



TOWNSHIP OF SOUTH FAYETTE
ALLEGHENY COUNTY, PENNSYLVANIA
ORDINANCE NO. 01 OF 2025

AN ORDINANCE OF THE TOWNSHIP OF SOUTH FAYETTE, ALLEGHENY COUNTY, PENNSYLVANIA, AMENDING THE CRITERIA AND GUIDELINES OF CHAPTER 240 ZONING, ARTICLE IV, SECTION 240-15, ARTICLE V, SECTION 240-22, ARTICLE VI, SECTION 240-29 AND ARTICLE XIV "OPEN SPACE DESIGN OPTION."

WHEREAS, the Township of South Fayette has enacted a Zoning Ordinance to protect the public health, safety and welfare of its citizens;

WHEREAS, the Township's Zoning Ordinance provides for the development of property under the specific guidelines of the Open Space Design Option;

WHEREAS, the Board of Commissioner of South Fayette Township desires to amend the criteria and guidelines of the Open Space Design Option;

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

1. Recitals. The recitals set forth hereinabove are incorporated herein by reference thereto.
2. Replacement. The following will be replaced:

- a. Chapter 240, Zoning, Article IV, R-1 Rural Residential District, Section 240-15 Authorized Uses will be replaced as set forth in Exhibit "A" which is attached hereto and made a part hereof.
 - b. Chapter 240, Zoning, Article V, R-2 Suburban Residential District, Section 240-22 Authorized Uses will be replaced as set forth in Exhibit "B" which is attached hereto and made a part hereof.
 - c. Chapter 240, Zoning, Article VI, R-3, Medium Density Residential District, Section 240-29 Authorized Uses will be replaced as set forth in Exhibit "C" which is attached hereto and made a part hereof.
 - d. Chapter 240 Zoning, Article XIV Open Space Design Option, will be replaced as set forth in Exhibit "D" which is attached hereto and made a part hereof.
3. Repealer. All ordinances and parts of ordinances inconsistent with the terms of this ordinance are hereby repealed; provided, however, that such repeals shall be only to the extent of such inconsistency and in all other aspects, this ordinance shall be cumulative of the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.
 4. Severability. If any section or provision or parts hereof in this ordinance shall be adjudged invalid, illegal, or unconstitutional, such invalidity, illegality, or unconstitutionality shall not affect the validity of the ordinance as a whole or any other section or provision or part thereof.
 5. Effective Date. This ordinance shall be in full force and effect from and after its passage.

ADOPTED AND APPROVED this 12th day of February 2025.

ATTEST:

TOWNSHIP OF SOUTH FAYETTE



John Barrett
Manager/Secretary



Chuck Lazzini
Chairman, Board of Commissioners

EXHIBIT "A"

**Chapter 240, Zoning, Article IV, R-1 Rural Residential District
Section 240-15 Authorized Uses**

Chapter 240, Zoning, Article IV, R-1 Rural Residential District

Section 240-15 Authorized Uses

§ 240-15. Authorized uses.

In the R-1 Rural Residential District, only the following uses are authorized:

A. Permitted uses.

(1) Principal uses.

- (a) Agriculture, subject to § 240-103.
- (b) Forestry, subject to § 240-105.
- (c) Single-family dwelling.
- (d) Essential services.
- (e) Township-related facilities.
- (f) Community club.
- (g) Incidental mineral removal.

(2) Accessory uses.

- (a) Signs, subject to Article XVIII.
- (b) Off-street parking and loading, subject to Article XVII.
- (c) Fences, subject to § 240-99.
- (d) Other accessory uses customarily incidental to and on the same lot with any permitted use, conditional use or use by special exception authorized in this District.
- (e) Private residential swimming pools or sports courts, subject to § 240-99.
- (f) Private garages and storage buildings, subject to § 240-99.
- (g) Private stable, subject to § 240-103.
- (h) No-impact home-based business, subject to § 240-106.
- (i) Keeping of domestic pets.
- (j) Garage sales and temporary auto sales, subject to § 240-109.

B. Conditional uses.

(1) Principal uses.

- (a) Bed-and-breakfast, subject to § 240-95A(4).
- (b) Boarding stable or riding academy, subject to § 240-95A(6).

- (c) Cemetery, subject to § 240-95A(8).
- (d) Churches, subject to § 240-95A(9).
- (e) Firehouses, subject to § 240-95A(9).
- (f) Golf course; golf or country club, subject to § 240-95A(19).
- (g) Mineral removal, subject to § 240-95A(28).
- (h) Mobile home park, subject to § 240-95A(30).
- (i) Non-commercial recreation, subject to § 240-95A(38).
- (j) Nursing home, subject to § 240-95A(32).
- (k) Personal care boarding home, subject to § 240-95A(20).
- (l) Public buildings other than Township-related facilities, subject to § 240-95A(9).
- (m) Public recreation, other than Township-related facilities, subject to § 240-95A(38).
- (n) Public utility building or structure, subject to § 240-95A(39).
- (o) Schools (public or private), subject to § 240-95A(9).

