

ZONING

ARTICLE V

OVERLAY DISTRICTS

117.501. Establishment of OVERLAY DISTRICTS. In addition to the ZONING DISTRICTS established in Article IV and delineated on the ZONING DISTRICT MAP, all areas containing or characterized by the features listed hereunder are established as OVERLAY DISTRICTS in accordance with Section 605 of the MPC.

- AF - Airport Flight Ceiling and Navigation, Section 117.504.
- AN - Airport Noise Exposure, Section 117.505.
- AA - Aviation Essential Land, Section 117.506.
- EO - Expressway Overlay, Section 117.514. **[Added 4-11-12 Ord. No. 375]**
- FP - FLOODPLAIN AREA, Section 117.507.
- LF - LANDFILLS, Section 117.508.
- MDR(S) - Medium Density Residual, Special District (Townhomes), Section 117.513 **[Added 4-11-12 Ord. No. 375]**
- ML - Mined Land, Section 117.509.
- SL - STEEP SLOPES and LAND-SLIDE PRONE AREAS, Section 117.510.
- SW - Stormwater Management Districts, Section 117.511.
- WL - WETLANDS, Section 117.512.

117.502. Overlay Zoning Maps. The location of each OVERLAY DISTRICT is delineated on a map depicting that overlay feature. These maps are adopted as a part of the ZONING DISTRICT MAP.

117.502.1. Accuracy of OVERLAY DISTRICTS. OVERLAY DISTRICTS may not include all land or SITES subject to the special features of the OVERLAY DISTRICT; and not all land within the OVERLAY DISTRICT may actually contain the special or limiting feature.

FINDLAY CODE

117.502.2. Areas Not Included in OVERLAY DISTRICTS. It is the intent of this ORDINANCE that the limitations on DEVELOPMENT which are imposed by the OVERLAY DISTRICT regulations shall apply to all PARCELS which include the regulated feature, whether or not the land is shown in the OVERLAY DISTRICT. It shall be the responsibility of the APPLICANT to establish the presence or absence on the proposed SITE of all features subject to regulation in this article.

117.502.3. Interpretation of OVERLAY DISTRICTS. If the ZONING DISTRICT MAP or list is questioned, the burden of proof shall be upon the DEVELOPER, who shall submit information from a qualified professional engineer, registered architect, geologist or other expert acceptable to the TOWNSHIP to demonstrate that the SITE in question can be used in the manner proposed without violation of this ORDINANCE.

117.503. Application of OVERLAY DISTRICT Regulations. The regulations contained in this Article shall apply to the use of PARCELS and STRUCTURES in each OVERLAY DISTRICT. These restrictions shall be in addition to other regulations provided in this ORDINANCE.

117.503.1. Limitations of Intensity of DEVELOPMENT. The amount of SITE AREA used or occupied by DEVELOPMENT is restricted as specified in Article III and as further restricted by the OVERLAY DISTRICT regulations in this Article.

117.503.2. Limitations on AUTHORIZED USES in OVERLAY DISTRICTS. USES in OVERLAY DISTRICT may be authorized by right, by CONDITIONAL USE, by SPECIAL EXCEPTION, or by PLANNED DEVELOPMENT subject to the regulations in Article IV and as further stated in the OVERLAY DISTRICT.

117.503.2.1. USES Permitted by CONDITIONAL USE. All USES BY RIGHT in any ZONING DISTRICT which are prohibited because of the regulations of any OVERLAY DISTRICT may be permitted by CONDITIONAL USE in any OVERLAY DISTRICT provided the USE complies with the specific regulations of any OVERLAY DISTRICT; and USES permitted by CONDITIONAL USE may be permitted by CONDITIONAL USE in any OVERLAY DISTRICT provided the USE complies with the regulations of the particular OVERLAY DISTRICT.

ZONING

117.503.2.2. USES Permitted by SPECIAL EXCEPTION. All USES BY SPECIAL EXCEPTION in any ZONING DISTRICT which are prohibited because of the regulations of any OVERLAY DISTRICT may be permitted by SPECIAL EXCEPTION in any OVERLAY DISTRICT provided the USE complies with the specific regulations of any OVERLAY DISTRICT; and USES permitted by SPECIAL EXCEPTION may be permitted by SPECIAL EXCEPTION in any OVERLAY DISTRICT provided the USE complies with the regulations of the particular OVERLAY DISTRICT.

