

ORDINANCE NO. 744

Zoning Ordinance

of the

Borough of Castle Shannon

Adopted June 11, 1990

Effective July 1, 1990

THE BOROUGH OF CASTLE SHANNON ZONING ORDINANCE

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**BOROUGH OF CASTLE SHANNON**  
**ALLEGHENY COUNTY, PENNSYLVANIA**

**ORDINANCE NUMBER 744**

**PREAMBLE**

THIS ORDINANCE IS ADOPTED TO PROMOTE AND PROTECT THE PUBLIC HEALTH, SAFETY, COMFORT, CONVENIENCE, PROSPERITY AND OTHER ASPECTS OF THE GENERAL WELFARE. THESE GENERAL GOALS INCLUDE, AMONG OTHERS, THE SPECIFIC PURPOSES SET FORTH IN THE STATEMENT OF INTENT OF THE VARIOUS REGULATIONS FOR THE VARIOUS REGULATION DISTRICTS FOR THE RESPECTIVE DISTRICTS. THIS ORDINANCE REENACTS AND REVISES ORDINANCE NUMBER 552 OF THE BOROUGH OF CASTLE SHANNON.

THE BOROUGH COUNCIL OF THE BOROUGH OF CASTLE SHANNON HEREBY ENACTS AS FOLLOWS:

**ARTICLE 100 - GENERAL PROVISIONS**

Section 101 **TITLE, GENERAL INTENT, ESTABLISHMENT OF CONTROLS**

101.1 **Long Title**

An ordinance to establish zoning regulations for the use of land and structures, area of lots, bulk of buildings and other structures, the density of population, the provision of off-street parking and loading spaces and similar accessory regulations for the Borough of Castle Shannon, Allegheny County, Pennsylvania, and for such purposes to divide the Borough into zoning districts; and further, to provide for administrative enforcement and amendment thereof, in accordance with the provision of the Borough Code and Pennsylvania Municipalities Planning Code and to repeal all ordinances in conflict herewith. This ordinance includes Articles 100 through 900, as contained herein and made a part hereof.

101.2      Short Title

This ordinance shall be known and may be cited as the Zoning Ordinance of the Borough of Castle Shannon, Allegheny County, Pennsylvania.

101.3      General Intent

The zoning regulations and districts set forth in this Ordinance are made in accordance with a Comprehensive Plan for the general welfare of the Borough of Castle Shannon and are intended to achieve, among others, the following purposes: to lessen congestion in the streets, to secure safety from fire and other dangers, to provide adequate light and air, to prevent the over-crowding of the land, to avoid undue concentration of population, to facilitate adequate provisions for transportation, water, sewerage, schools, parks and other public requirements, as well as the conservation of the value of land and buildings, and to encourage a broader tax base within the

Borough. These were made with reasonable consideration, among other things, of the existing character of the various areas, their respective suitability for particular land uses, and with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the Borough of Castle Shannon.

101.4      Interpretation of Zoning Standards

In interpreting and applying the provisions of this Ordinance, they shall be held to be the minimum requirements for the promotion of the public health, safety and welfare of the Borough.

101.5      Community Development Objectives

This Ordinance is adopted in accordance with the provisions of Pennsylvania Act 247 of 1968, as amended by Act 170 of 1988, hereinafter referred to as the Municipalities Planning Code, and is intended to promote an orderly plan of development according to established comprehensive plans for the Borough including data on existing conditions, statements concerning the proposed Long Range Plan as amended, and evaluations of implementation

techniques. The Borough intends to use the Long-Range Comprehensive Plan as amended, as a guideline in establishing the provisions, regulations and controls contained in this Zoning Ordinance. Since, however, the Comprehensive Plan is a flexible document, the Borough Council shall not always be bound to the provisions of the Long-Range Comprehensive Plan in making major changes in future zoning districts. However, the Borough shall also for due cause or reason, make similar appropriate changes in the Long-Range Plan for the Borough. The Community Development Objectives of the Borough of Castle Shannon are clearly explained in Chapter 3 of the Comprehensive Development Policy Plan for the Borough of Castle Shannon, dated November 1, 1963, as further amended by the July 1988 Comprehensive Development Policy Plan amendment for the Borough of Castle Shannon.

101.6 Establishment of Controls  
Minimum and Uniform Regulations

The regulations set by this Ordinance within each district shall be minimum regulations and shall apply uniformly to each class or kind of structure or land.

For New Uses and Structures

In all districts, after the effective date of this Ordinance, any new building or other structure on any tract of land shall be constructed, developed and used only in accordance with the regulations specified for each district.

For Existing Uses and Structures

In all districts, after the effective date of this Ordinance, any existing building or other structure, or any tract of land which is not in conformity with the regulations for the district in which it is located shall be deemed as non-conforming and subject to the regulations of this Ordinance.

Type of Control

The following minimum and uniform regulations shall apply in the respective districts:

Use regulations, including uses by right, conditional uses and uses by special exception; area and bulk regulations, including required front, side and rear yards; maximum permitted height and allowable lot coverage, and floor area ratio requirements in those districts in which they apply; off-street parking and loading regulations; sign regulations; and special regulations dealing with open space, storm water management, landscaping, storage, access and traffic control, and lighting.

