

**TOWNSHIP OF SOUTH FAYETTE
ALLEGHENY COUNTY, PENNSYLVANIA
ORDINANCE NO. 3 of 2022**

AN ORDINANCE OF THE TOWNSHIP OF SOUTH FAYETTE, ALLEGHENY COUNTY, PENNSYLVANIA AMENDING, CHAPTER 240, ZONING, OF THE SOUTH FAYETTE CODE OF ORDINANCES, BY AMENDING ARTICLE II, DEFINITIONS, SECTION 240-9, PARTICULAR MEANINGS, TO ADD DEFINITIONS FOR A “AGE RESTRICTED HOUSING COMMUNITY” AND A “MIXED USE DEVELOPMENT”; AMENDING ARTICLE X, PED PLANNED ECONOMIC DEVELOPMENT DISTRICT, SECTION 240-57, AUTHORIZED USES, TO ADD SECTION 240-57.A.(1).(f)(6) AUTHORIZING A MIXED USE DEVELOPMENT AS A PRINCIPAL USE PERMITTED BY CONDITIONAL USE AND PROVIDING FOR CERTAIN RESIDENTIAL AND NON-RESIDENTIAL USES AS PERMITTED USES IN A MIXED USE DEVELOPMENT; AMENDING ARTICLE X, PED PLANNED ECONOMIC DEVELOPMENT DISTRICT, SECTION 240-57A.(2), AUTHORIZED USES, ACCESSORY USES, TO AUTHORIZE A COMMUNITY CENTER AS AN ACCESSORY USE WITHIN AN AGE RESTRICTED HOUSING COMMUNITY; AMENDING ARTICLE X, PED PLANNED ECONOMIC DEVELOPMENT DISTRICT, SECTION 240-57.B. CONDITIONAL USES, BY THE ADDITION OF SECTION 240-57-B. 1(d) (6) TO PERMIT A MIXED USE DEVELOPMENT AS A CONDITIONAL USE IN A PLANNED ECONOMIC DEVELOPMENT; AND AMENDING ARTICLE X, PED PLANNED ECONOMIC DEVELOPMENT DISTRICT; SECTION 240-58, AREA AND BULK REGULATIONS, TO ESTABLISH AREA AND BULK REGULATIONS AND SPECIAL REGULATIONS FOR A MIXED USE DEVELOPMENT AND A AGE-RESTRICTED HOUSING COMMUNITY

WHEREAS, the Board of Commissioners of the Township of South Fayette have determined, after review and consultation with the Township's Planning Department, that amendment Chapter 240, Zoning, Article X, PED Planned Economic Development District, of the Township Code is appropriate to permit Mixed Use Developments and Age Restricted Communities in the Township's PED Planned Economic Development District ; and

WHEREAS, the Board of Commissioners of the Township of South Fayette have determined, after review and consultation with the Township's Planning Department, that permitting Mixed Use Developments and Age Restricted Communities as conditional uses, subject to certain specifications and criteria, will promote the orderly development of such uses in the PED Planned Economic Development District ; and

WHEREAS, permitting Mixed Use Developments and Age Restricted Communities in the PED Planned Economic Development District as conditional uses, subject to certain specifications and criteria, will not be injurious to the health, safety and welfare of the Township and its residents.

NOW, THEREFORE, BE IT ORDAINED AND IT IS HEREBY ORDAINED AND BY THE BOARD OF COMMISSIONERS OF THE TOWNSHIP OF SOUTH FAYETTE AS FOLLOWS:

1. The recitals set forth hereinabove are incorporated herein by reference thereto.
2. Chapter 240, Zoning, Article II, Definitions, Section 240-9, Particular meanings of the Township of South Fayette Code, is hereby amended to include the following defined terms:

AGE RESTRICTED HOUSING COMMUNITY

A community built in accordance with the Housing for Older Persons Act (HOPA) restricting residency to persons 62 years or older, or persons 55 years of age or older, if at least 80% of the occupied units are occupied by at least one person who is 55 years of age or older.

MIXED USE DEVELOPMENT

A development, generally consistent with the parameters of Article VII (Planned Residential Development) of the Municipalities Planning Code ("MPC"), specifically Section 705(b) of the MPC [53 P.S. §10705(b)] that permits residential and non-residential uses pursuant to a tentative master development plan on property singularly owned or controlled (equitable or otherwise) having a minimum overall property or lot area of 100 contiguous acres.

3. Chapter 240, Zoning, Article X, Planned Economic Development District, Section 240-57.A.(1).(f), Authorized uses, Permitted uses, Principal uses of the South Fayette Code is hereby amended to include the following:

[6] Within an approved Mixed Use Development:

[a] Residential uses including:

- (1) Single-family dwellings.
- (2) Two-family dwellings.
- (3) Triplexes or fourplexes.
- (4) Townhouses.
- (5) Garden apartments.
- (6) Mid-rise apartments.
- (7) Age Restricted Housing Community.