117.503.2.3. USES Permitted by PLANNED DEVELOPMENT. All USES by PLANNED DEVELOPMENT in any ZONING DISTRICT which are prohibited because of the regulations of any OVERLAY DISTRICT may be permitted by PLANNED DEVELOPMENT in any OVERLAY DISTRICT provided the USE complies with the specific regulations of any OVERLAY DISTRICT; and USES permitted by PLANNED DEVELOPMENT may be permitted by PLANNED DEVELOPMENT in any OVERLAY DISTRICT provided the USE complies with the regulations of the particular OVERLAY DISTRICT.

117.504. Airport Flight Ceiling and Navigation OVERLAY DISTRICT.

117.504.1. Intent.

117.504.1.1. The intent of this OVERLAY DISTRICT is to regulate DEVELOPMENT and the use of land in the TOWNSHIP in the flight path of present and projected aircraft operations at PIA. **[Amended 8-9-95 by Ord. No. 243]**

117.504.2. Identification of Airport Flight Ceiling and Navigation OVERLAY DISTRICT. Airport Flight Ceiling and Navigation impact areas include almost all of the TOWNSHIP.

117.504.3. PERMITTED USES BY RIGHT. All land USES which are classified USES BY RIGHT in the underlying ZONING DISTRICTS established in Article IV 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.

FINDLAY CODE

117.504.4. Use Restrictions. Any use within the boundaries of this overlay district which creates the following conditions must comply with applicable FAA and PADOT regulations. Notice of proposed construction or alteration must be submitted to the COUNTY, FAA and PADOT BUREAU OF AVIATION. Such construction or alteration is subject to review and possible modification of design in accordance with applicable FAA and PADOT regulations. The conditions are as follows:

117.504.4.1. Creates electrical interference with navigational signals or radio communication between the airport and aircraft.

117.504.4.2. Makes it difficult for pilots to distinguish between airport lights and other lights.

117.504.4.3. Results in glare in the eyes of pilots using the airport.

117.504.4.4. Impairs visibility in the vicinity of the airport.

117.504.4.5. Creates bird strike hazards.

117.504.4.6. Otherwise in any way endangers or interferes with the landing, takeoff, or maneuvering of aircraft intending to use the airport.

117.504.5. Height restrictions. Any of the following types of construction or alteration within the boundaries of this overlay district must comply with applicable FAA and PADOT regulations. Notice of proposed construction or alteration must be submitted to the COUNTY, FAA and PADOT BUREAU OF AVIATION. Such construction or alteration is subject to review and possible modification of design in accordance with applicable FAA and PADOT regulations.

117.504.5.1. Any construction or alteration of more than 200 feet in height above the ground level at its site.

ZONING

117.504.5.2. Any construction or alteration of greater height than an imaginary surface extending outward and upward at one of the following slopes:

117.504.5.2.1. 100 to 1 for a horizontal distance of 20,000 feet from the nearest point of the nearest runway.

117.504.5.2.2. 25 to 1 for a horizontal distance of 5,000 feet from the nearest point of the nearest landing and takeoff area of each heliport.

117.504.5.3. Any highway, railroad, or other traverse way for mobile objects, of a height which, if adjusted upward 17 feet for an Interstate Highway that is part of the National System of Military and Interstate Highways where overcrossings are designed for a minimum of 17 feet vertical distance, 15 feet for any other public roadway, 10 feet or the height of the highest mobile object that would normally traverse the road, whichever is greater, for a private road, 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 a standard of subparagraph 504.5.1. or 504.5.2.

117.504.6. The corresponding overlay map outlines the said FLIGHT CEILING AND NAVIGATIONAL INTERFERENCE imaginary sloping surface by indicating contours emanating outward from the runways marking the general area where structures may not exceed 50, 100, 150, or 200 feet above the elevation at the end of the nearest runway, without notice to the COUNTY and FAA.

117.504.7. Exemptions. The following STRUCTURES or USES are exempted from the provisions of this OVERLAY DISTRICT:

FINDLAY CODE

117.504.7.1. 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 a 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.

117.504.7.2. Any antenna structure of twenty (20) feet or less in height except one that would increase the height of another antenna structure.

117.504.7.3. Any air navigation facility, airport visual approach or landing aid, aircraft arresting device, or meteorological device, of a type approved by the Administrator, or an appropriate military service on military airports, the location and height of which is fixed by its functional purpose.

