§ 130.21. FLOODPLAIN DISTRICTS. [Added 4-7-86 by Ord. No. 1194]

130.21.1. Purpose: To encourage the utilization of appropriate CONSTRUCTION and DEVELOPMENT practices in order to prevent or minimize FLOOD damage in the future; to minimize danger to public health by protecting water supply and natural drainage; and to reduce financial burdens imposed on the community, its governmental units and its residents, by preventing excessive DEVELOPMENT in areas subject to flooding.

130.21.2. General requirements.

130.21.2.1. No encroachment, alteration or improvement of any kind may be made to any watercourse until all adjacent municipalities which may be affected by the action have been notified by the municipality and until all required permits, or approvals have been first obtained from the Department of Environmental Protection, Bureau of Dams, Waterways and Wetlands. In addition, the Federal Emergency Management Agency and the Pennsylvania Department of Community Affairs, Bureau of Community Planning, shall be notified prior to relocation of any watercourse. [Amended 10-2-95 by Ord. No. 1684]

130.21.2.2. Any new CONSTRUCTION, DEVELOPMENT, USES or activities allowed within any IDENTIFIED FLOOD-PLAIN AREA must be undertaken in strict compliance with the provisions contained in this chapter and any other applicable codes, ordinances, and regulations.

130.21.3. Design requirements.

130.21.3.1. Within any FW (Floodway ZONING DISTRICT) the following provisions apply:

130.21.3.1.1. Any new CONSTRUCTION, DEVELOPMENT, USE, activity or encroachment that would cause any increase in FLOOD heights is prohibited.

130.21.3.1.2. No new CONSTRUCTION or DEVELOPMENT will be allowed, unless a permit is obtained from the Department of Environmental Resources, Bureau of Dams and Waterway Management.

130.21.3.2. Within any floodway area of any FA (General FLOODPLAIN ZONING DISTRICT), any new CONSTRUCTION and/or DEVELOPMENT that would cause any increase in FLOOD heights is prohibited. Only those uses and activities provided for in the Floodway ZONING DISTRICT (FW) shall be permitted in any floodway area.
§130.21.3.3 Within any FW (Floodway ZONING DISTRICT), FF (Flood-Fringe ZONING DISTRICT) or FA (General FLOODPLAIN ZONING DISTRICT), all BUILDINGS and STRUCTURES must be located so as to offer the minimum OBSTRUCTION to the flow of water and must be designed to have a minimum effect upon the flow and height of floodwater.

130.21.3.4. Storage. Within any FLOODPLAIN ZONING DISTRICT, all materials that are buoyant, flammable, explosive or, in times of flooding, could be injurious to human, animal or plant life, and not listed in §130.21.4., entitled “DEVELOPMENT which may endanger human life prohibited,” must be stored at or above the REGULATORY FLOOD ELEVATION or floodproofed to the maximum extent possible. [Added 6-2-86 by Ord. No. 1211]

130.21.4. DEVELOPMENT which may endanger human life prohibited. In accordance with the Pennsylvania Floodplain Management Act\(^1\), and the regulations adopted by the Department of Community Affairs as required by the Act, any new or substantially improved STRUCTURE which will be used for the production or storage of any of the following dangerous materials or substances or which will be used for any activity requiring the maintenance of a supply [more than five hundred fifty (550) gallons or other comparable volume or any amount of radioactive substances] of any of the following dangerous materials or substances on the premises is prohibited within any FW (Floodway ZONING DISTRICT), FF (Flood-Fringe ZONING DISTRICT) or FA (General FLOODPLAIN ZONING DISTRICT):

130.21.4.1 Oxidizing materials.

130.21.4.2. Flammable and combustible liquids.

130.21.4.3. Radioactive materials.

130.21.4.4. Explosive materials.

130.21.4.5. Toxic materials, as defined by Chapters 51 and 61 of the Upper St. Clair Township Code.

130.21.4.6. Pyrophoric materials.

130.21.5. Activities prohibited within any FLOODPLAIN. The following activities are prohibited if located entirely or partially within any FW (Floodway ZONING DISTRICT), FF (Flood-Fringe ZONING DISTRICT) or FA (General FLOODPLAIN ZONING DISTRICT):

130.21.5.1. HOSPITALS (public or private).

\(^1\) Editor’s Note: See 58 P.S. § 601.101 et seq.
130.21.5.2. LONG-TERM CARE NURSING FACILITIES (PUBLIC or private). [Amended 10-1-90 by Ord. No. 1453]

130.21.5.3. Jails or prisons.

130.21.5.4. New MOBILE HOMES and PLANNED MOBILE HOME PARK DEVELOPMENTS.

130.21.6. Application requirements. In addition to the APPLICATION FOR DEVELOPMENT required under the regulations of the underlying district, any APPLICATION FOR DEVELOPMENT within any IDENTIFIED FLOODPLAIN AREA must include the following minimum information, plus any other pertinent information as may be required by the TOWNSHIP to make the determinations required by this Section:

130.21.6.1. A plan of the entire site, including the location of any existing bodies of water or watercourses, IDENTIFIED FLOODPLAIN AREAS and, if available, information pertaining to the floodway and the flow of water, including direction and velocities.

130.21.6.2. Plans of all proposed BUILDINGS, STRUCTURES and other improvements, which must show:

130.21.6.2.1. The proposed lowest floor, including basement elevation of any proposed BUILDING, based upon National Geodetic Vertical Datum of 1929.

130.21.6.2.2. The elevation of the ONE-HUNDRED-YEAR FLOOD.

130.21.6.2.3. If available, information concerning FLOOD depths, pressures, velocities, impact and uplift forces and other factors associated with a ONE-HUNDRED YEAR FLOOD.

130.21.6.2.4. Detailed information concerning any proposed floodproofing measures. [Added 10-2-95 by Ord. No. 1684]

130.21.6.3. Detailed information needed to determine compliance with § 130.21.4., entitled “DEVELOPMENT which may endanger human life prohibited,” including:

130.21.6.3.1. The amount, location, and purpose of any materials or substances referred to in § 130.21.4. which are intended to be used, produced, stored, or otherwise maintained on site.
130.21.6.3.2. A description of the safeguards incorporated into the design of the proposed STRUCTURE to prevent leaks or spills of the dangerous materials or substances listed in §130.21.4. during a ONE-HUNDRED-YEAR FLOOD.