[b] Non-residential uses including:

- (1) All permitted uses in Section 240-57.A.(1).(f)[2]-[5] and Section 240-57.B.(1).(d)[2]-[5].
- (2) Assisted Living Facility.
- (3) Retirement Community.
- (4) Nursing homes.
- (5) Common open space.
- (6) Public recreation; noncommercial recreation.
- (7) Community club.

4. Chapter 240, Zoning, Article X, Planned Economic Development District, Section 240-57.A.(2), Authorized uses, Accessory uses of the South Fayette Code, is hereby amended to include the following:

(g) Community Center in connection with an Age Restricted Housing Community.

5. Chapter 240, Zoning, Article X, Planned Economic Development District, Section 240-57.B.(1).(d), Conditional uses, Principal uses, Planned economic development of the South Fayette Code is hereby amended to include the following:

[6] Mixed Use Development.

6. Chapter 240, Zoning, Article X, Planned Economic Development District, Section 240-58, Area and Bulk Regulations of the South Fayette Code, is hereby amended to include the following:

B. Minimum lot area.

(8) Mixed Use Development (overall property/parcel): 100 contiguous acres (total lot area).

(9) Lots in a Mixed Use Development: see, Section 240-58.M.

(10) Age Restricted Housing Community: No minimum lot area is required. However, a minimum of one parent parcel that is made subject to the Pennsylvania Uniform Condominium Act or Planned Community Act is required where the units are in a condominium or planned community form of ownership and where individual fee simple ownership of units is limited to the physical dwelling unit and common areas are owned by a condominium or homeowners' association.

C. Minimum lot width.

(4) Lots in a Mixed Use Development: see, Section 240-58.M.

(5) Age Restricted Housing Community: no lots are required when units are in a condominium or planned community and where individual fee simple ownership is limited to the physical dwelling unit and common areas are owned by a condominium or homeowners' association.

D. Maximum impervious coverage.

(3) Mixed Use Development (overall property): see, Section 240-58.M.

F. Minimum front yard.

(4) Lots in a Mixed Use Development: see, Section 240-58.M.

(5) Age Restricted Housing Community: no minimum front yard when units are in a condominium or planned community and where individual fee simple ownership is limited to the physical dwelling unit and common areas are owned by a condominium or homeowners' association.

G. Minimum rear yard.

(5) Lots in a Mixed Use Development: see, Section 240-58.M.

(6) Age Restricted Housing Community: no minimum rear yard when units are in a condominium or planned community and where individual fee simple ownership is limited to the physical dwelling unit and common areas are owned by a condominium or homeowners' association.

H. Minimum side yard.

(6) Lots in a Mixed Use Development: see, Section 240-58.M.

(7) Lots in Age Restricted Housing Community: no minimum side yard when units are in a condominium or planned community and where individual fee simple ownership is limited to the physical dwelling unit and common areas are owned by a condominium or homeowners' association.

K. Maximum height.

(3) Community center in Age Restricted Housing Community: three stories but no more than 40 feet.

M. Special regulations for Mixed Use Development.

(1) The Mixed Use Development shall be planned and developed according to a single tentative master development concept plan, whether for immediate, future, or phased implementation, and whether in single or multiple ownership. The single tentative master development may be submitted to the Township in the form of a sketch plan. A Mixed Use Development shall be required to contain commercial uses within the proposed plan. The overall Mixed Use Development property may be comprised of, or further subdivided into, individual Mixed Use Development lots, provided all lots or parcels comprising the overall Mixed Use Development property are developed pursuant to the singular tentative master development concept plan.

(2) Applications for a Mixed Use Development shall be processed in accordance with the procedure delineated under Sections 707-711 of the MPC [53 P.S. §§10707-10711].

(3) Where existing buffer plantings are insufficient to provide adequate screening between any proposed residential and non-residential use, appropriate buffering shall be installed pursuant to Section 240-98, Buffer Areas and Landscaping.

(4) Area and bulk regulations in accordance with the following:

Overall Parcel Requirements For Mixed Use Development

***Does not apply to individual subdivided lots**

Minimum Cumulative Acres (acres)	100				
Maximum Cumulative Impervious Coverage (% of cumulative acres)	35%				
Minimum Required Cumulative Open Space (% of cumulative acres)	25%				
Perimeter Setback for Apartment Uses (ft) GA / MR	100				
Perimeter Setback for Uses other than Apartments (ft)	75				
Maximum Steep Slope Disturbance	Slopes from	Slopes from	Slopes from	Slopes from	Slopes from
	15% to 20%	20% to 25%	25% to 30%	30% to 40%	40% & Greater
Overall Disturbance Permitted (%)	75%	50%*	30%*	30%*	30%*

