational signals or radio communication between the airport and aircraft.
  - (2) Makes it difficult for pilots to distinguish between airport lights and other lights.
  - (3) Results in glare in the eyes of pilots using the airport.
  - (4) Impairs visibility in the vicinity of the airport.
  - (5) Creates bird strike hazards.
  - (6) Otherwise, in any way, endangers or interferes with the landing, take-off or maneuvering of aircraft intending to use the airport.
- E. Any of the following types of construction or alteration within the boundaries of this overlay district must comply with applicable FAA and PennDOT regulations. Notice of proposed construction or alteration must be submitted to the County, FAA and PennDOT Bureau of Aviation. Such construction or alteration is subject to review and possible modification of design in accordance with applicable FAA and PennDOT regulations.
- (1) Any construction or alteration of more than two hundred (200) feet in height above the ground level at its site.
  - (2) Any construction or alteration of greater height than the imaginary surface illustrated on the Airport Zone Overlay Map.
  - (3) Any highway, railroad, or other traverse way for mobile objects, of a height which, if adjusted upward seventeen (17) feet for an interstate highway that is part of the National System of Military and Interstate Highways, where over-crossings are designed for a minimum of seventeen (17) feet vertical distance, fifteen (15) feet for any other public roadway, ten (10) feet or the height of the highest mobile object that would normally traverse the road, whichever is greater for a private road, twenty-three (23) feet for a railroad and for a waterway or any other traverse way not previously mentioned, an amount equal to the height of the highest mobile object that would normally traverse it, would exceed the height limitations of the imaginary surface on the Airport Zone Overlay Map.
- F. The following structures or uses are exempted from the provisions of this overlay district:



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- (1) Any object that would be shielded by existing structures of a permanent and substantial character or by natural terrain or topographic features of equal or greater height and would be located in the congested area of city, town, or settlement where it is evident beyond all reasonable doubt that the structure so shielded will not adversely affect safety in air navigation.
- (2) Any antenna structure of twenty (20) feet or less in height except one that would increase the height of another antenna structure.
- (3) Any air navigation facility, airport visual approach or landing aid, aircraft arresting device, or meteorological device, of any type approved by the administrator or appropriate military service on military airports, the location and height of which is fixed by its functional purpose.
- (4) Any construction or alteration for which notice is required for any other FAA regulation.

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ARTICLE VI  
**Performance Standards**

**§ 208-600. Compliance required.**

- A. All uses shall comply with the requirements of this Section. Compliance shall be determined by the Zoning Officer with respect to permitted uses, by the Zoning Hearing Board with respect to special exceptions and by the Board of Supervisors with respect to conditional uses. In order to determine whether a proposed use will conform to the requirements of this Chapter, the Township may obtain a qualified consultant's report, whose cost for services shall be borne by the applicant.
  
- B. General. All projects that require the additional use of new facilities or essential services, such as sewers, storm drains, fire hydrants, potable water, public streets, street lighting and similar services, shall obtain such approval as required by the agency providing such service prior to project approval. Non-availability of essential services shall be a basis for denial of any permit or approval under this Chapter until such services are available. All service extensions shall be designed and installed in full conformance with the provider's standards for such service, and shall be subject to review, permit and inspection as required by the provider.

**§ 208-601. Fire protection.**

- A. Fire protection and fire-fighting equipment acceptable to the National Fire Protection Association shall be readily available where there is any activity involving the handling or storage of flammable or explosive material.

**§ 208-602. Radioactivity; electrical disturbances.**

- A. No activity shall emit radioactivity at any point or cause electrical disturbance adversely affecting the operation of television and radio broadcasting transmissions or other equipment in the vicinity or to the extent that the operator of any equipment not owned and/or operated by the creator of such disturbance is adversely affected.

**§ 208-603. Noise.**

- A. Noise which is determined to be objectionable because of volume, frequency or beat shall be muffled or otherwise controlled, except that fire sirens and related apparatus used solely for public purposes shall be exempt from this requirement. Noise in excess of ninety (90) decibels as measured on a decibel or sound level meter of standard quality and design operated on the A-weighted scale at a distance of twenty-five (25) feet from any property line of the property on which the noise source is located shall not be permitted.

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- B. Noise resulting from alarms, sirens, emergency work, normal lawn and landscaping care, traffic and agricultural use shall be exempt from the requirements of this section. Noise from the operation of heavy construction/excavation equipment shall be permitted as defined in § 208-613.
- C. No noise from recordings, loudspeakers or public address systems shall be allowed which interferes with the reasonable enjoyment of adjacent residential properties.
- D. Sound levels shall be measured with a sound level meter or sound level octave band analyzer that conforms to the standards and specifications published by the American Standards Association. Noise incapable of being so measured, such as those of an irregular intermittent nature, shall be controlled so as not to become a nuisance to adjacent uses. (American Standard Sound Levels for Measurement of Noise and Other Sounds, 224, 3-1944, American Standards Association, Inc., New York, New York, shall be used.)

### **§ 208-604. Vibrations.**

- A. Vibrations detectable without instruments on neighboring property in any district shall be prohibited, except that temporary vibration as a result of construction activity shall be permitted.
- B. Vibrations resulting from temporary construction activity that occurs between 7:00 a.m. and 7:00 p.m. shall be exempt from the requirements of this section.

### **§ 208-605. Odors.**

- A. For purposes of this section, the “odor threshold” is defined as the minimum concentration in air of a gas, vapor or particulate matter that can be detected by the olfactory systems of a panel of three (3) observers appointed by the Board of Supervisors.
- B. No use other than agricultural in any zoning district may generate any odor that reaches the odor the threshold measured at:
  - (1) The outside boundary of the immediate space occupied by the enterprise generating the odor.
  - (2) The lot line if the enterprise generating the odor is the only enterprise located on a lot.
- C. The release of odorous matter from any zoning district across residential or commercial district boundary lines shall be so controlled that at ground level or at habitable elevation, the concentration shall not exceed the odor threshold. As a guide in determining qualities of offensive odors, Table III (Odor Threshold), Chapter 5, Air Pollution Abatement Manual, by Manufacturing Chemists Association, Inc. (as amended), may be used.

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### § 208-606. Smoke.

- A. The maximum amount of smoke emission permitted shall be determined by the use of the Standard Ringelmann Chart issued by the United States Bureau of Mines. No smoke of a shade darker than No. 2 shall be permitted.

### § 208-607. Air pollution.

- A. No pollution of air by fly ash, dust, vapors or other substance shall be permitted which is harmful to health, animals, vegetation or other property or which can cause soiling of property.
- B. No zoning certificate, building permit, conditional use or use by special exception approval may be issued with respect to any land development until the Allegheny County Health Department has certified to the permit-issuing authority that the appropriate state permits have been received by the developer and/or landowner or that the developer and/or landowner will be eligible to receive such permits and that the land development is otherwise in compliance with applicable air pollution laws.

### § 208-608. Glare.

- A. Lighting devices that produce greater than zero (0) footcandles of direct or reflected glare at the property line of a lot or adjoining public-right-of-way shall not be permitted.
- B. The average intensity of outdoor lighting on a lot shall be twenty-five (25) footcandles, whereas the maximum intensity of direct or reflected glare on the ground at any given point on the lot shall be eighty (80) footcandles, unless otherwise approved by the Board of Supervisors.
- C. The height of a lighting device from the ground to the top of the device shall not exceed twenty-five (25) feet for residential development outside of the public right-of-way. The height of a lighting device from the ground to the top of the device shall not exceed thirty-five (35) feet for non-residential development outside of the public right-of-way with the exception of such devices for stadiums, driving ranges, amphitheaters, water recreation facilities, public parks or playgrounds or unless approved by the Board of Supervisors.

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### **§ 208-609. Erosion.**

- A. No erosion by wind or water shall be permitted which will carry objectionable substances onto neighboring properties.

### **§ 208-610. Water pollution.**

- A. Water pollution shall be subject to the standards established by the Pennsylvania Department of Environmental Protection (DEP), the United States Environmental Protection Agency (US EPA) and the Pennsylvania Fish and Boat Commission.
- B. No use in any zoning district may discharge any waste contrary to the provision of the state law governing discharges of radiological, chemical or biological wastes into surface or subsurface waters.
- C. No use in any zoning district may discharge into the sanitary sewage treatment facilities any waste that cannot be adequately treated by biological means.

### **§ 208-611. Excavation, filling and grading.**

- A. Cut and fill slopes shall comply with Chapter 88, Erosion and Sediment Control, and Chapter 188, Subdivision of Land governing land use and development. All finished cut and fill slopes shall have a grade of not more than two (2) feet horizontal for every one (1) foot vertical. All cut and fill slopes greater than twenty (20) feet in elevation or depression must be designed by a certified soils engineer or a certified geologist. The soils engineer or geologist who designs the slope must certify that it is stable upon completion. The Township Engineer may require that a fence or other barrier be placed in a location which will prevent anyone from nearby properties access to a cut or fill slope.
- B. All lands, regardless of their slope, from which structures or natural cover has been removed or otherwise destroyed shall be appropriately graded and seeded within a reasonable time of such clearance activity. The phrase “a reasonable time“ shall be interpreted to be within two weeks after construction activities are completed, unless those activities are completed between a time period of November 1 and April 1. In such case, the required sodding or seeding shall occur within two weeks of April 1. This shall be rigidly applied to construction activities in order to accomplish the intent of keeping erosion to an absolute minimum. During non-growing seasons, appropriate measures shall be taken, such as but not limited to siltation dams, to prevent erosion by wind or water. In addition to the measures stated above, the developer and/or landowner shall provide assurances that all requirements will be complied with at the beginning of the next growing season.

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### § 208-612. Watercourse Buffers.

- A. Purpose: The primary purpose of maintaining a watercourse buffer is preventing nonpoint pollution from entering a watercourse. These buffers serve a variety of pollution prevention roles, helping to control sediment, remove nutrients, stabilize streambanks, and moderate water temperature.
- B. Watercourse buffers are divided into three principle zones: Zone 1: Undisturbed Forest, Zone 2: Managed Forest, Zone 3: Grasslands.
1. Zone 1 is the fifteen (15) foot area nearest to the watercourse. The primary function of this area is to help stabilize banks and prevent sediment from entering the watercourse. No cutting, fill or other disturbance of the land in this zone is permitted except when necessary to provide access to repair public utilities and/or eroding watercourse banks, eliminate invasive species, remove dead or diseased vegetation, or to plant additional vegetation.
  2. Zone 2 is a thirty-five (35) to sixty (60) foot wide area, between zone 1 (Undisturbed Forest) and Zone 3 (Grasslands) where trees may be selectively harvested to help promote nutrient removal and home gardening is permitted if the slope of the land is 15% or less. No cutting, fill or other disturbance of the land in this zone is permitted. If the slope of the land exceeds 15%, the area shall not be disturbed and trees shall not be removed, except when necessary to provide access to repair public utilities and/or eroding watercourse banks, eliminate invasive species, remove dead or diseased vegetation, or to plant additional vegetation.
  3. Zone 3 is a Zero (0) to Twenty (20) foot wide area that consists of dense grasses to trap sediment and to convert concentrated storm water flow to uniform sheet flow. This zone may be disturbed during construction.
- C. Multipurpose walking and biking trails shall be permitted to be located within a watercourse buffer.
- D. A watercourse buffer shall be restored as follows if disturbed. Zones one and two shall be restored by planting trees and shrubs in a random, natural pattern. To restore a buffer, 2" caliper trees shall be planted at a minimum rate of one tree per every 16 square feet. Shrubs shall be planted at a minimum rate of two per every eight square feet, with shrubs concentrated along the area of zone one nearest the watercourse and the area of zone two nearest zone three. Additional trees and shrub plantings, including trees that are less than 2" caliper are encouraged. Restored buffer areas shall contain at least two tree and two shrub species appropriate for a streamside/watercourse location. If a watercourse buffer is not disturbed during construction, buffer restoration is not required.
- E. The minimum width of a watercourse buffer shall be 50' measured from the top of the channel bank. The minimum 50' buffer shall be provided on each side of the watercourse.

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### **§ 208-613 Permit Hours.**

- A. The operation of heavy construction/excavation machinery (including but not limited to bulldozers, highlifts, backhoes, trucks, power shovels, pumps and jack hammers) and the use of construction equipment such as saws, drills or other types of machinery used outside a structure in conjunction with work requiring a building permit shall be prohibited when it is determined the noise is sufficient to disturb the peace and tranquility of the general public. This shall be enforced throughout the entire Township between the hours of 9:00 p.m. to 7:00 a.m., Monday through Saturday and all day Sunday and on Federally designated legal holidays, except in cases of emergencies involving life or property as designated by emergency personnel.

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ARTICLE VII  
**Non-conforming Uses, Structures and Lots**

**§ 208-700. Non-conforming uses.**

The following provisions shall apply to all non-conforming uses.

- A. Continuation and change. A non-conforming use may be sold or otherwise transferred to other owners and may be continued, but shall not be changed in use unless to a conforming use.
- B. Enlargement or expansion.
  - (1) Where a non-conforming use is conducted inside a building or structure, the floor area of the structure and the non-conforming use within it may be enlarged when permitted by the Zoning Hearing Board in accordance with § 208-902.
  - (2) Any non-conforming use may be extended throughout any part of a structure which was designed for such use at the time the use became non-conforming; however, a non-conforming use shall not be extended to occupy any structure or portion of a lot, except on a lot or portion of a lot owned at the time the use became non-conforming.
  - (3) This Subsection shall not apply to signs.
- C. Damage and reconstruction. Any structure which houses a non-conforming use which is damaged by fire, flood, explosion or other casualty may be reconstructed and used as before if such reconstruction is initiated and diligently pursued within twelve (12) months of such casualty and if the restored structure has no greater lot coverage and contains no greater cubic content than before such casualty.
- D. Abandonment. In the event that any non-conforming use conducted in a structure or on a lot is abandoned for a period of twelve (12) consecutive months or longer, such non-conforming use shall be deemed to be abandoned and shall not be resumed. Once the non-conforming use is abandoned, the building or structure and/or lot shall not be used except in conformance with the regulations of the zoning district in which it is located.

**§ 208-701. Non-conforming structures.**

The following provisions shall apply to all non-conforming structures, as defined by this Chapter, in all zoning districts:

- A. Structural alteration. No such structure may be enlarged or structurally altered in a way that increases its non-conformity.



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- B. Damage or destruction. Any non-conforming structure which 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 two (2) years of the date that the original structure was damaged or destroyed.
- C. Moving. Should a non-conforming structure be moved for any reason for any distance, it shall thereafter conform to the requirements of the zoning district in which it is located.
- D. Signs.
  - (1) Non-conforming signs may be repaired or reconstructed, provided that no structural alterations are made which increase the gross surface area of the sign; however, non-conforming signs which are damaged or destroyed to an extent of more than seventy-five percent (75%) of their replacement cost at the time of destruction shall not be reconstructed except in conformity with the provisions of this Chapter.
  - (2) Non-conforming signs may not be enlarged, added to or replaced by another non-conforming sign, use or structure, except that the interchange of poster panels shall be permitted.
- E. Repair or maintenance. Nothing in this Chapter 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 populace.

### **§ 208-702. Non-conforming lots.**

The following regulations shall apply to all non-conforming lots, as defined by this Chapter, in any zoning district:

- A. Where two (2) or more adjacent lots of record with continuous frontage have less than the required area and width and are held by one (1) owner, the lots shall be considered to be an undivided lot for the purpose of complying with this Chapter. No division of any lot shall be made which does not comply with the requirements of this Chapter. Any change in lot lines necessary to meet the minimum requirements of this Chapter shall constitute a revision to the recorded plan and shall meet all applicable requirements of the Chapter 188, Subdivision of Land.
- B. Any lot of record existing at the effective date of this Chapter and held in separate ownership different from the ownership of adjoining lots may be developed in accordance with the requirements of Article II of this Chapter.

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- C. Where structures exist on adjacent non-conforming lots of record which have front yards less than the minimum depth required, the minimum front yard for an adjacent undeveloped non-conforming lot of record shall be the average depth of the non-conforming front yards on the adjacent developed non-conforming lots which are in the same block on the same side of the street and in the same recorded plan as the undeveloped lot, such as private garages, storage sheds, swimming pools and similar structures shall be located to the rear of the principal structure and may be permitted in the rear yard, provided that they are located no closer than ten (10) feet from the rear property line and are not on any easements or rights-of-way.
- D. A residential lot existing at the time of this chapters adoption, which does not meet the lot area/family, frontage, front, side or rear yard setbacks listed under the conventional development option shall not be considered to be nonconforming in lot/area, frontage, front, side, or rear yard setbacks if it meets the minimum lot area/family, frontage, front, side, and rear setbacks of the cluster development option.

### **§ 208-703. Continuation.**

- A. Subject to the provisions of this section, a nonconforming lot, nonconforming building or structure or nonconforming use may be continued even though such does not conform with the provisions of these regulations for the district in which it is located. The Zoning Officer may keep and maintain a list of all nonconforming lots, buildings and structures or uses existing at the time of the passage of this Chapter, its predecessors or amendments thereto, and which may come to exist in the future.

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### ARTICLE VIII Conditional Uses

#### § 208-800. Application.

- A. All applications for conditional use approval shall demonstrate compliance with the applicable express standards and criteria of this Article and the applicable minimum lot area, maximum lot coverage and yard requirements of the zoning district in which the use is proposed.
- B. All applications for conditional use approval shall contain the following:
  - (1) A land development plan, as defined by this Chapter, and where renovation or modification of an existing building is immediately contemplated, construction plans showing the scope, nature and extent of said renovation or modifications.
  - (2) An application fee in an amount set by resolution of the Board of Supervisors.

#### § 208-801. Procedure.

- A. Applications for conditional uses shall be filed with the Planning Director. A conditional use application shall not be considered to be administratively complete until all items required by this Chapter, including the filing fee, have been received by the Township. The Planning Director shall review the application to determine whether all materials required by this Chapter have been submitted by the applicant. If all such materials have not been submitted, the Planning Director shall reject the application as being administratively incomplete and shall notify the applicant, in writing, citing the specific deficiencies and the specific requirements of this Chapter that have not been met.
- B. Within five (5) days of receipt of an administratively complete application, the Planning Director shall submit one (1) copy of the application and any materials submitted therewith to each member of the Planning Commission and the Board of Supervisors. Where deemed appropriate, the Planning Director may also transmit copies to the Township Engineer and Environmental Advisory Council for review and comment.
- C. The Planning Commission shall review the application and forward its recommendation to the Board of Supervisors within forty five (45) days of the date of the Township's receipt of an administratively complete application.
- D. The Board of Supervisors shall hold a public hearing, pursuant to public notice, within sixty (60) days of the date of the filing of an administratively complete application. In the event more than one (1) hearing date is required, the scheduling of the same shall be in accordance with applicable provisions of the Municipalities Planning Code. The Board of Supervisors

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shall make a decision on the conditional use application within forty five (45) days of the last hearing.

- E. Where the application is contested or denied, the decision shall be accompanied by findings of fact or conclusions based thereon, together with any reasons therefore. Conclusions based on any provisions of this Chapter or any other rule, regulation, ordinance or statute shall contain a reference to the provision relied upon and the reasons why the conclusion is deemed appropriate in light of the facts found. The Board of Supervisors may attach such reasonable conditions and safeguards, in addition to those expressed in the ordinance, as it may deem necessary to implement the purposes of this Chapter and the Municipalities Planning Code.
- F. All development, construction and use shall be in accordance with the approved conditional use plan unless a revised conditional use application is submitted, approved and filed. The approved conditional use plan shall consist of the application, as submitted, together with all of its attachments and exhibits, as finally approved by the Board of Supervisors, and conditions attached by the Board of Supervisors. Any development contrary to the approved conditional use plan shall constitute a violation of this Chapter.
- G. The grant of a conditional use will expire one year after the date of the Board's written decision unless (1) the applicant has applied for and obtained a building permit and commenced construction, or (2) in a case where the conditional use does not require the issuance of a building permit, the applicant has applied for and obtained an occupancy permit and has commenced the use which is the subject of the conditional use.

### **§ 208-802. General standards.**

In addition to the express standards and criteria listed in the following sections for each specific conditional use in the zoning districts where they are authorized by Table 1: Permitted and conditional uses and uses by special exception of this Chapter, the Board of Supervisors shall consider the following general standards in reviewing all conditional uses:

- A. Whether the establishment, maintenance, location and operation of the proposed use will be detrimental to or endanger the public health, safety, morals, comfort or general welfare.
- B. Whether the proposed use will be injurious to the use and enjoyment of other properties in the immediate vicinity for the purposes permitted.
- C. Whether the establishment and proposed use will impede the normal and orderly development and improvements of surrounding properties for uses permitted in that zoning district.
- D. Whether adequate facilities, access roads, drainage or other necessary facilities have been or will be provided.

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- E. Whether adequate measures have been or will be taken to provide ingress and egress so as to minimize traffic congestion in the public streets.
- F. Whether the proposed use will, in all other respects, conform to the applicable regulations or to the district in which it is located.
- G. Time limitations: see § 208-801G.

### **§ 208-803. Agriculture.**

Agriculture shall be a permitted conditional use subject to the following express standards and criteria:

- A. The minimum lot size of an agricultural use shall be ten (10) acres.
- B. Agricultural operations shall be in accordance with the Pennsylvania Municipalities Planning Code's regulations governing the production of crops, livestock and livestock operations.
- C. The aggregate floor area of all structures on a lot shall be no more than fifty thousand (50,000) square feet.
- D. The minimum distance between buildings shall be thirty (30) feet.
- E. The maximum length of any building shall be no more than two hundred (200) feet.
- F. No business activity other than agriculture shall be conducted on the premises.
- F. Operations shall be regulated so that nuisances such as visual blight, glare, noise, blowing debris and dust shall not be created and as defined in Article VI of this Chapter.
- G. Exterior finishes of agriculture support buildings shall be compatible with the character of development on adjoining properties.
- H. Perimeter fences shall be constructed around all fields and meadows that are used for livestock grazing, feeding and similar activities. No perimeter fence shall be closer than ten (10) feet from a property line.
- I. The landowner or occupant shall be responsible for collecting and disposing of litter and droppings from the animals in such a way as to minimize the presence of fly larvae and/or objectionable odors.
- K. No signs shall be placed on the buildings or on their rooftops.

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- L. No hazardous materials or substances shall be permitted to be stored in any building other than those permitted by Chapter 72, Building Construction and Fire Prevention. Both the landowner and the tenants shall be responsible for the prevention of the storage of hazardous materials or substances in the storage buildings that would be beyond the allowance of the Township Building or Fire Codes.
- M. The owner/operator of the facility shall incorporate best management practices(BMP's) to minimize nonpoint pollution from the activity. The applicant shall submit a report describing the BMP's that they will use on the site and notify the township whenever a change is made to those BMP's. Whenever a change is made to BMP's used on the site, the owner/operator shall certify that the new BMP's provide equal or greater pollution prevention protection than the former management practice.
- N. The provisions of the keeping of horses shall be made in accordance with § 208-901.
- O. Storage of manure or odor or dust producing substances shall not be permitted within two hundred feet (200) of any property line.
- P. Buildings or kennels in which animals or poultry are kept shall not hereafter, be erected within two hundred (200) feet of any lot line. Additional farm buildings other than a dwelling shall not be constructed closer than fifty (50) feet to any property line.
- Q. Unless otherwise controlled within this Chapter, or by other municipal regulations, operations involving the use of buildings and land for farming, riding academies, animal kennels, livery or boarding stables, stock raising, dairying and poultry shall be permitted as a conditional use only on a farm in the R-1 district.
- R. An agricultural use in a residential zoning district must provide a bufferyard 1 as detailed in §208-213.D (1) (a).

### **§ 208-804. Amphitheater.**

An amphitheater shall be a permitted conditional use subject to the following express standards and criteria:

- A. Hours of operation and amphitheater events shall be scheduled to minimize negative impacts on the surrounding neighborhood.
- B. The number of off-street parking and loading spaces shall be provided as defined by Article IV of this Chapter.
- C. The ground surface of off-street parking and loading spaces shall be paved with bituminous, brick, concrete or stone block paving material to protect the surrounding neighborhood from inappropriate dust and other disturbances.

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- D. An additional ten (10) feet of yard setback with landscape buffering a minimum of six (6) feet in height for off-street parking and loading areas shall be provided as defined by Article II of this Chapter to protect the surrounding neighborhood from inappropriate light and other disturbances.
- E. An amphitheater's primary visitor drop-off and pick-up area shall be located in a manner that minimizes detrimental traffic impacts (both pedestrian and vehicular) on the surrounding neighborhood.
- F. Public announcement and speaker systems shall produce of a maximum of seventy-five (75) decibels between 9:00 pm and 8:00 am.
- G. A traffic impact study shall be required to be submitted according to Chapter 188, Subdivision of Land if the proposed development, which according to the Institute of Transportation Engineers (ITE) standards, may generate an excess of one hundred (100) or more trips per day on the adjacent roadways.
  - (1) Whenever, as a result of additional traffic generated by a proposed development, the traffic impact study determines the need for a traffic signal or regulatory sign at or near the lot, the developer/land owner shall be responsible for contributing the pro rata share of the cost of all said devices and signs attributable to the proposed development.
  - (2) Whenever, as a result of additional traffic generated by a proposed development, the traffic impact study identifies the need for additional traffic lanes (acceleration, deceleration or turning) or other traffic improvements, the developer/landowner shall be responsible for contributing the pro rata share of the cost of all said improvements attributable to the proposed development.
  - (3) Whenever, as a result of additional traffic generated by a proposed development, the traffic impact study identifies a traffic increase in excess of one hundred (100) trips after 9:00 p.m., the Board of Supervisors may limit the amphitheater's hours of operation to mitigate negative impacts on the adjacent neighborhood.

### **§ 208-805. Apartment.**

Apartments shall be permitted conditional uses subject to the following express standards and criteria:

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- A. No apartment shall be located in a building's basement, first and/or ground levels.
- B. Parking spaces shall be located no more than three hundred (300) feet from the apartment's primary entrance.
- C. The number of off-street parking and loading spaces shall be provided as defined by Article IV of this Chapter. All parking spaces and driveways shall be surfaced with bituminous, brick, concrete or stone block paving material.
- D. Means of ingress and egress shall meet requirements as outlined in the Township's Building Code.
- E. Where a developer and/or landowner proposes a mix of apartments and commercial uses with ten (10) or more apartments, the minimum parking requirement shall be reduced by fifty percent (50%).
- F. All dumpsters and/or waste collection areas shall be located fifty (50) feet from nearest residential unit and shall be enclosed by a solid masonry screen.

### **§ 208-806. Automobile rental.**

Automobile rental shall be permitted a conditional use subject to the following express standards and criteria:

- A. The ground surface of parking and loading spaces shall be paved with bituminous, brick, concrete or stone block paving to protect the surrounding neighborhood and activity from inappropriate dust and other disturbances.
- B. An additional ten (10) feet of yard setback with landscape buffering a minimum of six (6) feet in height for parking and loading areas shall be provided as defined by Articles II and IV and Appendix B of this Chapter to protect the surrounding neighborhood from in appropriate light and other disturbances.
- C. Landscaping within surface parking and loading areas shall be encouraged to minimize the impacts of heat and glare from paving.
- D. Any outdoor storage conducted on the lot shall comply with the regulations for outdoor storage as defined in § 208-836.
- E. Automobile rental facilities shall have a maximum of one (1) point of ingress and egress to a public arterial or collector street. Shared access to adjacent facilities shall be encouraged where feasible.



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- F. Light fixtures for the illumination of parking and service areas shall be designed to minimize illumination levels to zero (0) footcandles when measured from an adjacent lot line.
- G. Hours of operation and activities must be appropriately scheduled to protect the operation of the Pittsburgh International Airport from detrimental noise, dust, odor, vibration, light or other disturbance or interruption.
- H. The height of proposed buildings and structures that are for non-aviation uses shall be subject to the requirements of the Airport Zone Overlay District and approval by the Federal Aviation Administration (FAA).

### **§ 208-807. Bed and breakfast.**

A bed and breakfast shall be a permitted conditional use subject to the following express standards and criteria:

- A. No more than five (5) bedrooms may be available or used for such use in any building.
- B. Not more than one (1) ground sign shall be permitted on the lot.
- C. Service meals shall be limited to breakfast only to overnight guests of the facility.
- D. The number of off-street parking and loading spaces shall be provided as defined by Article IV of this Chapter. All parking spaces and driveways shall be surfaced with bituminous, brick, concrete or stone block paving material.
- E. The owner and/or manager of the facility shall reside therein.
- F. An overnight guest shall not occupy the facility for more than fourteen (14) consecutive nights in a thirty (30) day period.
- G. Means of ingress and egress to the lot shall be from an arterial or collector street only.
- H. A Bed and Breakfast in a residential zoning district must provide a bufferyard 1 as detailed in §208-213.D (1) (a).

### **§ 208-808. Billboards.**

Billboards shall be conditional uses to the express standards and criteria in § 208-415 of this Chapter.

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### **§ 208-809. Boarding houses.**

Boarding houses shall be permitted conditional uses subject to the following express standards and criteria:

- A. The number of off-street parking and loading spaces shall be provided as defined by Article IV of this Chapter.
- B. The ground surface of off-street parking and loading spaces shall be paved with bituminous, brick, concrete or stone block paving material to protect the surrounding neighborhood from inappropriate dust and other disturbances.
- C. The service of meals shall be limited to residents only.
- D. Under no circumstances shall a boarding house have more than twenty (20) residents, unless approved by the Board of Supervisors.
- E. The owner and/or manager of the boarding house shall reside therein.
- F. The owner/operator of the facility shall incorporate best management practices(BMP's) to minimize nonpoint pollution from the activity. The applicant shall submit a report describing the BMP's that they will use on the site and notify the township whenever a change is made to those BMP's. Whenever a change is made to BMP's used on the site, the owner/operator shall certify that the new BMP's provide equal or greater pollution prevention protection than the former management practice.

