

OFFICIAL

**TOWNSHIP OF MOON
ORDINANCE NO. ____**

AN ORDINANCE OF THE TOWNSHIP OF MOON, ALLEGHENY COUNTY, PENNSYLVANIA, AMENDING CHAPTER 208 OF THE MOON TOWNSHIP CODE OF ORDINANCES, ZONING, TO: (i) AMEND THE TOWNSHIP ZONING MAP TO CHANGE THE ZONING DISTRICT DESIGNATION OF CERTAIN PROPERTIES NOW OR FORMERLY OWNED BY MONTOUR PARK ASSOCIATES HOLDINGS LP, CHEVRON U.S.A., INC. AND GMTN MOON TOWNSHIP, LLC; (ii) TO MAKE "LABORATORY" A CONDITIONAL USE IN THE B-P BUSINESS PARK ZONING DISTRICT AND TO ESTABLISH CERTAIN EXPRESS STANDARDS AND CRITERIA FOR SUCH LABORATORY USE; (iii) TO REMOVE THE TERM "CORPORATE OFFICE" FROM TABLE 1 OF THE ZONING ORDINANCE; (iv) TO CLARIFY AND MODIFY THE DEFINITION AND EXPRESS STANDARDS AND CRITERIA FOR A BUSINESS OR PROFESSIONAL OFFICE USE AND ADD A DEFINITION OF A MECHANICAL PENTHOUSE FOR ROOFTOP EQUIPMENT; AND (v) TO CLARIFY AND EXPAND THE LIST OF EXCEPTIONS OF WHAT IS A STRUCTURE FOR PURPOSES OF CALCULATING BUILDING HEIGHT, AND TO ESTABLISH AND AMEND DEFINITIONS FOR CERTAIN TERMS.

WHEREAS, the Pennsylvania Municipalities Planning Code, 53 P.S. §10101, *et seq.*, as amended, authorizes the Township of Moon (the "Township") to regulate zoning and land use in the Township; and

WHEREAS, Chapter 208 of the Moon Township Code of Ordinances, Zoning, as amended, (the "Zoning Ordinance") regulates zoning and land use in the Township consistent with the Pennsylvania Municipalities Planning Code in order to maintain, preserve and protect the public health, safety and welfare; and

WHEREAS, on August 16, 2013, the Township received a request from Chevron U.S.A., Inc. to:

(i) change the zoning district designation of two contiguous parcels of property owned now or formerly by Montour Park Associates Holdings LP and Chevron U.S.A., Inc., located along and to the East of Market Place Boulevard, currently designated as Allegheny County Block & Lot Nos. 413-A-101 and 413-E-150 (the "Subject Property A"), from C-2 Highway Commercial District to B-P Business Park District, as delineated on the map attached hereto and incorporated herein as Exhibit "A";

(ii) amend the definition of the term "Laboratory" in the Zoning Ordinance;

(iii) make "Laboratory" a conditional use in the B-P Business Park District and add the same to Table 1 of the Zoning Ordinance;

(iv) amend §208-209 of the Township's Zoning Ordinance to exclude rooftop equipment, screening of rooftop equipment, and mechanical penthouses as structures for purposes of calculating the height of structures;

(v) re-name and amend the definition of the term "Business, Professional Office or Administrative Office" in the Zoning Ordinance; and

(vi) remove the term "Corporate Office" as a use in Table 1 of the Zoning Ordinance.

WHEREAS, the Township Board of Supervisors desires to amend the Zoning Ordinance in order to: (a) change the zoning district designation of the Subject Property A and adjoining Market Place Boulevard Extension from C-2 Highway Commercial District to B-P Business Park District; (b) change the zoning district designation of property owned now or formerly by GMTN Moon Township, LLC, located along and to the East of Market Place Boulevard, currently designated as Allegheny County Block & Lot No. 498-D-25 (“Subject Property B”), from C-2 Highway Commercial District to M-X Mixed-Use District, as delineated on the map attached hereto and incorporated herein as Exhibit “B”; (c) change (1) the definition of the term “Laboratory” and (2) the name and definition of the term “Business, Professional Office or Administrative Office” as more fully set forth below; (d) make “Laboratory” a conditional use in the B-P Business Park District; and (e) designate express standards and criteria for Laboratory conditional use; and