130.21.6.4. The appropriate component of the Department of Environmental Resources’ Planning Module for Land Development.

130.21.6.5. Where any excavation or grading is proposed, a plan meeting the requirements of the Department of Environmental Resources to implement and maintain erosion and sedimentation control.
§ 130.22.  GREENWAY DISTRICT [Added 10-1-90 by Ord. No. 1453]

130.22.1.  Purpose.  For the purpose of preserving the character of the TOWNSHIP as a visually attractive, semi-rural setting and to enhance the appearance of the TOWNSHIP as it develops.

130.22.2.  Authorized USES.  CONSTRUCTION within the GREENWAY is limited to DRIVEWAYS, SIGNS, FENCES, retaining walls, lighting fixtures and grading as authorized by the CODE.

130.22.3.  Requirements.  A GREENWAY must be maintained as defined in Article II.  The TOWNSHIP may specify maximum height of vegetation or place other restrictions on the planting or maintenance of vegetation within the GREENWAY to provide clear sight distance from drivers entering the GREENWAY road from intersecting STREETS or DRIVEWAYS.

§ 130.23.  COMMUNICATIONS ANTENNA OVERLAY DISTRICT [Added 8-3-98 by Ord. No. 1774]

130.23.1.  Purpose.  To provide opportunities for desirable placement of COMMUNICATIONS ANTENNAS necessary to meet the communications needs within the TOWNSHIP.

130.23.2.  Authorized USE.  As an ACCESSORY USE by CONDITIONAL USE, the USE, the USE of COMMUNICATIONS ANTENNA accessory to a PUBLIC UTILITY TRANSMISSION POLE, ACCESSORY STRUCTURE or a PRINCIPAL BUILDING is authorized.  [Amended 4-5-99 by Ord. No. 1795]

130.23.3  Requirements.

130.23.3.1.  Application requirements.  An APPLICATION shall include:

130.23.3.1.1.  A certification from a registered engineer that the proposed installation will not exceed the structural capacity of the pole or BUILDING upon which the COMMUNICATIONS ANTENNA is proposed to be located.

130.23.3.1.2.  Detailed construction and elevation drawings indicating how the COMMUNICATIONS ANTENNA will be mounted on the PUBLIC UTILITY TRANSMISSION POLE or BUILDING.

130.23.3.1.3.  Documents necessary to ensure access for the purpose of installation and maintenance, and a description of the methods of access.
130.23.3.1.4. Authorization of the LANDOWNER of the LOT to install the COMMUNICATIONS ANTENNA and any STRUCTURE accessory to the COMMUNICATIONS ANTENNA.

130.23.3.1.5. A LANDSCAPE PLAN.

130.23.3.2. General requirements.

130.23.3.2.1. The addition of the proposed COMMUNICATIONS ANTENNA and related equipment shall not exceed the structural capacity of existing TELECOMMUNICATIONS TOWERS.

130.23.3.2.2. The proposed COMMUNICATIONS ANTENNA shall not cause radio frequency interference with other existing equipment on existing TELECOMMUNICATIONS TOWERS.

130.23.3.2.3. Existing TELECOMMUNICATIONS TOWERS must not have adequate location, space, access, or height to accommodate the proposed equipment or to allow it to perform its function, such that colocation elsewhere is necessary.

130.23.3.2.4. Addition of the proposed COMMUNICATIONS ANTENNA and related equipment would result in electromagnetic radiation from such TELECOMMUNICATIONS TOWERS exceeding standards established by the Federal Communications Commission governing human exposure to electromagnetic radiation, such that colocation elsewhere is necessary.

130.23.3.2.5. The COMMUNICATIONS ANTENNA shall be installed only pursuant to the issuance of a license by the Federal Communications Commission.

130.23.3.2.6. The COMMUNICATIONS ANTENNA shall comply with the requirements of the Federal Communications Commission governing human exposure to electromagnetic radiation.

130.23.3.2.7. The COMMUNICATIONS ANTENNA shall not cause radio frequency interference with other communications facilities located in the Township.

130.23.4. Express standards and criteria for granting CONDITIONAL USE. The CONDITIONAL USE authorized within this ZONING DISTRICT is subject to the general requirements of the district and to the following express standards and criteria.

130.23.4.1. No outside storage of equipment or material is permitted.
130.23.4.2. The COMMUNICATIONS ANTENNA shall be installed in compliance with State and Federal laws, including, without limitation, a license from the FCC.

130.23.4.3. Landscaping shall be installed in accordance with a LANDSCAPE PLAN so as to completely screen the access to underground STRUCTURES or equipment completely from view from any DWELLING or STREET.

130.23.4.4. A COMMUNICATIONS ANTENNA mounted on a PRINCIPAL BUILDING shall be of such type and scale as to match and blend in with the BUILDING, and shall not protrude horizontally from a wall more than three (3) feet.

130.23.4.5. Wire shall be installed within the public utility transmission pole unless to do so is impracticable.

130.23.4.6. For those COMMUNICATIONS ANTENNAS that are mounted on PUBLIC UTILITY TRANSMISSION POLES, any attendant STRUCTURE or equipment other than wiring, necessary to the operation of the COMMUNICATIONS ANTENNA, shall be located underground and within a PUBLIC UTILITY easement or right-of-way. For those COMMUNICATION ANTENNAS that are mounted on a PRINCIPAL BUILDING, the attendant STRUCTURE or equipment may be located either underground or inside a PRINCIPAL BUILDING. When such STRUCTURE or equipment is located underground, the yard requirements of the base ZONING DISTRICT shall not apply.

130.23.4.7. The COMMUNICATIONS ANTENNA shall not exceed five (5) feet in height, two (2) feet in width, and two (2) feet in depth, except that a whip antenna may be up to twenty (20) feet in height.