### **§ 208-810. Business services.**

Business services shall be permitted a conditional use subject to the following express standards and criteria:

- A. Buildings adjacent to a private road or driveway shall be located a minimum of twenty (20) feet from the edge of the road.
- B. Primary facades and entries shall front adjacent roads or public walkways.
- C. Side and rear bufferyards shall be maintained in accordance with Bufferyard 1 as defined in § 208-213 and Appendix B of this Chapter.
- D. The location and orientation of loading and service areas shall be coordinated to minimize conflicts of vehicular and pedestrian circulation.

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- E. Buildings and structures shall be designed to minimize conflicts between uses and shall be constructed in accordance with the Township's Construction Standard Details.
- F. Loading areas shall not be visible from any business service use.
- G. Outdoor storage shall not be visible from the primary entrance of a business service use.
- H. The ground surface of off-street parking and loading spaces shall be paved with bituminous, brick, concrete or stone block paving material to protect the surrounding neighborhood from inappropriate dust and other disturbances.
- I. Height of proposed buildings housing non-aviation uses shall be subject to the requirements of the Airport Zone Overlay District and approval by the Federal Aviation Administration (FAA).

### **§ 208-811. Cemeteries.**

Cemeteries shall be permitted conditional use subject to the following express standards and criteria:

- A. The minimum lot area shall be twenty (20) acres.
- B. A drainage plan, showing the lot's existing and proposed runoff characteristics, shall be submitted with the application for approval.
- C. Plans for ingress, egress and internal traffic circulation on the lot shall be submitted to the Township Police for comments regarding public safety.
- D. Parking for principal structures such as chapels or mausoleums shall be provided in accordance with the requirements of Article IV of this Chapter.
- E. An additional ten (10) feet of yard setback with landscape buffering a minimum of six (6) feet in height for off-street parking, loading areas, outdoor service areas and storage areas shall be provided as defined by Articles II and IV of this Chapter to protect the surrounding neighborhood from inappropriate light and other disturbances.
- F. At no time shall a corpse be exposed or visible from a public street or adjacent lot.
- G. The hours of operation and activities must be appropriately scheduled to protect the existing neighborhood from inappropriate noise, dust, odor, vibration, light or other disturbance or interruption as defined by Article VI of this Chapter.
- H. No storage or transfer of toxic, corrosive, flammable, carcinogenic or explosive materials, chemicals, liquids, gases or solids is permitted.

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- I. The owner/operator of the facility shall incorporate best management practices(BMP's) to minimize nonpoint pollution from the activity. The applicant shall submit a report describing the BMP's that they will use on the site and notify the township whenever a change is made to those BMP's. Whenever a change is made to BMP's used on the site, the owner/operator shall certify that the new BMP's provide equal or greater pollution prevention protection than the former management practice.
- J. A cemetery in a residential zoning district must provide a bufferyard 1 as detailed in §208-213.D (1) (a).

### § 208-812. **Commercial schools.**

Commercial schools shall be permitted conditional uses subject to the following express standards and criteria:

- A. The ground surface of off-street parking and loading spaces shall be paved with bituminous, brick, concrete or stone block paving material to protect the surrounding neighborhood from inappropriate dust and other disturbances.
- B. Side and rear yards shall be maintained in accordance with Bufferyard 1 as defined in § 208-213 and Appendix B of this Chapter.
- C. Commercial schools shall have one (1) point of ingress/egress to a collector or arterial road.
- D. Light fixtures for the illumination of parking and service areas shall be designed to minimize illumination levels to zero (0) footcandles when measured from an adjacent lot line.
- E. At no time shall any training activities and/or supply materials permitted to be stored outdoors.
- F. The owner(s) and operator(s) of a commercial school shall be responsible for the conduct and safety of the members, visitors or guests and shall be available to respond to inquiries and promptly quell any disturbances caused by the members, visitors and guests.

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### § 208-813. Communications towers.

Communications towers shall be permitted conditional uses, subject to the following conditions:

- (1) The applicant who proposes to construct a new communication tower shall provide the Township with written technical documentation from a design engineer that the proposed location of the tower is necessary to complement the existing communication network. Before an applicant proposes to construct a new communications tower, the applicant shall attempt to locate the proposed antenna on an existing communications tower or other tall structure pursuant to § 208-417 Subsection H: Regulations applicable to communications antennas mounted or located on existing or newly constructed buildings, light poles/standards or on utility transmission poles and communications equipment buildings/cabinets. The procedure for ruling out this collocation requirement shall be followed by all applicants proposing a new communications tower and is described in Subsection A(1)(a) below.
  - (a) The applicant shall contact all owners of surrounding communications towers and tall structures within one (1) mile of the proposed communications tower in order to determine if the proposed antenna and related equipment can be located on an existing tall structure. As part of the application, the applicant shall demonstrate at least one (1) of the following reasons for forgoing collocation on an existing communications tower or other tall structure.
    - [1] That the proposed communications antenna and related equipment would exceed the structural capacity of existing communications towers or other tall structures.
    - [2] That the proposed communications antenna would cause radio frequency interference with other existing equipment on existing communications towers or other tall structures.
    - [3] That the existing communications towers or other tall structures do not have adequate location, space, access, or height to accommodate the proposed equipment or to allow it to perform its function.
    - [4] That the addition of the proposed communications antenna and related equipment would result in electromagnetic radiation from such communications towers exceeding standards established by the Federal Communications Commission (FCC) governing human exposure to electromagnetic radiation.
    - [5] That a reasonable agreement could not be reached with the owner of the communications tower or other tall structure.

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- (b) The applicant who can utilize any existing communications tower or other tall structure shall make every effort in good faith to utilize the existing communications tower or other tall structure rather than construct a new tower.
  - (c) If an existing communications tower or other tall structure is within a one (1)-mile radius of the proposed tower and the applicant does not contact owners of such tall structures or does not make a good faith effort as described above, the Township may deny the request for conditional use approval based on such inaction.
  - (d) If the applicant succeeds in collocating an antenna on an existing communications tower or other tall structure, the regulations applicable to communications antennas mounted or located on existing or newly constructed buildings, light poles/standards or on utility transmission poles and communications equipment buildings/cabinets<sup>7</sup> shall be adhered to.
- (2) If the applicant proposing a new communication antenna is not bound by the aforementioned collocation requirements, the following design criteria shall be adhered to:
- (a) The following building setbacks shall be adhered to by all communications towers:
    - [1] Towers more than fifty (50) feet in height to two hundred-fifty (250) feet in height shall be located on the lot so that the distance from the base of the tower to any adjoining property line is a minimum of one hundred percent (100%) of the proposed tower height. No variance shall be granted from the minimum setback requirement.
    - [2] Towers fifty (50) feet or less in height shall make every effort to satisfy the minimum one hundred-percent (100%) setback requirements specified in Subsection A(2)(a)[1]. However, towers fifty (50) feet or less in height that cannot satisfy the minimum one-hundred percent (100%) setback requirement may be approved by the Township, provided that the applicant presents a certification from an engineer that the tower will withstand winds of one hundred (100) miles per hour. Towers fifty (50) feet or less in height that cannot satisfy the minimum one hundred percent (100%) requirement shall be set back at a minimum of thirty (30) feet from any adjoining property line.
    - [3] Towers shall be set back a distance equal to one hundred and ten percent (110%) of their height from any existing building used for human habitation or by humans on a regular basis.

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<sup>7</sup> Editor's Note: See § 208-417.

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- (b) Under no circumstances shall a communications tower exceed two hundred-fifty (250) feet in height.
  - (c) Tower height shall be measured from the top of the foundation to the top point of the tower or the top point of the tower or the top point of the communications antenna, whichever is higher. The total height shall not include required lighting rods and other safety devices as required by the Federal Communications Commission (FCC).
- (3) Lighting for communications towers shall be in accordance with the following regulations.
  - (a) Lighting shall be required for the tower as a safety measure for low-flying aircraft. The proposed lighting plan for the tower shall be approved by the Federal Aviation Administration (FAA). The lighting plan for the tower shall be oriented in a manner so as not to unnecessarily project onto surrounding residential property.
  - (b) Any proposed security lighting for the accessory equipment building or structure shall be minimized as much as possible. Also, no lighting proposed shall project onto adjoining properties.
- (4) If any new access to the lot is proposed, the following regulations shall be adhered to.
  - (a) Where the lot abuts or has access to a collector, arterial, and/or local street, access for maintenance vehicles shall be exclusively by means of the collector and arterial streets. If possible, direct access from a local street shall be avoided.
  - (b) At least one (1) parking space shall be provided for each tower.
  - (c) The access drive to the lot shall be at least twelve (12) feet in width and improved with material acceptable to the Township Engineer. No access drive shall be constructed of dirt or left in an unpaved state.
- (5) If deemed necessary by the Board of Supervisors, fencing and/or signage may be required in accordance with the following regulations.
  - (a) If fencing is required, it shall be a minimum of six (6) feet in height and shall have a locked gate. The fence shall be screened by additional landscape buffer in accordance with the requirements of bufferyard 3.
  - (b) If high voltage is provided at the tower, signs shall be posted at intervals of not more than twenty (20) feet along the exterior perimeter of the site. The signs shall say "Danger-High Voltage," and the words shall be legible from a distance of twenty (20) feet.

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- (6) Any abandoned or unused communications tower shall be removed by the owner within twelve (12) months of the date the antenna was abandoned or last used. If a communications tower is abandoned, the owner shall be required to immediately notify the Township in writing of the abandonment.
- (7) A landscape plan shall be required for all communications towers in accordance with the provisions of this Chapter and Chapter 188, Subdivision of Land.
- (8) In addition to the conditional use approval, all applicants who propose a communications tower shall submit for approval to the Township a land development plan indicating antenna location, height and design, proposed access, drainage improvements with a stormwater management plan, and a landscaping plan. Refer to Chapter 188, Subdivision of Land for application and approval procedures.
- (9) The applicant proposing to construct a communications tower shall provide detailed construction drawings for review by the Township Engineer.
- (10) The applicant proposing to construct a communications tower shall provide detailed certification from an engineer that the proposed installation will be constructed in accordance with all applicable Township Building Codes and will have structural capacity to serve the devices, antennas and equipment mounted thereon.

### **§ 208-814. Conference centers, exposition halls and international trade centers.**

Conference centers, exposition halls and international trade centers shall be permitted conditional uses subject to the following express standards and criteria:

- A. The ground surface of off-street parking and loading spaces shall be paved with bituminous, brick, concrete or stone block paving material to protect the surrounding neighborhood from inappropriate dust and other disturbances.
- B. An additional ten (10) feet of yard setback with landscape buffering a minimum of six (6) feet in height for off-street parking and loading areas shall be provided as defined by Articles II and IV and Appendix B of this Chapter to protect the surrounding neighborhood from inappropriate light and other disturbances.
- C. Site ingress/egress shall connect to an arterial or collector street.
- D. A traffic impact study shall be required to be submitted according to Chapter 188, Subdivision of Land whereas the proposed development, which according to the Institute of Transportation Engineers (ITE) standards, will generate one hundred (100) trips in addition to the adjacent roadways' peak hour volumes.
  - (1) Whenever, as a result of additional traffic generated by a proposed development, the traffic impact study determines the need for a traffic signal or regulatory sign at or



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near the lot, the developer/land owner shall be responsible for contributing the pro rata share of the cost of all said devices and signs attributable to the proposed development.

- (2) Whenever, as a result of additional traffic generated by a proposed development, the traffic impact study identifies the need for additional traffic lanes (acceleration, deceleration or turning) or other traffic improvements, the developer/landowner shall be responsible for contributing the pro rata share of the cost of all said improvements attributable to the proposed development.
- E. To ensure employee and visitor safety, the number of points of ingress/egress shall be determined by the Township Engineer based upon projected the peak hour traffic defined in the traffic impact study.
- F. No outdoor loading or service areas, including dumpsters, shall be located within the side or rear yard setback areas.
- G. Dumpsters shall be screened from view by landscaping, opaque fencing or a combination of both.

### **§ 208-815. Country club/golf course.**

A country clubs/golf course shall be a permitted conditional use subject to the following express standards and criteria:

- A. The ground surface of off-street parking and loading spaces shall be paved with bituminous, brick, concrete or stone block paving material to protect the surrounding neighborhood from inappropriate dust and other disturbances.
- B. An additional ten (10) feet of yard setback with landscape buffering a minimum of six (6) feet in height for off-street parking and loading areas shall be provided as defined by Article II, Article IV and Appendix B of this Chapter to protect the surrounding neighborhood from in appropriate light and other disturbances as defined by Article VI of this Chapter.
- C. A country club/golf course's hours of operation and activities must be appropriately scheduled to protect the surrounding neighborhood from detrimental noise, disturbance or interruption.
- D. The owner(s) and operator(s) of a country club/golf course shall be responsible for the conduct and safety of the members, visitors or guests and shall be available to respond to inquiries and promptly quell any disturbances caused by the members, visitors and guests.
- E. No storage or transfer of toxic, corrosive, flammable, carcinogenic or explosive materials, chemicals, liquids, gases or solids is permitted.

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- F. The owner/operator of the facility shall incorporate best management practices(BMP's) to minimize nonpoint pollution from the activity. The applicant shall submit a report describing the BMP's that they will use on the site and notify the township whenever a change is made to those BMP's. Whenever a change is made to BMP's used on the site, the owner/operator shall certify that the new BMP's provide equal or greater pollution prevention protection than the former management practice.
- G. A country club / golf course in a residential zoning district must provide a bufferyard 1 as detailed in §208-213.D (1) (a).

### **§ 208-816. Cultural Center.**

A cultural center shall be a permitted conditional use subject to the following express standards and criteria:

- A. The display of live animals is not permitted.
- B. The minimum lot size shall be twenty (20) acres.
- C. The total gross floor area of all buildings comprising the cultural center shall not exceed twelve thousand (12,000) square feet.
- D. Bufferyards shall be maintained in accordance with Bufferyard 1 as defined in Section 208-212 and Appendix B of this Chapter.
- E. The location and orientation of loading and service areas shall be coordinated to minimize conflicts of vehicular and pedestrian circulation.
- F. The number of off-street parking spaces shall be determined by the Township following a parking needs analysis.
- G. The sale of goods is prohibited, except for an accessory gift shop not exceeding the lesser of 1200 square feet or 10% of the total gross floor area of all buildings comprising the cultural center.

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### **§ 208-817. Distribution center, cargo facility, warehousing, wholesaling and freight terminal.**

A distribution center, cargo facility, warehousing area and/or freight terminal shall be a permitted conditional use subject to the following express standards and criteria:

- A. The ground surface of off-street parking and loading spaces shall be paved with bituminous, brick, concrete or stone block paving material to protect the surrounding neighborhood from inappropriate dust and other disturbances.
- B. An additional ten (10) feet of yard setback with landscape buffering a minimum of six (6) feet in height for off-street parking and loading areas shall be provided as defined by Articles II and IV and Appendix B of this Chapter to protect the surrounding neighborhood from in appropriate light and other disturbances.
- C. Any outdoor storage conducted on the lot shall comply with the regulations for outdoor storage as defined in § 208-837.
- D. A distribution center, cargo facility, warehousing area or freight terminal shall have one (1) point of ingress and egress to an arterial or collector street. The point of ingress and egress shall be located in a manner that minimizes detrimental traffic impacts (both pedestrian and vehicular) on the Pittsburgh International Airport and Business Route 60.
- E. Hours of operation and activities must be appropriately scheduled to protect the operation of the Pittsburgh International Airport from detrimental noise, dust, odor, vibration, light or other disturbance or interruption.
- F. No storage or transfer of toxic, corrosive, flammable, carcinogenic or explosive materials, chemicals, liquids, gases or solids is permitted.
- G. The owner(s) and operator(s) of such facilities shall be responsible for the conduct and safety of employees or visitors and shall be available to respond to inquiries and promptly quell any disturbances caused by employees and visitors
- H. The height of proposed buildings and structures that are for non-aviation uses shall be subject to the requirements of the Airport Zone Overlay District and approval by the Federal Aviation Administration (FAA).
- I. In addition to the above criteria, distribution center, warehousing, and wholesaling, in the RT Zoning District must meet the following criteria:
  - 1. Distribution center, warehousing, and wholesaling must be accessory to the primary permitted use.
  - 2. Not more than one –third (1/3) of any development site, may be devoted to any buildings principally housing distribution activities.

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3. Buildings shall have a minimum of two-thirds (2/3) of its exterior wall area faced with brick, stone and / or glass, exclusive of windows.
4. Facades shall incorporate wall plane projections of recessing having a depth of at least three (3) percent of the length of the façade and extending twenty (20) percent of the length of the façade. No uninterrupted length of any façade shall exceed fifty (50) horizontal feet.

### **§ 208-818. Dormitory.**

A dormitory shall be a permitted conditional use subject to the following express standards and criteria:

- A. Residents shall be limited to faculty, staff, enrolled students or authorized visitors of the school or university.
- B. The service of meals, if provided, shall be limited to faculty, staff, enrolled students and authorized visitors only.
- C. All parking spaces and driveways shall be surfaced with bituminous, brick, concrete or stone block paving material.
- D. Means of ingress and egress shall meet requirements as outlined in the Township's Building Code.

### **§ 208-819. Driving ranges.**

Driving ranges, including par 3 courses and miniature golf, shall be permitted conditional uses subject to the following express standards and criteria:

- A. Minimum lot area shall be twenty-five (25) acres.
- B. The number of off-street parking and loading spaces shall be provided as defined by Article IV of this Chapter.
- C. The ground surface of off-street parking and loading spaces shall be paved with bituminous, brick, concrete or stone block paving material to protect the surrounding neighborhood from inappropriate dust and other disturbances.
- D. A driving range's hours of operation and activities must be appropriately scheduled to protect the surrounding neighborhood from detrimental noise, disturbance or interruption.

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- E. The owner(s) and operator(s) of a driving range shall be responsible for the conduct and safety of the members, visitors or guests and shall be available to respond to inquiries and promptly quell any disturbances caused by the members, visitors and guests.
- F. No storage or transfer of toxic, corrosive, flammable, carcinogenic or explosive materials, chemicals, liquids, gases or solids is permitted.
- G. Light fixtures for the night illumination of putting greens, driving range areas and parking areas shall be designed to minimize illumination levels to zero (0) footcandles when measured from an adjacent lot line.
- H. The owner/operator of the facility shall incorporate best management practices(BMP's) to minimize nonpoint pollution from the activity. The applicant shall submit a report describing the BMP's that they will use on the site and notify the township whenever a change is made to those BMP's. Whenever a change is made to BMP's used on the site, the owner/operator shall certify that the new BMP's provide equal or greater pollution prevention protection than the former management practice.

### **§ 208-820. Farmers' market.**

A farmers' market shall be a permitted conditional use subject to the following express standards and criteria:

- A. The number of off-street parking and loading spaces shall be provided as defined by Article IV of this Chapter.
- B. The ground surface of off-street parking and loading spaces shall be paved with bituminous, brick, concrete or stone block paving material to protect the surrounding neighborhood from inappropriate dust and other disturbances.
- C. No storage or transfer of toxic, corrosive, flammable, carcinogenic or explosive materials, chemicals, liquids, gases or solids is permitted.

### **§ 208-821. Flex space.**

Flex space shall be a permitted conditional use subject to the following express standards and criteria:

- A. An additional ten (10) feet of yard setback with landscape buffering a minimum of six (6) feet in height for off-street parking and loading areas shall be provided as defined by Articles II and IV and Appendix B of this Chapter to protect the surrounding neighborhood from inappropriate light and other disturbances.

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- B. The height of proposed buildings and structures that are for non-aviation uses shall be subject to the requirements of the Airport Zone Overlay District and approval by the Federal Aviation Administration (FAA).
- C. In addition to the above criteria, flex space in the BP Zoning District shall meet the following criteria:
  - 1. Not more than fifty (50%) of any development site may be devoted to flex space.
  - 2. Direct access to the flex space shall be provided through streets that service primarily commercial traffic. The streets in the BP District that service primarily commercial traffic are: Portvue Drive, Cherrington Parkway, Ewing Road, Market Place Boulevard and Hookstown Grade Road.
  - 3. At least seventy-five (75%) percent of the flex space building must be dedicated to an office use, and no more than twenty-five (25%) percent of the flex space building may be dedicated to storage. If the applicant desires greater than the maximum of twenty-five (25%) percent of the flex space building to be dedicated to storage, then the following criteria must be met:
    - a. Flex buildings shall have a minimum of two-thirds (2/3) of its exterior wall area faced with brick, stone and / or glass, exclusive of windows.
    - b. Facades shall incorporate wall plane projections of recessing having a depth of at least three (3) percent of the length of the façade and extending twenty (20) percent of the length of the façade. No uninterrupted length of any façade shall exceed fifty (50) horizontal feet.

### **§ 208-822. Gas station.**

A gas station shall be a permitted conditional use subject to the following express standards and criteria:

- A. Gas stations, as defined by this Chapter, shall be permitted only when accessory to an approved commercial use(s).
- B. The minimum lot area for a gas station shall be twenty-thousand (20,000) square feet.
- C. The gas station shall have direct ingress/egress to a collector or arterial road, as defined by this Chapter, or shall have a point of ingress/egress from a public or private street within the lot of a shopping center.
- D. A canopy over the gas pumps shall be permitted, provided that:
  - (1) The canopy is not attached to the principal building.

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- (2) The canopy shall not be enclosed.
  - (3) The canopy shall be located a minimum of ten (10) feet from any property line or street right-of-way line.
  - (4) The canopy shall be removed immediately if the principal use is changed or discontinued.
- E. All authorized minor repair work, car washing and lubrication shall be conducted within a completely enclosed building.
  - F. All automobile parts and accessories, dismantled vehicles and similar materials shall be stored within a completely enclosed building.
  - G. Off-street parking shall be provided for a minimum of one (1) space for each employee on duty and employer plus three (3) spaces for each repair bay.
  - H. Gasoline pumps shall be located at least twenty (20) feet from the edge of the right-of-way of any public street.
  - I. All fuel, oil and other flammable substances shall be stored at least twenty-five (25) feet from any property line.
  - J. The owner/operator of the facility shall incorporate best management practices(BMP's) to minimize nonpoint pollution from the activity. The applicant shall submit a report describing the BMP's that they will use on the site and notify the township whenever a change is made to those BMP's. Whenever a change is made to BMP's used on the site, the owner/operator shall certify that the new BMP's provide equal or greater pollution prevention protection than the former management practice.

### **§ 208-823. Group care facilities.**

Group care facilities shall be permitted conditional uses subject to the following express standards and criteria:

- A. The number of occupants shall be limited to no more than fourteen (14) persons, including clients, staff and family of clients. Clients shall be limited to no more than ten (10) persons.
- B. Minimum lot area and yard setbacks shall be as described in Article II for the zoning district wherein the property is located. However, these dimensions may be reduced by the Board of Supervisors when the building proposed to house such a facility is an existing building which has been established as appropriate for such an institution through a pre-existing use.
- C. On-site parking facilities shall be provided at the ratio of one (1) stall for every two (2) full-time staff members and an additional stall for every five (5) residents who are eligible and are permitted by the sponsor to operate a vehicle.

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- D. Whenever a party or parties seeks to occupy a dwelling or other building as a group care facility, the party or parties shall file a detailed statement of intent describing the proposed use of the dwelling or building, which statement shall detail the proposed number and nature of the anticipated occupants, with the office of the Township Manager. A license or certification shall also be obtained from the Commonwealth of Pennsylvania Department of Public Welfare prior to issuance of an occupancy permit. If an appropriate licensing or certifying agency does not exist, the applicant shall demonstrate to the Board of Supervisors that the proposal satisfies a demonstrative need and shall be conducted in a responsible manner without detriment to surrounding properties.
- E. The sponsor shall file annually with the Zoning Officer to indicate that the facility continues to satisfy the conditions of original approval. The sponsoring agencies shall be notified by mail of the annual filing date thirty (30) days prior to such date. Ten (10) days after the filing date, an advertisement shall be placed in a local newspaper for one (1) day, listing those agencies that have applied for re-certification or requesting comments from residents in community organizations within thirty (30) days from the date of the advertisement. Individuals or organizations wishing to file a complaint shall do so, in writing, to the Zoning Officer. Change in sponsorship or any conditions of original approval shall constitute a new use, and the full procedure for obtaining a new use shall be exercised.

### **§ 208-824. Home occupation**

A home occupation shall be permitted as a conditional use provided that the following standards are met:

- A. There shall be no exterior evidence of the business activity or use other than the wall sign authorized by §208-414 of this Chapter.
- B. No more than one (1) employee shall be employed by the business in addition to residents of the dwelling. For the purposes of this section, “employed” shall be defined as one who receives compensation for any kind of services performed in association with the home occupation. This compensation can be in the form of monetary compensation, rent or other compensatory consideration.
- C. No more than twenty-five percent (25%) of the gross floor area of the dwelling shall be devoted to the conduct of a home occupation.
- D. No business activity shall be conducted in any accessory structure.
- E. The business activity or use shall not create any additional environmental impact other than those impacts normally resulting from a residential use, including, but not limited to, road infrastructure, traffic, garbage, water and sewage.



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- F. The business activity or use shall not cause an increase in the use of water, sewage, garbage, public safety or any other municipal services beyond that which is normal for an average residence in the neighborhood.
- G. The business activity or use shall comply with the performance standards specified in Article VI of this Chapter.
- H. The business activity or use shall not require internal or external alterations or construction features which change the fire rating of the structure.
- I. There shall be no use of materials or equipment except that of similar power and type normally used in a residential dwelling for domestic or household purposes.
- J. There shall be no storage of materials or equipment outside an enclosed building.
- K. The conduct of any home occupation, including, but not limited to, the storage of goods or equipment, shall not reduce or render unusable areas required for enclosed parking for the dwelling unit.
- L. The business activity or use shall not create greater vehicular or pedestrian traffic than that which is normal for the residences in the neighborhood.
- M. All needs for parking generated by the conduct of a home occupation shall be provided for on the subject lot.
- N. The business activity or use shall not involve the use of vehicles in excess of one (1) ton capacity or nine thousand (9,000) pounds gross vehicle weight for delivery of materials to or from the premises, and such vehicles shall not be parked on the premises.
- O. There shall be no regular display of merchandise available for sale on the premises; however, merchandise may be stored on the premises for pickup and/or delivery.
- P. The business activity or use shall not involve the use of advertising signs on or off the premises which shall call attention to the fact that the dwelling is being used for business purposes.
- Q. The following uses shall not be considered to be home occupations and shall be limited to the districts in which they are specifically authorized as permitted uses, conditional uses or uses by special exception:
  - (1) Animal hospitals.
  - (2) Automobile sales, rental, service and repair shops.
  - (3) Beauty shops and barbershops containing more than one (1) chair.
  - (4) Clinics, hospitals, nursing homes, group care facilities.
  - (5) Kennels.
  - (6) Funeral homes.

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- (7) Private clubs.
  - (8) Private instruction to more than three (3) students at a time.
  - (9) Restaurants.
  - (10) Keeping of horses.
- R. Day-care homes, as defined by this Chapter, shall be considered a home occupation, provided that:
- (1) All of the foregoing standards of a home occupation are met.
  - (2) Evidence of licensing by the Commonwealth shall be presented at the time of application and all such necessary licenses shall be maintained throughout operation of the day-care home.
  - (3) An adequate area for outdoor recreation shall be provided and shall be secured with a fence with a self-latching gate.
  - (4) A safe area shall be provided for dropping off and picking up children which does not obstruct the free flow of traffic on any public street.
- S. Any approved home occupation which requires any type of public access to the dwelling must obtain all required approvals from the Pennsylvania Department of Labor and Industry.

### **§ 208-825. Hospitals.**

Hospitals shall be permitted conditional uses subject to the following express standards and criteria:

- A. The developer and/or land owner shall complete a Traffic Network Analysis to demonstrate that the Township's roadway network will maintain an acceptable level of service and roadway capacity based upon the proposed development's peak traffic volumes.
- B. Minimum lot area and yard setbacks shall be as described in Article II of this Chapter for the zoning district wherein the property is located.
- C. Safe vehicular access and areas for discharging and picking up patients shall be provided.
- D. Air transport operations planning shall be coordinated with the Allegheny County Department of Aviation and the Pittsburgh International Airport.
- E. Parking facilities shall be provided at the ratio of one (1) for each full-time staff members on peak shift and one (1) additional stall for every two (2) patients.
- F. A traffic impact study shall be required to be submitted according to Chapter 188, Subdivision of Land whereas the proposed development, which according to the Institute of

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Transportation Engineers (ITE) standards, will generate one hundred (100) trips in addition to the adjacent roadways' peak hour volumes.

- G. A hospital's height shall not exceed seventy-five (75) feet and shall not pose a hazard to the operations of the Pittsburgh International Airport.

### **§ 208-826. Hotels/motels.**

Hotels/motels shall be permitted conditional uses subject to the following express standards and criteria:

- A. Service of meals and/or beverages (alcoholic/non-alcoholic) must be secondary to the principal use of room or suite rental.
- B. Secondary eating establishments serving alcoholic beverages or secondary bars or nightclubs must be licensed by the Pennsylvania State Liquor Control Board.
- C. The owner(s)/operator(s) of a hotel/motel shall be responsible for the conduct and safety of the renters and guests and shall be available to respond to inquiries and promptly quell any disturbances caused by renters or guests.

