



**TOWNSHIP OF NORTH FAYETTE
ALLEGHENY COUNTY, PENNSYLVANIA**

ORDINANCE NO. 525

AN ORDINANCE OF THE TOWNSHIP OF NORTH FAYETTE, COUNTY OF ALLEGHENY, COMMONWEALTH OF PENNSYLVANIA, MAKING VARIOUS MISCELLANEOUS CHANGES TO ITS ZONING ORDINANCE.

WHEREAS, as authorized by the Pennsylvania Municipalities Planning Code (MPC), Act 247 of 1968, as amended, the Board of Supervisors of the Township of North Fayette regulates land use within the Township through its Zoning Ordinance, currently codified as Chapter 27 of the Township Code of Ordinances, as amended; and

WHEREAS, the Board of Supervisors has reviewed the current Zoning Ordinance and determined that various miscellaneous changes need to be made to the ordinance; and

WHEREAS, the Board of Supervisors wishes to amend its Zoning Ordinance, as specified in Section 1 of this ordinance; and

WHEREAS, the Township has, in accordance with the requirements of the MPC, submitted the proposed amendment to the Allegheny County Planning Agency, for review and comment; and

WHEREAS, the Township has, in accordance with the requirements of the MPC, submitted the proposed amendments to its Planning Commission, which gave its recommendation in favor of the proposed amendments at a duly noticed public meeting on March 7, 2024; and

WHEREAS, the Township advertised the time, place, and date of the public hearing on April 7, 2024 and April 14, 2024, in the Pittsburgh Post-Gazette; and

WHEREAS, on April 23, 2024 the Board of Supervisors held duly noticed and advertised public hearing to take public comment on the proposed Zoning Ordinance text amendment; and

WHEREAS, the Board of Supervisors, having received such public comment as may have been given at the Public Hearing, and having received the recommendations of the Township Solicitor, the Township Engineer, the Director of Community Development, the Township Planning Commission, and the Allegheny County Planning Agency, finds that enactment of the proposed Zoning Ordinance text amendment to be consistent with the MPC, with its Comprehensive Plan and with its Zoning Ordinance, and will be beneficial to the health, safety, and welfare of the Township.

NOW THEREFORE, in consideration of the foregoing, it is hereby ordained and enacted by the authority of the Board of Supervisors of the Township of North Fayette:

SECTION 1: ORDINANCE AMENDMENT.

That the Township Zoning Ordinance, codified as Chapter 27 of the Township Code of Ordinances, as amended, is hereby amended as follows:

SECTION 1.A: DEFINITION.

Section 27-202, General Definitions, is hereby amended to state:

AMUSEMENT ARCADE

~~An amusement arcade is provided for as principal or accessory use. If an accessory use, any establishment where two or fewer amusement devices are located. If a principal use, any establishment where three or more amusement devices are located.~~ A facility that is equipped with any combination of mechanical and/or electronic amusement devices, either as the sole use or in combination with other business activity, and which contains no form of slot machine, gambling or wagering.

ELECTRIC VEHICLE CHARGING STATION (EVCS)

Battery charging station equipment with an associated parking space that is publicly accessible and has as its primary purpose the transfer of electric energy (by conductive or inductive means) to a battery or other energy storage device in an electric vehicle. An EVCS may contain several charging ports/points to charge more than one EV at a time.

SECTION 1.B: TABLE OF AUTHORIZED PRINCIPAL USES AND STRUCTURES.

Table 1: Authorized Principal Uses, found in Section 27-305.2, is hereby amended to state:

Use	R-1	R-2	MU	CE	B-1	B-2	I-1	I-2
Amusement Arcade			<u>C</u>		<u>C</u>	C		

SECTION 1.C: DISTRICT REGULATIONS OVERVIEW

Section 27-305 is hereby amended to state:

6. Accessory Buildings, Structures, Uses, and Events. In all zoning districts, the following regulations shall apply to accessory buildings and structures. Storage containers, shipping containers, and similar structures are not permitted in R-1 and R-2 residential districts or residential uses in the MU Mixed Use District.

SECTION 1.D: TABLE OF AUTHORIZED ACCESSORY USES AND STRUCTURES.