§ 130.24. SPECIAL BUSINESS-MIXED USE DISTRICT (SB-MU)² [Entire Section Added 12-2-2013 by Ord No. 2104; Amended 4-7-14 by Ord. No. 2110]

130.24.1. Purpose. To allow for an appropriate and innovative mixture of commercial, office, and residential USES, to enhance the compatibility of such USES with each other and with adjacent property in other ZONING DISTRICTS, and to permit those uses authorized in the SB Special Business District.

130.24.2. AUTHORIZED USES.

² Special Business-MIXED USE District (SB-MU) replaces MIXED USE Development (MXUD) that was added 10-3-11 by Ord. No. 2056.
130.24.2.1. PERMITTED USES BY RIGHT.

130.24.2.1.1. PRINCIPAL USES.

130.24.2.1.1.1. Any PERMITTED USE BY RIGHT otherwise permitted in the SB ZONING DISTRICT. See §130.13.2.1.1.

130.24.2.2. CONDITIONAL USES. The following USES are permitted subject to the express standards and criteria in §130.24.3. below.

130.24.2.2.1. PRINCIPAL USES.

130.24.2.2.1.1. Any USE permitted as a CONDITIONAL USE in the SB ZONING DISTRICT.

130.24.2.2.1.2. MIXED USE Development.

130.24.2.2.2. ACCESSORY USES. See §130.7.5.

130.24.2.3. USES BY SPECIAL EXCEPTION: None.

130.24.3. Requirements for MIXED USE Development (MXUD).

130.24.3.1. If an applicant chooses to utilize these MIXED USE Development provisions, then all of the requirements of this Section shall apply. All of the provisions of this Chapter and other TOWNSHIP regulations shall remain in full force, except for provisions modified by this Section.

130.24.3.2. MXUD Eligibility.

130.24.3.2.1. The site must be at least 25 contiguous acres under the same ownership at the time of CONDITIONAL USE approval.

130.24.3.2.2. The applicant is encouraged to employ green building methods, materials, and technology in the design and construction of BUILDINGS and neighborhoods.

130.24.3.2.3. Applicant is strongly encouraged to achieve the highest LEED certification by the U.S. Green Building Council (USGBC) at or above the Silver-level rating as defined by the Leadership in Energy and Environmental Design (LEED) Green Building Rating System for new construction and improvements to existing BUILDINGS.

130.24.3.2.4. Applicant is strongly encouraged to apply for certification for green neighborhood design under the LEED-ND: Leadership in

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Energy and Environmental Design for Neighborhood Development program.

130.24.3.2.5. APPLICANT is strongly encouraged to be consistent with the applicable be-green practices in the Pennsylvania Standards for Residential Site Development, April 2007, as may be amended from time to time.

130.24.3.3. MXUD Compliance with Applicable Ordinances.

130.24.3.3.1. All applicable provisions for PRELIMINARY AND FINAL LAND DEVELOPMENT PLANS in the TOWNSHIP SUBDIVISION AND LAND DEVELOPMENT Ordinance shall apply.

130.24.3.3.2. The TOWNSHIP specifications for PUBLIC AND PRIVATE IMPROVEMENTS and infrastructure shall apply.

130.24.3.3.3. All uses must comply with applicable CONDITIONAL USE Standards and Criteria as specified in this Chapter, except that where existing standards and criteria prohibit vehicular access to U.S. Route 19, such prohibition would not apply to an existing driveway.

130.24.3.3.4. Direct access must be provided from the site to an ARTERIAL STREET. Access to and from the site and all traffic channelization and control must be designed to prevent congestion and to accommodate peak traffic demands without undue hazard or delay. A Traffic Impact Study as outlined in Chapter 114, SUBDIVISION AND LAND DEVELOPMENT, of the TOWNSHIP CODE must be submitted with the CONDITIONAL USE APPLICATION.

130.24.3.3.5. At the time of APPLICATION for CONDITIONAL USE approval, the APPLICANT shall submit a Master Plan which shall include the following PLANS: BUILDING PLAN; STREET, alley and streetscape PLAN; pedestrian access PLAN; open space and recreational facilities PLAN; landscape PLAN; parking PLAN; utilities PLAN; and phasing PLAN.

130.24.3.3.5.1. Consistent with TOWNSHIP official plan approvals, individual portions of the MIXED USE Development may be owned and constructed by different entities, provided there is compliance by all entities with the master PLAN, with the phasing PLAN and with all requirements in DEVELOPMENT agreements.
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130.24.3.5.2. The exact location of STREETS, drives and parking lots shall not be binding upon the SUBDIVISION/LAND DEVELOPMENT PLANS that are submitted later, so long as such PLANS are generally consistent with the circulation system shown on the master PLAN.

130.24.3.6. All APPLICANTS may submit sketch PLANS for all MIXED USE Development proposals. Such PLANS may be informally reviewed as conceptual PLANS in order to provide an opportunity for the TOWNSHIP to make suggestions and recommendations on the design of the proposed DEVELOPMENT.

130.24.3.7. Available residential use categories may include SINGLE FAMILY DWELLINGS, SINGLE FAMILY ATTACHED DWELLINGS, TWO FAMILY DWELLINGS, MULTI-FAMILY DWELLINGS not to exceed five stories or a total of 20 units in any one BUILDING, or any of the above types of DWELLINGS in the form of a PLANNED RESIDENTIAL DEVELOPMENT.

130.24.3.7.1. In the event that a PLANNED RESIDENTIAL DEVELOPMENT is proposed, the procedural and/or substantive criteria set forth in §130.12.4 (PLANNED RESIDENTIAL DEVELOPMENTS in the R-5 district) and §130.35 shall apply in lieu of any other provisions to that part of the SITE designated as residential, except that the minimum SITE size for such a PLANNED RESIDENTIAL DEVELOPMENT shall be five acres, which acreage may include land used for open space or conservation purposed.

130.24.3.7.2. In the event that single family residential BUILDINGS are proposed that are not part of a PLANNED RESIDENTIAL DEVELOPMENT, then the requirements of §130.10 pertaining to SINGLE FAMILY DWELLINGS in the R-3 district shall be applied.

