

**TOWNSHIP OF O'HARA
ALLEGHENY COUNTY, PENNSYLVANIA**

**AN ORDINANCE OF THE TOWNSHIP OF O'HARA AMENDING THE
ZONING ORDINANCE TO PROVIDE A RIVERFRONT GREEN
OVERLAY ZONING DISTRICT**

WHEREAS, the Township has undertaken a review of its existing Zoning Ordinance; and

WHEREAS, it has been determined that certain changes should be incorporated into said ordinance.

NOW, THEREFORE, the Township of O'Hara hereby ordains that the Zoning Ordinance is hereby amended as follows:

Section 72-12.76 General Provisions

- A. Purpose: Be developed in consistency with the Township Comprehensive Plan and *Allegheny Places* the Allegheny County Comprehensive Plan.
- B. Authorized Uses: Riverfront Unit Development (as defined herein) shall be an authorized use in the Township Riverfront Overlay, pursuant to this Article and Article VII of the Pennsylvania Municipalities Planning Code, as amended. Riverfront Infill Developments (as defined herein) shall be authorized by conditional use in the Riverfront Overlay.
- C. Location of Overlay: The Riverfront Overlay is located and bounded as shown on the "O'Hara Riverfront Overlay Map" on file in the Township office.
- D. Concept: The Riverfront Overlay shall be deemed to be an overlay on any existing or future zoning districts enacted to regulate the use of land in the Township.
- E. Applicability: Where this article conflicts with Chapter 72, Zoning Ordinance or Subdivision and Land Development Ordinance this Article shall apply. Failure to comply with the provisions of this Article with respect to a Riverfront Development shall be deemed a violation of the Zoning Ordinance.
- F. Definitions: Unless a contrary intention appears clearly, the following words and phrases shall have, for the purpose of this Article, the meanings given in the following clauses. In case of conflict, the definitions contained in the MPC, as the same amended from time to time, shall prevail:
 - 1. **Average Floor Area:** The value created by dividing the gross floor area of the entire structure by the number of floors/stories in the structure.

2. **Best Management Practices:** Conservation practices or systems of practices and management measures that: (a) control soil loss and reduce water quality degradation caused by nutrients, animal waste, toxins, and sediment; (b) minimize adverse impacts to surface water and groundwater flow, circulation patterns, and to the chemical, physical, and biological characteristics of wetlands; and (c) includes allowing proper use and storage of fertilizers/pesticides.
3. **Boat Launching Facilities:** Facility to launch and retrieve recreational boats from a trailer. Some are limited to hand launching of canoes. Facilities can include, parking lots, a courtesy dock to assist in launching, toilets, refuse containers, lighting, and telephones.
4. **Building Coverage:** A percentage figure referring to that portion of a lot covered only with principal and accessory buildings.
5. **Common Open Space:** A parcel or parcels of land or an area of water, or a combination of land and water within a development site and designed and intended for the use or enjoyment of residents of a development, not including streets, off-street parking areas, and areas set aside for public facilities.
6. **Gross Floor Area:** The sum of the gross areas of the several floors of a building or buildings, measured from the exterior faces of exterior walls or from the center lines of walls separating two buildings. Gross floor area shall not include: underground areas, parking areas or driveways, uncovered steps, or exterior balconies, decks, or porches.
7. **Infiltration Basin:** A stormwater BMP that is constructed within highly permeable soils that provides temporary storage of stormwater runoff. An infiltration basin does not normally have a structural outlet to discharge runoff from the stormwater quality design storm. Instead, outflow from an infiltration basin is through the surrounding soil.
8. **Infiltration Berm:** An Infiltration Berm is a stormwater BMP consisting of a mound of compacted earth with sloping sides that is usually located along a contour on relatively gently sloping sites. Berms can also be created through excavation/removal of upslope material, effectively creating a Berm with the original grade. Berms may serve various stormwater drainage functions including: creating a barrier to flow, retaining flow for volume control, and directing flows. Grading may be designed in some cases to prevent rather than promote stormwater flows, through creation of "saucers" or "lips" in site yard areas where temporary retention of stormwater does not interfere with use.
9. **Infiltration Trench:** A stormwater BMP consisting of a "leaky" pipe in a stone-filled trench with a level bottom. An Infiltration Trench may be used as part of a larger storm sewer system, such as a relatively flat section of storm sewer. Or it

may serve as a stormwater system for a small area, such as a portion of a roof or a single catch basin. In all cases, an Infiltration Trench must be designed with a positive overflow.