WHEREAS, the Township Board of Supervisors recognizes that rooftop equipment, screening of rooftop equipment, and mechanical penthouses are distinct from the buildings upon which they are constructed because they are designed solely to provide utility and public safety services and functions for the buildings to which they are connected or to protect rooftop equipment from the elements in order to extend the equipment’s longevity, as the case may be, and are neither designed, nor are permitted to be used, as space regularly occupied by employees or other building occupants, and the express inclusion of rooftop equipment, screening of rooftop equipment, and mechanical penthouses is a natural clarification and expansion of the list of exceptions already enumerated in §208-209 of the Zoning Ordinance for purposes of calculating the height of structures; and

WHEREAS, the Township Board of Supervisors desires to remove the term “Corporate Office” as a specific use in Table 1 of the Zoning Ordinance, as it is not a defined term in the Zoning Ordinance, and as the Board of Supervisors finds that the definition of the term “Business or Professional Office,” as re-named and re-defined herein, captures any use that fairly falls within the meaning of the term “corporate office;” and

NOW, THEREFORE, the Board of Supervisors of the Township of Moon hereby ordains and enacts as follows, incorporating the above recitals by reference:

Section 1. The Zoning Ordinance is amended by revising the Township Zoning Map contained therein to change the zoning district designation of the Subject Property A, and all of Market Place Boulevard Extension from its intersection with Market Place Boulevard along the eastern side of Market Place Boulevard to its terminus, and the portion of Market Place Boulevard that abuts Subject Property A, from C-2 Highway Commercial District to B-P Business Park District as delineated on the map attached hereto and incorporated herein as Exhibit “A”.

Section 2. The Zoning Ordinance is amended by revising the Township Zoning Map contained therein to change the zoning district designation of the Subject Property B, and the portion of Market Place Boulevard that abuts Subject Property B, from C-2 Highway Commercial District to M-X Mixed Use District as delineated on the map attached hereto and incorporated herein as Exhibit “B”.

Section 3. Section 208-209.C. of the Zoning Ordinance, which expressly enumerates exceptions to what is considered a structure for purposes of measuring the height of any particular structure, is amended by inserting the underlined text and deleting the stricken text as follows:

C. Exceptions. The following shall not be considered structures within the meaning of this section and may be erected to any height, provided that they do not constitute a hazard to the airport: church spires, belfries, monuments, tanks, water and fire towers, stage towers and scenery lofts, cooling towers, ornamental towers, spires, chimneys, elevator bulkheads, smokestacks,

conveyors, ~~and~~ flagpoles, rooftop equipment, screening of rooftop equipment, and Mechanical Penthouses for Rooftop Equipment, whether or not fully enclosed.

Section 4. Section 208-107.B. of the Zoning Ordinance, which sets forth certain terms and definitions for each term, is amended by inserting the underlined text and deleting the stricken text as follows:

~~BUSINESS OR, PROFESSIONAL OFFICE OR ADMINISTRATIVE OFFICE~~ – A building or part of a building in which one (1) or more persons are employed in the management, direction or conducting of business or where professionally qualified persons and their staff serve clients ~~or patients~~ who seek advice, or consultation or treatment, and which may include the administrative offices of a non-profit or charitable organization. A business or professional office shall not include a medical office.

LABORATORY – A building or portion of a building in which are located facilities designed for scientific or technical research, investigation, testing, experimentation, or observation or study, but not facilities for the manufacture or sale of products, except as incidental to the main purpose of the laboratory. A laboratory shall not be considered a medical clinic, as defined by this Chapter.

Section 5. Section 208-835 of the Zoning Ordinance, which sets forth certain express standards and criteria for an office, is amended by inserting the underlined text and deleting the stricken text as follows:

§208-835. Business or Professional Office: Administrative, Business, Corporate and Professional (Not Including Medical).

An business or professional office building shall be a permitted a conditional use subject to the following express standards and criteria:

- A. Buildings adjacent to a private road or driveway shall be located a minimum of 20 feet from the edge of the road.
- B. Primary facades and entries shall front adjacent roads or public walkways.
- C. Side and rear bufferyards shall be maintained in accordance with Bufferyard 1 as defined in §208-213 and Appendix B of this Chapter.
- D. The location and orientation of loading and service areas shall be coordinated to minimize conflicts of vehicular and pedestrian circulation.
- E. Buildings and structures shall be designed to minimize conflicts between uses and shall be constructed in accordance with the Township's Construction Standard Details.
- F. Loading areas shall not be visible from any office use.