Table 2: Authorized Accessory Uses and Structures, found in Section 27-305.6, is hereby amended to state:

Use	R-1	R-2	MU	CE	B-1	B-2	I-1	I-2
Amusement Arcade			<u>P</u>		<u>P</u>	<u>P</u>		

SECTION 1.E: SCREENING AND BUFFERYARDS.

Section 27-306.4.D., is hereby amended to state:

~~(4) Any lot having frontage on Routes 22/30 shall maintain a 100 foot bufferyard from the ROW 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 25% of the depth of a lot.~~

~~(5) 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 ROW 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 A.[12] Additionally, should a stormwater management facility be proposed within this bufferyard, a detailed landscaping plan for said facility must be submitted and approved by the Township Engineer or a landscape architect retained by the Township.~~

SECTION 1.F: SCREENING AND BUFFERYARDS

Section 27-306.4., is hereby amended to state:

I. Any lot having frontage on Routes 22/30 or Route 376 shall maintain a 25-foot bufferyard from the ROW 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 15% of the depth of a lot.

(1.) 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 ROW 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 A. Additionally, should a stormwater management facility be proposed within this bufferyard, a detailed landscaping plan for said facility must be submitted and approved by the Township Engineer or a landscape architect retained by the Township.

SECTION 1.G: LANDSCAPING

Section 27-307.1.A, is hereby amended to state:

- (6) The location and species of all existing trees ~~six~~ twenty-four inches 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~~ twenty-four inches or more DBH.

SECTION 1.H: ELECTRIC VEHICLE CHARGING STATIONS

Section 27-318, is hereby added to state:

Electric Vehicle Charging Station (EVCS)—A publicly-accessible vehicular parking space and associated vehicle charging equipment located on any tract or parcel. EVCS shall be permitted in connection with any permitted use subject to the following conditions:

1. General Standards

- a. These requirements pertain to all EVCS that are either a Level 2 or Level 3 charger.
- b. Zoning and building permits are required for all EVCS installations.
- c. Standards of the Pennsylvania Department of Labor and Industry, building electrical, and accessibility shall be met.
- d. An electric vehicle charging station is permitted as an accessory use to a commercial, industrial, or institutional use.
- e. Privately-owned and operated EVCS with access restricted to authorized persons are exempt from the standards of this ordinance but shall be installed by a qualified professional and shall meet all other local, state, and federal regulations.