10. **LEED Certified Building:** shall mean a building certified, under the Leadership in Energy and Environmental Design (LEED) program of the United States Green Building Council that meets LEED standards for either New Construction and Major Renovation Projects or Core and Shell Projects.
11. **Major Street:** A street that predominantly serves through traffic.
12. **Multi-use/purpose trail:** A way designed for and used by a variety of pedestrians, and cyclists using non-motorized bicycles.
13. **Public Parking Facilities:** An open, paved area, excluding a street or other public way, or a structure used for the parking of automobiles and available to the public, whether for free or for compensation.
14. **Rain Garden:** A Rain Garden (also called Bio-retention) is a stormwater BMP consisting of an excavated shallow surface depression planted with specially selected native vegetation to treat and capture runoff and underlain by a sand or, if needed, gravel infiltration bed.
15. **River:** The Allegheny River.
16. **Riverfront Development:** Any land development that occurs within the Riverfront Overlay. For the purposes of this Article, Riverfront Developments shall be classified as either a Riverfront Infill Development or a Riverfront Planned Development.
17. **Riverfront Development Plan:** The provisions for riverfront development, including a riverfront planned development or riverfront infill development, a plat of subdivision, all covenants relating to use, location and bulk of buildings and other structures, intensity of use or density of development, streets, ways and parking facilities, common open space and public facilities. The phrase “provisions of the riverfront development plan” when used in this act shall mean the written and graphic materials referred to in this Article.
18. **Riverfront Infill Development:** All Riverfront Developments that are not Planned Riverfront Developments. A Riverfront Infill Development shall not exceed five (5) acres and shall have one developer only.
19. **Riverfront Planned Development:** An area of land, controlled by a landowner, to be developed as a single entity for a single use or a combination of uses of five (5) acres or more, the development plan for which does not correspond in lot size, bulk, type of dwelling, or use, density, or intensity, lot coverage and required open space to the regulations established in any one district created, from time to time, under the provisions of the township zoning ordinance.

20. **Shoreline:** Seventy-five feet (75') from the shoreline of the Allegheny River.
21. **Stormwater Management:** The collecting, conveyance, channeling, holding, retaining, detaining, infiltrating, diverting, treating, or filtering of surface water, ground water, and/or runoff, together with applicable managerial (nonstructural) measures.
22. **Subsurface Infiltration Bed:** A stormwater BMP characterized by the temporary storage and infiltration of stormwater runoff accomplished by placing an infiltration bed of varying types beneath an engineered layer of soil and vegetation.
23. **Vegetated Swale:** A Vegetated Swale is a stormwater BMP consisting of a broad, shallow, trapezoidal or parabolic channel, densely planted with a variety of trees, shrubs, and/or grasses. It is designed to attenuate and in some cases infiltrate runoff volume from adjacent impervious surfaces, allowing some pollutants to settle out in the process. In steeper slope situations, check dams are used to further enhance attenuation and infiltration opportunities.

Section 72.12.81 Infill Development

- A. Procedure: Riverfront Infill Developments (as defined herein) are authorized in the Township Riverfront Overlay. All Riverfront Infill Developments shall follow the procedure for conditional use in the Township Zoning Ordinance.
- B. Authorized Uses. The following uses, and only the following uses, are authorized in a Riverfront Infill Development provided their design, arrangement, landscaping, relationship to adjacent properties and uses, and construction form a compatible and harmonious group of uses, afford reasonable protection to adjacent development, and otherwise meet all requirements set forth in this Article.
 1. Residential Uses:
 - A. Single-family dwellings;
 - B. Townhouses;
 - C. Attached single-family dwellings;
 - D. Garden apartments; and
 - E. Mid-rise apartments.
 2. Commercial and Office Uses:
 - A. Retail stores having no more than five thousand (5,000) square feet of gross floor area including but not limited to, barber and beauty shops, dressmaker, tailor and milliner shops; dressmaker, tailor and milliner shops; laundries, shoe repair shops and travel agencies
 - B. Personal service shops;