- G. Outdoor storage shall not be visible from the primary entrance of an office use.
- H. The ground surface of off-street parking and loading spaces shall be paved with bituminous, brick, concrete or stone block paving material to protect the surrounding neighborhood from inappropriate dust and other disturbances.
- I. Height of proposed buildings housing non-aviation uses shall be subject to the requirements of the Airport Zone Overlay District and approval by the Federal Aviation Administration (FAA).

Section 6. The Zoning Ordinance is amended by adding a new Section 208-862 to set forth certain express standards and criteria for a Laboratory conditional use as follows:

§208-862. Laboratory. A Laboratory shall be a permitted conditional use subject to the following express standards and criteria:

- A. The Laboratory area shall not exceed a maximum of fifteen thousand (15,000) square feet of gross floor area.
- B. The gross floor area of the Laboratory shall not exceed forty (40%) of the gross floor area of the building containing such Laboratory.
- C. Laboratories that store United States Environmental Protection Agency ("USEPA") regulated substances with Reportable Quantities over 100 lbs. are prohibited.
- D. Laboratories that store USEPA regulated substances with Reportable Quantities equal to or less than 100 lbs., which are also liquids or gases at ambient conditions, in quantities greater than the respective Reportable Quantity are prohibited.
- E. Laboratories with the following then current North American Industry Classification System ("NAICS") categories are prohibited: (i) All Other Animal Production (Code 112990); (ii) Biological testing laboratories or services (under Code 541380); (iii) Veterinary Testing Laboratories (Code 541940); and (iv) Pump and Compressor Manufacturing (Code 33391x).
- F. Laboratories shall be designated by the owner with applicable NAICS categories.
- G. The design of the structure containing the Laboratory shall follow the development standards for uses in the B-P Business Park District.
- H. The governing body shall determine that such use will not create detrimental impacts on the surrounding properties, taking into consideration the location and orientation of the Laboratory probable traffic generation, parking needs, generation of noise, dust, odor, vibration, pollution, light or other disturbance or interruption.
- I. The Laboratory shall be located in a Township approved Planned Non-Residential Development.

Section 9. Table 1 of the Zoning Ordinance, which sets forth the permitted uses, conditional uses, and uses by special exception, is amended by inserting the underlined text and deleting the stricken text as follows:

	P Permitted Use C Conditional Use S Use by Special Exception Authorized Land Uses	Residential						Non-Residential								
		R-1	R-1A	R-2	R-3	R-4	R-5	ED	OS	M-1	BP	M-X	RT	C-1	C-2	AP

32	<u>Corporate Office</u>									P	P	P	P			C

67	Laboratory									P	C		P			C

83	<u>Office, Administrative, Business or Professional Office</u>									P	P	P	P	P	P	P

Section 10. Section 208-107(B) of the Zoning Ordinance, which sets forth specific meanings for certain words and terms used in the Zoning Ordinance, is amended by inserting the underlined text as follows:

“MECHANICAL PENTHOUSE FOR ROOFTOP EQUIPMENT – A fully or partially roofed and walled enclosure or screening, constructed on the top of a building solely to enclose heating, ventilation, and air conditioning, electrical, or other mechanical and/or public safety equipment that serves the building on which it is erected, and which is designed to protect such equipment from the elements in order to extend the equipment’s longevity or to provide for the safe year-round maintenance of the equipment, that is neither designed, nor is permitted to be used, as regularly occupied space.”

Section 11. All prior ordinances are hereby repealed in whole or in part to the extent inconsistent herewith.

Section 12. This Ordinance shall take effect in accordance with applicable law.

ORDAINED and **ENACTED** this _____ day of _____, 2013, by the Board of Supervisors of the Township of Moon, in lawful session duly assembled.