### **§ 208-827. Junkyards.**

Junkyards shall be permitted conditional uses subject to the following express standards and criteria:

- A. The minimum lot size shall be ten (10) acres.
- B. The premises shall be maintained so as to not constitute a nuisance or a menace to public health and safety.
- C. The owner/operator of the facility shall incorporate best management practices(BMP's) to minimize nonpoint pollution from the activity. The applicant shall submit a report describing the BMP's that they will use on the site and notify the township whenever a change is made to those BMP's. Whenever a change is made to BMP's used on the site, the owner/operator shall certify that the new BMP's provide equal or greater pollution prevention protection than the former management practice.
- D. The manner of storage of junk shall be arranged in such a fashion that aisles of a minimum width of twenty-five (25) feet between rows of junk are maintained in order to facilitate access for fire fighting and to prevent the accumulation of stagnant water.
- E. Junkyards shall comply with the performance standards of Article VI of this Chapter.

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- F. No junk shall be stored or accumulated and no structure shall be constructed within one hundred (100) feet of any dwelling unit or within forty (40) feet of any property line or right-of-way line of a public street.
- G. The premises shall be enclosed by a metal chain link fence not less than eight (8) feet in height supported on steel posts with a self-latching gate. The fence shall be located within the interior of the bufferyard.
- H. The fence shall be supplemented with screening material which creates a visual barrier that is one hundred percent (100%) opaque.
- I. All property lines adjoining residential use or zoning district classification shall provide Bufferyard 1 as required by § 208-213 and Appendix B of this Chapter. All property lines adjoining a non-residential use or zoning district classification shall provide Bufferyard 2 as required by § 208-213 and Appendix B of this Chapter.
- J. The operator shall obtain a permit from the Township prior to initiating operation. The Zoning Officer may inspect the property at any time. The Zoning Officer shall notify the operator forty-eight (48) hours before such inspection shall take place.
- K. The manner of storage of junk shall be arranged in such a fashion that it shall not be higher than the adjacent fence.
- L. This conditional approval shall be subject to periodic inspections to insure compliance with the conditions of approval.
- M. The owner(s) and operator(s) of a junkyard shall incorporate Best Managements Practices as outlined in the Pennsylvania Handbook of Best Management Practices for Developing Areas to minimize negative impacts of erosion, siltation and surface water and groundwater contamination.

### **§ 208-828. Kennels.**

Kennels shall be permitted conditional uses subject to the following:

- A. Such uses shall be located at least one hundred (100) feet from any property line adjoining a residential use or zoning district and at least fifty (50) feet from any other property line.
- B. The minimum lot area required for the use shall be two (2) acres.
- C. Outdoor runs and similar facilities shall be constructed for easy cleaning, shall be adequately secured by a fence with a self-latching gate and shall be screened by a six (6) foot high compact hedge or one hundred percent (100%) opaque fence on all sides which are visible from any street or residential property.

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- D. If adjacent properties are developed for single-family dwellings, the kennels shall be soundproofed to minimize noise impact on adjacent properties.
- E. The kennel shall be licensed by the Commonwealth of Pennsylvania, and compliance with all applicable rules and regulations of the Commonwealth of Pennsylvania and the Allegheny County Health Department shall be maintained.
- F. At no time shall the animals be permitted to run loose on the property other than in a completely enclosed area.
- G. This conditional approval shall be subject to periodic inspections to insure compliance with the conditions of approval.
- H. The owner/operator of the facility shall incorporate best management practices(BMP's) to minimize nonpoint pollution from the activity. The applicant shall submit a report describing the BMP's that they will use on the site and notify the township whenever a change is made to those BMP's. Whenever a change is made to BMP's used on the site, the owner/operator shall certify that the new BMP's provide equal or greater pollution prevention protection than the former management practice.

### **§ 208-829. Landscaping center/nursery.**

A landscaping center/nursery shall be permitted conditional uses subject to the following express standards and criteria:

- A. Side and rear yards shall be maintained in accordance with Bufferyard 1 as defined in § 208-213 and Appendix B of this Chapter.
- B. A traffic impact study shall be required to be submitted according to Chapter 188, Subdivision of Land whereas the proposed development, which according to the Institute of Transportation Engineers (ITE) standards, will generate one hundred (100) trips in addition to the adjacent roadways' peak hour volumes.
- C. The owner/operator of the facility shall incorporate best management practices(BMP's) to minimize nonpoint pollution from the activity. The applicant shall submit a report describing the BMP's that they will use on the site and notify the township whenever a change is made to those BMP's. Whenever a change is made to BMP's used on the site, the owner/operator shall certify that the new BMP's provide equal or greater pollution prevention protection than the former management practice.

### **§ 208-830. Massage therapy establishment**

Massage therapy establishments shall be permitted conditional uses subject to the following express standards and criteria:

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- A. State or national certification or approved equivalent shall be required for all employees, excluding administrative staff.
- B. Hours of operation shall be defined as 8:00 am to 8:00 pm.
- C. A massage therapy establishment shall operate in compliance with all applicable rules and regulations of the Commonwealth of Pennsylvania and the Allegheny County Health Department.
- D. A massage therapy establishment shall be initially licensed, where it has met the requirements set forth in the Moon Township Code of Ordinances, through December 31 of the year in which the license is issued. For each year thereafter that the massage therapy establishment intends to continue its business, it must seek from the office of the Township Manager a renewal of this license. The application for renewal is due in the Township Manager's office no later than November 1 of the year proceeding the year in which the license renewal is sought. The lack of a license or the failure to seek license renewal on a timely basis shall be a proper basis for the Township to deny or revoke an occupancy permit to a massage therapy establishment.

### **§ 208-831. Medical clinics.**

Medical clinics shall be permitted conditional uses subject to the following express standards and criteria:

- A. Side and rear bufferyards shall be maintained in accordance with Bufferyard 1 as defined in § 208-213 and Appendix B of this Chapter.
- B. Facilities and equipment to support overnight boarding shall not be permitted.
- C. The number of off-street parking and loading spaces shall be provided as defined by Article IV of this Chapter.
- D. A traffic impact study shall be required to be submitted according to Chapter 188, Subdivision of Land whereas the proposed development, which according to the Institute of Transportation Engineers (ITE) standards, will generate one hundred (100) trips in addition to the adjacent roadways' peak hour volumes.

### **§ 208-832. Medical office.**

A medical office shall be permitted conditional use subject to the following express standards and criteria:

- A. The number of off-street parking and loading spaces shall be provided as defined by Article IV of this Chapter.

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- B. Side and rear bufferyards shall be maintained in accordance with Bufferyard 1 as defined in 208-213 and Appendix B of this Chapter.
- C. A traffic impact study shall be required to be submitted according to Chapter 188, Subdivisiona and Land Development whereas the proposed development, which according to the Institute of Transportation Engineers (ITE) standards, will generate one hundred (100) trips in addition to the adjacent roadways' peak hour volumes.

### **§ 208-833. Methadone treatment facility.**

A methadone treatment facility shall be a permitted conditional use subject to the following express standards and criteria:

- A. The facility shall not be established or operated within five hundred (500) feet of an existing school, public playground, public park, residential housing area, child-care facility, place of worship or place of assembly established prior to the proposed methadone treatment facility unless, by majority vote, the governing body of the Township votes in favor of the issuance of an occupancy permit or certificate of use. One (1) or more public hearings regarding the proposed facility location shall be held within the Township following public notice. All owners of real 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 said public hearings occurring.
- B. The facility shall not be established or operated within three hundred (300) feet of an existing bar, nightclub or liquor store.
- C. Side and rear bufferyards shall be maintained in accordance with Bufferyard 1 as defined in § 208-213 and Appendix B of this Chapter.
- D. Facilities and equipment to support overnight boarding shall be permitted.

### **§ 208-834. Mixed-use development.**

Mixed-use development shall be a permitted conditional use subject to the following express standards and criteria:

- A. Buildings shall be located a minimum of thirty (30) feet apart.
- B. Buildings adjacent to a private road or driveway shall be located a minimum of twenty (20) feet from the edge of the road.

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- C. Primary facades and entries shall front adjacent roads or public walkways.
- D. The developer and/or landowner shall minimize off-street parking needs by sharing parking spaces within the development. The Board of Supervisors may request a shared parking analysis.
- E. The location and orientation of loading and service areas shall be coordinated to minimize conflicts of vehicular and pedestrian circulation.
- F. The land development's vehicular circulation system shall be designed to minimize conflicts between heavy truck traffic and automobile traffic and parking areas.
- G. The pro-rata share of handicapped spaces required by the land development should be provided as close as practical to each use's primary entrance.
- H. Height of proposed buildings housing non-aviation uses shall be subject to the requirements of the Airport Zone Overlay District and approval by the Federal Aviation Administration (FAA).
- I. Only uses designated as permitted or conditional uses within the M-X Mixed Use District shall be considered for inclusion within the mixed-use development.
- J. Buildings and structures shall be designed to minimize conflicts between uses and shall be constructed in accordance with the Township's Construction Standard Details.
- K. Loading areas shall not be visible from the primary entrance of any commercial use.
- L. Outdoor storage shall not be visible from the primary entrance of any commercial use.

### **§ 208-835. Office: Administrative, Business, Corporate and Professional (not including medical).**

An office building shall be permitted a conditional use subject to the following express standards and criteria:

- A. Buildings adjacent to a private road or driveway shall be located a minimum of twenty (20) feet from the edge of the road.
- B. Primary facades and entries shall front adjacent roads or public walkways.
- C. Side and rear bufferyards shall be maintained in accordance with Bufferyard 1 as defined in § 208-213 and Appendix B of this Chapter.
- D. The location and orientation of loading and service areas shall be coordinated to minimize conflicts of vehicular and pedestrian circulation.



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- E. Buildings and structures shall be designed to minimize conflicts between uses and shall be constructed in accordance with the Township's Construction Standard Details.
- F. Loading areas shall not be visible from any office use.
- G. Outdoor storage shall not be visible from the primary entrance of an office use.
- H. The ground surface of off-street parking and loading spaces shall be paved with bituminous, brick, concrete or stone block paving material to protect the surrounding neighborhood from inappropriate dust and other disturbances.
- I. Height of proposed buildings housing non-aviation uses shall be subject to the requirements of the Airport Zone Overlay District and approval by the Federal Aviation Administration (FAA).

### **§ 208-836. Outdoor storage.**

Outside storage shall be a conditional use subject to the following express standards and criteria:

- A. Any article or material authorized to be stored outside an enclosed structure shall be buffered by six- (6) foot-high opaque fencing, planting, earthen mounds or existing topography to assure that it cannot be seen from adjoining public streets or adjacent residential uses or residentially zoned properties and to assure no adverse effect on adjacent property.
- B. No outdoor storage area located within the C-1 Neighborhood Commercial District shall exceed two thousand-five hundred (2,500) feet.
- C. Outdoor storage shall not be permitted in the required front yard.
- D. Toxic or volatile chemicals shall not be stored outside an enclosed structure.
- E. All organic rubbish or waste materials shall be stored in airtight vermin-proof containers.
- F. No movable vehicle such as a truck or trailer shall be used for outside storage.
- G. Outdoor storage shall not include operable and/or inoperable vehicles including, but not limited to, automobiles, buses, motorcycles and similar machines.
- H. Outdoor storage shall not be visible from the primary entrance of any commercial use.
- I. Access driveways to outdoor storage shall be paved with a minimum of two (2) inches of slag or stone.

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- J. The outside storage facility shall not reduce the area required for off-street parking or loading for the principal use, nor shall its location interfere with the free flow of traffic on the site or the use of any off-street parking or loading area.
- K. The owner/operator of the facility shall incorporate best management practices(BMP's) to minimize nonpoint pollution from the activity. The applicant shall submit a report describing the BMP's that they will use on the site and notify the township whenever a change is made to those BMP's. Whenever a change is made to BMP's used on the site, the owner/operator shall certify that the new BMP's provide equal or greater pollution prevention protection than the former management practice.

### **§ 208-837. Parking Structure/Garage.**

A parking structure/garage shall be a permitted conditional use subject to the provisions of Articles II and IV of this Chapter.

### **§ 208-838. Pilot manufacturing.**

Pilot manufacturing as a principal use shall be a permitted conditional use subject to the following express standards and criteria:

- A. Pilot manufacturing shall be permitted as a principal use only when it is directly related to research and development activities authorized as a principal use.
- B. The total floor area devoted to pilot manufacturing shall not exceed twenty-five percent (25%) of the total floor area of all buildings devoted to research and development.
- C. All materials and equipment shall be stored within a completely enclosed building.
- D. The use shall comply with all performance standards specified in Article VI of this Chapter.
- E. The storage, use or manufacture of hazardous or potentially hazardous materials shall be limited to those materials required to be used by or produced in connection with the pilot manufacturing activity, and the transportation, handling, use and disposal of such materials shall conform with all applicable regulations and permit requirements of the United States Environmental Protection Agency (EPA) and the Pennsylvania Department of Environmental Protection (DEP).

### **§ 208-839. Place of assembly/place of worship in non-residential zoning districts**

A place of assembly/place of worship in non residential zoning districts shall be permitted conditional uses subject to the following express standards and criteria:

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- A. Minimum lot area shall be one (1) acre.
- B. A place of worship's primary visitor drop-off and pick-up area shall be located in a manner that minimizes detrimental traffic impacts (both pedestrian and vehicular) on the surrounding neighborhood.
- C. The number of points of ingress/egress shall be based upon projected peak hour traffic for the use and approved by the Township Engineer to ensure employee and visitor safety.
- D. Hours of operation and events shall be scheduled to minimize negative impacts on the surrounding neighborhood.
- E. For parking demands greater than three hundred (300) automobiles, additional setbacks, screening and buffering of off-street parking and loading areas may be required to be provided in order to protect the surrounding neighborhood from inappropriate noise, dust, light and other disturbances.

### **§ 208-840. Place of worship in residential zoning districts.**

In addition to the requirements of Section 208-839, a place of worship in residential zoning districts shall be a permitted conditional use subject to the following express standards and criteria:

- A. All buildings and structures shall be setback at least one hundred (100) feet from all lot line and right-of-ways.
- B. A place of worship shall have direct access to an arterial or collector street. The point of ingress/egress shall be located in a manner that minimizes detrimental traffic impacts (both pedestrian and vehicular) on the surrounding neighborhood.
- C. Hours of operation and worship events shall be scheduled to minimize negative impacts on the surrounding neighborhood.
- D. A place or worship in a residential zoning district must provide a bufferyard 1 as detailed in §208-213.D (1) (a).

### **§ 208-841. Planned Non Residential Development**

- A. Planned Non Residential Development shall be a permitted conditional use subject to the following express standards and criteria:

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- (1) The proposed Master Plan dedicates all facilities shown on the Official Map, Phase 1 or the applicant has provided alternate facilities in accordance with the Official Map, Phase 1 Ordinance.
  - (2) The proposed Master Plan complies with all applicable standards and conditions of Article XIV, preserves the community development objectives of this Chapter and is found by the Board of Supervisors to be consistent with the Moon Township Comprehensive Plan.
  - (3) Where the proposed Master Plan departs from requirements of this Chapter and Chapter 188, Subdivision and Land Development otherwise applicable to the subject property, such departures are in the public interest and promote the public's health, safety and welfare.
  - (4) The proposed uses shown on the Master Plan are permitted in one of the underlying zoning district(s) in the master plan area except that § 208-848 uses may only be located in an M-1 zoning district. Where the use has a spacing requirement from similar uses, other uses or zoning districts, e.g. § 208-848, it may not be waived in a planned nonresidential development.
  - (5) The proposals for the maintenance and conservation of any proposed common open space, bufferyard and landscaping areas are reliable and legally enforceable, and the amount and extent of improvements of such open space and landscaping areas are adequate with respect to the purpose, use and type of development proposed.
  - (6) The physical design of the Master Plan adequately provides for public services, traffic facilities and parking, light, air, recreation and visual enjoyment and represents a reasonable modification of the standards in Article III.
  - (7) The total environment of the Master Plan is harmonious and consistent with the zoning district in which it is located.
  - (8) The grant or denial of Master Plan approval shall include findings of fact related to the proposed Master Plan as may be submitted for approval, and the reasons for the decisions shall be set forth with particularity in what respect the proposed Master Plan would or would not be in the public interest, including but not limited to each of the above criteria.
- B. In evaluating the conditional use criteria, the Applicant shall demonstrate, and the Board of Supervisors shall consider the following additional factors, where applicable:
- (1) The degree to which development pursuant to a cohesive Master Plan is expected to be superior to existing development in the zoning district(s) under uncoordinated land development plans.

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- (2) The degree to which a Declaration of Covenants, Conditions and Restrictions (CCR) is created and recorded against the property to govern development. Examples of items that would be included in the CCR may include, but not be limited to:
    - a. Architectural Design Standards (i.e. materials, colors, quality of construction, maintenance, repair, etc.);
    - b. Landscaping Standards;
    - c. Signage Standards;
    - d. Lighting Standards;
    - e. Other items deemed appropriate by the Board of Supervisors
  - (3) If the Master Planned area abuts an R District, the degree that bufferyards are enhanced over the minimum required in this Chapter.
  - (4) The extent of trip generation mitigation through TMA and TSM strategies.
  - (5) The degree to which environmentally sensitive resources are protected.
  - (6) The degree that enforceable, rigorous, architectural and design standards will create a development which will attract high quality uses and jobs.
  - (7) The amount and nature of public facilities and right of way donated to the Township or other public agency over and above what could legally be required in a land development.
- C. The Board shall also consider the following criteria, which shall be encouraged, but not required:
- (1) The use of parking structures to minimize surface parking lots.
  - (2) The use of innovative storm water management techniques, such as Best Management Practices (BMPs), ground water recharging, green roofs, etc.
  - (3) The degree to which pedestrian circulation is proposed to inter-connect the lots within the Master Plan.
  - (4) The degree that the Master Plan may assist in attracting similar uses to adjacent land.
  - (5) The degree to which the use of the property will generate tax revenue for the Township, particularly in areas if special taxing districts (i.e. Moon Transportation District).

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(6) The degree to which the development is expected to create new jobs.

D. Apartment use above the first/ground floor of any building may be permitted in a master plan area when:

(1) The total square footage devoted to the apartment use in the master plan area does not exceed twenty-five percent (25%) of the total master plan square footage.

(2) Adequate protections from noise, light, vibration, hours of operation, truck and equipment traffic and surrounding master planned uses are provided. It is the intent of this subsection that residential uses are secondary to the uses permitted in the zoning district(s) and such residential use should be subject to impacts that would not be acceptable in residentially zoned districts. The Board of Supervisors may require that notice of this fact be made part of any recorded covenants for the master planned area.

(3) Adequate outdoor recreational areas are provided.

(4) The use provisions of § 208-805 are complied with.

(5) The height of an apartment structure does not exceed one hundred (100) feet.

E. The applicant shall submit an updated Master Plan each time one of the following events occurs:

(1) The uses proposed in the Master Plan change in trip generation character and impact such that more than 100 new peak hour trips would be generated.

(2) The total Master Plan area devoted to bufferyards and landscaping is decreased by more than 5%

(3) The quantity of grading shown on the Master Plan grading plan is increased by more than 5%.

(4) Any access point to an existing public street is moved or removed to such an extent that in the opinion of the Township Traffic Engineer a greater impact on abutting properties will result.

(5) The parcelization on the Master Plan is changed such that, in the opinion of the Township Traffic Engineer, the street and circulation system within the Master Plan area is inadequate to meet traffic demands generated in the Master Plan area.

(6) Twenty-five percent (25%) of the Master Plan area by building square footage is completed; provided, however, if no changes in use or parcel sizes have occurred from

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the time of the last Master Plan approval, the applicant shall so notify the Zoning Officer in writing and the Zoning Officer may waive this requirement.

- (7) Where a Master Plan is being updated and a lot has been developed and has received a certificate of occupancy, only the outlines of the lot need to be shown on the Master Plan with reference to the land development plan as recorded in the Allegheny County Records Office.

For modifications other than those listed above, approval of a land development for a lot within the Master Planned area serves as a revision to the previously approved Master Plan as to that lot.

### **§ 208-842. Public or private schools.**

Public or parochial school facilities shall be permitted conditional uses subject to the following express standards and criteria:

- A. The number of off-street parking and loading spaces shall be provided as defined by Article IV of this Chapter.
- B. Operations shall be regulated so that nuisances such as visual blight, glare and noise shall not be created.
- C. Light fixtures for the illumination of parking and service areas shall be designed to minimize illumination levels to zero (0) footcandles when measured from an adjacent lot line. Lighting levels shall also be reduced by one-half ( $\frac{1}{2}$ ) their standard operating power, between 11:00 pm and 6:00 am.
- D. Front, rear and side yards shall be maintained in accordance with Bufferyard 1 as defined in § 208-213 and Appendix B of this Chapter.
- E. The owner(s) and operator(s) of a public or parochial school shall incorporate Best Managements Practices as outlined in the Pennsylvania Handbook of Best Management Practices for Developing Areas to minimize negative impacts of erosion, siltation and surface water and groundwater contamination.

### **§ 208-843. Recreation facility.**

A recreation facility shall be a permitted conditional use subject to the following express standards and criteria:

- A. The number of off-street parking and loading spaces shall be provided as defined by Article IV of this Chapter.
- B. Operations shall be regulated so that nuisances such as visual blight, glare and noise as defined by Article VI of this Chapter shall not be created.

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- C. Light fixtures for the illumination of parking and service areas shall be designed to minimize illumination levels to zero (0) footcandles when measured from an adjacent lot line. Lighting levels shall be reduced by one-half (½) their standard operating power, between 11:00 pm and 6:00 am.
- D. Front, rear and side yards shall be maintained in accordance with Bufferyard 1 as defined in § 208-213 and Appendix B of this Chapter.
- E. The owner(s) and operator(s) of a recreation facility shall be responsible for the conduct and safety of the members, visitors or guests and shall be available to respond to inquiries and promptly quell any disturbances caused by the members, visitors and guests.
- F. Means of ingress and egress to the lot shall be from a public arterial or collector street.
- G. For parking demands greater than one hundred-fifty (150) automobiles, additional setbacks, screening and buffering of off-street parking and loading areas may be required to be provided in order to protect the surrounding neighborhood from inappropriate noise, dust, light and other disturbances.

### **§ 208-844. Research and development.**

Research and development shall be a conditional use subject to the following express standards and criteria:

- A. Any outdoor storage conducted on the lot shall comply with the regulations for outdoor storage as defined in § 208-836.
- B. A research and development facility shall have one (1) point of ingress and egress to a public arterial or collector street.
- C. Hours of operation and activities must be appropriately scheduled to protect the operation of the surrounding neighborhood from detrimental noise, dust, odor, vibration, light or other disturbance or interruption.
- D. An inventory of toxic, corrosive, flammable, carcinogenic or explosive materials, chemicals, liquids, gases or solids shall be updated annually and submitted to the Township for record.



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- E. The height of proposed buildings and structures that are for non-aviation uses shall be subject to the requirements of the Airport Zone Overlay District and approval by the Federal Aviation Administration (FAA).

### **§ 208-845. Restaurants, low turn-over.**

Restaurants with low turn-over shall be a permitted conditional use subject to the following express standards and criteria:

- A. In business parks of ten (10) acres or more, restaurants shall be permitted in an office building or in a hotel or in a conference and training center authorized as a principal use in a business park. Restaurants in business parks shall not be permitted in any other freestanding principal or accessory building. Restaurants shall be permitted in an office building or in a hotel or in a freestanding principal building on lots of record in the B-P District which are less than the minimum required site area of ten (10) acres and which are developed in accordance with Table 1: Permitted and conditional uses and uses by special exception of this Chapter.
- B. The maximum gross floor area devoted to any single restaurant establishment in an office building which is open to the general public shall be ten-thousand (10,000) square feet.
- C. Off-street parking shall be provided at a rate of one (1) space for every one hundred and twenty (120) square feet of net floor area.
- D. A separate wall identification sign provided for by § 208-414 of this Chapter shall be permitted for the restaurant, provided that it does not exceed thirty-two (32) square feet of gross surface area.

### **§ 208-846. Self-service storage facility.**

Self-service storage facility or mini-warehouses shall be permitted conditional uses subject to the following:

- A. The minimum lot area required shall be five (5) acres.
- B. The lot shall have direct ingress/egress to a public collector or arterial street, as defined by this Chapter, and points of ingress/egress shall not be through a road on which the current use of the majority of lots fronting on the road is single-family dwellings.
- C. Vehicular access to the lot shall be limited to one (1) two-way or two (2) one-way driveways from each arterial or collector road on which the lot has frontage and which meets the requirements of Subsection B above.
- D. All one-way driveways shall have a minimum of one (1) ten (10)-foot parking lane, plus one (1) fifteen (15) foot travel lane.

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- E. All two-way driveways shall provide a minimum of one (1) ten (10)-foot parking lane, plus two (2) twelve (12)-foot travel lanes. Parking lanes may be eliminated where the driveway does not serve storage units.
- F. All interior driveways shall be paved with an impervious surface sufficient for the loads the driveways are expected to bear.
- G. Parking shall be provided in accordance with the following requirements:
  - (1) Two (2) spaces for manager's quarters.
  - (2) One (1) space for each ten (10) storage units equally distributed throughout the storage area.
  - (3) One (1) space for each twenty-five (25) storage units, which spaces shall be located near the manager's quarters to be used by prospective clients.
- H. Yards shall be maintained in accordance with Bufferyard 1 as defined by § 208-213 and Appendix B of this Chapter along all property lines which adjoin residential use or zoning classification.
- I. A minimum eight (8)-foot fence with a self-latching gate shall be placed on the interior side of each bufferyard. The fence shall be supplemented with screening material which creates a visual barrier that is at least one hundred percent (100%) opaque.
- J. The maximum building height shall be twenty (20) feet.
- K. The minimum distance from the face of any storage building to the face of any adjacent storage building shall be twenty-eighty (28) feet for storage units which are less than fifteen (15) feet in depth and forty-two (42) feet for storage units which are more than fifteen (15) feet in depth.
- L. The minimum distance from the end of any storage building to the end of any adjacent storage building shall be twenty (20) feet.
- M. The maximum length of any storage building shall be two hundred (200) feet.
- N. The maximum size of any storage unit shall be fourteen (14) feet wide, forty (40) feet deep and one (1) story and no more than twenty (20) feet in height. If storage units are placed back-to-back, the maximum width of the building shall not exceed forty (40) feet.
- O. Maximum lot coverage by all buildings shall be forty percent (40%).
- P. Office space may be provided which shall not exceed five percent (5%) of the total floor area devoted to storage.

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- Q. Any outdoor storage conducted on the lot shall comply with the regulations for outdoor storage as defined in § 208-836.
- R. Storage units shall not be equipped with water or sanitary sewer service.
- S. No business activity other than rental of storage units shall be conducted on the premises.
- T. Operations shall be regulated so that nuisances such as visual blight, glare, noise, blowing debris and dust shall not be created.
- U. Exterior finishes of the storage units shall be compatible with the character of development on adjoining properties. A minimum of six (6) feet above grade shall be masonry construction.
- V. The design of the storage building shall be sealed by an architect.
- W. No signs shall be placed on the buildings or on their rooftops.
- X. One (1) freestanding business identification sign shall be permitted which complies with the requirements of §208-414 of this Chapter for the zoning district in which the use is located.
- Y. No hazardous materials or substances shall be permitted to be stored in the storage buildings other than those permitted by Chapter 72, Building Construction and Fire Prevention. Both the landlord and the tenants of the storage buildings shall be responsible for the prevention of the storage of hazardous materials or substances in the storage buildings that would be beyond the allowance of the Township Building or Fire Codes.
- Z. A minimum of one (1) fire hydrant shall be provided on the lot subject to the approval of the number and location of hydrants by the Township Fire Marshal, and the facility shall comply with all local fire codes.<sup>8</sup>
- AA. The owner/operator of the facility shall incorporate best management practices(BMP's) to minimize nonpoint pollution from the activity. The applicant shall submit a report describing the BMP's that they will use on the site and notify the township whenever a change is made to those BMP's. Whenever a change is made to BMP's used on the site, the owner/operator shall certify that the new BMP's provide equal or greater pollution prevention protection than the former management practice.
- BB. Buildings shall be so situated or screened so that the access doors are not facing adjacent streets.

### **§ 208-847. Senior center.**

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<sup>8</sup> Editor's Note: See Ch. 72, Building Construction and Fire Prevention.

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A senior center shall be a permitted conditional use subject to the following express standards and criteria:

- A. Safe vehicular access and areas for discharging and picking up guests shall be provided.
- B. Off-street parking for the senior center shall be provided in accordance with the requirements of Article IV of this Chapter. Parking spaces shall be located no more than three hundred (300) feet from the building's primary entrance.
- C. The location, orientation and site circulation shall be coordinated with the Township in order to minimize the disturbance of surrounding open space.
- D. For parking demands greater than one hundred (100) automobiles, additional setbacks, screening and buffering of off-street parking and loading areas may be required to be provided in order to protect the surrounding neighborhood from inappropriate noise, dust, light and other disturbances.