130.24.3.8. Any non-residential USE shall meet the requirements on shipping and receiving otherwise applicable within the ZONING DISTRICT.

130.24.3.9. MXUD APPLICATION Requirements.

130.24.3.9.1. Narrative Report Submission for CONDITIONAL USE Approval.

130.24.3.9.1.1. Project Narrative.
130.24.3.3.9.1.1.1. A statement with graphics and exhibits indicating how the proposed APPLICATION promotes a MIXED USE Development integrated with the community, and meets the Design Guidelines.

130.24.3.3.9.1.1.2. A description of the project including, but not limited to, the name, location, acreage, DEVELOPMENT attributes/characteristics, USES, gross density, and COMMON OPEN SPACE.

130.24.3.3.9.2. Master PLAN Submission for CONDITIONAL USE Review Process. The master PLAN is not required to include the same level of engineering detail as a preliminary subdivision PLAN. Stormwater and parking calculations, construction details, grading plans, erosion and sedimentation control plans, profiles, exact BUILDING shapes, locations and setbacks, interior lot lines and similar engineering details are not required at the master PLAN stage. The master PLAN will accurately show existing conditions and the feasibility of the proposed layout for all uses on the entire SITE. The master PLAN may be amended and updated so long as it is in compliance with ordinance standards then in effect at the time of such amendment or update.

130.24.3.3.9.2.1. Manual of Design Guidelines. A Manual of Design Guidelines shall be prepared and submitted by the APPLICANT pertaining to such specific proposed features as architecture, building materials, FENCING, walls, landscaping, SIGNS, STREETS, pedestrian circulation, parking, lighting and streetscape. Said Manual shall be consistent with the General Design Standards for the MIXED USE Development set forth in this Ordinance and shall be submitted for review by the PLANNING COMMISSION and approval by the BOARD OF COMMISSIONERS. The Manual of Design Guidelines shall include specific requirements for BUILDING design and architecture and shall include Graphic Designs to demonstrate the following:

130.24.3.3.9.2.2. Landscaping along STREETS, in front of BUILDINGS and in parking lots.
130.24.3.3.9.2.3. Location of parking lots to the rear and side of BUILDINGS, except where an alternate location would reduce traffic impact on nearby residentially owned property or on COMMON OPEN SPACE.

130.24.3.3.9.2.4. An interconnected STREET network within the DEVELOPMENT.

130.24.3.3.9.2.5. BUILDING width/HEIGHT, BUILDING location, streetlights.

130.24.3.3.9.2.6. COMMON OPEN SPACE and BUILDING materials.

130.24.3.3.9.3. SITE Plan. A separate plan sheet shall be submitted to depict the overall layout of the MIXED USE Development, the proposed USES and parking, areas of COMMON OPEN SPACE, and areas reserved for stormwater management.

130.24.3.3.9.4. Conceptual BUILDING PLAN. A separate PLAN sheet shall be submitted to depict the proposed BUILDING program including:

130.24.3.3.9.4.1. The proposed PRINCIPAL and ACCESSORY USES, the gross area of all USES, the BUILDING HEIGHTS, the total LOT AREA and LOT COVERAGE, existing and proposed.

130.24.3.3.9.4.2. Architectural elevations for all proposed BUILDING types.

130.24.3.3.9.4.3. Color sketches and renderings depicting the proposed architectural character and streetscape character of the MIXED USE DEVELOPMENT.

130.24.3.3.9.4.4. BUILDING elevations with labeling to indicate all proposed BUILDING materials, windows and doors, roofs, dormers, pilasters, piers, green building design, and the like, to the extent known at the time of CONDITIONAL USE APPLICATION.

130.24.3.3.9.5. STREET, DRIVEWAY, and Streetscape PLAN.
§ 130.24.3.9.5.1. A separate PLAN sheet shall be submitted to depict the proposed interconnected STREET and DRIVEWAY network. Such plan shall indicate all STREET, rights-of-way, and DRIVEWAY widths.

§ 130.24.3.9.5.2. Such PLAN shall indicate all materials, depths of pavement courses, and gradients.

§ 130.24.3.9.5.3. The PLAN shall indicate the location of all proposed bike lanes and bike paths, if any.

§ 130.24.3.9.5.4. Such PLAN shall also indicate the locations for all proposed street furniture, such as benches, planters, bicycle racks, and waste receptacles.

§ 130.24.3.9.5.5. Such PLAN shall indicate connections to adjoining STREETS.

§ 130.24.3.9.5.6. Such PLAN shall indicate proposed traffic calming measures.

§ 130.24.3.9.6. Pedestrian Orientation and Pedestrian Access PLAN.

§ 130.24.3.9.6.1 A separate PLAN sheet shall be submitted to depict the proposed interconnected network for pedestrian access including sidewalks, pathways, trails, crosswalks, and bike paths.

§ 130.24.3.9.6.2. Such PLAN shall indicate all sidewalk, crosswalk, and path widths, materials and gradients.

§ 130.24.3.9.7. Open Space and Recreational Facilities PLAN. A separate PLAN sheet shall depict all proposed COMMON OPEN SPACE, including recreational facilities, greens, plazas, squares, civic art, green court lots, natural areas, and the like. Where feasible, a public gathering place such as a plaza, courtyard or square shall be included.

§ 130.24.3.9.8. Landscape PLAN.

§ 130.24.3.9.8.1. A separate PLAN sheet shall be submitted to depict all proposed landscape features.
130.24.3.9.8.2. The landscape PLAN shall indicate all plant types, size and quantities as well as the types, sizes, and materials for all paving, walls, benches, and other STRUCTURES.

130.24.3.9.8.3. A landscape PLAN for the entire tract shall be required and shall be in accordance with this Chapter of the CODE. It is required that a Landscape Architect licensed by the Commonwealth of Pennsylvania be retained to complete such a PLAN to ensure the proper species, use and arrangement of plant material. The preservation of existing trees that are mature and healthy shall be maintained for landscaping purposes in any area where landscaping is required.