117.504.7.4. Any CONSTRUCTION or alteration for which notice is required by any other FAA regulation.

**117.505. Airport Noise Exposure Overlay.
[Amended 8-23-99 by Ord. No. 285]**

117.505.1. Intent. The intent of this OVERLAY DISTRICT is to regulate DEVELOPMENT and USES of land in PARCELS which are now or are projected in the future to be exposed to high levels of noise created by aircraft landings, take-offs or other operations at PIA. **[Amended 8-9-95 by Ord. No. 243]**

ZONING

117.505.2. Identification of AIRPORT NOISE EXPOSURE AREAS. Airport noise impact areas shall be those areas of the TOWNSHIP which are subject to aircraft generated noise of 65 Dnl or greater as projected in the Allegheny County "Airport Alternatives Evaluation," 1988. The DISTRICT OVERLAY MAP identifies noise exposure contours which have been projected from expected PIA runway operations and expansions. The noise contours in this OVERLAY DISTRICT represents the current runways, plus the two favored alternative plans for airport operation expansion in the 1988 study. This OVERLAY DISTRICT shall be revised to more accurately reflect actual airport runway expansion plans when final PIA master planning is completed. **[Amended 8-9-95 by Ord. No. 243]**

117.505.3. Noise Exposure Contours.

117.505.3.1. The noise exposure contours center on the PIA runways projecting levels of noise indicated on the overlay. **[Amended 8-9-95 by Ord. No. 243]**

117.505.3.2. 65 Dnl - the area within the 65 Dnl contour is exposed to significant levels of aircraft noise which renders these areas normally unacceptable for single-family residential, service commercial and cultural and entertainment USES.

117.505.3.3. 70 Dnl - the area within the 70 Dnl contour is exposed to significant levels of aircraft noise which renders these areas normally unacceptable for residential, service commercial and cultural and entertainment USES.

117.505.3.4. 75 Dnl - the area within the 75 Dnl contour is exposed to severe levels of aircraft noise which renders these areas clearly unacceptable for residential, service commercial, cultural and entertainment, RETAIL trade and some MANUFACTURING USES.

FINDLAY CODE

117.505.4. Land Use Guidance Charts. Land Use Guidance Chart as published by the FAA, 1985, and as presented in the Pittsburgh International Airport Part 150 Study, is appended to this ORDINANCE and shall be used by the ZONING ADMINISTRATOR to determine the procedures for all AUTHORIZED USES. **[Amended 8-9-95 by Ord. No. 243; 1-9-02 by Ord. No. 302]**

117.505.5. PERMITTED USES BY RIGHT. All USES which are classified as USES BY RIGHT in the underlying ZONING DISTRICTS established in Article IV and which are also classified in the Land Use Guidance Chart as acceptable in the noise exposure zone in which the SITE is located shall be USES BY RIGHT.

117.505.6. Standards for Noise Sensitive USES in Noise Exposure Areas. The TOWNSHIP may approve AUTHORIZED USES in this OVERLAY DISTRICT, as a USE BY RIGHT, CONDITIONAL USE, SPECIAL EXCEPTION or PLANNED DEVELOPMENT in this OVERLAY DISTRICT subject to the following specific standards and conditions.

117.505.6.1. The delineations of noise contours shown on the OVERLAY DISTRICT MAP are recognized to be approximate. If an APPLICANT for a zoning permit in a delineated noise zone, submits evidence based on field testing of noise exposure which is acceptable to the TOWNSHIP after review by appropriate airport officials, the TOWNSHIP may allow the SITE to be classified differently with respect to noise and may grant approval to a USE which would otherwise be deemed unacceptable within a delineated noise zone. The TOWNSHIP may approve a use which is classified in the Land Use Guidance Charts as acceptable in the actual, demonstrated noise exposure zone.

117.505.6.1.1. This option for reclassification of a noise exposure zone shall be applicable only in areas which are impacted by operations on existing runways and shall not apply to SITES which are projected to be impacted by noise from operations on planned, future runways.

ZONING

117.505.6.1.2. The field testing of noise exposure shall be based on normal airport operations over a normal range of runway operations as determined by appropriate airport officials. Single day or short term testing shall not be sufficient to determine actual noise exposure levels.

117.506. Aviation Essential Overlay.

117.506.1. Intent. The purpose of this OVERLAY DISTRICT is to permit land encompassed by the PIA to be used for airport essential purposes and to insure that the TOWNSHIP will have an opportunity to participate in the process of developing the Airport Master Plan. It is recognized that as the Airport Master Plan is amended in the future, the boundaries of this OVERLAY DISTRICT may have to be modified to accommodate future land use plans proposed by the County Department of Aviation. **[Amended 8-9-95 by Ord. No. 243]**

117.506.2. Identification of Aviation Essential Land. The aviation essential land regulated by this OVERLAY DISTRICT shall be that portion of the COUNTY-owned PIA PARCEL which is included in the Heavy Industrial (HI) District. **[Amended 8-9-95 by Ord. No. 243]**