### **§ 208-848. Sexually-oriented business.**

A sexually-oriented business shall be permitted conditional uses subject to the following express standards:

- A. A sexually-oriented may be established only in the M-1 Light Industrial District.
- B. Persons or owners who intend to open a sexually-oriented business must obtain from the Township a license to operate such an enterprise and must pay to the Township an investigation fee as may be set from time to time by resolution of the Board of Supervisors, in accordance with Ordinance No.463, as amended, Chapter 55 of the Moon Code of Ordinances. In addition, such persons or owners must supply to the Township detailed information as to the ownership and financing as required on the licensing application form. This form can be obtained at the office of the Township Manager.
- C. No sexually-oriented business shall be permitted within five hundred (500) feet of the lot boundary of any property containing a preexisting school, hospital, nursing home, group care facility, place of worship, place of assembly, establishment which is licensed to and does sell alcoholic beverages, or any other sexually-oriented business.
- D. No sexually-oriented business shall be located within five hundred (500) feet of an area zoned residential.
- E. A sexually-oriented business shall be initially licensed, where it has met the requirements set forth in the Moon Township Code of Ordinances, through December 31 of the year in

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which the license is issued. For each year thereafter that the sexually-oriented business intends to continue its business, it must seek from the office of the Township Manager a renewal of this license. The application for renewal is due in the Township Manager's office no later than November 1 of the year proceeding the year in which the license renewal is sought. The lack of a license or the failure to seek license renewal on a timely basis shall be a proper basis for the Township to deny or revoke an occupancy permit to the sexually-oriented business.

- F. Any sexually-oriented business found to be in violation of this Chapter, as amended, shall be subject to the enforcement penalties noted in § 208-1108.

### **§ 208-849. Shopping center.**

A shopping center shall be a permitted conditional use subject to the following express standards and criteria:

- A. Hours of operation shall be schedules to minimize negative impacts on the surrounding neighborhoods.
- B. The number of off-street parking and loading spaces shall be provided as defined by Article IV of this Chapter.
- C. Setback, screening and buffering of parking and loading areas as well as outdoor common spaces shall be provided in accordance with Articles II and IV of this Chapter.
- D. Light fixtures for the illumination of parking and service areas shall be designed to minimize illumination levels to zero (0) footcandles when measured from an adjacent lot line.
- E. Front, rear and side yards shall be maintained in accordance with Bufferyard 1 as defined in § 208-213 and Appendix B of this Chapter.
- F. A shopping center shall have one (1) point of ingress/egress to an arterial or collector street.
- G. No shopping center located within a C-1 district shall exceed a total of fifteen thousand (15,000) square feet.

### **§ 208-850. Stadium.**

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Stadiums shall be permitted conditional uses subject to the following express standards and criteria:

- A. Hours of operation and stadium events shall be scheduled to minimize negative impacts on the surrounding neighborhood.
- B. A stadium's primary visitor drop-off and pick-up area shall be located in a manner that minimizes detrimental traffic impacts (both pedestrian and vehicular) on the surrounding neighborhood.
- C. The number of off-street parking and loading spaces shall be provided as defined by Article IV of this Chapter.
- D. The ground surface of off-street parking and loading spaces shall be paved with bituminous, brick, concrete or stone block paving material to protect the surrounding neighborhood from inappropriate dust and other disturbances.
- E. The minimum distance from the end of any building to the end of any adjacent building shall be twenty (20) feet.
- F. The maximum length of any building shall be five hundred (500) feet excluding bleachers or seating areas.
- G. A stadium's primary visitor drop-off and pick-up area shall be located in a manner that minimizes detrimental traffic impacts (both pedestrian and vehicular) on the surrounding neighborhood.
- H. Public announcement and speaker systems shall produce of a maximum of seventy-five (75) decibels between 9:00 pm and 8:00 am.
- I. Light fixtures for the illumination of fields, courts, seating areas and parking areas shall be designed to minimize illumination levels to zero (0) footcandles when measured from an adjacent lot line. Lighting levels shall be reduced by one-half ( $\frac{1}{2}$ ) their standard operating power, between 11:00 pm and 6:00 am.
- J. A traffic impact study shall be required to be submitted according to Chapter 188, Subdivision of Land whereas the proposed development, which according to the Institute of Transportation Engineers (ITE) standards, will generate one hundred (100) trips in addition to the adjacent roadways' peak hour volumes.
- K. Front, rear and side yards shall be maintained in accordance with Bufferyard 1 as defined in § 208-213 and Appendix B of this Chapter.
- L. The owner/operator of the facility shall incorporate best management practices(BMP's) to minimize nonpoint pollution from the activity. The applicant shall submit a report describing the BMP's that they will use on the site and notify the township whenever a change is made to those

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BMP's. Whenever a change is made to BMP's used on the site, the owner/operator shall certify that the new BMP's provide equal or greater pollution prevention protection than the former management practice.

### **§ 208-851. Supporting retail.**

Supporting retail shall be a permitted conditional use subject to the following express standards and criteria:

- A. Supporting retail uses shall be limited to the following uses:
- (1) Sale of office supplies and equipment.
  - (2) Travel agency.
  - (3) Pharmacies, if related to medical offices or clinics.
  - (4) Sale of medical supplies and equipment, if related to medical offices or clinics.
  - (5) Newsstand or tobacco shop.
  - (6) Card and gift shop or stationery store.
  - (7) Florist.
  - (8) Delicatessen or sandwich shop providing either sit-down or take-out service for the convenience of the employees.
  - (9) Copying and / or printing center.
  - (10) Dry cleaning and / or alteration shop.
- B. Supporting retail uses shall be limited to the ground or first floor of any building and shall not be permitted in any other freestanding principal or accessory building.
- C. The total floor area devoted to supporting retail uses shall not exceed fifteen percent (15%) of the total floor area devoted to office use in the business park.
- D. The maximum net floor area devoted to any single supporting retail establishment shall be five-thousand (5,000) square feet.
- E. Off-street parking shall be provided for the supporting retail uses in accordance with the following ratio: one (1) space for each three-hundred (300) square feet of gross floor area.
- F. Parking requirements should be adjusted according to a peak-hour shared parking analysis within business park developments.

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### § 208-852. Theater/Auditorium.

A theater/auditorium shall be a permitted conditional use subject to the following express standards and criteria:

- A. A theater/auditorium's primary visitor drop-off and pick-up area shall be located in a manner that minimizes detrimental traffic impacts (both pedestrian and vehicular) on the surrounding neighborhood.
- B. A theater/auditorium shall have one (1) direct point of ingress/egress from an adjoining public street. The point of ingress/egress shall be located in a manner that minimizes detrimental traffic impacts (both pedestrian and vehicular) on the surrounding neighborhood.
- C. For parking demands greater than three hundred (300) automobiles, additional setbacks, screening and buffering of off-street parking and loading areas may be required to be provided in order to protect the surrounding neighborhood from inappropriate noise, dust, light and other disturbances

### § 208-853. University/College.

- A. The ground surface of off-street parking and loading spaces shall be paved with bituminous, brick, concrete or stone block paving material to protect the surrounding neighborhood and/or land uses from inappropriate dust and other disturbances.
- B. Front, rear and side yards shall be maintained in accordance with Bufferyard 1 as defined in § 208-213 and Appendix B of this Chapter.
- C. University/Colleges shall have a maximum of two (2) points of ingress/egress to a collector or arterial road.
- D. Light fixtures for the illumination of parking and service areas shall be designed to minimize illumination levels to zero (0) footcandles when measured from an adjacent lot line. Lighting levels shall be reduced by one-half (½) their standard operating power, between 11:00 pm and 6:00 am.
- E. At no time shall any training activities and/or supply materials permitted to be stored outdoors.
- F. The number of off-street parking and loading spaces shall be provided as defined by Article IV of this Chapter.
- G. Operations shall be regulated so that nuisances such as visual blight, glare and noise as defined by Article VI of this Chapter shall not be created.



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- H. For parking demands greater than three hundred (300) automobiles, additional setbacks, screening and buffering of off-street parking and loading areas may be required to be provided in order to protect the surrounding neighborhood from inappropriate noise, dust, light and other disturbances.
- I. The owner(s) and operator(s) of a university/college shall incorporate Best Management Practices as outlined in the Pennsylvania Handbook of Best Management Practices for Developing Areas to minimize negative impacts of erosion, siltation and surface water and groundwater contamination.
- J. Height of proposed buildings housing non-aviation uses shall be subject to the requirements of the Airport Zone Overlay District and approval by the Federal Aviation Administration (FAA).

### **§ 208-854. Vegetation preservation, bufferyards and landscaping.**

Deviations from the requirements of § 208-213, Vegetation Preservation and Bufferyards and § 208-214, Landscaping, shall be permitted as conditional uses subject to the following:

- A. The applicant demonstrates each of the following where relevant in a given case:
  - (1) The landscape plan preserves and incorporates existing vegetation in excess of the minimum standards set forth in § 208-213 and § 208-214, and demonstrates innovative design and use of plant material;
  - (2) The landscape plan illustrates that the intent of § 208-213 and § 208-214 can be more effectively met in whole or in part, through the proposed alternative means;
  - (3) Natural land characteristics or existing vegetation on the proposed development site would achieve the intent of § 208-213 and § 208-214;
  - (4) Innovative landscaping or architectural design is employed on the proposed development site to achieve a screening effect that is equivalent to the screening standards of § 208-213 and § 208-214; and
  - (5) The required landscaping or buffering would be ineffective at maturity due to topography or the location of the improvements on the site.
  - (6) In the AP and M1 districts, if the required landscaping or buffering would cause a safety hazard or be in conflict with applicable law, the landscaping plan proposes alternative landscaping on or off site, which can be demonstrated to provide equal or better results, or in lieu thereof, payment of a landscaping fee to the Township commensurate with the requirements being waived.

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- B. The landscape plan complies with the applicable bufferyard area requirements and restrictions on the placement of structures within the same set forth in § 208-213 D (1)(a)[1], § 208-213 D (1)(b)[1], § 208-213 D (1)(c)[1] and § 208-213E. The additional bufferyards required by §208-212E for certain properties fronting on Route 60 and Beaver Grade Road may be reduced by no more than thirty-three (33) percent, provided the requirements of § 208-854A.
- C. Where on site transfer of landscaping and bufferyard requirements are not practical, the applicant may pay a fee in lieu of and equal in value to the net vegetation being forgone to the Township for the express purpose of planting and beautification of the municipality.

### **§ 208-855. Water recreation.**

Water recreation, including publicly-owned and commonly-owned private pools in residential developments, shall be permitted conditional uses subject to the following express standards and criteria:

- A. Surface water shall be a minimum of one thousand eight hundred (1,800) square feet in area.
- B. Swimming pools with incidental diving areas shall be the only water recreation facility permitted in common open space areas situated within a residential development.
- C. Hours of operation shall be limited to between 10:00 am and 9:00 pm.
- D. Fencing shall be provided in accordance with all applicable Township, state and county regulations.
- E. Lighting for facility illumination shall be turned off before 11:00 pm.
- F. The owner(s) and/or operator(s) of water recreation facilities shall be responsible for the conduct and safety of the patrons and shall be available to respond to inquiries and promptly quell any disturbances caused by patrons.
- G. The owner/operator of the facility shall incorporate best management practices(BMP's) to minimize nonpoint pollution from the activity. The applicant shall submit a report describing the BMP's that they will use on the site and notify the township whenever a change is made to those BMP's. Whenever a change is made to BMP's used on the site, the owner/operator shall certify that the new BMP's provide equal or greater pollution prevention protection than the former management practice.
- H. Water recreation in a residential zoning district must provide a bufferyard 1 as detailed in §208-213.D (1) (a).

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### § 208-856. Water storage/tower.

Water storage/towers shall be permitted conditional uses subject to the following express standards and criteria:

- A. No water storage/tower shall exceed two hundred -fifty (250) feet in height.
- B. Water storage/towers shall be setback from adjacent property lines and/or right-of-ways a distance equal to one hundred ten percent (110%) of the water storage/tower's height.
- C. The height of a water storage/tower shall be measured from the top of the foundation to the upper most point of the tower.
- D. Lighting shall be required for the water storage/tower as a safety measure for low-flying aircraft in accordance with all Federal Aviation Administration (FAA) regulations and approvals.
- E. Access driveways to a water storage/tower shall be paved with a minimum of two (2) inches of slag or stone.

### § 208-857. Other Uses.

A use not expressly as a permitted use, conditional use or special exception may be permitted as a conditional use in the M-1 or RT districts upon the applicants demonstrating that the proposed use set forth in § 208-802 and that it:

- A. Will not endanger the public health and safety if located where proposed, and that the use will not deteriorate the environment or generate nuisance conditions such as traffic congestion, noise, dust, smoke, glare or vibration;
- B. Meets all applicable dimensional and lot and yard regulations for the M1 district, and other expressed standards and criteria for comparable uses and any other requirements of this Ordinance for the M-1 district;
- C. Is in general conformity with the Township Comprehensive Plan and harmony with the area in which it is proposed;
- D. Is an appropriate use on the proposed site;
- E. Is in compliance with all other standards of this Ordinance and all other Township ordinances.

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### ARTICLE IX Special Exceptions

#### § 208-900. General provisions.

The Zoning Hearing Board may authorize uses by special exceptions in accordance with the express standards and criteria stated below and in compliance with the performance standards of Article VI and procedures specified in Article XII of this Chapter. The Zoning Hearing Board may attach appropriate additional conditions where there is need to protect the public's health, safety and welfare.

#### § 208-901. Keeping of horses.

The keeping of horses shall be considered a use by special exception subject to the following express standards and criteria:

- A. A private stable shall be permitted on a lot containing not less than five (5) acres. Not more than two (2) horses shall be maintained on the first five (5) acres of land and not more than one (1) additional horse shall be maintained for each additional acre of land in excess of five (5) acres.
- B. A private stable shall be for the personal use of the landowner or occupant of the lot and shall not involve rental, boarding or any other profit-making activity.
- C. All stables shall be located as far from all property lines as the shape of the lot will permit, and in no instance shall the stable be closer than one hundred (100) feet to a dwelling unit used for human habitation, other than the landowner's or occupant's dwelling.
- D. No grazing shall be permitted closer than ten (10) feet to a lot line. Exercising of horses shall not be permitted on public streets or public lands.
- F. Any fencing of grazing land shall be located at least ten (10) feet from any property line.
- G. The landowner or occupant shall be responsible for collecting and disposing of litter and droppings from the animals in such a way as to minimize the presence of fly larvae or objectionable odors.
- H. The owner/operator of the facility shall incorporate best management practices(BMP's) to minimize nonpoint pollution from the activity. The applicant shall submit a report describing the BMP's that they will use on the site and notify the township whenever a change is made to those BMP's. Whenever a change is made to BMP's used on the site, the owner/operator shall certify that the new BMP's provide equal or greater pollution prevention protection than the former management practice.

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### **§ 208-902. Enlargement or expansion of non-conforming uses.**

The enlargement or expansion of non-conforming uses shall be considered a use by special exception subject to the following express standards and criteria:

- A. The enlargement or expansion is necessitated by the natural growth of trade of the non-conforming use.
- B. There shall be no increase in non-compliance, if any, with lot and yard requirements.
- C. The total building coverage shall not exceed the maximum permitted in the most restrictive zoning district in which the use is authorized as a permitted or conditional use.
- D. Off-street parking, as required by § 208-401, shall be provided as to the enlarged portion.

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ARTICLE X  
**Reserved**

**§ 208-1000. Rezoning**

Requests for rezoning of property shall conform to the requirements of section §208-1110 related to amendments to this Chapter.

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### ARTICLE XI

#### **Administration and Enforcement**

##### **§ 208-1100. Zoning officer.**

- A. The Zoning Officer shall be appointed by the Township Manager and shall hold no elective office in the Township. The Zoning Officer shall meet the qualifications established by the Township and shall be able to demonstrate, to the satisfaction of the Township, a working knowledge of municipal zoning. The Zoning Officer shall have the following powers and duties:
- (1) To administer and enforce the provisions of this Chapter in accordance with its literal terms and shall not have the power to permit any construction or any use or change of use which does not conform to this Chapter.
  - (2) To refer applications for uses by special exception and variances to the Zoning Hearing Board in accordance with Article IX of this Chapter.
  - (3) To issue zoning certificates and occupancy permits in accordance with § 208-1105 and § 208-1106.
  - (4) To maintain a permanent file with all zoning certificates, occupancy permits and applications as public records.
  - (5) To inspect all land and structures for which a zoning certificate has been issued or an occupancy permit has been applied for or issued to determine compliance with this Chapter and to make all other inspections necessary to enforce the provisions of this Chapter.
  - (6) To receive applications for registration of non-conforming uses and, upon presentation of acceptable documentation that the use or structure was legally in existence prior to the effective date of this Chapter or any amendment thereto, shall register all non-conforming uses and structures as required by law. A certificate setting forth the existing zoning shall then be issued to the owner of said use or structure.
- B. The Zoning Officer shall be empowered to institute civil enforcement proceedings as a means of enforcement when acting within the scope of his/her employment.

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### **§ 208-1101. Planning director.**

- A. The Planning Director shall be appointed by the Township Manager and shall hold no elective office in the Township. The Planning Director shall meet the qualifications established by the Township and shall be able to demonstrate, to the satisfaction of the Township, a working knowledge of municipal planning. The Planning Director shall have the following powers and duties:
- (1) To be the administrator of the Planning Department.
  - (2) To advise municipal officials and the public on:
    - (a) Modifications to the Comprehensive Plan.
    - (b) Traffic and parking problems.
    - (c) Preparation and modification of maps and ordinances.
  - (3) To review sketch plan submissions with subdivision and land development applications.
  - (4) To hold pre-application conferences with developers and/or landowners in accordance with Chapter 188, Subdivision of Land.
  - (5) To refer applications for conditional use to the Planning Commission in accordance with Article VIII of this Chapter.
  - (6) To advise landowners and developers in regard to the Township's planning practices and procedures.
  - (7) To encourage sound planning practices in accordance with the Township's Comprehensive Plan.
  - (8) To create an annual report of Township planning activities and present the information to the Planning Commission and Board of Supervisors each year.

### **§ 208-1102. Planning commission.**

- A. The Planning Commission shall at the request of the Board of Supervisors have the power and shall be required to:
- (1) Prepare the Comprehensive Plan for the development of the Township as set forth in Act 247, the Pennsylvania Municipalities Planning Code, Section 301 and present it for the consideration of the Board of Supervisors.



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- (2) Maintain records of its actions. All records and files of the Planning Commission shall be in the possession of the Board of Supervisors.
- B. The Planning Commission may at the request of the Board of Supervisors:
- (1) Make recommendations to the Board of Supervisors concerning the adoption or amendment of the Moon Township Zoning Map.
  - (2) Prepare and present to the Board of Supervisors a Zoning Ordinance and make recommendations to the Board of Supervisors on proposed amendments to the Zoning Ordinance as set forth in Act 247, the Pennsylvania Municipalities Planning Code, Section 609.
  - (3) Prepare, recommend and administer subdivision and land development, planned residential development and planned non-residential development regulations as set forth in this Chapter.
  - (4) Review the Zoning Ordinance, Subdivision of Land Ordinance, Moon Township Zoning Map and such other ordinances and regulations governing the use and development of land no less frequently than it reviews the Moon Township Comprehensive Plan.
  - (5) Prepare and present to the Board of Supervisors a building code and a housing code and to make recommendations concerning amendments thereto.
  - (6) Prepare and present to the Board of Supervisors a study regarding the feasibility and practicality of using renewable energy sources in specific areas within the Township.
  - (7) Prepare and present to the Board of Supervisors an environmental study.
  - (8) Perform studies and analyses as may be necessary to fulfill the duties and obligations imposed by this Chapter.
  - (9) Promote public interest in and understanding of the Moon Township Comprehensive Plan.
  - (10) Hold public hearings and meetings.
  - (11) Present testimony before any board or authority of the Township.
  - (12) Require from other departments, agencies or authorities of the Township such available information as it relates to the work of the Planning Commission.
  - (13) Enter upon any land in the performance of its functions, to make examinations and surveys with the consent of the landowner.

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- (14) Do such other acts or make such studies as may be necessary to fulfill the duties and obligations imposed by Act 247, the Pennsylvania Municipalities Planning Code.
- (15) Submit to the Board of Supervisors a recommended capital improvement program.
- (16) Prepare and present to the Board of Supervisors a water survey, which shall be consistent with the State Water Plan and any applicable water resources plan adopted by a river basin commission. The water survey shall be conducted in consultation with any public water supplier in the area to be surveyed.
- (17) Make recommendations to governmental, civic and private agencies and individuals as to the effectiveness of the proposals of such agencies and individuals.

### **§ 208-1103. Township manager.**

- A. Under this Ordinance, the Township Manager shall have the duties of:
- (1) Appointing a Zoning Officer and a Planning Director.
  - (2) Informing the Board of Supervisors in regular intervals in regard to the planning, use and design of the Township's buildings, land and property.

### **§ 208-1104. Board of supervisors.**

- A. The Board of Supervisors shall have jurisdiction over and responsibility for the following matters under this Chapter:
- (1). Applications for approval of conditional uses in accordance with Article VIII.
  - (2). Amendments to this Chapter in accordance with Section 208-1110.
  - (3). Applications for curative amendments in accordance with Section 208-1111.
  - (4). Applications for approval of planned residential developments in accordance with Article XIII.
  - (5). Appointment of members of the Zoning Hearing Board and Planning Commission.
  - (6). Scheduling and holding public hearings.
  - (7). Establishing, by resolution, a schedule of fees and charges for administration of this Chapter.

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### **§ 208-1105. Zoning certificate.**

- A. A zoning certificate shall be issued upon a request to certify:
  - (1) Correct zoning classification.
  - (2) Compatibility of existing land uses.
  - (3) Compatibility of proposed land uses.
  - (4) Legal status of a non-conforming use, structure or lot.
- B. Requests for a zoning certificate shall be accompanied by a land development plan, as defined by this Chapter, when, in the opinion of the Zoning Officer, such information is required to accurately certify the requested documentation.

### **§ 208-1106. Occupancy permit.**

- A. An occupancy permit, attesting that the use and structure is in compliance with this Chapter and all other ordinances of the Township now or hereafter in effect, shall be obtained before any person may occupy or use any structure hereafter constructed, reconstructed, moved, structurally altered or enlarged.
- B. An occupancy permit shall be required for any change in occupancy or use of any structure or lot in any district, whether or not there is any construction, reconstruction, structural alteration or movement of the structure, where such change will generate, on the average, an additional twenty (20) or more peak hour trips on any adjacent street. Prior to the issuance of an occupancy permit, the applicant shall comply with the requirements of § 188-312 of the Township's Subdivision and Land Development Ordinance, which is incorporated herein by reference.
- C. Upon inspection by the Zoning Officer and a determination that all applicable regulations and any conditions attached to the issuance of any permits have been met, the Zoning Officer shall issue the occupancy permit.

### **§ 208-1107. Permits for temporary structures.**

- A. The Zoning Officer may issue permits for temporary structures concurrent with a valid building or grading permit, including and limited to construction trailers and sales offices for

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lots or other approved land developments. Permits for temporary structures related to construction work authorized by a valid building or grading permit shall be issued by the Zoning Officer only for that time that the work authorized under the permit is in progress and during the time that the permit remains otherwise valid. Temporary structures must be placed off of any public right-of-way. Any storage area to be utilized in conjunction with the construction activities must be fenced. The fence shall be supplemented with screening material which creates a visual barrier that is at least eighty percent (80%) opaque. Any driveway or parking area for the temporary structure shall be constructed of gravel or other aggregate material. Any port-o-johns on the lot are required to be maintained in a sanitary manner.

- B. The permit for such temporary structure shall be valid for a period not to exceed six (6) months and may be renewed for an additional six (6) month period upon demonstration of continued need for the structure; however, all such temporary structures shall be removed immediately upon completion of construction and/or the sale of lots for which the temporary structure was authorized. Any revocation of the building or grading permit for the related construction or land development shall result in revocation of the temporary permit.

### **§ 208-1108. Enforcement remedies.**

- A. Except where a different penalty is provided, any person, partnership or corporation who or which has violated or permitted the violation of the provisions of this Chapter shall, upon being found liable therefore in a civil enforcement proceeding commenced by the Township, pay a judgment of not more than five hundred dollars (\$500), plus all court costs, including reasonable attorney fees incurred by the Township as a result thereof. No judgment shall commence or be imposed, levied or be payable until the date of the determination of a violation by the District Justice. If the defendant neither pays nor appeals the judgment in a timely manner, the Township may enforce the judgment pursuant to the applicable rules of civil procedure. Each day that a violation continues shall constitute a separate violation unless the District Justice, determining that there has been a violation, further determines that there was a good faith basis for the person, partnership or corporation violating this Chapter to have believed that there was no such violation, in which event there shall be deemed to have been only one (1) such violation until the fifth day following the date of the determination of a violation by the District Justice, and thereafter, each day that a violation continues shall constitute a separate violation. All judgments, costs and reasonable attorney fees collected for the violation of this Chapter shall be paid over to the Township.
- B. The Court of Common Pleas, upon petition, may grant an order of stay, upon cause shown, tolling the per diem fine pending a final adjudication of the violation and judgment.
- C. Nothing contained in this section shall be construed or interpreted to grant to any person or entity other than the Township the right to commence any action for enforcement pursuant to this section.

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### **§ 208-1109. Enforcement notice.**

The enforcement notice shall contain the following information:

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

### **§ 208-1110. Amendments.**

Amendments of this Chapter may be initiated by a member of the Board of Supervisors, by the Planning Commission, by the Planning Director or by a petition of a landowner within the Township in accordance with the following provisions:

- A. Petitions for amendment by landowners, other than curative amendments under Section 208-1111 of this Chapter, shall be filed with the Planning Director, and the petitioner, upon such filing, shall pay an advertising deposit and a filing fee in accordance with the schedule fixed by resolution of the Board of Supervisors.
- B. Any proposed amendment other than one proposed by the Planning Commission shall be referred to the Planning Commission for review. The Planning Commission shall review the proposed amendment and report its findings and recommendations, in writing, to the Board of Supervisors and to the petitioner.
- C. In the event the Planning Commission recommends approval of the proposed amendment, in whole or in part, or if a public hearing is requested by at least one (1) member of the Board of Supervisors, a public hearing will be scheduled on the proposed amendment and a copy of the same submitted to the Allegheny County planning agency at least thirty (30) days of the public hearing in accordance with the requirements of the Municipalities Planning Code.

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- D. If the proposed amendment involves a zoning map change, notice of the public hearing shall be conspicuously posted by the Township at points deemed sufficient by it along the tract to notify potentially interested citizens. The affected tract shall be posted at least one (1) week prior to the date of the hearing.
- E. Notice of any proposed zoning map change shall also be mailed by the Township at least thirty (30) days prior to the public hearing by first class mail to the addresses to which real estate tax bills are sent for all real property located within the area being rezoning, as evidenced by tax records within the possession of the Township. A good faith effort and substantial compliance shall satisfy the requirements of this subsection. This subsection shall not apply to a comprehensive rezoning.
- F. If, after any public hearing held upon an amendment, the proposed amendment is substantively revised or further revised to include land previously not affected by it, the Board of Supervisors shall hold another public hearing pursuant to public notice before proceeding to vote on the amendment.
- G. The Board of Supervisors shall act on a proposed amendment to this Chapter within ninety (90) days of the date of the meeting at which the public hearing on the amendment is closed.
- H. Within thirty (30) days after enactment, a certified copy of the amendment to this Chapter shall be forwarded to the Allegheny County planning agency.
- I. The proposed amendment shall also be published, advertised and made available to the public in accordance with the requirements of the Municipalities Planning Code.

### **§ 208-1111. Landowner curative amendments.**

Any landowner who wishes to challenge, on substantive grounds, the validity of this Chapter or the Zoning Map or any provision thereof which prohibits or restricts the use or development of land in which he/she has an interest may prepare and submit a curative amendment to the Board of Supervisors, in the form he/she proposes it be adopted, together with a written request that his/her challenge and proposed amendment be heard. The Board of Supervisors shall hold a public hearing, pursuant to public notice, on the matter within sixty (60) days of receiving an administratively complete curative amendment request.

- A. Referral to planning commission. The curative amendment and challenge shall be referred to the Planning Commission and the Allegheny County planning agency or its designee at least thirty (30) days prior to the public hearing for review and comment. The Board of Supervisors shall conduct the hearing in accordance with regulations governing a hearing before the Zoning Hearing Board in accordance with Section 908 of the Municipalities Planning Code and Section 208-1204 of this Chapter.
- B. Declaration of invalidity by the court. If the Township does not accept a landowner's curative amendment brought in accordance with this section and a court subsequently rules that the challenge has merit, the court's decision shall not result in a declaration of invalidity

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for this entire Chapter but only for those provisions which specifically relate to the landowner's curative amendment and challenge.

- C. Evaluation of merits of curative amendment. If the Board of Supervisors determine that a validity challenge has merit, the Board of Supervisors may accept a landowner's curative amendment, with or without revision, or may adopt an alternative amendment which will cure the challenged defects. The Board of Supervisors shall consider the curative amendments, plans and explanatory material submitted by the landowner and shall also consider:
- (1) The impact of the proposal upon roads, sewer facilities, water supplies, schools and other public service facilities.
  - (2) If the proposal is for a residential use, the impact of the proposal upon regional housing needs and the effectiveness of the proposal in providing housing units of a type actually available to and affordable by classes of persons otherwise unlawfully excluded by the challenged provisions of this Chapter or the Zoning Map.
  - (3) The suitability of the lot's soils, slopes, woodlands, wetlands, floodplains, aquifers, natural resources and other natural features for the intensity of the proposed uses.
  - (4) The impact of the proposed use on the lot'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 the public's health, safety and welfare.

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### ARTICLE XII

#### **Zoning Hearing Board**

##### **§ 208-1200. Zoning hearing board.**

In accordance with law, the Board of Supervisors shall appoint and organize a Zoning Hearing Board, which the Zoning Hearing Board shall adopt rules to govern its procedures. The Zoning Hearing Board shall hold meetings and keep minutes and, pursuant to notice, shall conduct hearings, compel the attendance of witnesses, take testimony under oath and render decisions in writing, all as required by law. A fee shall be charged in accordance with a schedule fixed by resolution for any appeal or proceeding filed with the Zoning Hearing Board. The Zoning Hearing Board shall have the functions, powers and duties specifically granted by the Municipalities Planning Code.