(2) Accessory uses.

- (a) Communications antenna mounted on an existing building or existing public utility storage or transmission structure, subject to § 240-95A(12).
- (b) Temporary construction trailer, model home or sales office, subject to § 240-95A(49).

C. Uses by special exception.

(1) Principal uses.

- (a) Agricultural sales, subject to § 240-95A(48).
- (b) Day-care center or preschool facility in a church or school, subject to § 240-95A(15).
- (c) Kennel, subject to § 240-95A(25).
- (d) Private club, subject to § 240-95A(37).
- (e) Museums; libraries, subject to § 240-95A(9).

(2) Accessory uses.

- (a) Home occupation, subject to § 240-95A(21).
- (b) Family day-care home, subject to § 240-95A(17).

EXHIBIT "B"

**Chapter 240, Zoning, Article V, R-2 Suburban Residential
District, Section 240-22 Authorized Uses**

Chapter 240, Zoning, Article V, R-2 Suburban Residential District, Section 240-22 Authorized Uses

§ 240-22. Authorized uses.

In the R-2 Suburban Residential District, only the following uses are authorized:

A. Permitted uses.

(1) Principal uses.

- (a) Agriculture, subject to § 240-103.
- (b) Forestry, subject to § 240-105.
- (c) Single-family dwelling.
- (d) Essential services.
- (e) Township-related facilities.
- (f) Community club.
- (g) Incidental mineral removal.

(2) Accessory uses.

- (a) Signs, subject to Article XVIII.
- (b) Off-street parking and loading, subject to Article XVII.
- (c) Fences, subject to § 240-99.
- (d) Other accessory uses customarily incidental to and on the same lot with any permitted use, conditional use or use by special exception authorized in this District.
- (e) Private residential swimming pools or sports courts, subject to § 240-99.
- (f) Private garages and storage buildings subject to § 240-99.
- (g) Private stables, subject to § 240-103.
- (h) No-impact home-based business, subject to § 240-106.
- (i) Keeping of domestic pets.
- (j) Garage sales and temporary auto sales subject to § 240-109.

B. Conditional uses.

(1) Principal uses.

- (a) Bed-and-breakfast, subject to § 240-95A(4).

- (b) Boarding stable or riding academy, subject to § 240-95A(6).
 - (c) Churches, subject to § 240-95A(9).
 - (d) Firehouses, subject to § 240-95A(9).
 - (e) Golf course; golf or country club, subject to § 240-95A(19).
 - (f) Mineral removal, subject to § 240-95A(28).
 - (g) Noncommercial recreation, subject to § 240-95A(38).
 - (h) Nursing home, subject to § 240-95A(32).
 - (i) Public recreation, other than Township-related facilities, subject to § 240-95A(38).
 - (j) Public buildings other than Township-related facilities, subject to § 240-95A(9).
 - (k) Public utility building or structure, subject to § 240-95A(39).
 - (l) Schools (public or private), subject to § 240-95A(9).
- (2) Accessory uses.
- (a) Communications antenna mounted on an existing building or on an existing public utility storage or transmission structure, subject to § 240-95A(12).
 - (b) Temporary construction trailer, model home or sales office, subject to § 240-95A(49).

C. Uses by special exception.

- (1) Principal uses.
- (a) Agricultural sales, subject to § 240-95A(48).
 - (b) Day-care center or preschool facility in a church or school, subject to § 240-95A(15).
 - (c) Kennel, subject to § 240-95A(25).
 - (d) Museums; libraries, subject to § 240-95A(9).
 - (e) Private club, subject to § 240-95A(37).
- (2) Accessory uses.
- (a) Home occupation, subject to § 240-95A(21).
 - (b) Family day-care home, subject to § 240-95A(17).

EXHIBIT “C”

**Chapter 240, Zoning, Article VI, R-3, Medium Density
Residential District, Section 240-29 Authorized Uses**

Chapter 240, Zoning, Article VI, R-3, Medium Density Residential District, Section 240-29 Authorized Uses

§ 240-29. Authorized uses.

In the R-3 Medium Density Residential District, only the following uses are authorized:

A. Permitted uses.

(1) Principal uses.

- (a) Single-family dwelling.
- (b) Essential services.
- (c) Township-related facilities.
- (d) Forestry, subject to § 240-105.
- (e) Community club.
- (f) Incidental mineral removal.

(2) Accessory uses.

- (a) Signs, subject to Article XVIII.
- (b) Off-street parking and loading, subject to Article XVII.
- (c) Fences, subject to § 240-99.
- (d) Other accessory uses customarily incidental to and on the same lot with any permitted use, conditional use or use by special exception authorized in this District.
- (e) Private residential swimming pools or sports courts, subject to § 240-99.
- (f) Private garages and storage buildings, subject to § 240-99.
- (g) No-impact home-based business, subject to § 240-106.
- (h) Keeping of domestic pets.
- (i) Garage sales and temporary auto sales, subject to § 240-109.