- C. Business and professional offices including but not limited to, real estate and insurance sales and travel agencies;
- D. Restaurants;
- E. Commercial recreation uses, as appropriate to the riverfront location that may offer riverfront access, including walkways, overlooks, excursion boat landings; and
- F. Public parking facilities.
- G. Marina, including appropriate accessory uses such as boat sales and service, restaurants, and recreational facilities;
- H. Public and Commercial recreation uses, as appropriate to a riverfront location and exclusive of public boat launching;
- I. Banks, financial institutions;
- J. Specialty or convenience food markets having no more than five thousand (5,000) square feet gross floor area;
- K. Theaters having no more than one thousand eight hundred (1,800) seats;
- L. Motels on sites meeting the standards of O'Hara Zoning Code Section 72-13.105, and having not less than twelve hundred (1,200) square feet of lot area per sleeping unit;
- M. Health or fitness clubs;
- N. Private clubs;
- O. Museums, galleries or similar cultural facilities;
- P. Accessory uses; and
- Q. Essential services.
- R. Group care facility;
- S. Independent living facility.

(1) All applications for zoning/building permits shall include a narrative outlining daily operational activities and characteristics. A list of tenants shall be filed with the Township by January 31st of each year

3. Conditional

- A. Uses Not Otherwise Specified will be considered Conditional Uses.

C. Prohibited Uses. Authorized uses shall in no way be interpreted to include the following:

- 1. Sales and/or service of vehicles, vehicular parts or accessories;
- 2. Gasoline stations;
- 3. Drive-in establishments;
- 4. Retail uses over five thousand (5,000) square feet in gross floor area;
- 5. Nursery retail outlets, greenhouse, or garden supplies sales;
- 6. Sales or showrooms for building, plumbing, heating or similar supplies;

7. Wholesale merchandising;
8. Hospital, medical laboratory or clinic;
9. Veterinary office, animal hospital or kennel;
10. Beverage distributor;
11. Second-hand merchandising other than arts and antiques;
12. Boat launching facilities except as an accessory use; and
13. Landing area for helicopters or any other aircraft.
Marine equipment sales and services except as an accessory use.

D. Area and bulk requirements: Riverfront Infill Developments shall adhere to the following:

1. The number of dwelling units for residential uses shall not exceed eighteen (18) units per gross acre of land assigned to residential usage.
2. Nonresidential uses shall not exceed ten thousand (10,000) square feet of gross floor area per acre.
3. Mixed use structures shall not exceed ten (10) units per acre. Non-residential uses shall count every one thousand (1,000) square feet of gross floor area dedicated to non-residential use as one dwelling unit.
4. The maximum building coverage for development shall not be greater than forty percent (40%) of the total lot area.

E. Required Improvements: The following improvements shall be completed in connection with every Riverfront Infill Development, and such improvements will be in conformance with such standards as may be specified and required in the Subdivision and Land Development Ordinance or other Township, county or state law.

1. Off-street parking spaces and off-street loading spaces shall be provided in accordance with the provisions of the O'Hara Township Zoning Ordinance. Council may approve alternate design standards for off-street parking in response to specific site conditions such as attendant parking, indoor parking, interaction between abutting uses, accessibility to mass transit, bike and pedestrian systems, river transportation, or a clearly documented difference between expected parking load and required parking spaces.
2. Parking lots having an area of four thousand (4,000) square feet or more shall be landscaped with trees, shrubs and other plantings, appropriate in hardiness to their location, in accordance with the following:
 - A. The lot's perimeter shall be bordered with a landscaped border not less than five feet (5') in width, and the lot shall be screened from every adjacent residential use.