ATTEST:

TOWNSHIP OF MOON

Jeanne M. Creese
Township Manager/Secretary
(Seal)

By: _____

Chairman, Board of Supervisors

EXHIBIT "A"

**Map Identifying the revised BP Business Park District
to include Block & Lot Nos. 413-A-101 and 413-E-150
and Market Place Boulevard Extension**

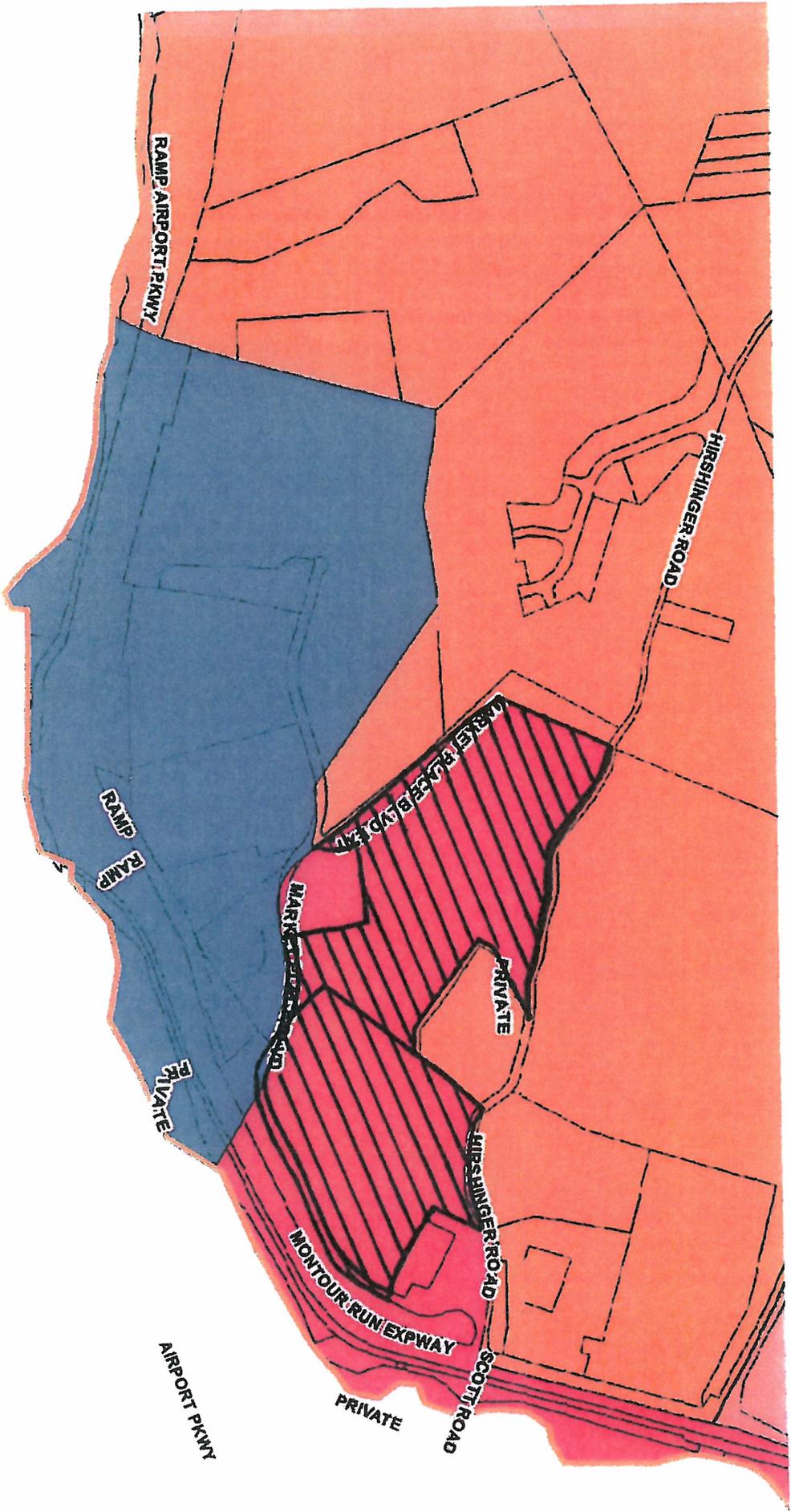