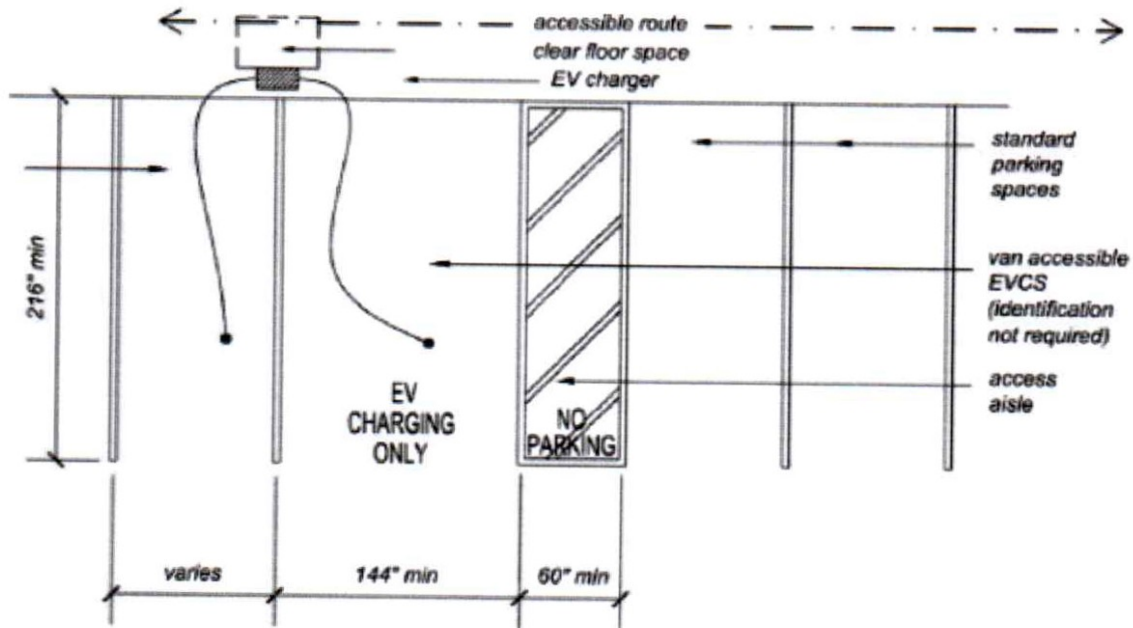
2. Access and Location

- a. EVCS parking spaces shall be paved and meet or exceed the required parking space size in accordance with Part 9 of this chapter and be demarcated by paint and signage.
- b. EVCS shall be located on the same lot as the principal use.
- c. EVCS in parking lots shall be located where the equipment does not block sight triangles at aisles and intersections.
- d. When only one EVCS is provided, it shall be accessible for people with disabilities in accordance with ADA parking standards. When more than one EVCS is provided, at least one EVCS shall be ADA accessible.
- e. The EVCS shall be located in desirable and convenient parking locations that will serve as an incentive for the use of electric vehicles.
- f. Canopies, solar panels, structures, awnings, and supports over charging stations shall not impede access to EVCS and shall comply with all other applicable codes and regulations.
- g. EVCS shall not be located in areas prone to standing water and flooding.

3. Safety and Construction

- a. Pedestal, pole, and wall-mounted charging stations may have electronic informational screens displaying operational information.
- b. The following information shall be posted at all electric vehicle charging stations to allow for maintenance and notification:
 - (1) Contact information for reporting when the equipment is not operating, not accessible, or other problems.
 - (2) Voltage and amperage levels.
 - (3) Hour of operations or towaway provisions are to be enforced by the property owner, if applicable.
 - (4) Usage fees, if applicable.
 - (5) Safety information.
 - (6) Geographic location, date of installation, equipment type and model.
 - (7) In case of an emergency 911 shall be called.
- c. Outlets and connector devices shall be no less than 36 inches and no higher than 48 inches from the parking space where mounted.
- d. The EVCS shall contain a connector cord management device to minimize the potential for cord entanglement, user injury, or cord damage. Cords shall be retractable or have a place to hang the connector cord above the ground or pavement surface. Any cords connecting the charger to a vehicle shall be configured so that they do not cross a driveway, sidewalk, ADA accessible route, or passenger unloading area.
- e. EVSE must meet the National Electrical Code® (NEC®) Article 625 (or as amended) standard for installation of electric vehicle charging systems, and installation shall be by a qualified professional and shall meet all other local, state, and federal regulations.
- f. Equipment mounted on pedestals, lighting posts, bollards, or other devices shall be designated and located to not impede fire hydrants, exterior fire sprinkler connections, pedestrian travel, building exits, create trip hazards on sidewalks, or impede snow removal.
- g. EVCS and parking spaces shall be illuminated for identification and safety in accordance with Section 27-806 if charging is offered during nighttime hours.
- h. EVCS shall be separated from charging spaces by 3 to 4 feet high bollards with concrete footings placed to protect the EVSE from accidental impact and to prevent damage from snow removal equipment. Non-mountable curbing may be used in lieu of bollards if the EVSE is set back a minimum of 24 inches from the face of the curb.

- i. If a publicly accessible EVCS becomes inoperable, signage shall be placed on the EVCS indicating it is out of service and notice shall be indicated on the provider's website and software application.
- j. EVCS must be designated for EV parking.



- k. Any canopy covering charging equipment shall meet all setback requirements for accessory structures and any overhead canopy shall not exceed 20 feet.

4. Signs

- a. All signage on EVCS shall meet the requirements of Part 10 of this chapter.
- b. Publicly accessible EVCS shall have posted regulatory signs, as identified in this section, allowing only charging electric vehicles to park in such spaces. For purposes of this section, charging means that an electric vehicle is parked at an EVCS and is connected to the EVSE. If time limits or vehicle removal provisions are to be enforced, regulatory signs, including parking restrictions, shall be installed immediately adjacent to and visible from the EVCS.
- c. All regulatory signs shall comply with visibility, legibility, size, shape, color, and reflectivity requirements contained within the Manual on Uniform Traffic Control Devices for Streets and Highways, as published by the Federal Highway Administration.
- d. Wayfinding or directional signs, if necessary, shall be permitted at appropriate decision points to effectively guide motorists to the EVSE parking spaces. Wayfinding or directional signage shall be placed in a manner that shall not interfere with any parking space, drive lane, or exit.