*with supporting geotechnical engineer report

Mixed Use: Residential Development Individual Lot Requirements

Mixed-Use Development	SF	DUP, TRI, QUAD	AL, NH, RC	GA, MR	AR
Minimum Lot Area (sf)	7,500	1,250	100,000	300,000	n/a
Minimum Lot Width (ft)	60	20	100	100	n/a
Minimum Front Yard (ft)	15	15	75	100	n/a
Minimum Rear Yard (ft)	25	25	25	25	n/a
Minimum Side Yard (ft)	7.5	7.5	10	10	n/a

Mixed Use: Non-residential Development Individual Lot Requirements

Mixed-Use Development	Non-Residential
Minimum Lot Area (sf)	20,000
Minimum Lot Width (ft)	100
Minimum Front Yard (ft)	75
Minimum Rear Yard (ft)	25
Minimum Side Yard (ft)	10

Mixed Use: Residential Building to Building Separation Distances

Mixed-Use Development	SF	DUP	TRI	QUAD	TH	AL	NH	RC	GA	MR	AR
Side-Side	15	15	25	25	35	35	35	35	35	35	15
Side-Front	50	50	50	50	50	50	50	50	50	50	50
Side-Rear	50	50	50	50	50	50	50	50	50	50	30
Front-Front	65	65	65	65	65	80	80	80	80	80	65

Front-Rear	85	85	85	85	85	85	85	85	85	85	85
Rear-Rear	85	85	65	65	65	80	30	30	80	80	50
Min Building Width (ft)	40	40 (20 per Unit)	60 (20 per Unit)	80 (20 per Unit)	20 per Unit	N/A	N/A	N/A	N/A	N/A	36

SF = Single Family Detached, Dup = Duplex, TRI = Triplex Home, QUAD- Fourplex, TH-Townhouse, AL= Assisted Living, NH = Nursing Home, RC = Retirement Community, GA= Garden Apartment, MR= Midrise Apartment, , AR=Age Restricted Housing Community

(5) Maximum density for Overall Parcel (that is used as the property for the Mixed Use Development): 4 dwelling units per gross acre.

* Applicable on an overall/cumulative basis to the Mixed Use Development. Individual subdivided lots or sectors of a Mixed Use Development may exceed 4 dwelling units per gross acre provided the overall Mixed Use Development does not exceed 4 dwelling units per gross acre.

* "Gross acres" excludes steep slopes (25% slopes and greater) and environmental resources: streams, 100-year floodplains, and delineated wetlands.

(6) Percentages of dwelling types:

- a. At least 20% of the dwelling types must be in an Aged Restricted Housing Community and/or "senior living" which includes assisted living facility, nursing home, retirement community or similar senior housing.
- b. In no event shall more than 15% of the dwelling types be townhouses.

(7) Off-street parking requirements: Per Article XVII, Section 240-112.C except for:

- a. triplex, fourplex, garden apartments, mid-rise apartments, townhouses: 1.5 parking spaces per unit for all units having two or less bedrooms;
- b. assisted living facilities: 1 parking space per every 2 employees on the largest shift plus 1 parking space per every 10 units; and
- c. nursing homes and retirement communities: 1 parking space per every 2 employees on the largest shift plus 1 parking space per every 20 beds.

(8) Street/right of way setback: 12 feet, but in no event more than 22 feet from edge of curb or paved cartway.

(9) Private recreation facilities: In an Age Restricted Housing Community, a private community center shall be constructed and maintained by the assigned and agreed upon party to provide recreation facilities and areas, including for

example, a community center with fitness facilities and an outdoor swimming pool. Other than providing private recreation facilities and areas, an Age Restricted Housing Community is exempt from providing recreation facilities or areas.

(10) Sidewalks: Sidewalks shall only be required on one side of public streets.

7. Nothing in this Ordinance or in Chapter 240 of the Township Code, as hereby amended, shall be construed to affect any lawsuit, or proceeding in any Court, any rights acquired or liability incurred, any permit issued, or any cause or causes of action existing under the said Chapter 240 prior to the adoption of this amendment.

8. The provisions of this Ordinance are severable, and if any section, sentence, clause, part, or provision thereof shall be held illegal, invalid, or unconstitutional by any Court of competent jurisdiction, such decision of the court shall not affect or impair the remaining sections, sentences, clauses, parts, or provisions of this Ordinance. It is hereby declared to be the intent of the Board of Commissioners that this Ordinance would have been adopted as if such illegal, invalid, or unconstitutional section, sentence, clause, part, or provision had not been included herein.

9. This Ordinance shall take effect and be in force and effect from and after its approval in accordance with applicable law.

10. All ordinances and parts of ordinances inconsistent with the terms of this ordinance are hereby repealed; provided, however, that such repeals shall be only to the extent of such inconsistency and in all other aspects, this ordinance shall be cumulative of the other ordinance regulating and governing the subject matter covered by this ordinance.

ADOPTED AND APPROVED this 12 day of October, 2022.

ATTEST:



John Barrett, Manager/Secretary

TOWNSHIP OF SOUTH FAYETTE



Gwen Rodi, Chairman Board of Commissioners