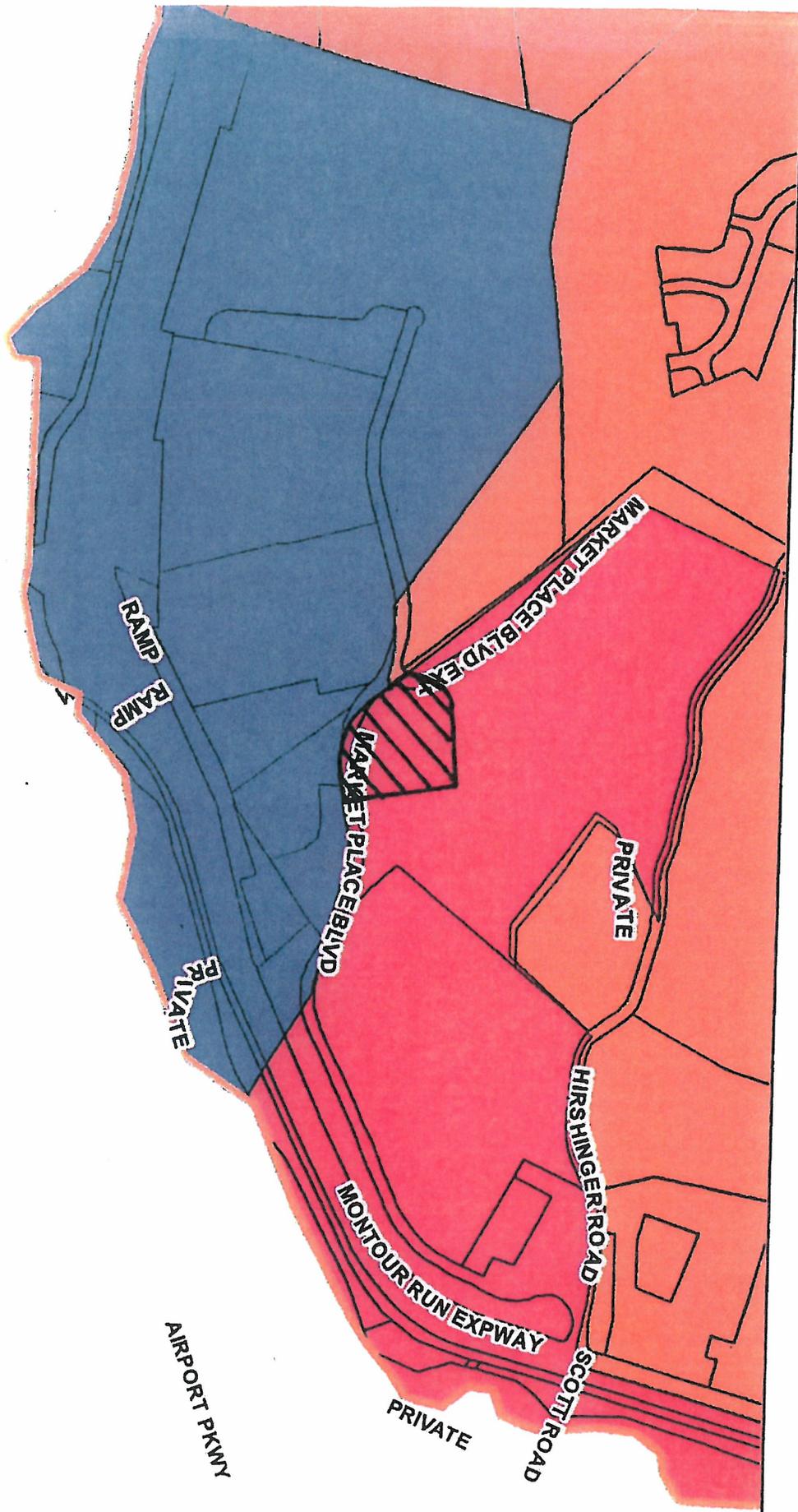


EXHIBIT "B"

**Map Identifying the revised M-X Mixed Use District
to include Block & Lot Nos. 498-D-25**



AIRPORT PKWY

PRIVATE

SCOTT ROAD

MONTOUR RUN EXPWAY

HIRSHINGER ROAD

PRIVATE

MARKET PLACE BLVD

MARKET PLACE BLVD EXT

PRIVATE

RAMP

RAMP

RAMP