130.24.3.9.9. Parking PLAN.

130.24.3.9.9.1 A separate PLAN sheet shall be submitted to depict proposed location and materials for all parking. Such PLAN shall list the number of PARKING SPACES proposed in relation to the proposed use(s) and shall indicate the parking needs of all proposed USES; any shared parking; the times of maximum and minimum expected USE; and the compatibility with adjoining USES to minimize conflicts.

130.24.3.9.9.2. The parking PLAN shall illustrate a dispersal of PARKING AREAS to the maximum extent possible in order to minimize large expanses of parking lots.

130.24.3.9.9.3. On-street PARKING SPACES may be counted toward the overall parking requirement whenever such parking is located within 300 feet of the BUILDING being served by such parking.

130.24.3.9.10 Utilities PLAN. A separate PLAN sheet shall be submitted to depict all proposed utilities. Such PLAN shall indicate all proposed types, sizes, and materials of utilities that are proposed.

130.24.3.9.11. Phasing PLAN. A separate PLAN sheet shall be submitted to depict proposed staging or phasing of the total LAND DEVELOPMENT and all of the USES and MIXED USE
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proposed, if the DEVELOPMENT will be phased over a period greater than two years.

130.24.3.3.9.12. Other Documentation for Final PLAN Approval. When an APPLICATION for final land development PLAN is submitted, all information listed under §130.24.3.3.9.2. above shall be submitted in final form.

130.24.3.3.9.13. Modifications. As part of the CONDITIONAL USE process, the BOARD OF COMMISSIONERS may modify any dimensional or parking related requirement, provided that the APPLICANT demonstrates that the modification will result in improved design, stormwater management, traffic circulation, open space preservation, landscaping or other desirable features of the proposed MIXED USE without detriment to the public health or safety.

130.24.3.4. MXUD General Design Standards. Design and DEVELOPMENT in the MIXED USE DEVELOPMENT shall comply with the following design standards:

130.24.3.4.1. Guiding principles in the MIXED USE DEVELOPMENT are as follows:

130.24.3.4.1.1. Provide for an integrated mixture of RETAIL, office and residential USES on one SITE, with a consistent and architectural theme.

130.24.3.4.1.2. The Gross Leasable Area (GLA) of a single RETAIL tenant or occupant shall not exceed 55,000 square feet.

130.24.3.4.1.3. Provide effective and attractive buffers and other techniques to increase compatibility between new DEVELOPMENT and existing adjacent single-family properties.

130.24.3.4.1.4. Diversify the TOWNSHIP’S housing stock by offering duplex, quadplex, townhouse or multi-family housing options.

130.24.3.4.1.5. Create a pedestrian-friendly residential, office and RETAIL environment.

130.24.3.4.1.6. Provide one or more gathering places such as a plaza, courtyard, square, gazebo, pavilion or public or private gardens.

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130.24.3.4.1.7. Install and maintain trees and lighting to promote shady, green areas and an inviting and safe streetscape/parking/public space environment both day and night.

130.24.3.4.1.8. Provide permanent open space. At least 5% of the SITE shall be preserved as perpetual open space by means of covenants or conveyance to the TOWNSHIP. The open space may consist of any portion of the SITE not including areas on which STRUCTURES, non-vegetated stormwater facilities, STREETS, stormwater detention ponds, or off-street PARKING AREAS are located. Stormwater management facilities such as rain gardens, which are a landscape feature, can be a part of the open space.

130.24.3.4.1.9. Improve traffic circulation adjacent to the SITE where feasible, and accomplish property DEVELOPMENT with a minimum of new curb cuts.

130.24.3.4.1.10. Expand business opportunities along the Route 19 corridor.

130.24.3.4.1.11. All BUILDINGS on the SITE shall follow a consistent architectural and visual theme.

130.24.3.4.1.12. Commercial BUILDINGS refuse containers must be designed and screened, in locations accessible for collection and removal, so as not to be odorous to adjacent residential USES.

130.24.3.4.1.13. All lighting shall be designed to shield adjacent residential properties from glare. A photometric PLAN shall be submitted for approval.

130.24.3.4.2. The Manual of Design Guidelines for the MIXED USE DEVELOPMENT Overlay, as submitted by the APPLICANT shall be submitted for review and recommendation by the PLANNING COMMISSION and subsequently submitted to the BOARD OF COMMISSIONERS for approval or denial.

130.24.3.4.3. STREET and DRIVEWAY Network.

130.24.3.4.3.1. A network system of interconnected STREETS and drives shall be created to effectively accommodate vehicular, pedestrian, and bicycle circulation.
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§ 130.24.3.4.3.2. All streets, drives and streetscape elements shall be designed in accordance with specifications within the PUBLIC AND PRIVATE IMPROVEMENTS CODE.

130.24.3.4.3.3. Parking shall be accommodated on-street (parallel and angled) where feasible.

130.24.3.4.3.4. One hundred percent of parking for attached and MULTI-FAMILY DWELLINGS shall be accessed by side or rear service lanes, and approved on-street parking, unless the APPLICANT can demonstrate that it is not feasible to physically locate a service lane due to topographic or hydraulic conditions, in which case at least 80% of such parking shall be accessed by side or rear service lanes and/or on-street parking, or unless rear or side access would cause vehicles accessing the parking to travel closer to nearby residentially used property or to COMMON OPEN SPACE, in which case all parking may be accessed by front entry and/or on street parking.

130.24.3.4.3.5. Easements shall be provided for access for mail delivery, trash pickup, utilities and maintenance.

130.24.3.4.3.6. Drive through facilities shall be designed to minimize conflicts with sidewalks.

130.24.3.4.4. BUILDING Width/Proportion/HEIGHT

130.24.3.4.4.1. Attached dwellings or MULTI-FAMILY DWELLINGS shall not exceed 185 feet along the primary façades, unless designed with primary façade offsets with one to four foot recess or projection at intervals of 20 to 32 feet.

130.24.3.4.4.2. Staggered HEIGHTS. No more than two adjoining non-residential BUILDINGS shall have the same BUILDING HEIGHT so as to create visual interest. BUILDING HEIGHTS shall vary by at least two feet for non-residential BUILDINGS. In addition, non-residential BUILDINGS and townhomes with flat roofs shall have a parapet wall of at least four feet to provide visual interest.