5. EVSE in the Municipal Right-of-Way

- a. EVCS in the right-of-way shall be no farther horizontally than 10 inches from the face of a curb.
- b. Charging spaces in the right-of-way shall be designated with time limitations for charging.
- c. EVCS in the right-of-way shall be accessible for people with disabilities in accordance with ADA standards.
- d. EVCS signage in the right-of-way shall meet ADA requirements for sidewalk and curb ramp accessibility.

6. Usage Fees

Nothing in this ordinance shall be deemed to preclude a private owner/designee of an EVSE from collecting a fee for the use of the EVCS, in accordance with applicable state and federal regulations. Fees shall be clearly posted on the EVCS or posted at or adjacent to the EVSE parking space.

SECTION 1.1: STANDARDS AND CRITERIA FOR CONDITIONAL USE.

Section 27-684, is hereby repealed and replaced in its entirety as set forth below:

An oil and gas well pad shall be a permitted conditional use subject to the following express minimum standards and criteria:

1. Operator shall comply with any generally applicable bonding and permitting requirements for Township roads. Any existing Township roads, damaged or worsened in condition by the Operator as determined by the Township shall be repaired by the Operator as required by the Township. Funds for such repairs shall be held either in escrow, bond, or letter of credit on an estimate determined by the Township after inspection by the Township of existing conditions of roads, which may be affected by the Operator. If no repairs are necessary, all funds earmarked for existing road/drainage repairs shall be returned to the Operator.
2. Operator shall take the necessary safeguards to ensure that the Township roads utilized remain free of dirt, mud and debris resulting from Development activities and/or shall ensure such roads are immediately swept or cleaned if dirt, mud and debris occur.
3. Operator shall take all necessary precautions to ensure the safety of persons in areas established for road crossing and/or adjacent to roadways (for example, persons waiting for Public or school transportation). Where necessary and permitted, during periods of anticipated heavy or frequent truck traffic associated with Development, Operator will provide flagmen to ensure the safety of children at or near schools or school bus stops and include adequate signs and/or other warning measures for truck traffic and vehicular traffic.
4. Operator shall not clear brush or trees by way of burning, and shall chip, grind or remove all tree stumps from properties it clears for Development purposes. However, Operator shall be permitted to, consistent with any outdoor burning laws, ordinance(s) or regulations, including those of

Allegheny County, burn any brush, trees, or stumps that have been removed from the ground and collected into a pile or piles on the properties where the Operator is engaging in Development.

- a. Any mature trees that are damaged or removed during development and operations shall be replaced by the developer upon site completion.
5. Prior to Development, Operator shall provide to the Township's Police Department and the Volunteer Fire Department ("First Responders") and to the Township Manager, a copy of its Preparedness, Prevention and Contingency ("PPC") Plan. If the PPC requires the availability and/or utilization of special equipment or supplies particular to the hazards or conditions addressed in the PPC, the Township may require that Operator reimburse the Township for the cost of procurement of such special equipment or supplies.
6. Before drilling, the Operator shall ascertain whether the Township's First Responders have secured adequate training and information to deal with any potentially dangerous conditions that may result due to Development activities. First Responders shall have on-site orientation and be provided adequate awareness information. Upon request from the Township, Operator will, prior to drilling of an Oil and Gas well, make available with at least thirty (30) days' notice, at its sole cost and expense, an appropriate site orientation and training session for First Responders. Such site orientation and training session shall be made available at least annually during the period when the Operator anticipates drilling activities in the Township.
7. Operator shall demonstrate its plans to take the necessary safeguards to ensure appropriate dust control measures are in place.
8. Operator shall demonstrate its plans to take the necessary safeguards to ensure appropriate odor control measures are in place.
9. The Operator must demonstrate its plans for the storage or elimination of residual water/fluids from its operations. Operator must show that it will take all necessary safeguards to ensure that public and private sewer and water systems will not be contaminated as a result of any of its operations.
10. Recognizing that the specific location of equipment and facilities is an important and integral part of Oil and Gas Development, as part of the planning process, Operator shall strive to consider location of its temporary and permanent operations, where prudent and possible, so as to minimize interference with Township residents' enjoyment of their property and future Township development activities.
11. Recognizing that adequate and appropriate lighting is essential to the safety of those involved in the Development of Oil and Gas, the Operator shall take steps, to the extent practicable, to direct site lighting downward and inward toward the drill site, wellhead, or other area being developed so as to attempt to minimize glare on public roads and adjacent buildings within three hundred (300) feet of the drill site, wellhead, or other area being developed.
12. At least thirty days (30 days) prior to drilling an Oil and Gas well or multiple Oil and Gas wells at a location, the Operator shall provide the following information to each resident within one thousand (1,000) feet of the planned surface location of the well(s):
 - a. A copy of the well survey plat showing the location(s) of the planned well(s).