117.506.3. USES BY RIGHT. The following USES and STRUCTURES shall be permitted BY RIGHT provided they are located as shown on the official PIA Layout Plan dated May, 1988 (revised February, 1990), and provided they are not located within one thousand (1,000) feet of property in any LDR, MDR, MXU, BPK, VLD, or AG district. **[Amended 8-9-95 by Ord. No. 243; Amended 8-23-99 by Ord. No. 285; Amended 1-11-06 by Ord. No. 332]**

117.506.3.1. Runways and Taxiways;

117.506.3.2. Air carrier and general aviation terminals;

117.506.3.3. Parking structures and lots;

117.506.3.4. Automobile rental facilities;

FINDLAY CODE

- 117.506.3.5. Air traffic control facilities;
- 117.506.3.6. Air cargo and mail facilities;
- 117.506.3.7. Aircraft maintenance and storage hangars;
- 117.506.3.8. Flight kitchens, aircraft food processing centers;
- 117.506.3.9. Sewage disposal and waste treatment facilities;
- 117.506.3.10. Other (utility) STRUCTURES required to serve the airport complex;
- 117.506.3.11. ACCESSORY USES and STRUCTURES including roadways, FENCES and airfield STRUCTURES in conformance with the adopted Airport Layout Plan.

117.507. FLOODPLAIN AREAS OVERLAY DISTRICT.

117.507.1. Intent. The intent of regulating DEVELOPMENT in FLOODPLAIN AREAS is to eliminate loss of life, health hazards and property damages which may be caused by floods; to preserve the capacity of stream channels and adjacent FLOODPLAIN AREAS to carry flood waters; and to encourage the use of flood-prone land for OPEN SPACE uses.

117.507.2. Identification of FLOODPLAIN AREAS. FLOODPLAIN AREAS shall be those areas of the TOWNSHIP which are subject to the one hundred (100) year flood, as identified in the Flood Insurance Study (FIS) prepared for the TOWNSHIP by FEMA, dated November 18, 1988, or the most recent revision thereof and as mapped by the Flood Insurance Rate Map panels 5, 10, 15, 16, 18 and 19 prepared by FEMA, dated November 18, 1988 or the most recent revision thereof.

117.507.3. FLOODPLAIN AREAS. The FLOODPLAIN AREA as mapped in this overlay may be identified as one or more of the following FLOODPLAIN AREAS in the FLOOD Insurance Study and in the Findlay TOWNSHIP Flood Plain Management Ordinance (Ordinance #182) as amended from time to time.

ZONING

- 117.507.3.1. FW (FLOODWAY AREA).¹
- 117.507.3.2. FF (FLOOD-FRINGE Area).²
- 117.507.3.3. FE (Special FLOODPLAIN AREA).³
- 117.507.3.4. FA (FLOODPLAIN)AREA.⁴

117.507.4. PERMITTED USES in FLOODPLAIN OVERLAY DISTRICTS. Any USE authorized in any ZONING DISTRICT may be authorized by the appropriate procedure provided the USE is in compliance with Ordinance 182 except for the following prohibitions:

117.507.4.1. MOBILE HOMES;

117.507.4.2. Facilities necessary for emergency response such as fire, ambulance, police stations, civil defense facilities and similar USES;

117.507.4.3. Storage of materials that are in time of flooding, buoyant, flammable, explosive or which could be injurious to human, plant or animal life;

117.507.4.4. Any OBSTRUCTION of the FLOODWAY.

¹ Identified as "FLOODWAY" in the AE Zone in the FLOOD Insurance Study prepared by FEMA. The term shall also include FLOODWAY AREAS which have been identified in other available studies or sources of information for those FLOODPLAIN AREAS where no floodway has been identified in the FLOOD Insurance Study.

² The remaining portions of the one hundred (100) year floodplain in those areas identified as an AE Zone in the Flood Insurance Study, where a floodway has been delineated.

³ The areas identified as Zone AE in the FLOOD Insurance Study, where one hundred (100) year FLOOD elevations have been provided, but no FLOODWAY has been delineated.

⁴ The areas identified as Zone A in the FIS for which no one hundred (100) year FLOOD elevations have been provided.

FINDLAY CODE

117.507.5. Standards for DEVELOPMENT in FLOODPLAIN AREA OVERLAY DISTRICTS.

117.507.5.1. All DEVELOPMENT and use of land and STRUCTURES in flood-prone areas shall comply with applicable provisions of the National Flood Insurance Program and of the Pennsylvania Flood Plain Management Act of 1978.