- A. **Membership.** The membership of the Zoning Hearing Board shall consist of five (5) residents of the Township appointed by the Board of Supervisors. Their terms of office shall be five (5) years and shall be so fixed that the term of office of one (1) member shall expire each year. The Zoning Hearing Board shall promptly notify the Board of Supervisors when vacancies occur. Appointments to fill vacancies shall be only for the unexpired portion of the term. Members of the Zoning Hearing Board shall hold no other office in the Township, including membership on the Planning Commission, as the Planning Director, or as a Zoning Officer.
- B. **Appointment of alternate members.** The Board of Supervisors may appoint by resolution at least one (1), but no more than three (3) residents of the Township to serve as alternate members of the Zoning Hearing Board. The term of office of an alternate member shall be three (3) years. When seated pursuant to the provisions of Subsection C, an alternate shall be entitled to participate in all proceedings and discussions of the Zoning Hearing Board to the same and full extent as provided by law for Zoning Hearing Board members, including specifically the right to cast a vote as a voting member during the proceedings, and shall have all the power and duties set forth in this Chapter and as otherwise provided by law. Alternates shall hold no other office in the Township, including membership on the Planning Commission, as the Planning Director, or as a Zoning Officer. Any alternate may participate in any proceeding or discussion of the Zoning Hearing Board but shall not be entitled to vote as a member of the Zoning Hearing Board unless designated as a voting alternate member pursuant to Subsection C of this Article.
- C. **Participation by alternate members.** If, by reason of absence or disqualification of a member, a quorum is not reached, the Chairman of the Zoning Hearing Board shall designate as many alternate members of the Zoning Hearing Board to sit on the Zoning Hearing Board as may be needed to provide a quorum. Any alternate member of the Zoning Hearing Board shall continue to serve on the Zoning Hearing Board in all proceedings involving the matter or case for which the alternate was initially appointed until the Zoning Hearing Board has made a final determination of the matter or case. Designation of an alternate pursuant to this



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section shall be made on a case-by-case basis in rotation according to declining seniority among all alternates.

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

- (1) Substantive challenges to the validity of any land use ordinance, except curative amendments brought before the Board of Supervisors.
- (2) Challenges to the validity of a land use ordinance raising procedural questions or alleged defects in the process of enactment or adoption, which challenges shall be raised by an appeal taken with thirty (30) days after the effective date of this Chapter.
- (3) Appeals from the determination of the Zoning Officer, including but not limited to the granting or denial of any permit, or failure to act on the application therefore, the issuance of any cease and desist order or the registration or refusal to register any non-conforming use, structure or lot.
- (4) Appeals from a determination by the Township Engineer or the Zoning Officer with reference to the administration of any floodplain or flood hazard ordinance or such provisions within a land use ordinance.
- (5) Applications for variances from the terms of this Chapter and Chapter 108, Flood Damage Prevention, or such provisions within a land use ordinance pursuant to § 208-1202.
- (6) Applications for use by special exception under this Chapter and Chapter 108, Flood Damage Prevention, or such provisions within a land use ordinance pursuant to § 208-1203.
- (7) Appeals from the Zoning Officer's determination under Section 916.2 of the Municipalities Planning Code.<sup>11</sup>
- (8) Appeals from the determination of the Zoning Officer or Township Engineer in the administration of any land use ordinance or provision thereof with reference to sedimentation and erosion control and stormwater management insofar as the same relate to development not involving subdivision, land development, planned residential development or planned non-residential development.

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<sup>11</sup> Editor's Note: See 53 P.S. § 10916.2.

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### § 208-1201. Procedure.

- A. Any person or Township official aggrieved or affected by any provision of this Chapter or by any decision of the Zoning Officer or other Township official may file an appeal in a timely fashion as provided for by the rules of the Zoning Hearing Board.
- B. Challenges to the validity of a Chapter or the Zoning Map.
  - (1) Any person aggrieved by a use or land development of another person which is authorized by this Chapter or the Zoning Map or any amendment thereto shall submit his/her challenge, in writing, to the Zoning Hearing Board under Section 909.1 of the Municipalities Planning Code, stating the substantive grounds for the challenge.
  - (2) Any person who, on substantive grounds, desires to challenge the validity of this Chapter or the Zoning Map or any provision thereof which prohibits or restricts the use or development of land in which he or she has an interest, under § 916.1 of the Municipalities Planning Code shall submit a written request to the Zoning Hearing Board containing all of the information required by § 916.1(c) of the Municipalities Planning Code.<sup>12</sup>

### § 208-1202. Variances.

In accordance with Section 910.2 of Municipalities Planning Code, the Zoning Hearing Board shall have the power to authorize variances from the provisions of this Chapter.

- A. The applicant must provide evidence to the Zoning Hearing Board regarding the need for the variance based upon the following criteria:
  - (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 lot and that the unnecessary hardship is not financial and is due to such unique physical conditions and not the circumstances or conditions generally created by the provisions of this Chapter in the neighborhood or district in which the lot is located.
  - (2) That because of such physical circumstances or conditions, there is no possibility that the lot can be developed in strict conformity with the provisions of this Chapter and that the authorization of a variance is therefore necessary to enable the reasonable use of the lot.
  - (3) That such unnecessary hardship has not been created by the applicant.

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<sup>12</sup> Editor's Note: See 53 P.S. § 10916.1(c).

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- (4) That the variance, if authorized, will not alter the essential character of the neighborhood or district in which the lot is located, nor substantially or permanently impair the appropriate use or development of adjacent lot, nor be detrimental to the public welfare.
  - (5) That the variance, if authorized, will represent the minimum variance that will afford relief and will represent the least modification possible of the regulation in issue.
- B. The grant of a variance will expire one year after the date of the Board's written decision unless (1) the applicant has applied for and obtained a building permit and commenced construction, or (2) in a case where the variance does not require the issuance of a building permit, the applicant has applied for and obtained an occupancy permit and has commenced the use which is the subject of the variance.
- C. In granting a variance, the Zoning Hearing Board may attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes of this Chapter and the Municipalities Planning Code.<sup>13</sup>

### **§ 208-1203. Special exceptions.**

- A. The Zoning Hearing Board shall have the power to decide applications for use by special exception as specified in this Chapter in harmony with its general purpose and intent and in accordance with the standards set forth. The Zoning Hearing Board shall approve a use by special exception only if it meets all applicable requirements of this Chapter and the express standards and criteria set forth in Article IX. In granting a use by special exception, the Zoning Hearing Board may attach such reasonable conditions and safeguards in addition to those expressed in this Chapter as it may deem necessary to properly implement this Chapter and to protect the public's health, safety and welfare.
- B. Applicants for a use by special exception shall submit a land development plan, as defined by this Chapter, and a fee as established from time to time by resolution of the Board of Supervisors. The land development plan shall be accompanied by a written application in a form prescribed by the Township, including an indication of compliance with the express standards and criteria specified in Article IX for the use.

### **§ 208-1204. Hearings.**

The public hearing shall commence with sixty (60) days of the filing of an administratively complete application. In the event more than one (1) hearing date is required, the scheduling of the same shall be in accordance with applicable provisions of the Municipalities Planning Code. In addition to public notice, as defined herein, the Zoning Hearing Board shall post at least one (1) copy of the notice on the affected property and shall mail a copy of the notice by regular mail

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<sup>13</sup> Editor's Note: See 53 P.S. § 10101 et seq.

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at least one (1) week prior to the hearing to each adjoining property owner, including those located across a public right-of-way. The Zoning Hearing Board shall comply with all requirements of Article IX of the Municipalities Planning Code<sup>14</sup> regarding the conduct of hearings.

### § 208-1205. Decisions.

- A. 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 this Chapter or any other land use ordinance, rule or regulation or any provision of the Municipalities Planning Code shall contain a reference to the provisions 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/her decision or findings are final, the Zoning Hearing Board shall make his/her 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.
- B. Deemed decisions.
- (1) Where the Zoning Hearing Board fails to render the decision within the required forty-five (45) day period or fails to commence or complete the hearing as required by this Chapter and the Municipalities Planning Code, 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.
  - (2) 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. If the Zoning Hearing Board shall fail to provide such notice, the applicant may do so. Nothing in this Subsection shall prejudice the right of any party opposing the application to appeal the decision to the Allegheny County Court of Common Pleas.

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<sup>14</sup> Editor's Note: See 53 P.S. § 10101 et seq.

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### **§ 208-1206. Fees and expenditures.**

- A. 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 and clerical services.
- B. The Board of Supervisors may, from time to time, establish reasonable fees by resolution for 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. Stenographer's appearance fee and transcripts. 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 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.

### **§ 208-1207. Mediation option.**

- A. Parties to proceedings authorized in this Article may utilize mediation as an aid in completing such proceedings. In proceedings before the Zoning Hearing Board, in no case shall the Zoning Hearing Board initiate mediation or participate as a mediating party. Mediation shall supplement, not replace, those procedures in this Article once they have been formally initiated. Nothing in this Subsection shall be interpreted as expanding or limiting municipal police powers or as modifying any principals of substantive law.
- B. Participation in mediation shall be wholly voluntary. The appropriateness of mediation shall be determined by the particulars of each case and the willingness of the parties to negotiate. Prior to initiating a mediation proceeding, the Township and the affected parties shall 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.

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- (4) Suspending time limits otherwise authorized in this Chapter or in the Municipalities Planning Code,<sup>15</sup> provided that 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.
  - (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 Chapter.
- 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.

### **§ 208-1208. 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/she had no notice, knowledge or reason to believe that such approval had been given. If such person has succeeded to his/her interest after such approval, he/she shall be bound by the knowledge of his/her predecessor in interest.
- B. The failure of anyone, other than the landowner, to appeal from an adverse decision on an application for tentative approval of a planned residential development or planned non-residential development or from an adverse decision by a Zoning Officer on a challenge to the validity of a Chapter or map filed pursuant to § 916.2 of the Municipalities Planning Code<sup>16</sup> 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.

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<sup>15</sup> Editor's Note: See 53 P.S. § 10101 et seq.

<sup>16</sup> Editor's Note: See 53 P.S. § 10916.2

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### § 208-1209. Stay of proceedings.

- A. Upon the filing of any proceeding and during its pendency before the Zoning Hearing Board, all land development pursuant to any challenged ordinance, order of 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, which 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 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 Allegheny 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 this Chapter.

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ARTICLE XIII  
**Planned Residential Development**

**§ 208-1300. Development plan required.**

No planned residential development may be approved or recorded, no lot shall be sold nor any structure built, altered, moved or enlarged in any planned residential development unless and until a land development plan has been approved and recorded and until the improvements required in connection therewith have either been constructed or guaranteed, as herein provided.

**§ 208-1301. Compliance with other provisions required.**

The provisions of this Article for approval of a planned residential development plan shall be a modification to and in lieu of procedures for approvals otherwise required in this Chapter and Chapter 188, Subdivision of Land. Failure to comply with the provisions of this Article with respect to a recorded development plan shall be deemed to constitute a violation of this Chapter.

**§ 208-1302. Application and review procedures.**

- A. A voluntary sketch plan conference with the Planning Director is recommended prior to the pre-application conference. The sketch plan conference requires no formal application or fee.
- B. Prior to filing an application for preliminary approval, a prospective applicant may appear before the Planning Commission for a pre-application conference to discuss the applicable regulations governing subdivision and/or development of the property and the feasibility and timing of the application. The pre-application conference is voluntary and no formal application or fee is required. This opportunity is afforded to the developer to obtain information and guidance before entering into binding commitments or incurring substantial expenses for plan preparation.
- C. Application for tentative approval. The application for tentative approval shall include a location map, site map, proposed land development plan and engineering report. The application shall be submitted to the Board of Supervisors at a regular public meeting with not fewer than six (6) full scale copies and eight (8) half scale copies and one (1) electronic file and the minimum scale shall be one (1) inch equals 200 feet and shall be accompanied by a fee as may be set forth from time to time by resolution of the Board of Supervisors.<sup>17</sup>
- D. The location map shall indicate the area within one thousand (1,000) feet of development site showing North direction, all public roads, property lines as appropriate, airport, river and adjacent municipalities, with the subject property clearly marked.

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<sup>17</sup> Editor's Note: The current fee resolution is on file in the Township offices.



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- E. The site maps include the following:
- (1) Property Map: minimum scale of one (1) inch equals two hundred (200) feet, indicating subject site and all abutting properties within five hundred (500) feet of subject property along with the names of all such land owners of record.
  - (2) Zoning Map: minimum scale of one (1) inch equals two hundred (200) feet similar to that specified in Subsection E(1) above, but including the zoning classification of all properties indicated on said Map.
  - (3) Topography Map: minimum scale of one (1) inch equals two hundred (200) feet similar to that specified in Subsection E(1) above, but indicating topography as would appear on the United States Geodetic Survey indicating all man-made improvements thereon, including but not limited to buildings existing on any properties thereon.
  - (4) Soil Classification Map: minimum scale of one (1) inch equals two hundred (200) feet, identifying soils and listing limiting factors of applicable soils.
- F. The land development plan shall comprise such maps at a scale no smaller than one (1) inch equals one hundred (100) feet and text needed to clearly show the following:
- (1) The name of the proposed development and names and addresses of the landowner, the developer and the persons who prepared the plan.
  - (2) The proposed street pattern including the names, paving width and rights-of-way of all streets and the widths and locations of easements.
  - (3) The layout of lots or parcels, where appropriate, including dimensions, lot areas, number and building lines.
  - (4) A preliminary grading plan for the development.
  - (5) The location, use, height, bulk and number of families to be housed for every structure proposed.
  - (6) The location of all off-street parking spaces and the total number of spaces to be provided, in accordance with the requirements of § 208-401 of this Chapter.
  - (7) The location, size and kind of improvements proposed for all common open space and recreation facilities, together with proposed ownership and maintenance arrangements for such open space.
  - (8) The location and design for all landscaping and screening proposed showing the height and type of screening.

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- (9) The location and width of walks, sidewalks and trails, and the use of trails where they are not limited to pedestrian use.
  - (10) The substance of covenants, grants, easements or other restrictions proposed.
  - (11) The extent to which the proposed land development plan varies from land use and other zoning and subdivision regulations otherwise applicable to the subject property.<sup>18</sup>
  - (12) A schedule, where development is to be phased over a period of years, showing proposed times for the filing of applications for final approval for each phase of the land development plan.
  - (13) A statement of public interest submitted in writing by the developer and/or landowner setting forth the reasons why the proposed land development plan is in the public interest and is consistent with the Moon Township Comprehensive Plan.
  - (14) Proposed floor plans, elevations, building siting, typical cross section and rendering of front elevations of proposed buildings, at a minimum scale of one-eighth (1/8) inch equals one (1) foot.
- G. The engineering report shall comply with the provisions for an engineering report as specified in §188-203D of the Moon Township Subdivision and Land Development Ordinance.

### **§ 208-1303. Other agencies to review.**

Upon the application becoming administratively complete, the Planning Director shall forward one (1) copy each of the preliminary application to the Planning Commission, the Township Engineer, the Moon Township Municipal Authority and the Allegheny County planning agency or its designee. The Board of Supervisors shall not approve the preliminary application until reports from each of these agencies have been received or until the expiration of thirty (30) days from the date the copies of the application for development were forwarded to said agencies. Additionally, one (1) copy each shall be forwarded to the Moon Transportation Authority (MTA) and the Moon Township Environmental Advisory Council (EAC) for their information and comment.

### **§ 208-1304. Tentative approval.**

- A. The Board of Supervisors shall commence a public hearing pursuant to public notice within sixty (60) days of the filing of an administratively complete application for tentative approval of a planned residential development. The hearing may be continued from time to time, provided, however, that the public hearing or hearings shall be

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<sup>18</sup> Editor's Note: See Ch. 188, Subdivision of Land.

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concluded within sixty (60) days after the date of the first public hearing. Said hearing(s) shall be conducted in accordance with Section 908 of the Municipalities Planning Code and Section 208-1204 of this Chapter.

- B. The Board of Supervisors shall give tentative approval to a proposed land development plan if the applicant establishes that each of the following criteria are met:
- (1) The land development plan complies with all applicable standards and conditions of this Chapter, preserves the community development objectives of this Chapter and is found by the Board of Supervisors to be consistent with the Moon Township Comprehensive Plan.
  - (2) Where the land development plan departs from this Chapter and zoning and subdivision regulations<sup>19</sup> otherwise applicable to the subject property, such departures are in the public interest and promote the public's health, safety and welfare.
  - (3) The proposals for the maintenance and conservation of any proposed common open space are reliable, and the amount and extent of improvements of such open space are adequate with respect to the purpose, use and type of residential development proposed.
  - (4) The physical design of the land development plan adequately provides for public services, traffic facilities and parking, light, air, recreation and visual enjoyment.
  - (5) The total environment of the land development plan is harmonious and consistent with the neighborhood in which it is located.
  - (6) The land development plan will afford a greater degree of protection of natural watercourses, topsoil, trees and other features of the natural environment, and the prevention of erosion, landslides, siltation and flooding than if the subject property were developed in accordance with the provisions of this Chapter and Chapter 188, Subdivision of Land, which otherwise apply.
  - (7) In the case of a land development plan which proposes development over a period of years, the terms and conditions shall be sufficient to protect the interests of the public and of the residents of the planned residential development in the integrity of the land development plan.
  - (8) The grant or denial of tentative approval shall include findings of fact related to the proposed land development plan as submitted for approval, and the reasons for the decisions shall be set forth with particularity in what respect the proposed land development plan would or would not be in the public interest, including but not limited to each of the above criteria.

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<sup>19</sup> Editor's Note: See Ch. 188, Subdivision of Land.

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- C. In the event that a land development plan is granted tentative approval, with or without conditions, the governing body may set forth in the official written communication the time within which an application for final approval of the land development plan shall be filed or, in the case of a land development plan which provides for development over a period of years, the periods of time within which applications for final approval of each phase thereof shall be filed. Except upon the consent of the landowner, the time so established between grant of tentative approval and an application for final approval shall not be less than three (3) months and, in the case of developments over a period of years, the time between applications for final approval of each part of a plan shall be not less than twelve (12) months.
- D. The Board of Supervisors shall render its decision in writing by certified mail within sixty (60) days following the conclusion of the public hearing provided for in this Article or within one hundred eighty days (180) days after the date of the filing of an administratively complete application, whichever occurs first. The form and content of the decision shall be in accordance with the requirements of Article VII of the Municipalities Planning Code.
- (1) The Board of Supervisors may:
    - (a) Grant tentative approval of the land development plan as submitted.
    - (b) Grant tentative approval subject to specified conditions not included in the land development plan as submitted.
    - (c) Deny approval of the land development plan.
  - (2) If the developer and/or landowner chooses to reject any conditions attached to the grant of tentative approval, he/she may void such tentative approval by notifying the Board of Supervisors in writing within thirty (30) days of the decision of the Board of Supervisors.
  - (3) The grant of tentative approval may be revoked by the Board of Supervisors if they are notified by the developer and/or landowner of his/her intention to abandon the land development plan. The grant of tentative approval shall be deemed to be revoked if the developer and/or landowner does not submit an application for final approval within the time limits required by law.
  - (4) The grant of tentative approval may be revoked by the Board of Supervisors if they are notified by the developer and/or landowner of his/her intention to abandon the land development plan. The grant of tentative approval shall be deemed to be revoked if the developer and/or landowner does not submit an application for final approval within the time limits required by law.

### **§ 208-1305. Application for final approval.**

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Application for final approval of each phase shall be filed with the Board of Supervisors not later than twelve (12) months following the grant of tentative approval, unless otherwise specified by the Board of Supervisors. The application shall comprise of six (6) full scale copies and eight (8) half scale copies and one (1) electronic file and the minimum scale shall be one (1) inch equals two hundred (200) feet of the pertinent phase of the land development plan and supplementary data, and a certificate of completion of improvements or a guaranty of improvements as required by Chapter 188, Subdivision of Land.

A. The land development plan shall include:

- (1) All data required for a final plat as specified in Chapter 188, Subdivision of Land.
- (2) Accurately dimensioned locations of all proposed structures, parking areas and common open spaces.
- (3) The use and number of families to be housed in each structure.
- (4) The landscaping plan, including the location of sidewalks, trails and screening.

B. The supplementary data shall include:

- (1) Any covenants, grants of easements or other restrictions to be imposed on the use of land and structures.
- (2) Provision for the maintenance, ownership and operation of common open spaces and common recreation facilities.

### **§ 208-1306. Improvements.**

No land development plan shall be finally approved unless all improvements required by this Article have been installed in strict conformance with this Article or a guaranty that the improvements will subsequently be installed by the developer and/or landowner in the form of a bond or deposit of funds or securities in escrow, which are acceptable to the Board of Supervisors and are in amounts sufficient to cover the cost of the improvements which may be required in accordance with the requirements of Chapter 188, Subdivision of Land, for posting security, has been provided. Such guaranty shall provide for and secure to the public the completion of all declared improvements for the phase within a period of two (2) years from the date of the final approval of the land development plan.

### **§ 208-1307. Final review.**

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The Board of Supervisors shall forward one (1) copy each of the application for final approval to the Planning Commission, the Township Engineer and the Allegheny County planning agency or its designee. The Board of Supervisors shall not approve the final application until reports from each of these agencies have been received or until the expiration of thirty (30) days from the date the copies of the final application were forwarded to said agencies.

### **§ 208-1308. Final approval.**

The Board of Supervisors shall render their decision and communicate it to the developer and/or landowner no later than forty-five (45) days after the application is filed.

- A. When an application for a land development plan has been granted tentative approval, the applicant shall be entitled to final approval in accordance with the terms of the grant of tentative approval.
- B. The Board of Supervisors may deny approval of any land development plan which varies from the plan granted tentative approval. The Board of Supervisors must forward the written notice of such denial to the developer and/or landowner within forty-five (45) days, setting forth the reasons that one (1) or more variations are not in the public interest. In the event of such refusal, the developer and/or landowner may either:
  - (1) Re-file the application for final approval without the variations objected; or
  - (2) File a written request with the Board of Supervisors to hold a public hearing on the application for final approval. The hearing shall be held within thirty (30) days of the request and the hearing shall be conducted in accordance with the procedure for hearings on an application for tentative approval. Within thirty (30) days after the conclusion of the hearing, the Board of Supervisors shall issue a written decision either granting or denying final approval in the form required for tentative approval.
- C. Either of these actions shall be taken at any time during which the applicant is entitled to apply for final approval or shall be taken within thirty (30) days of notice of refusal if the time for filing the final application is already passed. In the event that the developer and/or landowner fails to take either of these actions within the time specified, he/she shall be deemed to have abandoned the land development plan.

### **§ 208-1309. Mediation.**

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The Board of Supervisors may offer mediation as an aid in completing the proceedings authorized by this Article prior to final approval of an application by the Board of Supervisors. The Township and the mediating parties shall meet the stipulations of § 208-1207 of this Chapter governing mediation.

### **§ 208-1310. Recording.**

The developer and/or landowner shall record the approved land development plan in the office of the Allegheny County Recorder of Deeds within ninety (90) days of the final approval or the final approval shall expire automatically.

### **§ 208-1311. Revocation.**

The approval of the land development plan shall be revoked if the developer and/or landowner gives notice of his/her intention to abandon the plan, or if the developer and/or landowner fails to commence within six (6) months and to complete within two (2) years of the date of such final approval, then no further development shall take place on the property included in such land development plan unless a subsequent land development plan is approved or such development complies with this Chapter and Chapter 188, Subdivision of Land.

### **§ 208-1312. Planned development/site requirements; uses.**

A. All land development plans shall meet the following requirements:

- (1) **Ownership.** The entire site for the land development plan shall be owned or controlled by the developer and/or landowner.
- (2) **Minimum site.** The site shall not be less than ten (10) acres.
- (3) **Frontage.** The minimum frontage abutting on a public right-of-way shall not be less than one hundred fifty (150) feet.
- (4) **Access.** The lot must provide for direct points of ingress and egress from collector or arterial roads, as defined by this Chapter, to assure convenient and safe access which will not cause undue congestion or hazard on local roads.
- (5) The lot shall be of such a character so as to avoid danger to health or peril from fire, flood or other hazard.

B. **Permitted uses.** The following uses may be permitted in a land development plan, provided that their design, arrangement, landscaping and construction meet the requirements set forth in this Article.

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- (1) R-1 and R-1A District: single-family dwellings, duplexes and quad-plexes along with recreation facilities and accessory uses within the plan.
- (2) R-2, R-3 Residential Districts: single-family dwellings, two-family, quad-plexes and multifamily, along with recreation facilities and accessory uses within the plan. The number of multifamily units shall not exceed thirty three (33%) percent of the total number of units in the development
- (3) R-4 and R-5 Residential Districts: single-family dwellings, two-family, quad-plexes and multi-family, maximum four attached units per cluster along with ancillary commercial uses, recreational facilities and accessory uses within the plan.
- (4) Ancillary commercial uses, as defined by this Chapter, shall be permitted in a planned residential development only if all of the following criteria are met:
  - (a) The planned residential development shall contain a minimum of one hundred (100) multi-family dwelling units.
  - (b) Construction of the ancillary commercial uses shall not be permitted until eighty percent (80%) of all proposed dwelling units in the planned residential development are constructed and occupied or ready for occupancy.
  - (c) The ancillary commercial uses shall be designed primarily to serve the residents of the planned residential development.
  - (d) The ancillary commercial uses shall be limited to the ground or street floors of a residential building containing multi-family dwelling units or to a single freestanding building on the lot of the planned residential development.
  - (e) The total floor area devoted to the ancillary commercial uses shall not exceed five percent (5%) of the total floor area of all buildings devoted to residential use in the planned residential development or ten thousand (10,000) square feet whichever is less.
  - (f) Any freestanding building proposed to contain ancillary commercial uses shall not be located within one hundred (100) feet of any existing or proposed single-family dwelling within the planned residential development or outside the boundaries of the planned residential development site.
  - (g) The maximum surface area of any business identification sign for any ancillary commercial use shall not exceed twelve (12) square feet. Such signs shall not be illuminated.
  - (h) Off-street parking for the proposed ancillary commercial uses shall be provided in accordance with the requirements of § 208-401 for the uses.



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### C. Permitted density.

- (1) The density is the same as what could be proposed under conventional lot development on the site. The dwelling units permitted on the site equals the maximum conventional lot density listed in Table 3, multiplied by the area, in acres, containing less than fifteen (15%) percent slope plus 0.54 times the area, in acres, containing greater than fifteen (15 %) percent slope.
- (2) Density incentives are available for Planned Residential Developments in accordance with § 208-304D.

### D. Yard and open space and landscaping requirements. No land development plan shall be approved unless the following requirements for yards, open space and landscaping are met:

- (1) Bufferyards. Bufferyard requirements of § 208-213 shall apply.
- (2) Open Space. A minimum of forty (40) percent of the gross site area shall be set aside as common open space area within the plan. Where practical, common open spaces shall be contiguous and easily accessible. The common open space shall, at a minimum, include the undisturbed sensitive natural resource areas defined by the requirements of Article III of this Chapter. The open space shall include but not be limited to landscaped plazas, grass areas, fountains, sitting areas, etc. designed by a landscape architect. Open space does not include areas used as buildings, driveways, internal streets or any other space that does not contribute to the quality of the environment. The open space shall be located in such a manner to provide the maximum number of dwelling units easy access to the common open space areas. In addition, a minimum of five (5) percent of the common open space areas shall be dedicated active recreational areas as agreed upon by the developer and Township at the approval process.
- (3) Minimum building setback. No structure used for dwelling purposes or for ancillary commercial uses shall be located closer to any boundary of the site than fifty (50) feet. Any structure exceeding thirty-five (35) feet in height shall be set back one additional foot for every foot of height exceeding thirty-five (35) feet. No accessory structure and no off-street parking shall be located in this required setback area.
- (4) Building coverage. The total building coverage for dwelling purposes shall not exceed twenty-five percent (25%) of the total lot area.
- (5) Space between buildings. A minimum sixteen (16) foot clean distance shall be maintained between adjacent dwelling units. Any distance between buildings less than sixteen (16) foot, the buildings shall be sprinklered.
- (6) Landscaping. The landscaping requirements of § 208-214 shall apply.

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- E. Maximum bulk and height of structures. No structure shall have a maximum length greater than two hundred and fifty (250) feet. Maximum height of structures shall be as follows:
- (1) No townhouse shall have a height greater than two and one-half (2 ½) stories not to exceed thirty-five (35) feet.
  - (2) No garden apartment shall have a height greater than three habitable stories not to exceed thirty-five (35) feet.
  - (3) No high-rise apartment shall exceed six (6) habitable stories nor exceed seventy (70) feet in height.
  - (4) Chimneys, spires, towers, tanks or similar projections may exceed the prescribed height limitation by not more than twenty-five percent (25%).
- F. Building groupings. Structures used for dwelling units shall be oriented so as to ensure adequate light and air exposures or primary entrances. Each structure shall be so arranged so as to avoid undue exposure to concentrated loading or parking facilities.
- G. Off-street parking. Off-street parking spaces shall be provided in accordance with § 208-401 of this Chapter.

### **§ 208-1313. Open space.**

- A. Common open space generated by the application of the provisions of this Article shall be developed to a degree commensurate with its location and probable usage. The common open space shall be so dedicated or otherwise preserved and maintained so as to always remain open and available for use by the occupants of the development area. The land and facilities to be used for common open space may be acceptable if either of the following conditions are met:
- (1) The land and facilities shall be dedicated for public use, with the accepting public body agreeing to operate and maintain the dedicated land and facilities for the originally intended use.
  - (2) The land and facilities shall be deeded to an organization representing the landowners of the development. The organization shall covenant to operate and maintain the land and facilities for their originally intended use. The organization shall not be dissolved nor shall it dispose of the common open space, by sale or otherwise, without guaranteeing to the Township's satisfaction the maintenance of the common open space and first offering to dedicate the common open space to the public. The Township is under no obligation to accept dedication of this common open space for public use.