- b. A general description of the planned operations at the planned well(s) and associated equipment used in the Development of the well(s),
 - c. The contact information for the Operator, and
 - d. The availability of the Operator to hold a meeting with such residents to present Operator's plans for the well(s) and to allow for questions and answers. The meeting(s) shall be held prior to Well Site construction.
13. The Operator shall provide:
- a. A map showing the planned access route to the Well Sites on public roads,
 - b. Information on the status of road bonding,
 - c. The Operator's Erosion & Sedimentation Plan,
 - d. The well survey plat showing the planned surface location(s) of the well(s), and
 - e. The contact information for the Operator.
 - f. Written authorization from the property owner(s) who has legal or equitable title in and to the surface of the proposed Development.
 - g. Copy of Federal Aviation Administration (FAA) form 7460 showing that there is no interference with air traffic.
 - h. A schedule of phases of oil and gas development to include site prep, drilling, production work, and site restoration.
14. At least twenty (20) days prior to commencement of drilling, the Operator shall provide to the Township Manager a copy of the drilling permit issued by the Pennsylvania Department of Environmental Protection ("DEP").
15. In addition to the requirements in subsections 1-14 above, for any Oil and Gas well where the planned surface location of the well will be within one thousand (1,000) feet of a Protected Structure, the Operator shall:
- a. Install temporary safety fencing, at least six (6) feet in height, around drilling and hydraulic fracturing equipment and install permanent fall protection fencing meeting OSHA requirements around any pits that contain or could contain water or other liquids.
 - b. Install warning signs providing notice of the potential dangers at the Well Site.
 - c. Provide at least one security guard at all times (24 hours/day, 7 days/week) when a drilling rig or hydraulic fracturing equipment is on the Well Site.
16. Prior to the commencement of drilling activities, no construction activities involving excavation of, alteration to, or repair work on any access road or Well Site shall be performed during the hours of 10:00 p.m. to 6:00 a.m.

17. The Township recognizes and acknowledges that Oil and Gas Development is accompanied by inherent noise. However, the Operator shall take the following steps to minimize, to the extent practicable, the noise resulting from the Development:

- a. Prior to drilling of an Oil and Gas well, the Operator shall establish a continuous seventy-two (72)-hour ambient noise level at the nearest Protected Structure property line or one hundred (100) feet from the nearest Protected Structure (as measured to the closest exterior point of the building), whichever is closer to the Protected Structure or, alternatively, and in lieu of establishing the above seventy-two (72)-hour ambient noise level, the Operator may assume and use, for the purposes of compliance with this ordinance, a default ambient noise level of 55 dBA. The sound level meter used in conducting any evaluation shall meet the American National Standard Institute's standard for sound meters or an instrument and the associated recording and analyzing equipment which will provide equivalent data.
- b. The Operator shall provide documentation of any established, seventy-two (72)-hour evaluation relied upon to establish an ambient noise level greater than 55 dBA to the Township Manager within three (3) business days of such a request from the Zoning Officer.
- c. The noise generated during construction, drilling and hydraulic fracturing activities when measured at the nearest Protected Structure property line or one hundred (100) feet from the nearest Protected Structure (as measured to the closest exterior point of the building), whichever is closer to the Protected Structure, shall not exceed the average ambient noise level (as determined by the seventy-two (72) hour- evaluation) or default level, whichever is higher:
 - i. during drilling activities by more than seven (7) decibels during the hours of 6:00 a.m. to 10:00 p.m.;
 - ii. during drilling activities by more than five (5) decibels during the hours of 10:00 p.m. to 6:00 a.m.; or
 - iii. by more than ten (10) decibels during construction, hydraulic fracturing operations.