117.507.5.2. All USES of land and structures shall comply with TOWNSHIP Floodplain Ordinance 182.

117.507.5.3. All applications for USES, activities, DEVELOPMENT or STRUCTURES in the floodplain shall include a statement from a registered engineer, architect or landscape architect that all standards and conditions of the Findlay TOWNSHIP Floodplain Ordinance and all applicable Federal, State, County and local codes have been met and that all STRUCTURES have been designed to withstand a hundred (100) year flood.

117.507.5.4. All applications for USES, activities, DEVELOPMENT or STRUCTURES in the floodplain shall include an accurate identification and mapping of the floodplain features on the SITE or within fifty (50) feet of the SITE.

117.508. LANDFILL OVERLAY DISTRICT.

117.508.1. Intent. The intent of this OVERLAY DISTRICT is to identify those areas of the TOWNSHIP having a history of use as LANDFILLS, to regulate the use of LANDFILLS following the completion of LANDFILL activities, and to establish procedures for protecting present and future users of LANDFILLS.

117.508.2. Identification of LANDFILL DISTRICTS. LANDFILLS as represented on this overlay map comprise the SITES of known LANDFILL activity as of February, 1990. The limits of waste disposal activities within each SITE must be further determined through ON-SITE investigation, SURVEY and mapping. The contents of these LANDFILLS are known to include potentially hazardous household and industrial wastes.

1-11-06

ZONING

117.508.3. Information Required. No permit for any use or re-use of any LANDFILL shall be issued by the ZONING ADMINISTRATOR until the APPLICANT has obtained and submitted all information available from the investigation of the LANDFILL by a qualified hazardous waste expert and all available records of the Pennsylvania Department of Environmental Resources about the location, depth and physical characteristics of the waste incorporated into the LANDFILL which underlies the SITE or adjacent PARCELS which may affect the proposed SITE.

117.508.4. PERMITTED USES BY RIGHT. None.

117.508.5. Standards For DEVELOPMENT in the LANDFILL OVERLAY DISTRICT.

117.508.5.1. No use or re-use of any LANDFILL shall be approved by the TOWNSHIP without complete and certified documentation of the contents, hazards, methods of reclamation and engineering recommendations for preserving the integrity of any sealed or closed LANDFILL proposed for a specific activity or DEVELOPMENT.

117.508.5.2. No LANDFILL in active use shall be approved by the TOWNSHIP for any other use or activity without a detailed and complete report from the APPLICANT on all known and potential impacts and hazards of such use or activity and without certified compliance with applicable Federal, State and County laws.

117.508.5.3. New CONDITIONAL USE permit shall be given for the storage or disposal of municipal or residual wastes on any land in the Heavy Industrial District only.

117.508.5.4. In the case of existing permits, the following conditions shall be fulfilled before a LANDFILL operation is initiated or before a LANDFILL is expanded or changed in any way, including changes in the kinds of waste which are handled or the methods used for disposal.

FINDLAY CODE

117.508.5.4.1. The APPLICANT for LANDFILL shall submit complete and accurate information concerning the location and engineering of the SITE; kinds and quantities of waste materials proposed for disposal; transportation characteristics of the proposed operation, including number and size of vehicles and routes of travel, proposed hours of operations; evidence of compliance with all applicable laws and any other information necessary to evaluate the potential impact of the operation upon the community.

117.508.5.4.2. The APPLICANT shall also submit detailed information about the planned reclamation of the SITE, including proposed GRADING, drainage patterns, establishment of vegetation, and characteristics of the land upon completion of the reclamation activity. This shall include accurate analysis of the limitations of the completed SITE for re-use and DEVELOPMENT, including limitations on future land use which may be caused by physical instability of the disposal SITE; by the release of gases or seepage of liquid materials from the LANDFILL; or because of any characteristics of any substance disposed of thereon.

117.508.5.4.3. In deciding upon an initial application for ZONING APPROVAL for a LANDFILL, the TOWNSHIP shall evaluate the impact of the proposed activity upon adjacent areas and upon the community at large and shall approve granting of a permit only if they find that:

117.508.5.4.3.1. The scale, pace and duration of the proposed activity are reasonable in relationship to the ability of other portions of the community to maintain normal patterns of activity while the LANDFILL is being used;

ZONING

117.508.5.4.3.2. The characteristics of substances proposed for disposal on or in the SITE shall not in any way diminish or reduce the usability of land or quality of air or water anywhere beyond the limits of the SITE;

117.508.5.4.3.3. The proposed plan for reclamation is acceptable, based on a finding that the characteristics of the land after completion of the disposal operation will be physically harmonious and compatible with adjacent areas of the community in terms of such factors as topography, drainage and vegetation;

117.508.5.4.3.4. Acceptable legal provision is made by the APPLICANT for insuring that any limitations on future land use caused by the disposal activity or substances disposed of therein will be fully disclosed to the community and to any future OWNER, lessee or user of any portion of the disposal SITE.