- B. A landscaped island of not less than one hundred (100) square feet shall be installed to separate long rows of parking stalls into groups of ten (10) or less stalls. Each island shall contain at least two (2) three and one-half inch (3.5") caliper trees and shall be planted in grass or other groundcover.
- C. Parking areas which abut a street, structure or open space may be required to provide a landscaped hedgerow, low wall, or similar landscaping device to adequately screen parked cars from view of the street or adjacent use.
3. Street lights shall be provided by the developer throughout the Riverfront Infill Development. Lighting standards for pedestrian areas and walkways shall not be higher than twelve feet (12') above ground level; lighting standards for parking areas and streets shall not be higher than eighteen feet (18') above ground level; all lighting shall conform to the Section 72-14.115G, H & I. Street lights shall be located to ensure adequate illumination in order to protect the safety of the visitors and residents of the Riverfront Development.
 4. Streets shall be related to street plans or parts thereof as have been officially adopted by the Township. Proposed streets shall conform to the requirements herein as well and as to any other plans, statute, ordinance, law or regulation applicable thereto. Streets shall be logically related to the topography in order that usable sites and reasonable grades shall be produced. Provisions will be required to accommodate traffic from adjacent areas, but minor streets should be laid out so as to best accommodate infrastructure and manage traffic flow appropriately.
 5. Where a Riverfront Development abuts or contains an existing or proposed major street, Council may require marginal access streets, rear service alleys, reverse frontage lots or such other treatment as will provide protection for abutting properties, reduction in the number of intersections with major streets, and separation of local and through traffic.
 6. Drainage structures, culverts, storm sewers, ditches and related installations shall be provided to ensure adequate drainage of all points along the streets.
 7. Stormwater management facilities should be installed according to the Pennsylvania Stormwater Best Management Practices (BMP) Manual.
 8. Pedestrian walks shall be required to assist circulation or provide access throughout the development and its open space, along the riverfront and to community facilities. Walkways shall either be provided between the river and any structure located beside the river or in a convenient and attractive location around the building. Walkways shall have a paved width of not less than four feet (4') and be so improved as to assure accessibility to handicapped persons.
 9. A multi-use/purpose trail shall be provided along the riverfront. This trail shall connect with adjacent trails and form a continuous trail along the riverfront.

BILL NO. B-5-2014

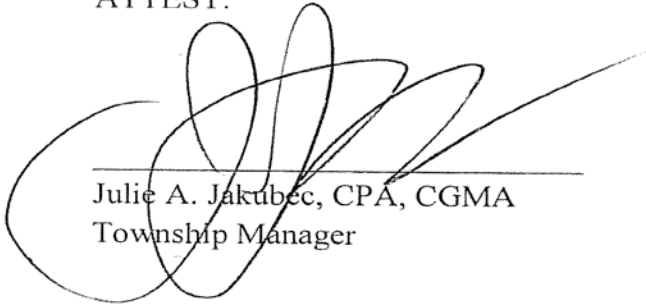
ORDINANCE NO. 1280

- 10. Bikeways, where provided, shall meet the requirements of the Pennsylvania Department of Transportation's Highway Design Manual (Publication 13M) Chapter 16.
- 11. Erosion and Sedimentation Control: When topsoil has been removed from the surface on a slope where erosion may cause a displacement of loose material, the area shall be seeded or otherwise treated as soon as possible to prevent damage to adjacent property or streets.
- 12. Utilities located within a Riverfront Development shall all be located underground.

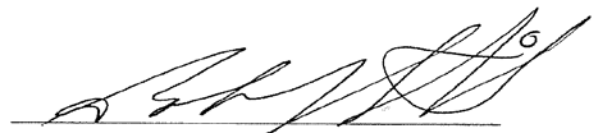
ORDAINED THIS 11th DAY OF March, 2014 BY Council vote of 7 to 0.

ATTEST:

TOWNSHIP OF O'HARA



Julie A. Jakubec, CPA, CGMA
Township Manager



Robert John Smith
President of Council



First Reading	<u>Frankowski - Vogel</u>	<u>7 - 0</u>	<u>02/11/2014</u>
Public Hearing	<u>03/11/2014</u>		.
Adoption	<u>Frankowski - Rothert</u>	<u>7 - 0</u>	<u>03/11/2014</u>
Advertised	<u>03/20/2014</u>	Codified	_____