B. Conditional uses.

(1) Principal uses.

- (a) Bed-and-breakfast, subject to § 240-95A(4).
- (b) Churches, subject to § 240-95A(9).
- (c) Firehouses, subject to § 240-95A(9).

- (d) Golf course; golf or country club, subject to § 240-95A(19).
- (e) Noncommercial recreation, subject to § 240-95A(38).
- (f) Public buildings other than Township-related facilities, subject to § 240-95A(9).
- (g) Public recreation, other than Township-related facilities, subject to § 240-95A(38).
- (h) Public utility building or structure, subject to § 240-95A(39).
- (i) Retirement community, subject to § 240-95A(40).
- (j) Schools (public or private), subject to § 240-95A(9).

(2) Accessory uses.

- (a) Communications antenna mounted on an existing building or on an existing public utility storage or transmission structure, subject to § 240-95A(12).
- (b) Temporary construction trailer, model home or sales office, subject to § 240-95A(49).

C. Uses by special exception.

(1) Principal uses.

- (a) Day-care center or preschool facility in a church or school, subject to § 240-95A(15).
- (b) Museums; libraries, subject to § 240-95A(9).
- (c) Private club, subject to § 240-95A(37).

(2) Accessory uses.

- (a) Home occupation, subject to § 240-95A(21).
- (b) Family day-care home, subject to § 240-95A(17).

EXHIBIT “D”

Chapter 240 Zoning, Article XIV Open Space Design Option

Chapter 240 Zoning, Article XIV Open Space Design Option

§ 240-84. Purpose.

The purpose of the open space design option is to permit development which is more creative and imaginative than is generally possible under conventional zoning district controls and subdivision requirements. Further, these regulations are intended:

- A. To provide for the development of large tracts of land located within the Township in a harmonious manner with the input from the Township's administrative staff and governing bodies.
- B. To provide an opportunity for flexibility in lot designs and building arrangement not afforded by conventional lot-by-lot development.
- C. To provide for a more varied, innovative, and efficient development pattern.
- D. To promote new development which is compatible with existing uses, architecture, landscapes and community character.
- E. To preserve unique and sensitive landscapes and site features, including agricultural soils, woodlands, wetlands, and scenic views, by locating new dwelling sites in areas removed from such features.
- F. To retain and protect open space areas within a development.
- G. To provide a means to attain the aims and objectives of the Township Comprehensive Plan relative to orderly growth and the enhancement of environmental resources.
- H. To provide for development balance designed to promote a solid tax base without placing a burden on the Township, school district and other taxing bodies.
- I. To provide an efficient use of land, resulting in smaller networks of utilities and streets and lower housing costs.
- J. To provide density and mixed use incentives in exchange for increased open space and preservation of environmental resources.

§ 240-85. Applicability and relationship to other ordinances.

- A. The provisions of this article for approval of an open space design option shall be a modification to and in lieu of procedures and criteria for approvals otherwise required in this chapter and the Township Subdivision and Land Development Ordinance.¹
- B. The applicant acknowledges that the open space design option is an option in lieu of developing under the Township's existing Zoning Ordinance. The applicant further acknowledges that, in the event that the applicant chooses to utilize this open space design option, the applicant will be relinquishing some of its control of the development with regard to land use, unit mix, unit type, unit spacing and other salient features of the development to the jurisdiction of the Township's administration, the Township's Planning

Commission, and the Township's Board of Commissioners. Prior to electing this option, the applicant is advised to meet with the Township's administration so that it is fully aware of the mechanics of this option. In the event that the applicant is not satisfied with the operation of this option, the applicant has the right to develop the Property conventionally pursuant to the existing ordinances.

- C. The current Township construction standards shall apply to the open space design option. Failure to comply with the provisions of this article with respect to a recorded development plan shall be deemed to constitute a violation of this chapter.

§ 240-86. Eligibility.

In all cases, the minimum site required for an open space design option shall be as outlined below. Public easements or right-of-way and public or private streets shall not be construed as an interruption or division of a site proposed for an open space design option. The site of an open space design option plan shall have frontage on and direct vehicular for all accesses to an arterial or collector street, as defined by this chapter.