117.508.5.4.3.5. In deciding upon an application for any expansion or change in the area of a LANDFILL or any change in the mode of operation or nature of the substances to be disposed of, the TOWNSHIP shall consider all of the factors listed above and in addition grant a ZONING APPROVAL only if: **[Added 2-12-92 by Ord. No. 209]**

117.508.5.4.3.5.1. The performance of the APPLICANT to date has been in conformance with all agreements made at the time of the initial ZONING APPROVAL; and

FINDLAY CODE

117.508.5.4.3.5.2. No expansion in area of a LANDFILL shall be permitted until waste disposal activities on or within an equivalent PARCEL shall have been completed and the PARCEL shall have been graded and vegetation established in accordance with the approved plan for reclamation of the SITE.

117.508.5.4.3.6. In no case shall ZONING APPROVAL extend to a PARCEL, mode of operation or kinds of waste material which are larger or in any way different from the scope of permits issued concurrently by state and/or federal waste disposal permitting authorities for the same existing or proposed disposal activity.

117.509. Mined Land Overlay.

117.509.1. Intent. The purposes of the mined land OVERLAY DISTRICT are to prevent loss of life and property damage which might result from CONSTRUCTION on mined PARCELS which are prone to subsidence and to insure that property OWNERS contemplating DEVELOPMENT on mined PARCELS are informed about past mining activities which affect the PARCELS.

117.509.2. Identification of Mined PARCELS. The mined PARCELS as mapped on this overlay represents both surface and subsurface mining activity in the TOWNSHIP as indicated on the U.S. Geological Survey Map of Coal Mining Features, Allegheny County, Pennsylvania (1976). This mapping indicates a history of mining activity which must be studied to determine the consequences for DEVELOPMENT on any affected PARCEL.

117.509.3. Information Required. No permit for any use or DEVELOPMENT involving the CONSTRUCTION of STRUCTURES on mined land shall be issued by the TOWNSHIP until the APPLICANT has obtained and submitted all information available from the Bureau of Mine Subsidence Regulation of the Pennsylvania Department of Environmental Resources about the location, depth and physical characteristics of the mine which underlies the subject property or adjacent properties which may affect the proposed CONSTRUCTION SITE.

ZONING

117.509.4. PERMITTED USES BY RIGHT. All USES which are classified as USES BY RIGHT in the underlying ZONING DISTRICTS established in Article IV which meet the standards of this OVERLAY DISTRICT set forth in Section 117.604.20.

117.509.4.1. No CONSTRUCTION on SITES with less than one hundred (100) feet of overburden and no CONSTRUCTION of STRUCTURES which are larger or heavier than typical single-family homes or of any use which might create a hazard to the public if damaged by subsidence shall be permitted until the APPLICANT has submitted a geo-technical SURVEY prepared by a registered professional engineer reporting that the SITE is safe for the CONSTRUCTION which is proposed and/or giving recommendations for special CONSTRUCTION techniques which are designed to protect the proposed STRUCTURE from subsidence damage.

117.509.4.2. The geo-technical study for sub-surface and surface mined land shall be based on core borings and shall meet the standards of the SUBDIVISION and LAND DEVELOPMENT Ordinance.

117.509.4.3. Any DEVELOPMENT proposed for the SITE shall meet all applicable regulation and standards of Federal, State, COUNTY or local agencies affecting the DEVELOPMENT, operation or maintenance of STRUCTURES, facilities or features on the previously mined SITE.

117.509.4.4. The proposed DEVELOPMENT of surface mined or undermined PARCELS shall not contribute to decreased water quality or to any other adverse environmental impact within the TOWNSHIP.

117.509.4.5. The application submission shall include the following:

117.509.4.5.1. Accurate mapping of the mined area identified as to date of last mining activity, type of mining activity, depth and type of overburden, location of existing mine features including waste dump sites, pits and drainage channels, mapped to no greater than 100' scale.

FINDLAY CODE

117.509.4.5.2. Reclamation plan detailing all proposals for CONSTRUCTION, re-vegetation and management of the SITE.

117.509.4.5.3. The geo-technical report including evaluation and recommendations detailing the engineering requirements of the use proposed for the SITE.