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- (3) The land and facilities shall be deeded to a conservation organization agreeing to operate and maintain the dedicated land and facilities for the originally intended use.

### B. Common open space maintenance.

- (1) In the event that the organization established to own and maintain common open space or any successor organization shall at any time after establishment of the planned residential development fail to maintain the common open space in reasonable order and condition in accordance with the development plan, the Township may serve written notice upon such organization or upon the residents of the planned residential development setting forth the manner in which the organization has failed to maintain the common open space in reasonable condition, and said notice shall include a demand that such deficiencies of maintenance be corrected within thirty (30) days thereof and shall state the date and place of hearing thereon which shall be held within fourteen (14) days of the notice. At such hearing, the Township may modify the terms of the original notice as to the deficiencies and may give an extension of time within which they shall be corrected.
- (2) If the deficiencies set forth in the original notice or in the modifications thereof shall not be corrected within said thirty (30) days or any extension thereof, the Township, in order to preserve the taxable values of the properties within the planned residential development and to prevent the common open space from becoming a public nuisance, may enter upon said common open space and maintain the same for a period of one (1) year. Said maintenance by the Township shall not constitute a taking of said common open space nor vest in the public any rights to use the same.
- (3) Before the expiration of said year, the Township shall, upon its initiative or upon the request of the organization theretofore responsible for the maintenance of the common open space, call a public hearing upon notice to such organization or to the residents of the planned residential development, to be held by the Board of Supervisors or its designated agency, at which hearing such organization or the residents of the planned residential development shall show cause why such maintenance by the Township shall not, at the option of the Township, continue for a succeeding year.
- (4) If the Board of Supervisors or its designee shall determine that such organization is ready and able to maintain said common open space in reasonable condition, the Township shall cease to maintain said common open space. The Township may, in its discretion, continue to maintain said common open space during the next succeeding year and, subject to a similar hearing and determination, in each year thereafter.
- (5) The decision of the governing body or its designated agency shall be subject to appeal to court in the same manner and within the same time limitation as is provided for zoning appeals by this Chapter.
- (6) The pro-rata cost of such maintenance by the Township shall be assessed ratably against the properties within the planned residential development that have a right of

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enjoyment of the common open space and shall become a lien on said properties. The Township at the time of entering upon said common open space for the purpose of maintenance shall file a notice of lien in the Allegheny County Office of the Prothonotary upon the properties affected by the lien within the planned residential development.

### **§ 208-1314. Staging development.**

The density of development within various portions of the planned residential development may vary, provided that each such area or portion of the land development plan meets all requirements of this Article. It is further required that programs for the construction of areas of greater density concentration than permitted on the entire lot will be offset by site improvements which, because of their size or cost, are in proportion to the number of dwelling units to be constructed in each phase. As an alternative to part or all of the site improvements required to offset development densities in excess of the overall permitted density, the Township may require the reservation of open space by grant, easement or covenant in favor of the Township in an amount and location necessary to balance the excess development density of each phase.

### **§ 208-1315. Public improvements.**

All streets, sidewalks, lighting and drainage facilities therewith shall be designed and constructed in keeping with the requirements of Chapter 188, Subdivision of Land and Chapter 180, Stormwater Management.

### **§ 208-1316. Modifications.**

When, owing to special circumstances and conditions, compliance with the provisions of this Article would result in unnecessary hardship, the Board of Supervisors may make special, reasonable modifications thereto as will not be contrary to the public interest. Where a special, reasonable modification is requested, the procedure outlined by Chapter 188, Subdivision of Land, for granting modifications shall be strictly adhered to and followed.

### **§ 208-1317. Enforcement.**

To ensure the integrity of the land development plan and to guarantee that modifications in the plan do not adversely affect the public interest, the enforcement and modification of the provisions of the development plan as finally approved, whether they are recorded by plat, covenant, easement or otherwise, shall be subject to the following provisions:

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- A. Provisions in favor of the Township. The provisions of the land development plan relating to the use, bulk and location of buildings and structures, the quantity and location of common open space, except as otherwise provided in this Article, and the intensity of use or the density of residential units shall run in favor of the Township. As provided by law, these provisions shall be enforceable in law or in equity by the Township without limitation on any powers of regulation otherwise granted the Township by law.
- B. Provisions in favor of residents. All provisions of the land development plan shall run in favor of the residents of the planned residential development but only to the extent expressly provided in the land development plan, also provided that these provisions, whether recorded by plat, covenant, easement or otherwise, may be enforced by law or equity by said residents acting individually, jointly or through an organization designated in the development plan to act on their behalf. No provisions of the land development plan shall, however, be implied to exist in favor of residents of the planned residential development except as to those portions of the land development plan which have been finally approved and have been recorded.
- C. Modifications. All those provisions of the land development plan authorized to be enforced by the Township under this section may be modified, removed or released by the Township, except grants or easements relating to the service or equipment of a public utility, subject to the following conditions:
- (1) No such modification, removal or release of the provisions of the land development plan by the Township shall affect the rights of the residents of the planned residential development to maintain and enforce those provisions, at law or equity, as provided in this Chapter.
  - (2) No modification, removal or release of the provisions of the land development plan by the Township shall be permitted except upon the findings by the Board of Supervisors or its designee, following a public notice called and held in accordance with the provisions of the Municipalities Planning Code.<sup>20</sup> These findings must indicate that the changes are consistent with the efficient development and preservation of the entire planned residential development, do not adversely affect the enjoyment of land abutting upon or across the street from the planned residential development or the public interest and are not granted solely to confer a special benefit upon any person.
- D. Release of rights. Residents of the planned residential development may, to the extent and in the manner expressly authorized by the provisions of the land development plan, modify, remove or release their rights to enforce the provisions of the development plan, but no such action shall affect the right of the Township to enforce the provisions of the land development plan in accordance with the provisions of this Chapter.

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<sup>20</sup> Editor's Note: See 53 P.S. 10101 et seq.

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ARTICLE XIV  
**Planned Non-Residential Development**

**§ 208-1400. Purpose**

The purpose of approving a Master Plan is to encourage owners to assemble large parcels of land to create a coordinated and well-conceived development which otherwise could not be created on small parcels of land. The Master Plan is a mechanism that permits owners and the Township to promote and encourage ingenuity in the layout and design of coordinated projects to more effectively improve and enhance sensitive natural resources, open spaces, etc. by allowing flexibility in the site layout from requirements in the underlying zoning.

**§ 208-1401. Master Plan required.**

- A. No planned nonresidential development may be approved or recorded, no proposed lot shall be sold nor any structure built, altered, moved or enlarged in any planned nonresidential development unless and until a Master Plan has been approved.
- B. The improvements required in connection to any land development therewith must either have been constructed or guaranteed, as herein provided, for each individual land development to begin construction.

**§ 208-1402. Compliance with other provisions required.**

- A. The provisions of this Article for approval of a planned nonresidential development plan shall be a conditional use in all nonresidential zoning districts except OS and C-2 zoning districts. Failure to comply with the provisions of this Article with respect to a recorded development plan shall be deemed to constitute a violation of this chapter and Chapter 188.
- B. For the purposes of this Article, the tentative schedule of Section 208-1403F(2)(c) shall be in lieu of the requirements of Section 208-801(G).

**§ 208-1403. Application and review procedures.**

- A. Application for Master Plan approval. The application for Master Plan approval shall include a location map, site map, proposed development plan and any required engineering reports. The application shall be submitted to the Planning Director and shall be accompanied by a fee as may be set forth from time to time by resolution of the Board of Supervisors.
- B. Such plans and other materials shall not be required to meet the standards prescribed for preliminary, tentative or final land development approval or for the issuance of a building permit so long as they provide reasonable notice of the proposed use or development and a sufficient basis for a determination as to its compliance with these regulations. The

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maps and other documents shall be at the scale and in the same number as comparable documents required for land development under Chapter 188, Subdivision and Land Development.

- C. The Planning Director shall review the application for completeness in accordance with the requirements of this chapter. If an application is found to be incomplete, the application shall be remanded; the Planning Director shall notify the applicant, in writing, citing the specific deficiencies and the specific requirements of this chapter that have not been met.
- D. If the Planning Director determines that there are deficiencies in the application submission, the Planning Director shall return the application to the applicant for resubmission, subject to compliance with the time deadline for filing for the Planning Commission's next regular meeting.
- E. The site maps include the following:
  - (1) Property Map – showing the boundaries of all land subject to Master Plan approval with the names of all owners. The Property Map shall also show the names of all abutting land owners and any platting of adjoining land to the extent such platting would touch the boundaries of the Master Plan property.
  - (2) Zoning Map- Minimum scale of one (1) inch equals two hundred feet similar to that specified in Subsection C.(1) above, but including the zoning classification of all properties indicated on said map.
  - (2) Topography Map- Minimum scale of one (1) inch equals two hundred feet similar to that specified in Subsection C.(1) above, but indicating topography as would appear on the United States Geodetic Survey indicating all man-made improvements thereon, including but not limited to buildings existing on any properties thereon.
  - (4) Soil Classification Map- Minimum scale of one (1) inch equals two hundred feet , identifying soils and listing limiting factors of applicable soils.
  - (5) An environmental performances standards analysis in accordance with Article III of this Chapter.
  - (6) A preliminary geotechnical report to the extent environmentally sensitive land is to be disturbed.
  - (7) Traffic Study: a traffic study, as required by Chapter 188, Subdivisiona and Land Development
- F. The Master Plan shall consist of the following information:

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- (1). Drawings at a scale no smaller than one (1) inch equals one hundred (100) feet and text needed to clearly show all of the following:
  - (a). The name of the proposed development and names and addresses of the landowner, the developer and the persons who prepared the plan.
  - (b). The proposed street pattern including the names, paving width and rights-of-way of all streets and the widths and locations of easements or areas to be dedicated.
  - (c). The layout of lots or parcels, where appropriate, including dimensions, lot areas, number and building lines.
  - (d). Grading Plan for the entire site.
  - (e). The location, predicted use, height, bulk and square footage for every structure on the proposed lots.
  - (f). The location of all off-street parking spaces and the total number of spaces to be provided, in accordance with the requirements of § 208-401 of this Chapter; provided however the applicant may propose shared parking, a Transportation Management Association (TMA), Transportation System Management (TSM) or a combination thereof to minimize or reduce parking and vehicle trips.
  - (g). The location, size and kind of improvements proposed for all common open space and recreation facilities, together with proposed ownership and maintenance arrangements for such open space.
  - (h). A Landscaping Plan in accordance with §208-1408C(2).
  - (i). A preliminary plan showing anticipated location and width of walks, sidewalks and trails, and the use of trails where they are not limited to pedestrian use.
- (2). The following text or graphic materials:
  - (a). The substance of anticipated covenants, grants, easements, TMAs, TSM plans or other restrictions proposed.
  - (b). The extent to which the proposed Master Plan varies from land use and other zoning and subdivision regulations otherwise applicable to the subject property.



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- (c) A tentative development schedule, where lot development is to be phased over a period of years, not to exceed twenty (20) years from the date of Master Plan Approval, showing proposed times for the filing of land development applications for each lot within the proposed Master Plan area.
- (d) A written narrative setting forth the applicant's reason for filing a Master Plan and demonstrating how the Master Plan complies with the purpose of this Article. The narrative shall discuss any deviation from the requirements of Article III and the reasons therefor. The narrative should address the major features of the Master Plan and may contain such non-land use information such as estimates of taxes paid to all local government units, estimates of municipal and school districts costs and a benefit analysis.
- (e) Illustrative building types, elevations, building siting, typical cross section and rendering of front elevations of proposed buildings, at a minimum scale of one-eighth (1/8) inch equals one (1) foot.
- (f) Preliminary Architectural and Design Standards. The architectural and design standards shall set forth the requirements for exterior building materials, windows, general site design and compatibility with abutting structures. The applicant shall set forth whether said requirements will be included in covenants running with the land and whether the applicant will retain design approval control.

G. The Master Plan Requirements of this Article shall be in lieu of all setback, height, land disturbance, density, lot coverage and bufferyard requirements of this Chapter.

### **§ 208-1404. Other agencies to review.**

The Planning Director shall forward one (1) copy each of the Master Plan application to the Planning Commission, the Township Engineer, the Moon Township Municipal Authority, the Allegheny County Planning Agency or its designee, and, if in a TD district, the Moon Transportation Authority. The Board of Supervisors shall not hold the conditional use hearing until reports from each of these agencies have been received or until the expiration of thirty (30) days from the date the copies of the application for development were forwarded to said agencies.

### **§ 208-1405. Master Plan approval.**

The Board of Supervisors shall approve or disapprove the Master Plan in accordance with Article VIII.

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### **§ 208-1406. Application for Final Master Plan lot approvals.**

Application for approval of a final land development on each lot shown in the finally approved Master Plan shall be submitted as a land development plan pursuant to the procedural provisions of Section 188-206B.

- A. The finally approved Master Plan shall control all bulk, height, lot coverage, land disturbance, density, landscaping, bufferyard, grading, location and type of stormwater management and setback requirements.
- B. The final land development application for a lot in the Master Plan shall include the material as outlined in Section 188-203E(2-8 inclusive). Additionally, the Applicant shall submit supplementary data, which shall include:
  - (1) Any covenants, grants of easements or other restrictions to be imposed on the use of land and structures.
  - (2) Provision for the maintenance, ownership and operation of all landscaping and bufferyard areas, common open spaces, private roadways, storm water management facilities and common recreation facilities. The provisions shall be covenants running with the land and shall be in a form approved by the Township Solicitor. The Township shall be made a third party beneficiary and shall have the express right to enforce all terms relating to maintenance of any landscaping, bufferyard, common open space or recreation.

### **§ 208-1407. Improvements.**

The improvements required and the security to guarantee their installation shall be in accordance with Chapter 188 for each Master Planned lot at the time each receives final approval, as part of the Developer's Agreement. In addition thereto, if all road improvements shown on the Master Plan are not to be installed upon completion of the development of the lot applied for, the applicant shall submit a traffic report showing what, if any, additional traffic improvements are required for such lot or phase being approved. The applicant shall be responsible for all such additional improvements related to the lot/phase or in lieu thereof, may complete all Master Plan road improvements.

### **§ 208-1408. Master Plan/site requirements; uses.**

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- A. Site Requirements. Property subjected to Master Plan zoning approval shall, at the time of first approval, meet the following site requirements:
- (1) Ownership. The entire site for the Master Plan shall:
    - (i) Be owned or controlled (i.e. contract purchaser, ground lease, etc) by the developer or
    - (ii) The owners of all the land shall submit a document in recordable form and in a form approved by the Township Solicitor binding all owners to comply with the Master Plan approved by the Conditional Use approval.
  - (2) Minimum site. The site subject to the Master Plan shall not be less than ten (10) acres.
  - (3) Frontage. The minimum frontage abutting on a public right-of-way shall not be less than one hundred fifty (150) feet.
  - (4) Access. The lot must provide for direct points of ingress and egress from collector or arterial roads, as defined by this Chapter, and / or access to a road proposed in the Master Plan area, to assure convenient and safe access, which will not cause undue congestion or hazard on local roads.
  - (5) Each lot shall be of such a character so as to avoid danger to health or peril from fire, flood or other hazard.
- B. Uses. Only those uses permitted in the underlying zoning district(s), or as listed below, shall be permitted in a Master Plan area. Uses permitted shall include:
- (1). Uses by right
  - (2). Special exceptions
  - (3). Conditional uses, except that “other uses” may not be included in an application until the Board of Supervisors has approved the use pursuant to §208-857.
  - (4) Apartment uses which may be permitted above the first/ground floor of a building subject to the additional requirements of § 208-841(D).
- C. Bulk and Area Requirements. Property subjected to Master Plan zoning approval shall, at the time of first approval, meet the following Bulk and Area requirements:

## MOON CODE

- (1) Space between buildings. Every principal structure shall be separated by not less than 30 feet from any other principal structure on the site.
- (2) Landscaping. The Landscaping Plan shall contain no less than the quantitative amount of planting equivalent to the planting of a bufferyard 3 around the perimeter of each lot within the master plan; provided however such landscaping may be reduced through the incorporation of the following alternative features that can provide cohesiveness for the entire Master Planned Development:
  - i. water features such as permanently filled ponds (which may have a stormwater management function), man-made brooks or streams, waterfalls and the like,
  - ii. preservation of existing mature trees listed in the Preferred Deciduous Preservation Species List of Appendix B
  - iii. planting beds with seasonal plantings
  - iv. recreational structures, and
  - v. decorative walls or fences, statuary or other artistic creations.

In addition to the required bufferyards along residential boundaries, the massing of the landscaping is encouraged to enhance screening along any residential boundaries. Steep slopes shall be planted when possible with flowering trees.

- (3) Minimum Building Setback. The minimum setback requirements for the perimeter of a Master Planned Development shall comply with the minimum setback requirements of the underlying zoning district.
  - (4) Minimum Bufferyards. A minimum of Bufferyard 3, as specified in §208-213 D (1) (c) shall apply to all Master Plan boundaries, except where the boundary abuts a Residential District, in which case, a minimum of Bufferyard 1, as specified in §208-213 D (1) (a) shall apply.
  - (5) Height Regulations. The maximum height a structure shall not exceed one hundred (100) feet, nor shall it interfere with Airport Hazard Overlay. in accordance §208-504.
- D. Off Street Parking. Off street parking spaces shall comply with §208-401 of this Chapter; provided however the applicant may propose shared parking, a Transportation Management Association (TMA), Transportation System Management (TSM) or a combination thereof to minimize or reduce parking and vehicle trips.

## ZONING

### § 208-1409. Open space.

- A. Common open space is encouraged in a Master Plan. The common open space shall be so dedicated or otherwise preserved and maintained so as to always remain open and available for use by the occupants of the development area. The land and facilities to be used for common open space may be acceptable if either of the following conditions is met:
- (1) The land and facilities shall be dedicated or an easement created for public use, with the accepting public body agreeing to operate and maintain the dedicated land and facilities for the originally intended use.
  - (2) The land and facilities shall be deeded to an organization representing the landowners of the development. The organization shall covenant to operate and maintain the land and facilities for their originally intended use. The organization shall not be dissolved nor shall it dispose of the common open space, by sale or otherwise, without guaranteeing to the Township's satisfaction the maintenance of the common open space and first offering to dedicate the common open space to the public. The Township is under no obligation to accept dedication of this common open space for public use.
- B. Common open space maintenance.
- (1) The applicant may propose covenants containing substantially the same provisions as set forth in §208-1313(B); or
  - (2) The applicant shall establish maintenance and operation requirements common to all lots in the Master Plan area and provide for easements, covenants and restrictions in recordable form, which will guarantee future maintenance and operation. Such covenants, easements, and restrictions shall be in form and substance approved by the Township Solicitor
- C. Bufferyard and common landscaping.

The bufferyards and common landscaping shown on the approved Master Landscaping Plan shall be maintained (i) by the landowner, if the lots are not sold, or (ii) by the organization created to manage common open space, if the same has been created, or a similar such organization if there is no common open space. The organization shall have the right to charge each lot owner for the cost thereof and to lien such lot in default of such payment.

### § 208-1410. Public improvements.

All streets, sidewalks, lighting and drainage facilities therewith shall be designed and constructed in keeping with the requirements of Chapter 188, Subdivisiona and Land Development and Chapter 180, Stormwater Management.

**§ 208-1411. Variances and Modifications.**

When approving a land development plan within a Master Plan area on an individual lot as a land development plan, the Board of Supervisors upon the request of an applicant may approve special, reasonable modifications thereto as will not be contrary to the public interest. Where a special, reasonable modification is requested by an applicant, the procedure outlined by Article VII of Chapter 188, Subdivision and Land Development, for granting modifications shall be strictly adhered to and followed. Any changes not part of land development approval, shall only be made by the Zoning Hearing Board as a variance if requested by an applicant.

**§ 208-1412. Enforcement.**

To ensure the integrity of the land development plan and to guarantee that modifications in the plan do not adversely affect the public interest, the enforcement and modification of the provisions of the development plan as finally approved, whether they are recorded by plat, covenant, easement or otherwise, shall be subject to the following provisions:

- A. Provisions in favor of the Township. An express provision of, or commitment in, the Master Plan relating to the use, bulk and location of buildings and structures, the quantity and location of common open space, except as otherwise provided in this Article, and the intensity of use shall run in favor of the Township. As provided by law, these provisions shall be enforceable in law or in equity by the Township without limitation on any powers of regulation otherwise granted the Township by law.
- B. Modifications. All those provisions of the Master Plan relating to the operation of the Master Plan property authorized to be enforced by the Township under this section may be modified, removed or released by the Township, except grants or easements relating to the service or equipment of a public utility, subject to the following conditions:
  - (1) No such modification, removal or release of the provisions of the Master Plan by the Township shall affect the rights of the owners or tenants of the planned nonresidential development to maintain and enforce those provisions, at law or equity, as provided in this Chapter.
  - (2) No modification, removal or release of the provisions of the Master Plan by the Township shall be permitted except upon the findings by the Board of Supervisors or its designee, following public notice. These findings must indicate that the changes are consistent with the efficient development and preservation of the entire planned nonresidential development, do not adversely affect the enjoyment of land abutting upon or across the street from the planned nonresidential development or the public interest and are not granted solely to confer a special benefit upon any person.

## ZONING

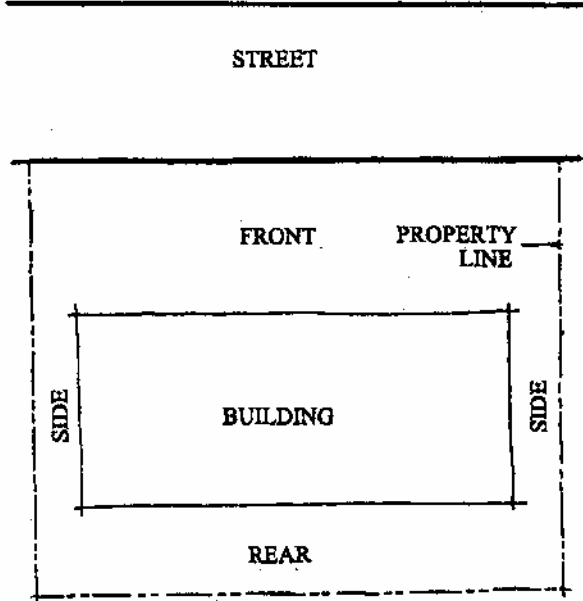
- (3) The applicant may propose, and the Board of Supervisors may consider, modification to the planting scheme contained within the Master Landscaping Plan from time to time provided, however, the intent of the Master Landscaping Plan is maintained and the bufferyard screening is not diminished.
  - (4) From time to time, the use of any structure(s) on a Master Plan lot may be changed to another use permitted in the district upon approval of an occupancy permit in accordance with § 208-1106. Where the use is a special exception or conditional use, the change must be submitted to the appropriate board for review and approval. Where express conditions of that use conflict with the finally approved Master Plan, the applicant shall submit an updated Master Plan to the Board of Supervisors for approval showing either (i) the conflicts between the use's express conditional use requirements and the Master Plan requirements and requesting a modification of such express conditional use requirements, or (ii) the changes in the Master Plan necessary to meet the express use conditions. Where the use is a conditional use, the applications may be combined into a single proceeding. Where a use is a special exception, the Master Plan update must first be approved by the Board of Supervisors prior to zoning hearing board approval. Any changes in the physical layout of a Master Plan lot shall only be approved as a land development unless the Zoning Officer determines the same is *de minimis* and does not require any additional parking spaces.
- C. Release of rights. Owners of the planned nonresidential development may, to the extent and in the manner expressly authorized by the provisions of the Master Plan, modify, remove or release their rights to enforce the provisions of the Master Plan, but no such action shall affect the right of the Township to enforce the provisions of the Master Plan in accordance with the provisions of this Chapter.