District	Minimum Site (contiguous acres)
PED	25

- A. The Open Space Design Option shall be permitted in the PED District when approved as a conditional use in accordance with the provisions of this chapter and where the applicant, to the satisfaction of the Board of Commissioners, with the imposition of various conditions, can demonstrate compliance with all design standards and criteria of this article. Upon written request from the applicant, and if the Board of Commissioners and Planning Commission have previously reviewed a sketch plan and site analysis of the proposed development, the Board of Commissioners may elect to consider the preliminary subdivision plans simultaneously with the conditional use application. **[Amended 4-20-2006 by Ord. No. 7-2006]**
 - (1) P.E.D. Zoning District. At the conditional use application stage, the applicant must present a master site plan which depicts both a commercial and residential component, and must be prepared to discuss community development and open space resource conservation objectives. Within the residential component, the applicant will be required to submit:
 - (a) A site analysis plan; and
 - (b) A sketch plan depicting the proposed open space design utilizing the density multipliers as presented in the table(s) located in § 240-88B of this article.
- B. Water supply. Development under the open space design option shall be served by a public water supply system in accordance with the provisions of the Township Subdivision and Land Development Ordinance, where the applicant can demonstrate, to the satisfaction of

the Board of Commissioners, adequate supply for the intended residential and open space uses.

C. Sewage disposal.

- (1) As a condition of approval, the applicant shall demonstrate, to the satisfaction of the Board of Commissioners, adequate sewage disposal services for the intended residential and open space uses.
- (2) Development under the open space design option shall be served by sewage disposal systems consistent with the Township Sewage Facilities (Act 537) Plan and in accordance with the provisions of the Township Subdivision and Land Development Ordinance, subject to demonstration of compliance with all applicable regulations of the DEP.

D. Consistency with municipal planning program. The proposed development shall be generally consistent with the Township Comprehensive Plan.

E. Single plan. The tract of land to be developed shall be in one ownership or, if in multiple ownership, shall be developed according to a single plan with common authority and responsibility. Prior to submitting an application for preliminary approval, the applicant shall demonstrate that he is the landowner, as defined by this chapter. Legal, as well as equitable, ownership shall be demonstrated coincident with approval of the final development plan.

§ 240-87. General regulations.

A. Permitted Uses. In the PED zoning district, any of the below listed dwelling units may be included in the open space design option. Where permitted by the Board of Commissioners as a conditional use, an applicant may utilize the open space design option for development of any of the following uses:

Single-family dwelling

Two-family dwelling

Triplex, fourplex, townhouse, patio home, garden apartment, Mid-rise and high-rise apartment

Note: Though all of the above uses may be permitted in the PED zoning district, the percentage and/or mix shall be set by the Planning Commission and Board of Commissioners using the tables in § 240-88 as a guide. The exact mix and layout of the dwelling units will be determined by the Township's administration, Planning Commission and Board of Commissioners during the review process.

Note: A Type 'A' Landscaped Buffer will be required when transitioning from particular types of dwelling units (i.e., two-family dwellings to triplexes, triplexes to patio homes, etc.).

- B. Recreational and other common facilities. In addition to the permitted uses in the open space design option, recreation facilities shall be permitted, including but not limited to hiking, biking or exercise trails; tennis, paddle tennis, basketball, volleyball or other playing courts; swimming pool and related facilities, golf course or putting green; community building for meetings and social activities, picnic pavilions; other active and passive recreational uses deemed appropriate to the needs and interests of the Township as determined by the Board of Commissioners.

§ 240-88. Area and bulk regulations.

- A. Permitted density calculation and minimum restricted open space.

- (1) The minimum open space requirements presented in the tables below are calculated using the total tract area; provided, however, the applicant shall be permitted to develop a plan which is entirely comprised of single-family homes notwithstanding the percentages contained within the table.

Applicable Density Multiplier for Open Space Design Option	PED	
	Minimum Single-Family Unit Factor (%)	Minimum Open Space Requirement (%)
16 dwelling units/acre	0%	60%
14 dwelling units/acre	0%	40%
12 dwelling units/acre	0%	30%
10 dwelling units/acre	0%	20%
8 dwelling units/acre	0%	10%

** PED District Note: The maximum permissible number of lots or dwelling units within the PED District on any tract utilizing the open space design option shall be calculated by multiplying the total tract area by the multiplier stipulated.

- (2) It is possible that various portions of any single tract may be planned for development in accordance with differing density options as provided above. In such event, the applicant shall demonstrate that appropriate land areas can be identified to separately apply to each density multiplier utilized. No land area used for calculation under any one option shall also be used for calculation under another option.
 - (3) The applicant is advised that the maximum number of units calculated under the provisions herein, including potential bonus density, may not always be achievable while meeting requirements for minimum restricted open space and all other standards, criteria and regulations herein.
- B. Residential area and bulk regulations. Under the open space design option, no minimum lot area is prescribed, rather, the following lot area and yard regulations shall apply to any

principal residential structure or any other building; at the time of conditional use application, the applicant shall indicate for each permitted use, including potential accessory uses, the limits of the building envelope within which compliance with these provisions is feasible.