117.509.4.5.4. Approvals from all applicable Federal, State, COUNTY or local agencies having jurisdiction over mined PARCELS.

117.509.4.5.5. Proposed surface mining activity shall be permitted in undermined areas in compliance with the following provisions:

117.509.4.5.5.1. A one hundred (100) foot type D or E BUFFERYARD with established vegetation may be required if it would adversely affect adjoining properties or ROADWAYS.

117.509.4.5.5.2. A reclamation plan approved by the state and by the TOWNSHIP shall be required and shall include identification and mapping of all pre-mining features, all post-mining practices, GRADING and re-vegetation and all proposals for post-mining activities or DEVELOPMENT of the SITE.

117.509.4.5.5.3. A traffic study detailing routes of proposed truck activity and assessing impacts on residential business, commercial or industrial land uses in the vicinity and on the quality, capacity and maintenance of roads and highways within the TOWNSHIP.

117.509.4.5.5.4. All mining activities shall comply with the provisions of applicable TOWNSHIP ORDINANCES and shall be subject to applicable fees.

1-11-06

ZONING

117.509.4.5.5.5. Approvals from all applicable Federal, State, County or local agencies having jurisdiction over mined land.

117.509.4.6. It shall be the responsibility of the APPLICANT to identify, survey and map to no greater than 100' scale, all of the features on the SITE which are regulated by this OVERLAY DISTRICT. Such identification and mapping shall be required wherever these factors exist regardless of their inclusion in the overlay map or lack thereof. The APPLICANT'S map and calculations of areas affected by this overlay shall be a required portion of any zoning or SUBDIVISION and LAND DEVELOPMENT application submission.

117.510. STEEP SLOPE and LANDSLIDE-PRONE AREA OVERLAY DISTRICT.

117.510.1. Intent. The purposes for regulating DEVELOPMENT and use of land in LANDSLIDE-PRONE and STEEP SLOPE AREAS are to avoid DEVELOPMENT which may be hazardous because of the instability of slopes, to minimize problems of ACCESS which may result from CONSTRUCTION of roads or DRIVEWAYS on STEEP SLOPES, to reduce the likelihood of landslides or erosion which may be caused by disturbance of slopes, and to maintain the natural forest or vegetative cover on hillsides in order to slow stormwater runoff, reduce erosion and flooding and to preserve the natural beauty of the land.

117.510.2. Identification of STEEP SLOPES and LANDSLIDE-PRONE AREAS. The STEEP SLOPES as mapped on this overlay represent those slopes of twenty-five percent (25%) and greater gradient. These slopes are the most susceptible to landslide activity.

117.510.3. PERMITTED USES BY RIGHT. All USES which are classified as USES BY RIGHT in the underlying ZONING DISTRICT established in Article IV and which are to be located in the SLOPE OVERLAY DISTRICT on SITES where the slopes are less than twenty-five percent (25%), and which meet the standards in this OVERLAY DISTRICT shall be USES BY RIGHT. USES BY RIGHT on SITES which exceed twenty-five percent (25%) shall be:

FINDLAY CODE

117.510.3.1. Agriculture;

117.510.3.2. FORESTRY;

[Amended 6-11-07 by Ord. No. 345]

117.511. Stormwater Runoff Management Overlay.

117.511.1. Intent. The purposes for regulating stormwater runoff through the TOWNSHIP are:

117.511.1.1. To insure that increased DEVELOPMENT throughout the TOWNSHIP watersheds is accomplished without adverse impacts of increased flood flows and velocities;

117.511.1.2. To continue a comprehensive program of stormwater management by regulating DEVELOPMENT and activities which may cause increased stormwater runoff; and

117.511.1.3. To ensure the management of stormwater runoff in the TOWNSHIP by STRUCTURES and practices designed to:

117.511.1.3.1. Control runoff and erosion at their source by regulating activities which cause accelerated runoff;

117.511.1.3.2. Preserve existing natural drainage systems;

117.511.1.3.3. Encourage groundwater recharge;

117.511.1.3.4. Maintain existing flows and water quality in the streams and watercourses of the TOWNSHIP;

117.511.1.3.5. Preserve and restore the FLOOD-carrying capacity of such streams; and

ZONING

117.511.1.3.6. Provide for proper maintenance of all permanent stormwater management structures in the TOWNSHIP.

117.511.2. Identification of Stormwater Runoff Management Areas. The Stormwater Runoff Management Areas within the OVERLAY DISTRICT shall be identified as the five watersheds located within the TOWNSHIP as indicated on OVERLAY MAP and as regulated by the TOWNSHIP, by the Montour Run Stormwater Runoff Watershed Management Plan (November, 1989) and by the Stormwater Management Act (Act 167 of 1978) of the Commonwealth of Pennsylvania.