# Appendix A

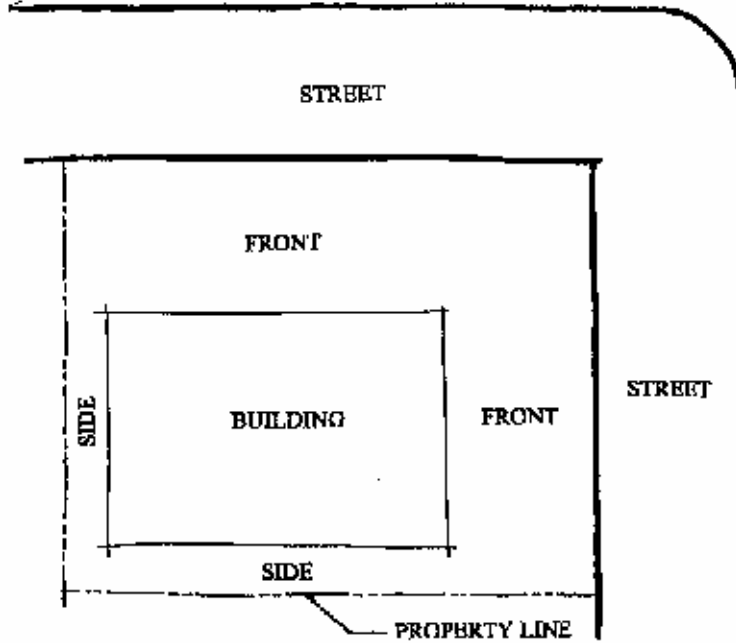


ZONING

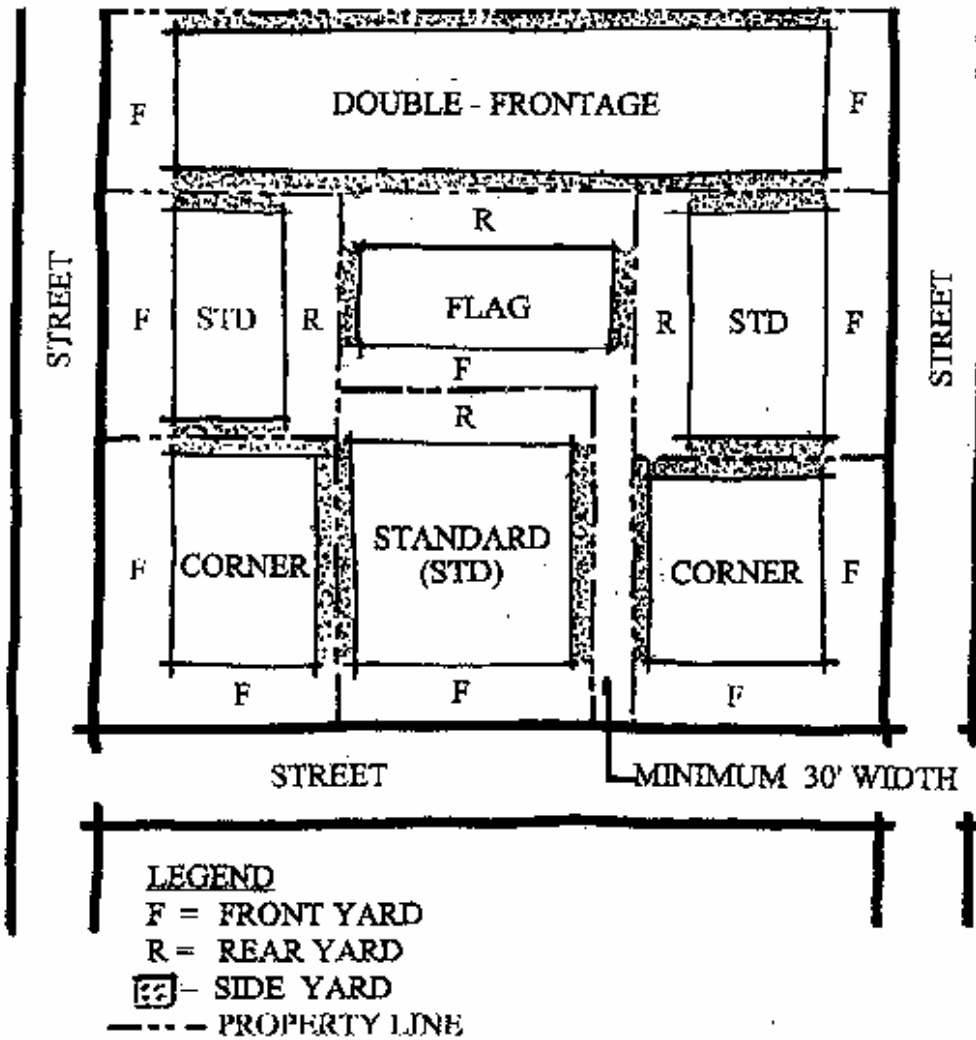
STANDARD LOT  
YARD DEFINITIONS



CORNER LOT  
YARD DEFINITIONS

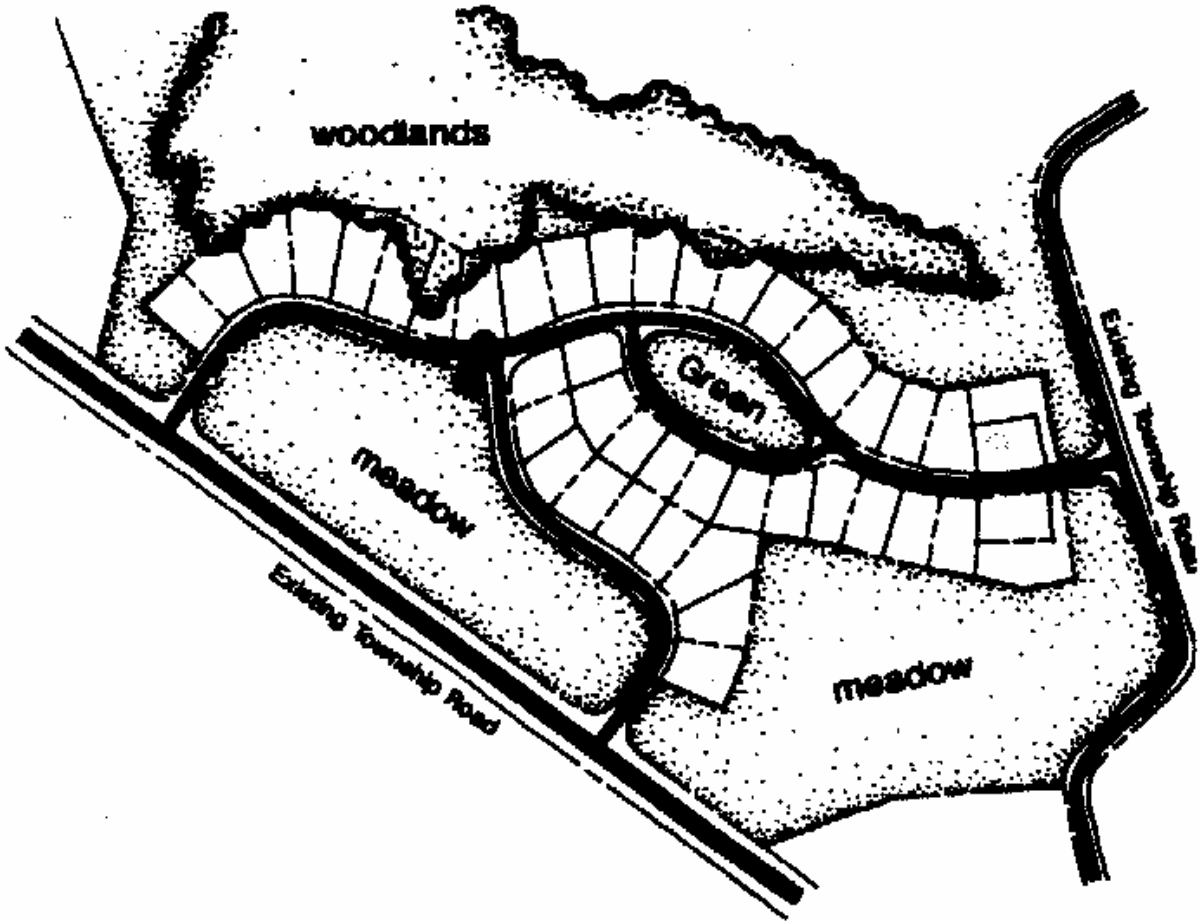


DEFINITION OF LOT TYPES  
WITH TYPICAL YARD DESIGNATIONS

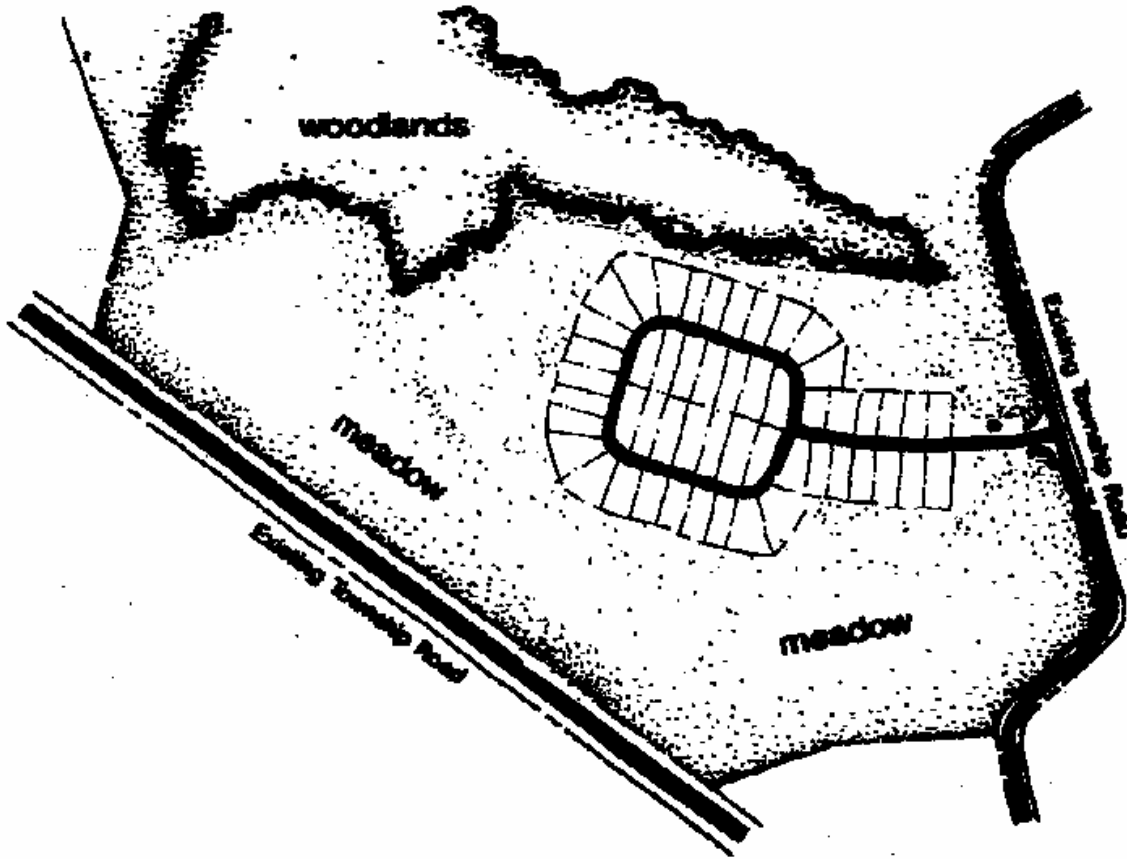


ZONING

CONVENTIONAL LOT DEVELOPMENT



CLUSTER LOT DEVELOPMENT



ZONING

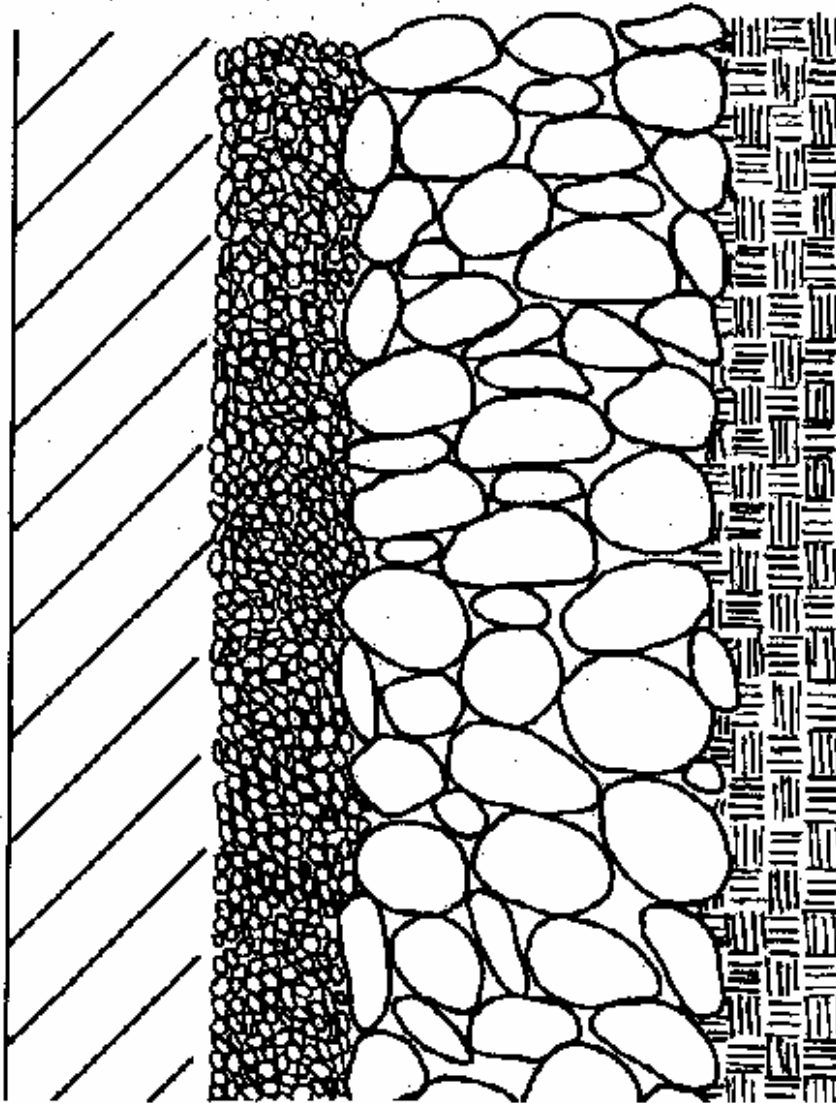
**POROUS ASPHALT COURSE**  
1/2" TO 3/4" AGGREGATE  
ASPHALTIC MIX (1.27 - 1.91 cm.)

**FILTER COURSE**  
1/2" CRUSHED STONE (1.27 cm)  
2" THICK (5.08 cm)

**RESERVOIR COURSE**  
(2.54 - 5.08 cm)  
1" TO 2" CRUSHED STONE VOIDS  
VOLUME IS DESIGNED FOR RUNOFF  
DETENTION

THICKNESS IS BASED ON STORAGE  
REQUIRED AND FROST PENETRA-  
TION

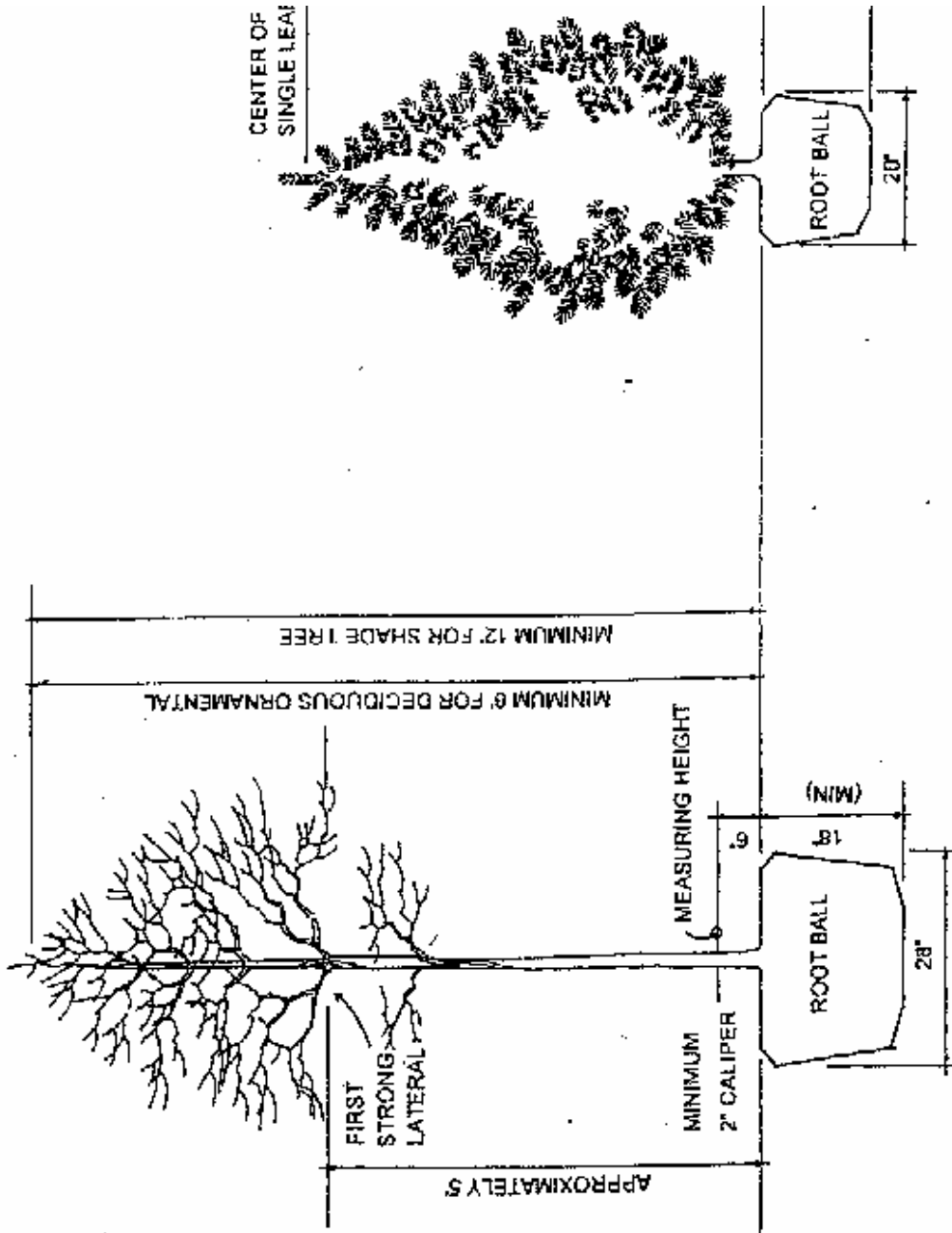
**EXISTING SOIL**  
MINIMAL COMPACTION TO RETAIN  
POROSITY AND PERMEABILITY



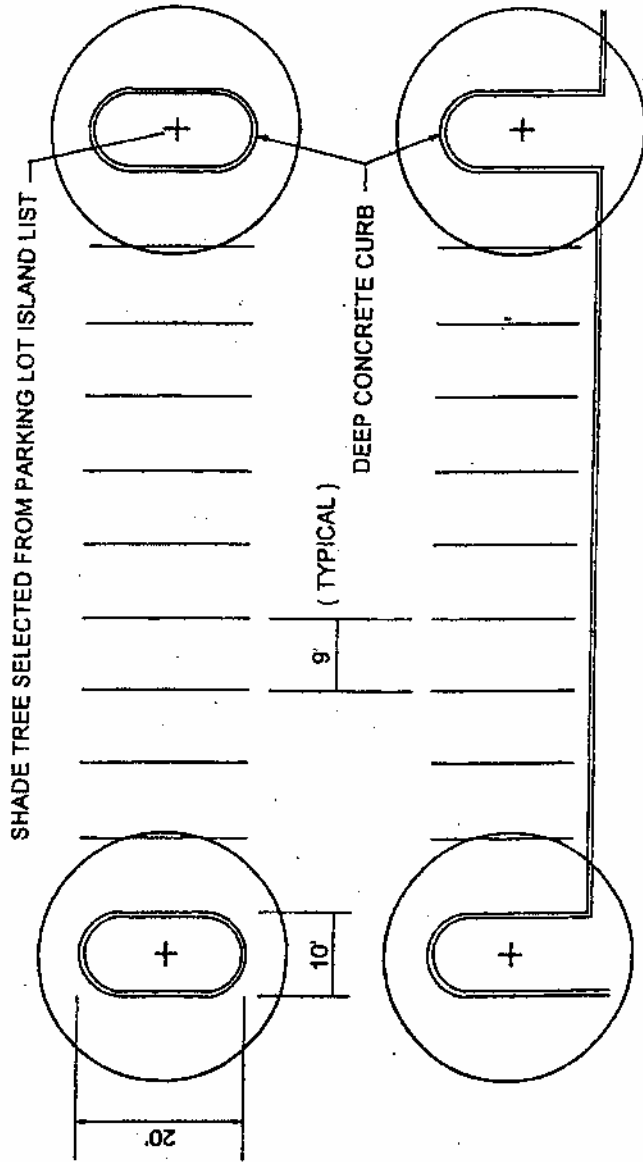
**POROUS ASPHALT PAVING TYPICAL SECTION**

# Appendix B

ZONING

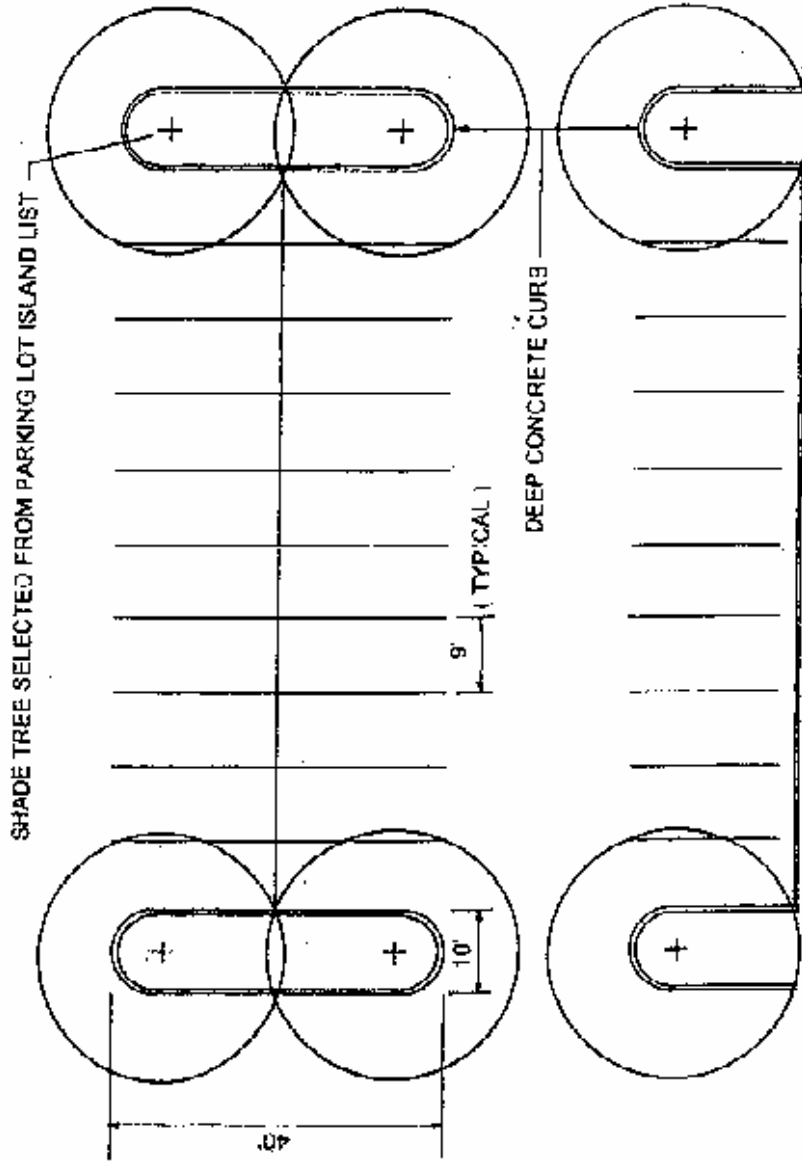


MINIMUM STANDARDS FOR DECIDUOUS ORNAMENTAL & SHADE TREES      MINIMUM STANDARDS FOR CONIFEROUS / EVERGREEN

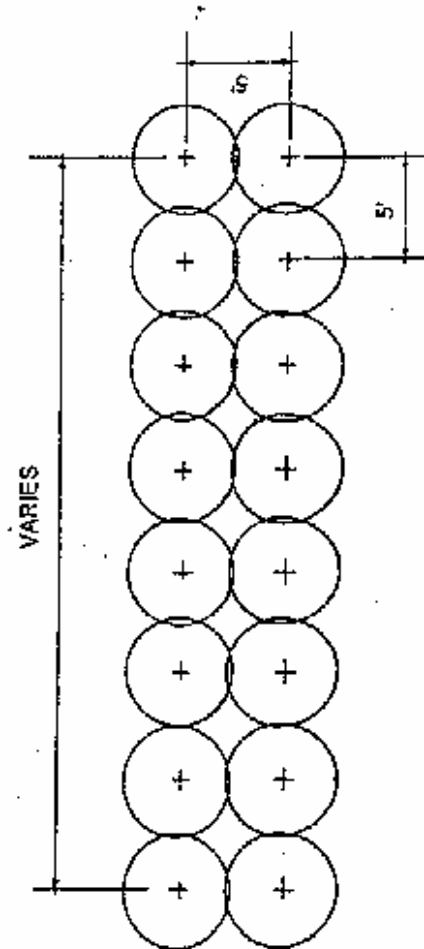
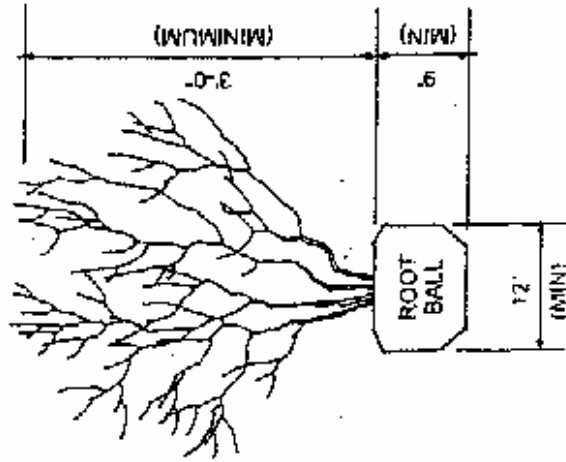


**CONCEPTUAL PARKING LOT ISLAND PLANTER PLAN**  
FOR ISLANDS 10' W X 20' L





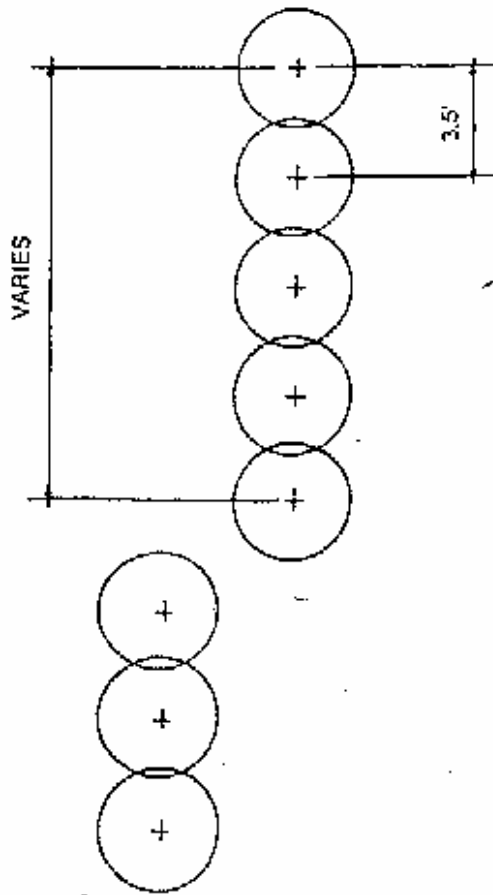
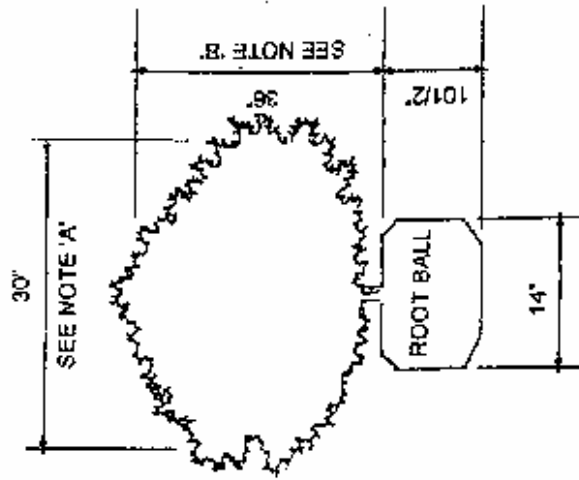
**CONCEPTUAL PARKING LOT ISLAND PLANTER PLAN**



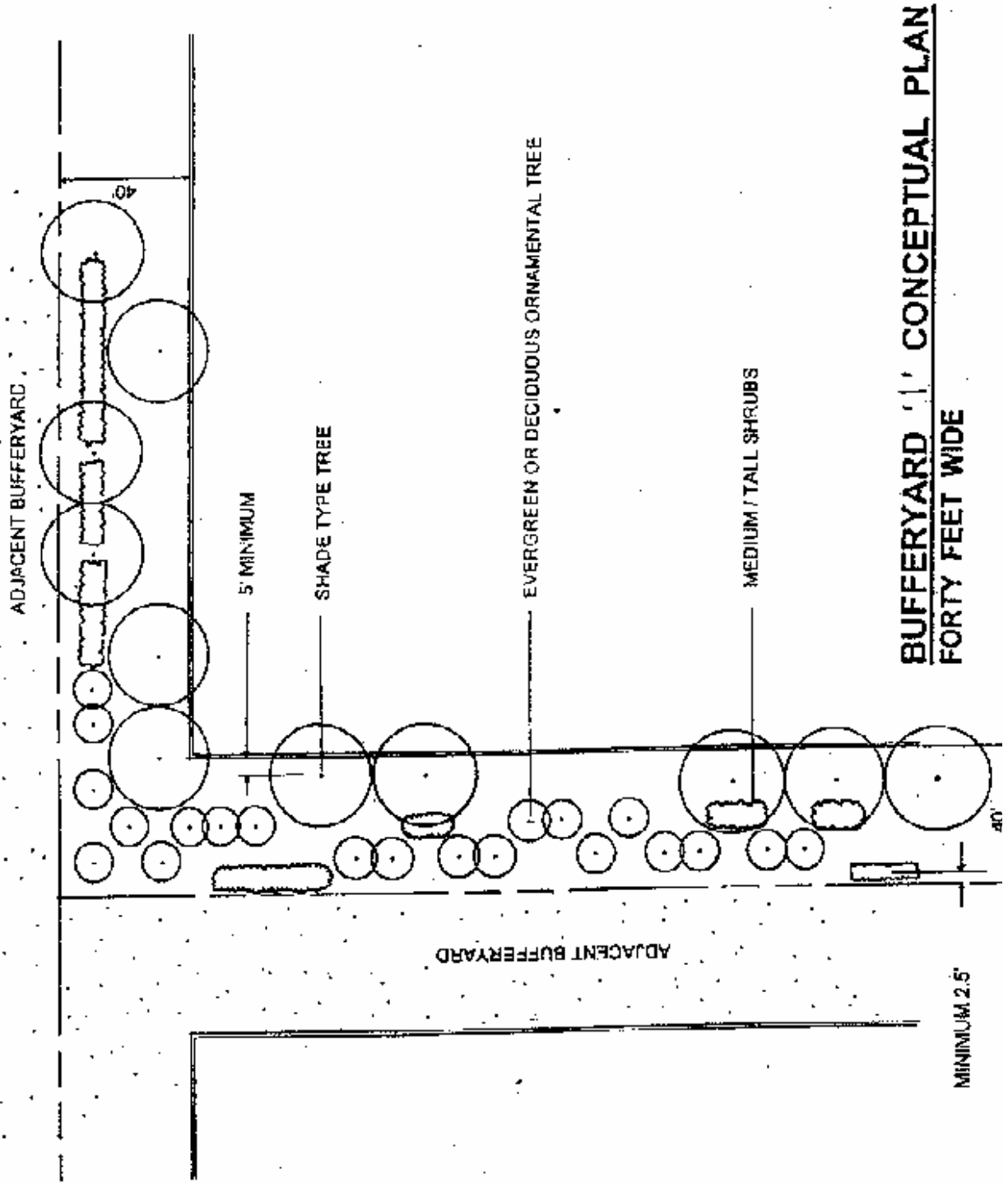
**DOUBLE ROW SHRUB HEDGE PLAN FOR BUFFERYARDS 'I' AND 'SPECIAL' AND MINIMUM DECIDUOUS SHRUB STANDARDS**