- (1) Minimum separation between buildings, except accessory buildings, at any point shall not be less than the following:

PED Districts	SF (feet)	DUP (feet)	TRIQUAD (feet)	PH (feet)	TH (feet)	GA (feet)	MR (feet)	HR (feet)
Side-Side	15	15	25	25	35	55	75	100
Side- Front	50	50	50	50	50	50	70	100
Side- Rear	50	50	50	50	50	50	70	100
Front- Front	65	65	65	65	65	80	100	150
Front- Rear	85	85	85	85	85	85	100	150
Rear- Rear	85	85	65	65	65	80	100	150

SF - Single-Family DUP - Two-Family TRI - Triplex PH - Patio Home

QUAD - Fourplex

GA - Garden Apartment TH - Townhouse MR - Mid-rise Apartment

HR - High-Rise Apartment

- (2) Minimum separation between accessory buildings and any principal structures to which they are not accessory (i.e., any principal structure on any other lot) at any point shall comply with Subsection B(1) above.
- (3) No accessory structure including decks, sheds, and/or patios shall be located less than five feet from any lot line, excluding fences.
- (4) Mitigation of any and all wetlands is governed by South Fayette Township Ordinance No. 13 of 2004, Section 815.7 (F).²
- (5) Minimum setback from the edge of cartway (or outside edge of curb, if applicable) of any street shall be not less than 25 feet, except as provided under Subsection B(8) below.
- (6) All proposed dwelling units in a development utilizing the open space design option shall be situated so that they are set back a minimum distance from the predevelopment perimeter boundary of the tract equal to 50 feet. Existing dwellings and dwellings resulting from the conversion of existing structures shall be exempt from this requirement except that additions to such existing structures shall not further reduce required setbacks.

- (7) Maximum length of any residential building, including rows of attached townhouses or other multifamily buildings, shall not exceed 240 feet. Residential buildings other than single-family detached and two-family detached dwelling units shall comply with the architectural design provisions of § 240-89B.
- (8) Maximum building height: Three stories or 45 feet, exclusive of basements, whichever is less except for mid-rise and high-rise in the PED District, which shall be limited to six stories.
- (9) In the PED District, no mid-rise or high-rise apartment shall be located closer to the boundary of the open space design option development site than 150 feet. In all zoning districts where the open space design option is authorized, no garden apartment, townhouse, triplex or fourplex shall be located closer to any boundary of the open space design option site than 75 feet. No accessory structure and no off-street parking shall be located in the required perimeter setback area.
 - (a) The design and improvement of lots or open space which shall contain modified standards shall be in harmony with the design and improvement of other lots or open space within the proposed development and shall not, through the use of the modified standards, be obviously different from, or inferior to, other lots within the proposed development.
 - (b) The use of modified standards shall not result in configurations of lots or street systems which shall be impractical in function or detract from the appearance of the proposed development.
 - (c) The proposed modified standards shall not result in any danger to the public health, safety or welfare by making access to dwellings by emergency vehicles more difficult, by depriving adjoining properties of adequate light and air or by violating the other purposes for which zoning ordinances are to be enacted under Section 604(1) of the MPC.
 - (d) Landscaping and other methods shall be used to ensure the privacy of the future residents of the dwellings and to attain the proposed use of the open space.

§ 240-89. Conservation and development design standards.

A. General development standards.

- (1) Except where this article specifies otherwise, all design and performance standards and other regulations applicable in the zoning district, subdivision and land development regulations and construction standards in which the land is located shall apply to any development utilizing the open space design option. This shall include, but shall not be limited to, the Township's wetland and wetland buffer requirements; steep slope and poor soils regulations; road and stormwater standards; and egress and ingress standards.
- (2) Placement of buildings and design of internal circulation systems shall minimize

adverse impact to existing Township roads. The projected traffic volumes associated with the open space design option Plan shall be capable of being accommodated by the adjacent street network. All developments under the open space design option, regardless of size, shall submit a traffic impact study meeting the criteria of the Township's current traffic impact study ordinance (Ordinance No. 4 of 2001, as now or hereafter amended). The developer shall submit a traffic impact study prepared in accordance with the requirements of that ordinance identifying the traffic impact of the proposed open space design option and the recommendations to mitigate those impacts, as warranted. Ingress and egress to and from the site shall be designed to comply with the minimum requirements of the Township Subdivision and Land Development Ordinance.

- (3) The applicant shall demonstrate compliance with applicable state and/or federal regulation of streams and wetlands.
 - (4) Buffer areas. The following buffers areas shall be required in all open space design option plans:
 - (a) Buffer Area A, as defined in § 240-98B of this chapter, shall be provided along all property lines on the perimeter of an open space design option Plan adjoining an R-1, R-2, R-3 or R-4 District.
 - (b) Buffer Area C, as defined in § 240-98B of this chapter, shall be provided along all other property lines on the perimeter of an open space design option plan.
 - (c) Buffer Area C, as defined in § 240-98B of this chapter, shall be required along all property lines within the open space design option that separate single-family dwellings in the open space design option plan from any two-family, triplex, fourplex, townhouse or garden apartment dwellings in the plan. Where these units are separated by a public or private right-of-way, a buffer area shall not be required.
 - (d) Buffer Area A, as defined in § 240-98B of this chapter, shall be provided on the perimeter of an open space design option plan fronting an established arterial or collector street as defined herein.
- B. Architectural design. It is not the intention of the Township to govern specific architectural design nor to link conditional use approval to any specific architectural design criteria.
- (1) Applicant shall provide drawings illustrating the general character of the intended exterior design of all structures other than single-family detached dwellings to be built on lands developed in accordance with this article.
 - (2) Where the Commissioners determine that architectural design as presented by the applicant is an essential means by which the proposed development complies with the objectives of this article, the Commissioners may require, as a condition of approval, establishment of appropriate means to guarantee general adherence to the intended architectural character.