117.511.3. Standards for Stormwater Runoff OVERLAY DISTRICT. All DEVELOPMENT in the TOWNSHIP must meet the requirements of the Subdivision Ordinance of the TOWNSHIP and any additional requirements promulgated by the County.

117.512. WETLANDS Overlay.

117.512.1. Intent. To provide for the protection, preservation, proper maintenance and use of natural drainage systems and vegetated WETLANDS; to benefit the TOWNSHIP and surrounding region by providing proper drainage and flood control through hydrologic absorption, natural storage and flood conveyance; to protect subsurface water resources, watersheds, and groundwater recharge systems; to provide a suitable environment for wildlife; to treat pollution through biological degradation and chemical oxidation; to control erosion by providing sedimentation areas and filter basins for the absorption of silt and other organic matter; and to preserve natural habitats and OPEN SPACES for their economic aesthetic, recreational and other values.

117.512.2. Identification of WETLANDS. WETLANDS as mapped on this OVERLAY DISTRICT represent known WETLANDS features in the TOWNSHIP. Other areas of WETLANDS can be identified by their characteristic vegetation, hydric soils and periodically flooded or saturated soils. WETLANDS are protected by Federal and State legislation.

117.512.3. WETLANDS Areas.

117.512.4. PERMITTED USES BY RIGHT. None.

FINDLAY CODE

117.512.5. Standards for DEVELOPMENT in WETLANDS.

117.512.5.1. No DEVELOPMENT shall take place in any WETLANDS or within fifty (50) feet of any WETLANDS unless such DEVELOPMENT complies with all Federal and State laws.

117.512.5.2. The APPLICANT shall be required to secure all necessary WETLANDS-related permits and approvals in writing from Federal and State agencies before any ZONING APPROVAL or SUBDIVISION approval or TOWNSHIP approvals or permits shall be granted.

117.513. Medium Density Residential-Special District (Townhomes). [Added 1-13-93 by Ord. No. 220A]

117.513.1. Intent. The purpose of this OVERLAY DISTRICT is to permit townhomes as a Use-by-Right in the Medium Density Residential - Special zoning district.

117.514. Expressway Overlay. [Added 9-8-93 by Ord. No. 223]

117.514.1. Intent. The intent of this OVERLAY DISTRICT is to regulate DEVELOPMENT and the use of land in the TOWNSHIP that would impact visually upon State Route 6060 and the State Route 0060, and to establish procedures for protecting the present and future environment.

117.514.2. Standards for DEVELOPMENT. The following restrictions shall be in addition to the other regulations provided in this Chapter.

117.514.2.1. DEVELOPMENT SIGNS shall not be permitted along the Expressway.

117.514.2.2. In the STEEP SLOPE and LANDSLIDE-PRONE AREA OVERLAY DISTRICT, slope tops and ridgelines shall not be leveled to provide BUILDING pads. All graded slope tops and ridgelines should be rounded and contours varied.

117.514.2.3. Clear cutting is permitted only within sixteen (16) feet of proposed improvements.

ZONING

117.514.2.4. BUILDING Design.

117.514.2.4.1. Roof Structures. Rooftops shall contribute to the visual continuity of the corridor and shall be considered as a design element that will be seen from view points at ground level, from other BUILDINGS, and from the Expressway. The following standards shall apply:

117.514.2.4.1.1. BUILDINGS having up to and including two (2) STORIES shall have fully enclosed roofs. No visible roof-mounted mechanical equipment shall be allowed.

117.514.2.4.1.2. BUILDINGS of three (3) STORIES or more shall also have fully enclosed roofs or articulated roof forms that express the BUILDING and at the same time shield exposed roof-mounted mechanical systems from view.

117.514.2.5. BUILDINGS shall reinforce the perception forms. Where feasible, BUILDING massing and siting shall accentuate these forms. BUILDING forms that minimize cut and fill and site drainage problems shall be utilized.

117.514.2.6. All mechanical equipment and trash collection areas shall be screened from public view and designed so as to be integral to the site and primary architecture.

117.514.2.7. Loading docks, trash collection areas, service entrances, and similar uses shall be oriented away from the Expressway whenever possible.

117.514.2.8. The visual impact of utilities, data transmission dishes, and related services shall be minimized in all DEVELOPMENTS. Utility lines shall be installed underground and all transmitters, switching boxes, and other utility cabinets shall be screened from view of the Expressway.