130.24.3.4.4.3. Individual non-residential BUILDINGS shall be no wider than 48 feet, unless designed with primary façade offsets with one-to-four-foot recess or projection at intervals of 20 to 32 feet.

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130.24.3.4.4. No PRINCIPAL BUILDING shall exceed three and one-half stories in HEIGHT (except for multi-family BUILDINGS which may be five stories).

130.24.3.4.4.5. PRINCIPAL BUILDINGS shall be a minimum of two stories and/or 20 feet in HEIGHT.

130.24.3.4.5. BUILDING Location, STREET Wall and Build-To Line in Residential Areas. The streetscape character of the MIXED USE DEVELOPMENT is to be enhanced in residential portions, where feasible, by BUILDINGS located close to the sidewalk (the STREET wall) to promote a pedestrian-friendly frontage. Other STRUCTURES, such as a wall, could be placed at the build-to line to create the streetscape character.

130.24.3.4.5.1. The STREET wall of any BUILDING shall be the same location as the adjoining BUILDINGS on the block within a MIXED USE DEVELOPMENT in order to promote a continuation of the streetscape character and space.

130.24.3.4.5.2. Whenever a front porch, portico, or stoop is involved, it shall be placed on the build-to line, except as described below.

130.24.3.4.5.3. The build-to line may vary in order to provide variety and diversity in BUILDING location relative to the STREET, with recess or projection of up to six feet.

130.24.3.4.5.4. On a CORNER LOT, the build-to line shall be on both sides of the lot on which the BUILDING has STREET frontage.

130.24.3.4.5.5. At least 80% of the total number of single-family detached and duplex DWELLINGS shall have a porch along the primary façade. Unenclosed porches shall measure at least 5 feet deep and 12 feet wide.

130.24.3.4.5.6. Attached DWELLINGS shall have a portico that measures at least 6 feet deep and 6 feet wide.

130.24.3.4.5.7. BUILDINGS shall anchor corners where STREETS and/or alleys intersect unless a pedestrian-accessible village green, a plaza, square, park, or green court lot at STREET corners is proposed.

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130.24.3.4.5.8. The first floor elevation of single-family detached and attached DWELLINGS shall be at least 24 inches and no more than 42 inches above the sidewalk grade in order to promote privacy.

130.24.3.4.5.9. For purposes of this Section, the build-to line shall mean the line parallel to the STREET along which the primary mass of the BUILDING front façade should be set. The build-to line for residential BUILDINGS shall be a maximum of 20 feet from the STREET, except that a greater distance may be permitted to accommodate a plaza, square or other common public area, landscaping, fire hydrants or other utility infrastructure, or pedestrian/bicycle features.

130.24.3.4.5.10. For commercial or office BUILDINGS fronting an interior STREET, the FRONT YARD setback shall be 20 feet.

130.24.3.4.6. Parking: Off-Street. In addition to otherwise applicable parking, the following shall apply:

130.24.3.4.6.1. Off-street PARKING SPACES and off street parking lots for residential DEVELOPMENT shall be located to the rear or side of BUILDINGS, except where an alternate location would reduce traffic impact on nearby residentially used property or COMMON OPEN SPACE. Any off-street parking for non-residential DEVELOPMENT shall be screened as set forth below.

130.24.3.4.6.2. Off-street parking lots shall never be located at a street corner, except for structured parking.

130.24.3.4.6.3. Off-street PARKING AREAS that are visible from the STREET shall be screened as set forth herein. A low wall, FENCE and hedges shall be installed and permanently maintained at the STREET wall line to screen PARKING AREAS to help maintain streetscape character.

130.24.3.4.7. Parking: On-Street. On-street parking is intended to insulate pedestrian traffic from vehicular traffic.

130.24.3.4.7.1. On-street parking may be placed along curbs and STREETS to increase the availability of parking.

130.24.3.4.7.2. On-street PARKING AREAS located within 300 feet of the USE may count toward the required number of PARKING SPACES, if the APPLICANT can demonstrate that
such parking is actually available and has not been counted by a previous LANDOWNER or tenant.

130.24.3.4.7.3. On-street parking shall be prohibited on the cartway of an alley or service drive.

130.24.3.4.8. Sidewalks, Walkways, Trails, Crosswalks, and Other Pedestrian Linkages. Sidewalks are intended to create a continuous pedestrian walkway network. Sidewalks provide a critical element of the streetscape and public realm of the MIXED USE DEVELOPMENT.

130.24.3.4.8.1. Sidewalks shall be placed on both sides of all STREETS to enhance pedestrian circulation. Sidewalks shall connect to adjoining public roads.

130.24.3.4.8.2. Sidewalks shall have the following minimum widths:

130.24.3.4.8.2.1. Five feet in residential areas;

130.24.3.4.8.2.2. Fifteen feet in commercial areas with outdoor dining;

130.24.3.4.8.2.3. Six feet in other non-residential areas.

130.24.3.4.8.3. Handicapped curb cut ramps for sidewalks shall be installed and maintained at all STREET intersections in accordance with ADA requirements.

130.24.3.4.8.4. Sidewalks shall be maintained and repaired on an on-going basis by the lot owner and/or adjoining lot owner, and/or homeowners’ association, and/or the property owners’ association.

130.24.3.4.8.5. Crosswalks shall be at least five feet in width or wider if the adjoining sidewalk is wider, physically and visually distinctive to facilitate pedestrian circulation at STREET corners, and constructed of stamped concrete, masonry pavers, or approved equal.

130.24.3.4.9. Streetlights.

130.24.3.4.9.1. Streetlights shall be required along all STREETS servicing commercial activity and shall be no higher than 16 feet, and shall be placed in an alternating or staggered arrangement at an
average interval of 79 to 105 feet in a uniform pattern to provide safety and convenience. [Amended 7-3-17 by Ord. No. 2170]

130.24.3.4.9.2. Streetlight types, locations, and intensities shall be in character with the pedestrian-oriented MIXED USE DEVELOPMENT streetscape, and shall be in accordance with existing lighting requirements, and shall be alternating with STREET tree locations.