§ 240-90. Open space designation and management standards.

A. General standards for open space designation.

- (1) Areas designated as restricted open space shall be generally consistent with the Township Comprehensive Plan and § 215-70 open space requirements in the Township Subdivision and Land Development Ordinance. The location and layout of restricted open space shall be configured so as to serve residents adequately and conveniently and to promote conservation of the following resources to the greatest extent practicable:
 - (a) Agricultural security areas and clean and green lands.
 - (b) Scenic views from public roads, ridge tops and neighboring residential properties.
 - (c) Mature trees and woodland tree masses, hedgerows, native flowering trees and shrubs, fence lines, rock outcroppings and other notable landscape features.
- (2) A portion of the required open space equal in area to no less than 10% of the gross tract area shall exclude areas comprised of designated flood hazard districts, wetlands, and slopes in excess of 25%. (This provision is designed to ensure that a portion of the open space land is appropriate for passive recreational purposes.)
- (3) No portion of the designated restricted open space shall be measured as contributing to the minimum required restricted open space area when:
 - (a) Within 25 feet of any structure except structures devoted to permitted open space uses.
 - (b) Extending less than 75 feet in the narrowest dimension at any point.
 - (c) Comprising stormwater management facilities. At the discretion of the Board of Commissioners, areas devoted to stormwater management facilities may be included within the minimum required restricted open space area where the applicant can demonstrate to the satisfaction of the Commissioners that such facilities are designed to:
 - [1] Promote recharge of the groundwater system;
 - [2] Be available and appropriate for active or passive recreational use or scenic enjoyment; and
 - [3] Otherwise conform to the purposes, standards, and criteria for open space set forth in this article.

For example, a long low berm graded to reflect natural contour could be designed to: 1) blend into the scenic landscape; 2) permit passive recreational use over the top of it; while 3) providing a relatively large linear area for seepage of stormwater into the groundwater system.

- (4) Subject to the provisions of measurement of minimum required open space stipulated herein, sewage service, stormwater management, and/or water supply facilities may be located entirely or partially within restricted open space areas. Where such facilities are so located, easements satisfactory to the Board of Commissioners shall be established to require and enable maintenance of such facilities by the appropriate parties.
 - (5) Areas designated for open space purposes may be used for any of the following:
 - (a) Crop or pastureland, subject to restriction in the Township Zoning Ordinance and/or any other applicable regulations approved by the Allegheny County Conservation District;
 - (b) Woodland, meadow, wetlands, wildlife habitat, game preserve, or similar conservation-oriented area;
 - (c) Public, common, or private park or outdoor recreation area, subject to the regulations of the PED zoning district.
 - (6) Open space shall be interconnected with open space areas on abutting parcels wherever possible, including, where appropriate, provisions for pedestrian pathways for general public use to create linked systems within the Township.
 - (7) Where deemed appropriate by the Board of Commissioners, open space areas shall be provided with sufficient perimeter parking and with safe and convenient access by adjoining street frontage or other rights-of-way or easements capable of accommodating pedestrian, bicycle and maintenance and vehicle traffic, and containing appropriate access improvements.
 - (8) At the discretion of the Board of Commissioners, a portion of the required restricted open space may be utilized to meet the requirements of the Township Subdivision and Land Development Ordinance³ for open space and recreational land to the extent such open space meets the specific requirements of the ordinance. With agreement of the Board of Commissioners, the applicant may provide payment of fee in lieu and/or the construction of recreation facilities to meet the recreational land requirement in the Township's Subdivision and Land Development Regulations.
 - (9) Where development under the open space option is planned to occur in two or more development phases, a proportionate amount of designated restricted open space shall be permanently recorded with each phase.
- B. Standards for ownership of restricted open space. Except to provide for permitted open space uses, designated open space shall be restricted from further subdivision or development by deed restriction, conservation easement, or other agreement in a form acceptable to the Township and duly recorded in the Office of the Recorder of Deeds of Allegheny County. Subject to such permanent restrictions, restricted open space land in any open space development may be owned by a homeowners' association, the Township, a land trust or other conservation organization recognized by the Township, or by a similar entity, or may remain in private ownership.