The Operator shall inform the Township Manager of which level (average ambient noise level or default level) is being used.

d. Adjustments to the forgoing noise limits may be permitted in accordance with the following:

<u>Permitted Increase</u> (dBA)	<u>Duration of Increase</u> (minutes)*
<u>5</u>	<u>15</u>
<u>10</u>	<u>5</u>
<u>15</u>	<u>1</u>
<u>20</u>	<u>1</u>

*Cumulative minutes during any one hour.

- e. If a complaint is received by the Township from any person, whether a resident or otherwise using the Protected Structure as defined herein for any lawful purpose, regarding noise generated during construction, drilling or hydraulic fracturing activities, the Operator shall, within twenty-four (24) hours of receipt of the complaint from the Township, continuously monitor for a forty-eight (48) hour period at a point which is the closer to the complainant's building of:
 - i. the complainant's Protected Structure property line nearest to the wellsite or equipment generating the noise, or
 - ii. one hundred (100) feet from the Protected Structure.
 - f. If the Operator engages in any noise testing as required by this Ordinance, it will provide preliminary data to the Township no later than five (5) business days following completion of the noise testing. Once the monitoring is complete, Operator will meet with Township's representatives and affected residents to discuss whether possible noise abatement measures are warranted, if the permitted levels set forth herein were exceeded.
 - g. Exhaust from any internal combustion engine or compressor used in connection with the drilling of any well or for use on any production equipment or used in Development shall not be discharged into the open air unless it is equipped with (i) an exhaust muffler or (ii) an exhaust box. The exhaust muffler or exhaust box shall be constructed of non-combustible materials designed and installed to suppress noise and disruptive vibrations. Moreover, all such equipment with an exhaust muffler or exhaust box shall be maintained in good operating condition according to the manufacturer's specifications.
 - h. All workover operations shall be restricted to the hours of 6:00 a.m. to 10:00 p.m., except in the extent of an emergency, as reasonably determined by the Operator. "Workover operations" shall mean work performed in a well after its completion in an effort to secure production where there has been none, restore production that has ceased, or increase production.
 - i. The noise restrictions contained in this Paragraph 17 shall also apply to Natural Gas Compressor Stations and Natural Gas Processing Plants.
18. If blasting is to be undertaken, a seismograph shall be placed on the site of the operation during all times when blasting is performed which shall be monitored by an independent engineering consultant whose credentials are acceptable to the Township and whose fee is paid by the applicant.
- a. Any blasting shall follow all state and/or federal regulations.
19. Supervisory personnel. Bunk housing shall be permitted and is subject to Township review. An applicant shall submit any proposed plan for bunk housing either at the time of a zoning application, a subdivision and/or land development application or as part of a permit process following said application approval. Bunk housing shall be subject to the following:
- a. The structure shall only be occupied during drilling, re-drilling, fracking or completion activities and only by employees or contractors responsible for such activities at the well site.

- b. The operator shall provide an enforceable alcohol and drug policy for occupants of the bunk house.
 - c. The operator shall provide a firearms policy for occupants of the bunk house.
 - d. Occupants of the bunk house shall be required to sign in and out before entering or leaving the development.
 - e. The operator shall meet all state and local water and sewage requirements.
20. The Board of Supervisors may attach additional conditions in order to protect the public's health, safety, and welfare. These conditions may include but are not limited to increased setbacks, screening, and bufferyard requirements.

SECTION 2: SEVERABILITY.

That if any sentence, clause, section, or part of this Ordinance is for any reason found to be unconstitutional, illegal, or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections, or parts of this Ordinance. It is hereby declared as the intent of the Board of Supervisors that this Ordinance would have been adopted had such unconstitutional, illegal, or invalid sentence, clause, section, or part thereof not been included herein.

SECTION 3: CONFLICT.

Any ordinances or any part of any ordinance which conflict with this Ordinance are hereby repealed insofar as the same affects this Ordinance.

SECTION 4: EFFECTIVE DATE.

That this Ordinance shall take effect immediately upon enactment as provided by law.

ENACTED AND ORDAINED into Law on this the 23rd day of April, 2024.

ATTEST:

TOWNSHIP OF NORTH FAYETTE



James R. Mangan
Township Manager



James Morosetti
Chairman, Board of Supervisors