130.24.3.4.10. STREET Trees and Other Landscaping. STREET trees are intended to add charm, beauty and shade to STREETS. STREET trees also provide a landscape architectural compliment to the architectural alignment of BUILDINGS.

130.24.3.4.11. COMMON OPEN SPACE.

130.24.3.4.11.1. Village greens, plazas, squares, and parks shall be provided in accordance with the following:

130.24.3.4.11.1.1. The minimum percentage of COMMON OPEN SPACE shall be 5%.

130.24.3.4.11.1.2. Plazas and squares shall be in the range of 1,000 to 3,000 square feet or greater in area.

130.24.3.4.11.1.3. Village greens and green courts shall be in the range of 3,000 to 10,000 square feet or greater in area.

130.24.3.4.11.1.4. Tot lots and pocket parks shall be at least 10,000 square feet in area.

130.24.3.4.11.1.5. Playgrounds shall be at least 10,000 square feet in area.

130.24.3.4.11.1.6. At least one gazebo or pavilion shall be provided.

130.24.3.4.11.1.7. For lands intended to be open to the public, all required open space shall have provisions for entry with a 15 foot minimum width by pedestrians from a street open to the public or form permanent open space that has access to a STREET.
§130.24.3.4.12. Signage. All signage must be applied for and approved in accordance with applicable TOWNSHIP signage regulations. No signage will be approved through the MIXED USE DEVELOPMENT CONDITIONAL USE or LAND DEVELOPMENT process.

130.24.3.4.13. Utilities.

130.24.3.4.13.1. All new utilities shall be underground.

130.24.3.4.13.2. All cable TV boxes, meters, and the like shall be located to the rear of properties and shall be screened.

130.24.3.4.14. BUILDING Materials – Exterior Façade. BUILDING materials may not include:

130.24.3.4.14.1. Large split face masonry units, larger than four inch by sixteen;

130.24.3.4.14.2. Tilt-up concrete masonry units;

130.24.3.4.14.3. Prefabricated rolled steel wall panels;

130.24.3.4.14.4. Standard concrete masonry units.

130.24.3.4.15. PERIMETER SETBACKS and Buffers. A minimum PERIMETER SETBACK of 100 feet and a minimum landscape BUFFER AREA of 50 feet shall apply along perimeter property lines of the original tract which abuts property in a residential ZONING DISTRICT provided that where the perimeter of the property abuts a PUBLIC STREET, a minimum PERIMETER SETBACK of 50 feet and landscape BUFFER AREA of 15 feet shall apply. Open PARKING AREAS and DRIVEWAYS are permitted within the required PERIMETER SETBACK area, but are not permitted in a landscape BUFFER AREA, except that a driveway accessing a PUBLIC STREET is permitted in such area.

130.24.3.4.16. Use, Density, Unit Mix and COMMON OPEN SPACE Regulations.

130.24.3.4.16.1. USES.

130.24.3.4.16.1.1. Residential USES. Only the following residential USES are permitted and more than one of the residential USES shall be provided:
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ZONING

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Single-family detached DWELLINGS.
SINGLE-FAMILY ATTACHED DWELLINGS.
TWO-FAMILY DWELLINGS.
MULTI-FAMILY DWELLINGS, not to exceed 20 units in any one BUILDING.

130.24.3.4.16.1.2. Non-Residential USES. Only the following non-residential USES are permitted:

Art, antique and interior decorating shops
BAKERIES
Banks and other financial institutions
Business Services
Catering Services
DOMESTIC PET Shops
DAY CARE CENTERS
Drugstores and Pharmacies
Florists
FOOD STORES
HEALTH CLUBS
LAUNDRY AND DRY-CLEANING
MASSAGE THERAPY ESTABLISHMENTS – Same as C1 Zoning district. See 130.14.3.2.6 MASSAGE THERAPY ESTABLISHMENT. [Added 10-2-17 by Ord. No. 2177]
Music Stores
PARKING FACILITIES
PERSONAL SERVICES
PHOTOGRAPHIC STUDIOS
PRINTING SHOPS
PROFESSIONAL OFFICE and Commercial Office USES. For purposes of this Section, a commercial office USE shall include corporate, sales or other business or nonprofit offices.
Restaurant
RETAIL
SUPERMARKETS
Veterinary hospitals

130.24.3.4.16.2. USE Composition.

130.24.3.4.16.2.1. No more than 75% of the gross tract area shall be devoted to non-residential USE. This area shall include the acreage for BUILDINGS, off-street parking and stormwater management.
130.24.3.4.16.2.2. Table of Development & Dimensional Requirements.

<table>
<thead>
<tr>
<th>Requirement</th>
<th>Requirement</th>
</tr>
</thead>
<tbody>
<tr>
<td>Dwellings per gross acre</td>
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<tr>
<td>Minimum open space</td>
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<td>Maximum Building HEIGHT (stories)</td>
<td>Multi-family dwelling – 5 stories</td>
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<td>All other – 3 stories</td>
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<td>Maximum Building HEIGHT (feet)</td>
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<td>All other – 45 feet</td>
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<td>Minimum percentage of SITE acreage for residential use</td>
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§130.25 AIRPORT HAZARD DISTRICT [Entire Section Added 10-1-12 by Ord. No. 2074]

130.25.1 Purpose: The purpose is to create an AIRPORT HAZARD Overlay District that considers safety issues around the Allegheny County Airport, regulates and restricts the HEIGHTS of constructed STRUCTURES and objects of natural growth, creates appropriate zones, establishing the boundaries thereof and providing for changes in the restrictions and boundaries of such zones, creates the permitting process for USE within said zones and provides for enforcement, assessment of violation penalties, an appeals process, and judicial review.

130.25.2 Relation to Other Zone Districts.

130.25.2.1 The AIRPORT HAZARD Overlay District shall not modify the boundaries of any underlying ZONING DISTRICT. Where identified, the AIRPORT HAZARD Overlay District shall impose certain requirements on land USE and CONSTRUCTION in addition to those contained in the underlying ZONING DISTRICT.