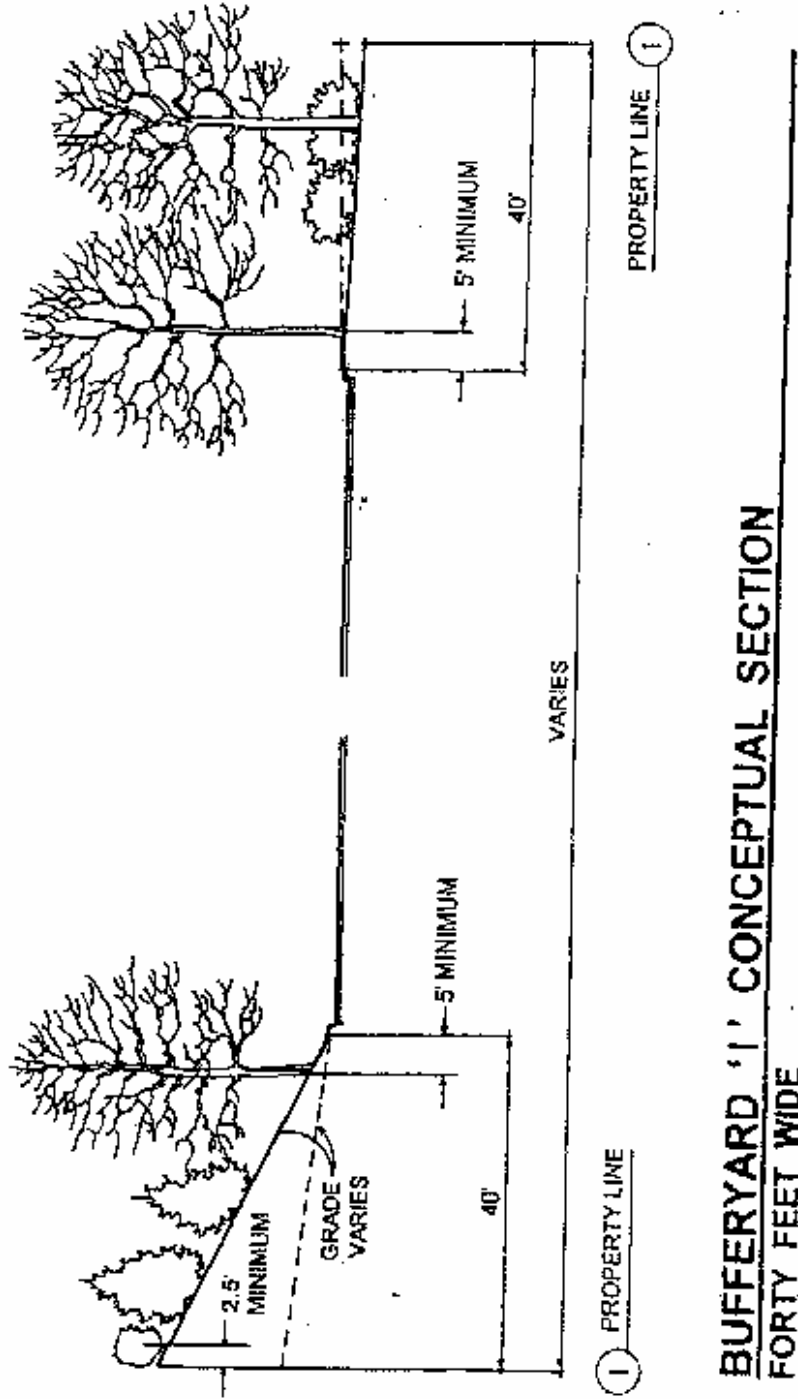
ZONING

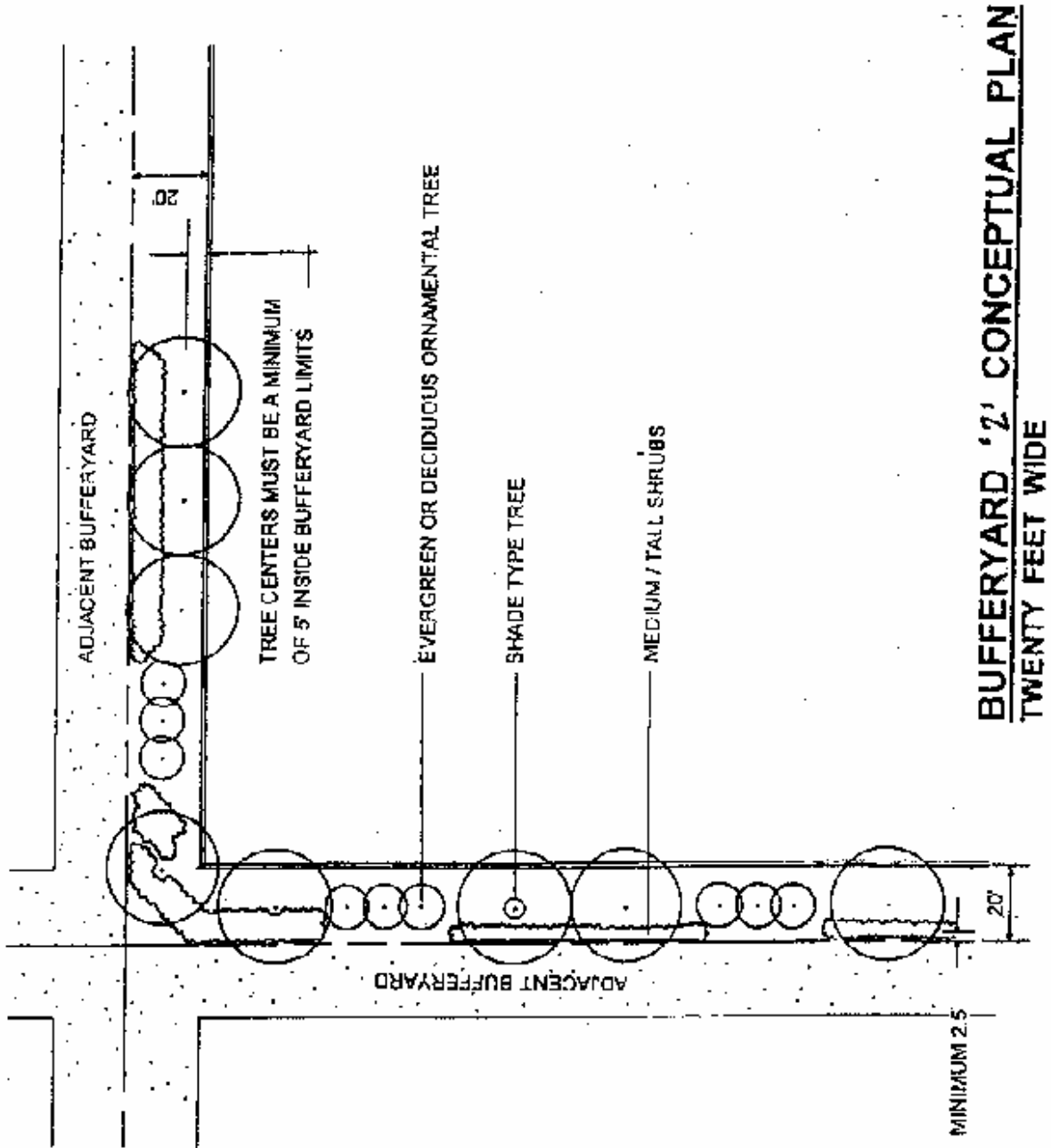
- NOTE A AVERAGE MINIMAL SPREAD FOR SPREADING, SEMI-SPREADING OR GLOBE SHAPED EVERGREEN SHRUBS.  
THE HEIGHT VARIES.
- NOTE B AVERAGE MINIMAL HEIGHT FOR CONICAL AND BROAD UP-RIGHT EVERGREEN SHRUBS.  
THE SPREAD VARIES.



**SINGLE ROW EVERGREEN HEDGE PLAN  
AND MINIMUM EVERGREEN SHRUB STANDARDS**

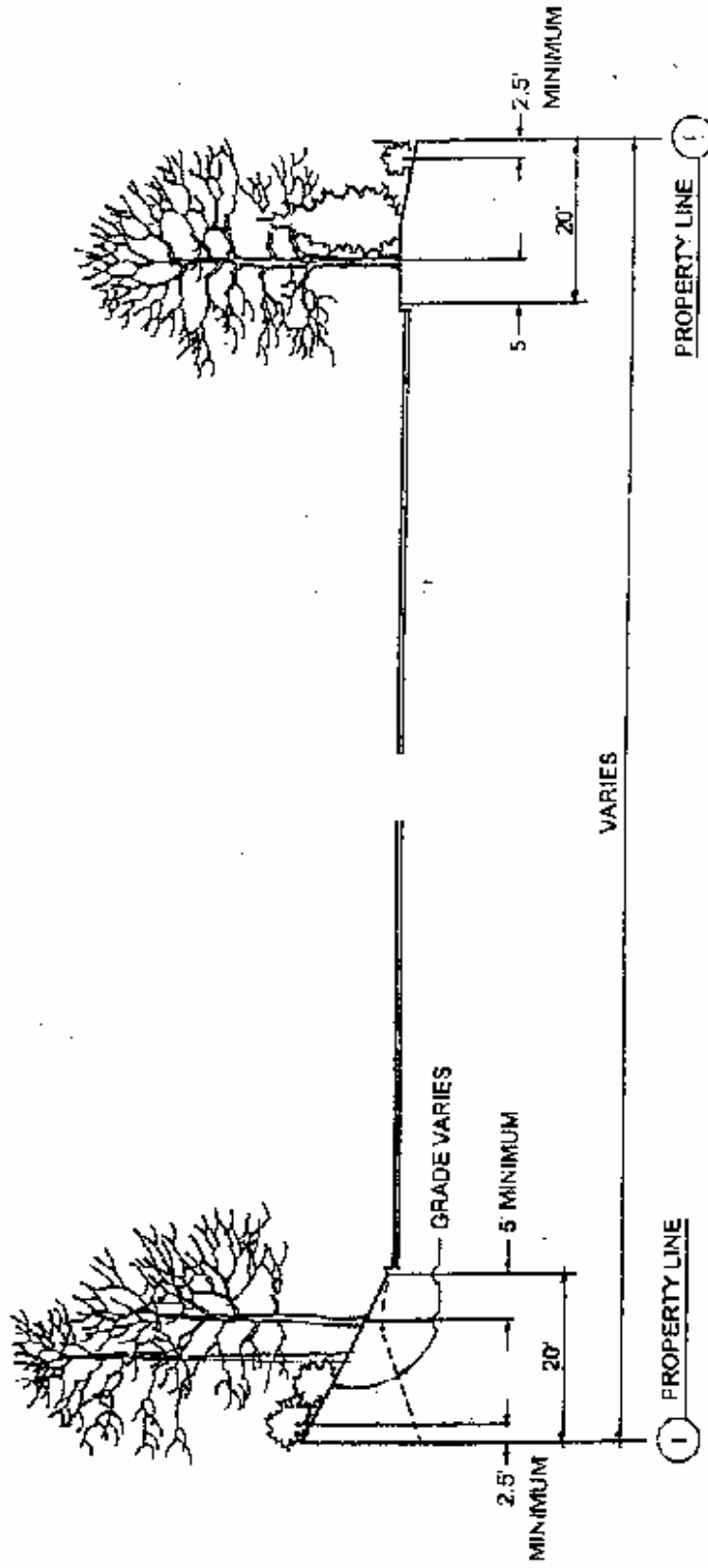




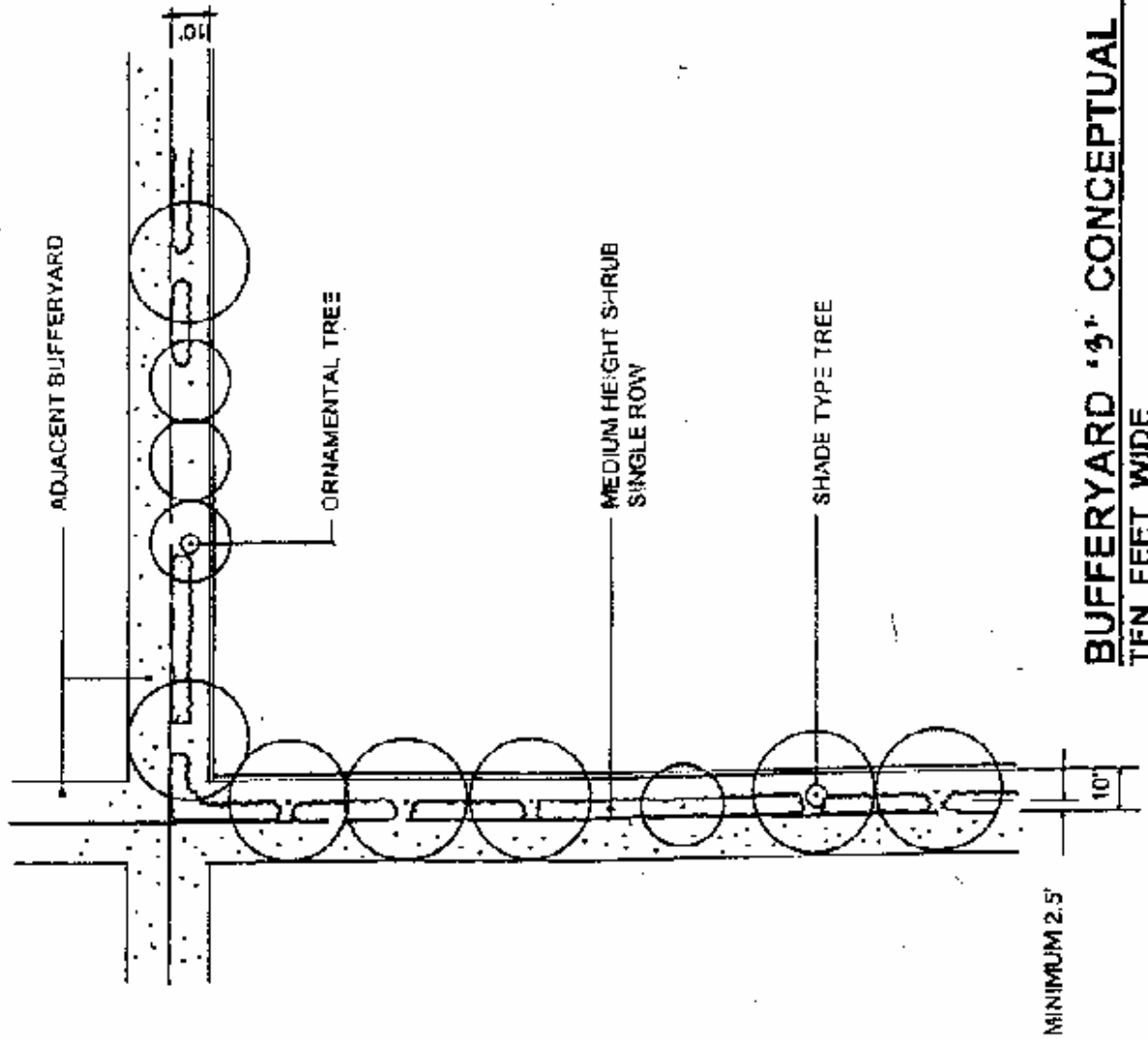


**BUFFERYARD '2' CONCEPTUAL PLAN**  
**TWENTY FEET WIDE**

ZONING



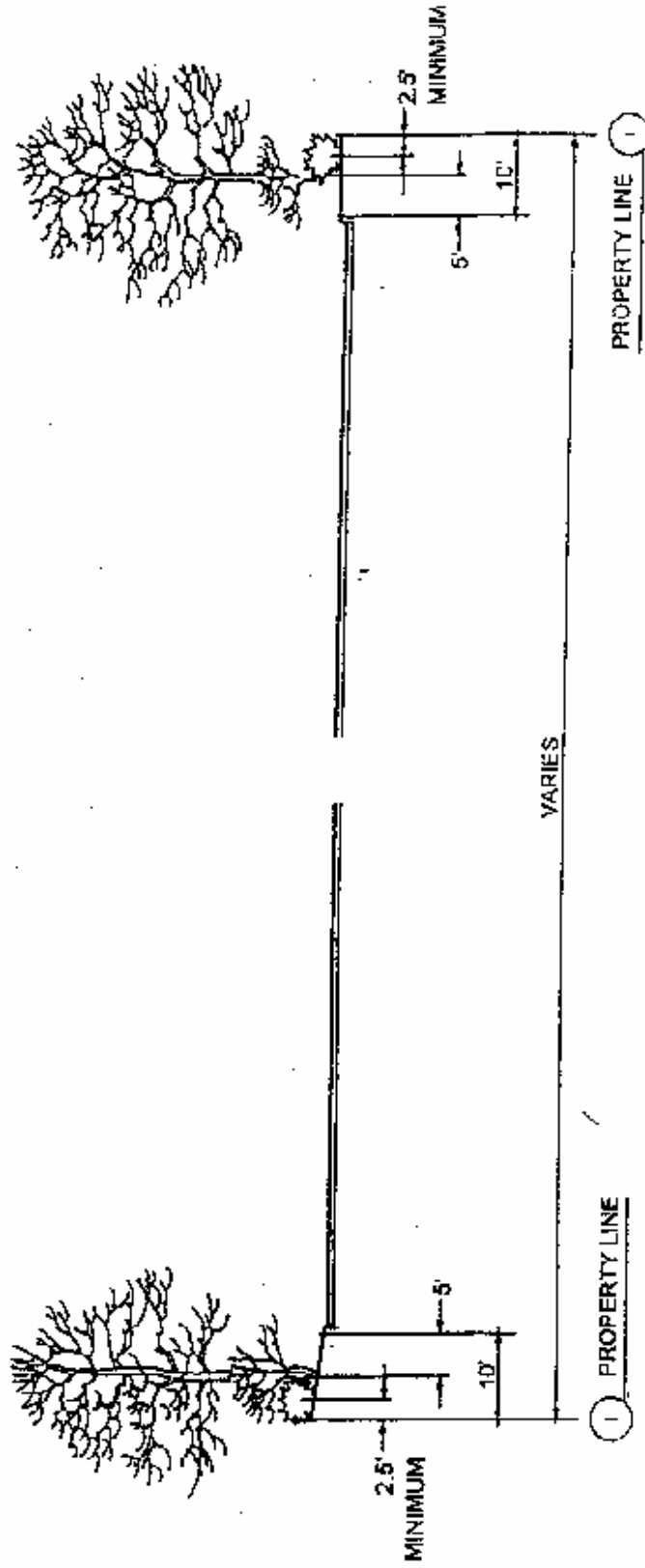
**BUFFERYARD '2' CONCEPTUAL SECTION**  
**TWENTY FEET WIDE**



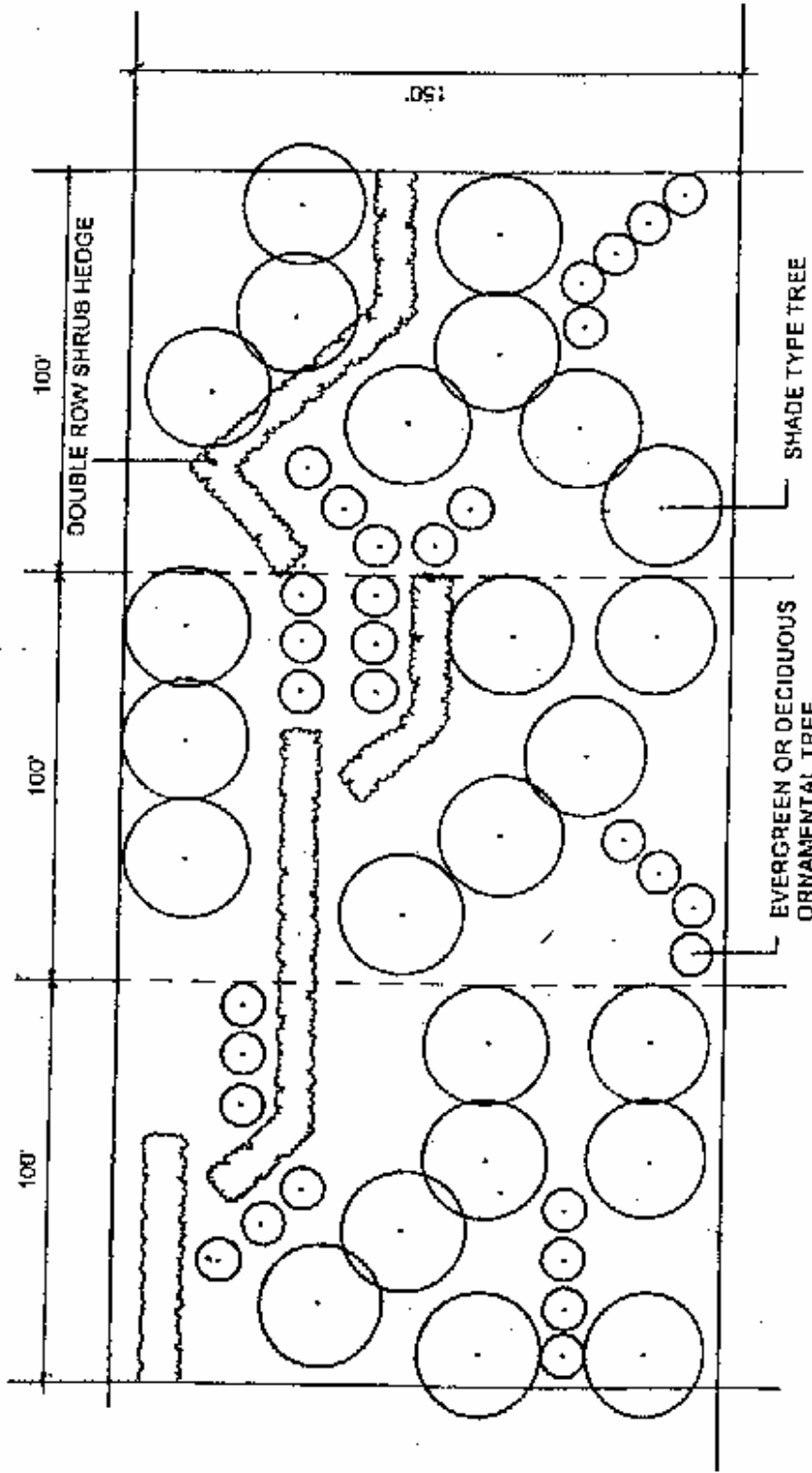
**BUFFERYARD '3' CONCEPTUAL PLAN**  
**TEN FEET WIDE**



ZONING



**BUFFERYARD '3' CONCEPTUAL SECTION**  
**TEN FEET WIDE**



**SPECIAL BUFFERYARD CONCEPTUAL PLAN**  
**ONE HUNDRED FIFTY FEET WIDE**

ZONING

**Bufferyard Minimal Plant Quantities**

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**Bufferyard 1**

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per 400 L.F.	Average per 100 L.F.
10 shade trees	2.5
20 conifer or deciduous ornamentals	5 ( 3 conifer / 2 deciduous)
96 medium / tall plants	24

---

**Bufferyard 2**

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per 400 L.F.	Average per 100 L.F.
8 shade trees	2
12 conifer / deciduous ornamentals	3 ( 2 conifer / 1 deciduous)
52 medium / tall shrubs	13
32 evergreen shrubs	8

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**Bufferyard 3**

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per 400 L.F.	Average per 100 L.F.
8 shade trees	2
4 deciduous ornamentals	1
32 medium / tall shrubs (25% evergreen)	8
44 evergreen shrubs	11

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**Special Bufferyard**

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	Average per 100 L.F.
Shade trees	7
Deciduous ornamentals / conifers	10
Medium / tall shrubs ( 25% evergreen)	48

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MOON CODE

**TOWNSHIP OF MOON - Allegheny County, Pennsylvania**

**RECOMMENDED TREES AND SHRUBS FOR FUTURE PLANTINGS**

<b>Common Name</b>	<b>Scientific Name</b>
<b>Deciduous Shrubs</b>	
Red Barberry	<i>Berberis thunbergii atropurpurea</i>
Pygmy Red Barberry	<i>Berberis thunbergii atro. nana</i>
*Summersweet	<i>Clethra alnifolia</i>
*Muskingum Gray Dogwood	<i>Cornus racemosa 'Muskingum'</i>
Silverblotch Dogwood	<i>Cornus alba elegantissima</i>
Redvein Enkianthus	<i>Enkianthus campanulatus</i>
Dwarf Burningbush	<i>Euonymus alatus compactus</i>
Siebold Weeping Forsythia	<i>Forsythia suspensa sieboldi</i>
Dwarf Fothergilla	<i>Fothergilla gardenii</i>
P.G. Hydrangea	<i>Hydrangea paniculata grandiflora</i>
Oakleaf Hydrangea	<i>Hydrangea quercifolia</i>
*Sparkleberry Winterberry	<i>Ilex x 'Sparkleberry'</i>
Virginia Sweetspire	<i>Itea virginica</i>
*Northern Bayberry	<i>Myrica pensylvanica</i>
Black Jetbead	<i>Rhodotypos scandens</i>
Anthony Waterer Spirea	<i>Spirea x. bumalda 'Anthony Waterer'</i>
Improved Red Dwarf Spirea	<i>Spirea x. bumalda 'Coccinea'</i>
Little Princess Spirea	<i>Spirea japonica 'Little Princess'</i>
Gold Flame Spirea	<i>Spirea x. bumalda 'Gold Flame'</i>
Koreanspice Viburnum	<i>Viburnum carlesi</i>
Maries Doublefile Viburnum	<i>Viburnum p.t. mariesii</i>
Doublefile Viburnum	<i>Viburnum plic. tomentosum</i>
*Black Haw Viburnum	<i>Viburnum prunifolium</i>
*Arrowwood Viburnum	<i>Viburnum dentatum</i>

\* Indigenous species in Eastern United States

ZONING

**Evergreen Shrubs**

Common Name	Scientific Name
Korean Boxwood	Buxus koreana
Tiny leafed Boxwood	Buxus microphylla compacta
Common Boxwood	Buxus communis
*Inkberry	Ilex glabra
**Blue Holly	Ilex x meservae cultivars
Compact Pfitzer Juniper	Juniperus c. pfitzeriana comp.
Saybrook Gold Juniper	Juniperus c. 'Saybrook Gold'
Sea Green Juniper	Juniperus c. 'Sea Green'
Tam Juniper	Juniperus sabina tamariscifolia
Grey Owl Juniper	Juniperus virginiana 'Grey Owl'
**Oregon Grape Holly	Mahonia aquifolium
English Yew	Taxus baccata repardens
Dense Yew	Taxus m. densiformis

\*\*pruning / shearing required to control height

**Shade Trees for Bufferyards / Street Trees**

*Red Sunset Red Maple	Acer rubrum 'Red Sunset'
*Sugar Maple	Acer saccharum
*Hackberry	Celtis occidentalis
*American Beech	Fagus grandifolia
European Beech	Fagus sylvatica
Maidenhairtree	Ginkgo biloba (male)
*Thornless Honeylocust	Gleditsia tria. inermis
American Sweetgum	Liquidambar
*Sourgum	Nyssa sylvatica
Bloodgood London Planetree	Platanus acerfolia 'Bloodgood'
Swamp White Oak	Quercus bicolor
*Northern Red Oak	Quercus borealis
Pin Oak	Quercus palustris
Shumard Oak	Quercus shumardi
European Linden	Tilia cordata

\* Indigenous species in Eastern United States

**Shade Type Trees for Island Planters In Parking Lots**

Common Name	Scientific Name
*Green Mountain Sugar Maple	Acer saccharum 'Green Mountain'
*Hackberry	Celtis occidentalis
*Thornless Honeylocust	Gleditsia tria. inermis
Columbia London Planetree	Platanus x acerfolia 'Columbia'
Liberty London Planetree	Platanus x acerfolia 'Liberty'

**Special Interest Tree Species**

Katsuratree	Cercidiphyllum japonicum
Maidenhairtree	Ginkgo biloba (male)
Dawn Redwood	Metasequoia glyptostroboides
English Oak	Quercus robur
Baldcypress	Taxodium distichum

\* Indigenous species in the Eastern United States

Prepared by Joseph Hajnas Associates, Inc.  
Landscape Architects / Environmental Consultants

## ZONING

### **Recommended Street Tree Species for Planting Along Front Yards in Residential Plans**

- A. Small upright trees, 20 to 30 feet in height and 15 to 20 feet wide. Recommend planting two trees per residential lot:
  - (1) Cumulus Serviceberry (*ametanchier laevis cumulus*).
  - (2) Centurion Crabapple (*malus centurion*).
  - (3) Spring Snow Crabapple (*malus spring snow*).
  - (4) Ivory Silk Tree Lilac (*syringa reticulate ivory silk*).
- B. Medium upright trees; 30 to 50 feet in height and 20 to 40 feet wide:
  - (1) American Hornbeam (*carpinus betulus*).
  - (2) Aristocrat Callery Pear (*pyrus calleryana aristocrat*).
  - (3) Chanticleer Callery or Cleveland Select Callery Pear (p. c. chanticleer).
  - (4) Redspire Callery Pear (*pyrus calleryana redspire*).
- C. Substitutions. Substitutions may be made, provided that the proposed species is approved by the Planning Commission and meets the following criteria: low maintenance, minimal litter (nuts, fruits, husks, etc.), higher branch structure suitable for planting along public sidewalks, suitable for the local hardiness zone and recommended as a street tree by an agency recognized by the Pennsylvania Urban & Community Forestry Council.
- D. Tree standards. Trees shall have a single straight trunk up to at least seven feet tall and minimum clear branch height of five feet. A minimum caliper of two inches or greater shall be required. The diameter measured six inches above root flare. All plants shall be of the standards listed in the American Standard for Nursery Stock ANSI Z60.1-1986.
- E. Planting standards. Planting of said trees shall be in accordance with the techniques and procedures outlined in the Street Tree Factsheets, as published by the Municipal Tree Restoration Program at Penn State University in 1989.

## MOON CODE

### PREFERRED DECIDUOUS PRESERVATION SPECIES LIST (indigenous and introduced shade type trees)

<i>Acer rubrum</i>	Red Maple
<i>Acer saccharum</i>	Sugar Maple
<i>Betula lenta</i>	Sweet Birch
<i>Betula nigra</i>	River Birch
<i>Carya ovata</i>	Shagbark Hickory
<i>Carya tomentosa</i>	Mockernut Hickory
<i>Celtis occidentalis</i>	Hackberry
<i>Cercidiphyllum japonicum</i>	Katsuratree
<i>Cladrastis lutea</i>	American Yellowwood
<i>Fagus grandifolia</i>	American Beech
<i>Fagus sylvatica</i>	European Beech
<i>Ginkgo biloba</i>	Maidenhairtree
<i>Gleditsia triacanthos</i>	Honeylocust
<i>Juglans nigra</i>	Eastern Black Walnut
<i>Liriodendron tulipifera</i>	Tuliptree
<i>Liquidambar styraciflua</i>	American Sweetgum
<i>Magnolia acuminata</i>	Cucumbertree
<i>Nyssa sylvatica</i>	Sourgum
<i>Platanus acerifolia</i>	London Planetree
<i>Platanus occidentalis</i>	Sycamore
<i>Quercus alba</i>	White Oak
<i>Quercus borealis</i>	Red Oak
<i>Quercus coccinea</i>	Scarlet Oak
<i>Quercus palustris</i>	Pin Oak
<i>Quercus velutina</i>	Black Oak
<i>Tilia americana</i>	Basswood
<i>Tilia cordata</i>	Little-leaf European Linden

NOTE: All conifers qualify for the credits when dbh requirements for deciduous trees are met.



ZONING

# Appendix C