- (1) Offer of dedication.
 - (a) The Township may, but shall not be required to, accept dedication in the form of fee-simple ownership of restricted open space land provided:
 - [1] Such land is accessible to the residents of the Township;
 - [2] There is no cost of acquisition other than any costs incidental to the transfer of ownership such as title insurance and recording fees; and
 - [3] The Township agrees to and has access to maintain such lands.
 - (b) Where the Township accepts dedication of restricted open space land that contains improvements, the Board of Commissioners may require the posting of financial security to ensure structural integrity of said improvements as well as the functioning of said improvements for a term not to exceed 18 months from the date of acceptance of dedication. The amount of financial security shall not exceed 15% of the actual cost of installation of said improvements.
- (2) Homeowners' association. The restricted open space land and associated facilities may be held in common ownership by a homeowners' association. The homeowners' association shall be formed and operated under the following provisions:
 - (a) The developer shall provide a description of the homeowners' association including its bylaws and methods of maintaining the open space.
 - (b) The homeowners' association shall be organized by the developer and shall operate with financial subsidization by the developer, before the sale of any lots within the development.
 - (c) Membership in the homeowners' association shall be appurtenant to the real estate and mandatory for all purchasers of homes therein and their successors. The conditions and timing of transferring control of the homeowners' association from developer to homeowners shall be identified.
 - (d) The developer shall organize the homeowners' association pursuant to the applicable Pennsylvania statutes, and the developer shall supply proof of its organization and operation to the Township's administration prior to the Township agreeing to accept dedication of any of the public improvements.
 - (e) The homeowners' association shall be responsible for maintenance and insurance on common open space land, enforceable by liens placed by the homeowners' association. Maintenance obligations also may be enforced by the Township which may place liens to recover its costs. Any governmental body with jurisdiction in the area where the development is located may place liens on the owners of the open space to collect unpaid taxes.
 - (f) The members of the homeowners' association shall share equitably the costs of maintaining and developing such common land. Shares shall be defined within the homeowners' association declaration or bylaws. Homeowners' association

dues shall be structured to provide for both annual operating costs and to cover projected long-range costs relating to the repair of any capital facilities (which shall be deposited in a sinking fund reserved for just such purposes).

- (g) In the event of a proposed transfer, within the methods here permitted, of common open space land by the homeowners' association, or of the assumption of maintenance of such land by the Township, notice of such action shall be given to all property owners within the development.
 - (h) The homeowners' association shall have or hire adequate staff to administer common facilities and properly and continually maintain the common open space land.
 - (i) The homeowners' association may lease open space lands to any other qualified person, or corporation, for operation and maintenance of such lands, but such a lease agreement shall provide:
 - [1] That the residents of the development shall at all times have access to the open space lands contained therein (except that access to land that is actively farmed shall be limited to times of the year when the fields are fallow);
 - [2] That the common open space land to be leased shall be maintained for the purposes set forth in this chapter; and
 - [3] That the operation of open space facilities may be for the benefit of the residents only, or may be open to the residents of the Township, at the election of the developer and/or homeowners' association, as the case may be.
 - (j) The lease shall be subject to the approval of the Board of Commissioners, and any transfer or assignment of the lease shall be further subject to the approval of the Board of Commissioners. Lease agreements so entered upon shall be recorded with the Recorder of Deeds of Allegheny County within 30 days of their execution, and a copy of the recorded lease shall be filed with the Secretary of the Township.
 - (k) Homeowners' association documentation demonstrating compliance with the provisions herein shall be filed with the final subdivision and land development plans. At the time of preliminary plan submission, the applicant shall provide draft homeowners' association documentation with sufficient detail to demonstrate feasible compliance with this section.
- (3) Condominiums. The restricted open space land and associated facilities may be held in common through the use of condominium agreement(s) approved by the Board of Commissioners. Such agreement shall be in conformance with the Pennsylvania Uniform Condominium Act. All common open space land shall be held as "common elements" or "limited common elements." To the degree applicable, condominium agreement(s) shall comply with the provisions of § 240-90B(2) above, set forth for homeowners' associations. Condominium agreement(s) shall be filed with the final subdivision and land development plans. At the time of preliminary plan submission,

the applicant shall provide draft condominium agreement(s) with sufficient detail to demonstrate feasible compliance with this section.