130.25.3 Permit APPLICATIONS.

130.25.3.1 As regulated by Act 164 and defined by 14 Code of Federal Regulations Part 77.13(a) (as amended or replaced), any person who plans to erect a new STRUCTURE, to add to an existing STRUCTURE, or to erect and
maintain any object (natural or manmade), in the vicinity of the airport, shall first notify the Pennsylvania Department of Transportation’s (PennDOT) Bureau of Aviation (BOA) by submitting PennDOT Form AV-57 to obtain an OBSTRUCTION review of the proposal at least 30 days prior to commencement thereof. The PennDOT’s BOA response must be included with this permit APPLICATION for it to be considered complete. If PennDOT’s BOA returns a determination of no penetration of airspace, the permit request should be considered in compliance with the intent of this Overlay Ordinance. If the PennDOT’s BOA returns a determination of a penetration of airspace, the permit shall be denied, and the project sponsor may seek a VARIANCE from such regulations as outlined in §130.25.4.

130.25.3.2. No permit is required to make maintenance repairs to or to replace parts of existing STRUCTURES which do not enlarge or increase the HEIGHT of an existing STRUCTURE.

130.25.3.3. No notice or review under this section is required for any of the following CONSTRUCTION or alteration:

130.25.3.3.1. 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.

130.25.3.3.2. Any antenna STRUCTURE of 20 feet or less in HEIGHT except one that would increase the HEIGHT of another antenna STRUCTURE.

130.25.3.3.3. 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 functional purpose.

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

130.25.4. VARIANCE.

130.25.4.1. Any request for a VARIANCE shall include documentation in compliance with 14 Code of Federal Regulations Part 77 Subpart B (FAA Form 7460-1 as amended or replaced). Determinations of whether to grant a VARIANCE will depend on the determinations made by the FAA and
PennDOT’s BOA as to the effect of the proposal on the operation of air navigation facilities and the safe, efficient use of navigable air space. In particular, the request for a VARIANCE shall consider which of the following categories the FAA has placed the proposed CONSTRUCTION in:

130.25.4.1.1. No Objection – The subject CONSTRUCTION is determined to not exceed OBSTRUCTION standards and marking/lighting is not required to mitigate potential hazard. Under this determination a VARIANCE shall be granted.

130.25.4.1.2. Conditional Determination – The proposed CONSTRUCTION/alteration is determined to create some level of encroachment into an AIRPORT HAZARD AREA which can be effectively mitigated. Under this determination, a VARIANCE shall be granted contingent upon implementation of mitigating measures as described in §130.25.7 – AIRSPACE OBSTRUCTION Marking and Lighting.

130.25.4.1.3. Objectionable – The proposed CONSTRUCTION/alteration is determined to be a hazard and is thus objectionable. A VARIANCE shall be denied and the reasons for this determination shall be outlined to the APPLICANT.

130.25.4.2. Such requests for VARIANCES shall be granted where it is duly found that a literal application or enforcement of the regulations will result in unnecessary hardship and that relief granted will not be contrary to the public interest, will not create a hazard to air navigation, will do substantial justice, and will be in accordance with the intent of this ordinance.

130.25.5. USE Restrictions.

130.25.5.1. Notwithstanding any other provisions of the TOWNSHIP CODE, no USE shall be made of land or water within the AIRPORT HAZARD Overlay District in such a manner as to create electrical interference with navigational signals or radio communications between the airport and aircraft, make it difficult for pilots to distinguish between airport lights and others, impair visibility in the vicinity of the airport, create bird strike hazards or otherwise endanger or interfere with the landing, takeoff or maneuvering of aircraft utilizing the Allegheny County Airport.

130.25.6. Pre-Existing NON-CONFORMING USES.

130.25.6.1. The regulations prescribed by this section of the TOWNSHIP CODE shall not be construed to require the removal, lowering or other change or alteration of any STRUCTURE or TREE not conforming to the regulations as of
the effective date these regulations are adopted by the TOWNSHIP of Upper St. Clair, or otherwise interfere with the continuance of a NON-CONFORMING USE. No NON-CONFORMING USE shall be structurally altered or permitted to grow higher, so as to increase the non-conformity, and a NON-CONFORMING USE, once substantially abated (subject to the underlying zoning ordinance,) may only be reestablished consistent with the provisions herein.

130.25.7. AIRSPACE OBSTRUCTION Marking and Lighting.

130.25.7.1. Any permit or VARIANCE granted pursuant to the provisions of this section of the TOWNSHIP CODE may be conditioned according to the process described in §130.25.4 to require the owner of the STRUCTURE or object of natural growth in question to permit the municipality, at its own expense, or require the person requesting the permit or VARIANCE, to install, operate, and maintain such marking or lighting as deemed necessary to assure both ground and air safety.

130.25.8. Severability.

130.25.8.1. If any of the provisions of this section of the TOWNSHIP CODE or the APPLICATION thereof to any person or circumstance are held invalid, such invalidity shall not affect other provisions or applications of the CODE which can be given effect without the invalid provision or APPLICATION, and to this end, the provisions of this section of CODE are declared to be severable.
Figure 1: Part 77 Surface Areas

![Diagram of Conical Surface and Plan View](image)

### FAR Part 77 "Imaginary Surfaces" Dimension Requirements

<table>
<thead>
<tr>
<th>Runway Type</th>
<th>Conical Surface (L1)</th>
<th>Horizontal Surface (L2)</th>
<th>Approach Surface Length (L1)</th>
<th>Approach Surface Width (W1)</th>
<th>Other Width (W2)</th>
<th>Approach Slope</th>
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1. Runway Type: V = Visual approach 30:1
2. Runway Type: NP = Nonprecision approach 34:1
3. Runway Type: NP 3/4 = Nonprecision approach with visibility minimums as low as 3/4 statute miles 34:1

Note: L1 is the length of the RPZ and W2 is the outer width of the RPZ as defined by approach visibility minimums.

Source: Federal Aviation Administration
PAGES 429-430 RESERVED FOR FUTURE USE.