- (4) Dedication of easements. The Township may, but shall not be required to, accept easements for public use of any portion or portions of restricted open space land, title of which is to remain in common ownership by a condominium or homeowners' association, provided:
 - (a) The land is accessible to Township residents;
 - (b) There are no costs of acquisition other than any costs incidental to the transfer of ownership, such as title insurance; and
 - (c) A satisfactory maintenance agreement is reached between the developer, condominium or homeowners' association and the Township.
- (5) Transfer of easements to a private conservation organization. With the permission of the Township, an owner may transfer easements to a private nonprofit organization recognized by the Township, among whose purposes it is to conserve open space and/or natural resources, provided that:
 - (a) The organization is acceptable to the Board of Commissioners and is a bona fide conservation organization with perpetual existence;
 - (b) The conveyance contains appropriate provisions for proper reversion or retransfer in event that the organization becomes unwilling or unable to continue carrying out its functions; and
 - (c) A maintenance agreement acceptable to the Board of Commissioners is entered into by the developer and the organization.
- (6) Private ownership of restricted open space. Restricted open space may be retained in ownership by the applicant or may be transferred to other private parties, subject to compliance with all standards and criteria for restricted open space herein.
 - (a) All or portions of the designated restricted open space, where permitted by the Board of Commissioners, may be included within or divided among one or more of the individual lots. Where deemed appropriate, the Commissioners may require that responsibility for maintenance of restricted open space be conferred upon and/ or divided among the owners of one or more individual lots.

C. Required open space management plan.

- (1) Any application for conditional use approval of the open space design option, under this article shall contain a conceptual plan for the long-term management of the restricted open space which is to be created as part of the development. Such a plan shall include a discussion of: the manner in which the restricted open space will be owned and by whom it will be managed and maintained; the conservation, land management and agricultural techniques and practices which will be used to conserve and perpetually protect the restricted open space, including conservation plan(s)

approved by the Allegheny County Conservation District, where applicable; the professional and personnel resources that will be necessary in order to maintain and manage the property; the nature of public or private access that is planned for the restricted open space; and the source of money that will be available for such management, preservation and maintenance on a perpetual basis. The adequacy and feasibility of the conceptual management plan, as well as its compatibility with the open space resource protection objectives of § 240-90A shall be a factor in the approval or denial of the conditional use application by the Board of Commissioners.

- (2) The conceptual management plan shall be transformed into a more detailed open space management plan and presented to the Township for review and approval with the preliminary subdivision and/or land development plan. The Board of Commissioners may require that the management plan be recorded, with the final subdivision and land development plans, in the Office of the Recorder of Deeds of Allegheny County. In order to allow for the changing needs inherent in the perpetual management of land, the management plan shall contain a provision to the effect that it may be changed by written application to the Board of Commissioners so long as the proposed change is feasible and consistent with the purposes of preservation of open space set forth in this article and so long as the plan for such change avoids a likelihood of the obligation for management and maintenance of the land falling upon the Township without the consent of the Board of Commissioners, and the approval of the Board of Commissioners in that regard shall not be unreasonably withheld or delayed.

D. Open space financial security.

- (1) All landscape improvements, plantings, accessways, and recreational facilities within designated open space areas shall be provided by the developer, as applicable. Financial security shall be required to cover costs of all installation of proposed improvements in the open space area. The financial security shall be in the same form and adhere to the same conditions as otherwise required for proposed improvements under the Township Subdivision and Land Development Ordinance.
- (2) An appropriate portion of the financial security will be applied by the Township should the developer fail to install the planting or recreational facilities.

240-91. Application content.

At the time of filing an application for conditional use approval, all application requirements of the Township Subdivision and Land Development Ordinance⁴ for preliminary approval of a subdivision or land development shall be met. Once conditional use approval has been granted, final approval of the subdivision or land development pursuant to all requirements of the Township Subdivision and Land Development Ordinance shall be required. In addition to the requirements of the Township Subdivision and Land Development Ordinance, an application for conditional use approval shall include the following information:

- A. Application for conditional use and preliminary approval of a subdivision or land development. In addition to the requirements of § 240-93 of this chapter for approval of a conditional use application and the requirements of the Township Subdivision and Land

Development Ordinance for a preliminary application, the application for an open space design option shall include the following:

- (1) Density and open space calculations as required by § 240-88 of this chapter.
- (2) Plans that demonstrate compliance with the setbacks specified in § 240-88 of this chapter.
- (3) Landscaping plan showing compliance with buffer area requirements of § 240-89 of this chapter.
- (4) Areas designated as restricted open space as required by § 240-90 of this chapter.
- (5) Open space management plan required by § 240-90 of this chapter.

B. Application for final approval of a subdivision or land development approved as an open space design option. Following conditional use approval of an open space design option and preliminary approval of a subdivision or land development, the applicant may proceed with an application for final approval under the terms of the Township Subdivision and Land Development Ordinance, provided the following is submitted with the application for final approval.

- (1) A final plat that shows compliance with all terms and conditions of the conditional use approval and preliminary plan approval.
- (2) Open space financial security as required by § 240-90 of this chapter.
- (3) Final open space management plan and any easements necessary to preserve and maintain open space in a form acceptable to the Township Solicitor and ready for recording in the Recorder of Deeds Office.
- (4) Final homeowners' association documents, condominium agreements or other legal agreements for ownership and maintenance of the open space.
- (5) Building elevation drawings for all principal structures, other than single-family dwellings.