101.7 Establishment of Districts

Types of District

For the purpose of this Ordinance, the entire Borough of Castle Shannon is hereby divided into the following districts:

Residential Districts

- R-1 Single Family Residential District
- R-2 Single and Two Family Residential District
- R-3 High-Density Residential District
- R-P Planned Residential Development District

Commercial Districts

- C-1 General Commercial District
- C-2 Central Commercial District
- C-3 Restricted Commercial District
- C-4 Planned Unit Development District

Industrial District

- I Industrial District

101.8 The Zoning District Map

Adoption of Zoning Map

The areas within the Borough limits as assigned to each district and the location of boundaries of the districts established by this Ordinance are shown on the Zoning Map, which is declared to be a part of this ordinance, and shall be kept on file with the Building Official.

### District Boundary Lines

The district boundary lines shall be as shown on the Zoning Map. District boundary lines are intended to coincide with lot lines, center lines of streets, the limits of the Borough, or as dimensioned on the map. In case of doubt or disagreement concerning the exact location of the boundary line, the determination of the Zoning Hearing Board as provided in Article 800 shall prevail.

### Boundary Tolerances

Where a district boundary line divides a lot held in single and separate ownership at the effective date of the ordinance, the use regulations applicable to the more restrictive district shall apply.

#### 101.9 Annexed Land

All land annexed to the Borough after the effective date of this ordinance shall be automatically classified as an R-1 Single Family Residential District, and shall remain so classified until a zoning plan for the annexed area has been adopted by the Borough Council. The Planning Commission shall recommend to the Borough Council appropriate zoning for the annexed area within ninety (90) days of the effective date of such annexations.

#### 101.10 Separability

Should any section or provision of this ordinance be declared by the courts to be unconstitutional or invalid for any reason, such decision shall not affect the validity of the ordinance as a whole or the validity of any other section or provision of the ordinance other than the one so declared.

#### 101.11 Repeal of Conflicting Ordinances

The existing Borough of Castle Shannon Zoning Ordinance as amended, or parts thereof, which are contrary to the provisions of this ordinance are hereby repealed to the extent necessary to give this ordinance full force and effect.

101.12 (A) Interpretation of Regulations

The interpretation of the regulations of this Ordinance is intended to be such that whenever these requirements are at variance with any other lawfully adopted rules, regulations, ordinances, deed restrictions or covenants, as such particularly refer to area and bulk regulations the most restrictive requirements shall govern.

(B) Ordinance Not Repealed

Nothing in this Ordinance shall be construed to affect or repeal:

(i) Ordinance 679, enacted May 24, 1982

Section 102 DEFINITIONS, INTERPRETATIONS OF REGULATIONS

102.1 Language Interpretations

For the purposes of this Ordinance, certain words shall have the meaning assigned to them, as follows:

Words used in the present tense include the future. The singular number includes the plural and the plural the singular.

The word "building" includes "structures" and any part thereof.

The phrase "used for" includes "arranged for", "designed for", "intended for", "maintained for", or "occupied for".

The word "person" includes an individual, corporation, partnership, incorporated association or any other entity of any kind and nature whatsoever.

The word "includes" or "including" shall not limit the term to the specified example, but is intended to extend its meaning to all other instances of like kind and character.

Words in the masculine gender shall include the feminine and the neuter gender.

102.2 Definitions

The following words and phrases shall have the meaning given in this section, as follows, except that all definitions included in the Municipalities Planning Code are incorporated herein:

Accessory Structure

A subordinate structure, the use of which is customarily incidental to that of the principal building and which is used for an accessory use, and which is located on the same lot as the previous structure. Accessory structures include but are not limited to:

Central air conditioning unit which shall be located to the rear or to the top of the primary structure and which in no case shall be located closer to any property line than fifteen (15) feet.

Children's playhouse, garden house, gazebo, or private greenhouse;

Civil defense shelter serving not more than two (2) families;

Garage, shed, or building for domestic or commercial storage as permitted in the applicable zoning district;

Fence; sign.

Accessory Use

A use conducted on the same lot as a principal use to which it is related; a use which is clearly incidental to, and customarily found in connection with a particular principal use.

Addition

An extension or increase -in floor area or height of a building or structure.

Advertising Sign

(See Sign, and Billboard)

### Alterations, Non-Structural

Alterations include, but are not limited to incidental changes in or replacements to the non-structural parts of a building or other structure, enlargements whether by extending on a side or by increasing the height, or the moving from one location to another.

### Alterations, Structural

A change or rearrangement in the structural parts or in the means of egress; or an enlargement, whether by extending on a side or by increasing in height; or the moving from one location or position to another.

### Amusement Establishment

Any structure within which are kept, for use as games, entertainment, amusement, or other public patronage, jukebox, pinball, and video machines.

### Approved

Approved by the Building Official or other authority having jurisdiction.

### Area of Building

The area included within surrounding exterior walls (or exterior walls and fire walls) exclusive of open courts. Areas of the building not provided with surrounding walls shall be included in the building area if included within the horizontal projection of the roof or floor above.

### Automobile Laundry

A structure used for the purposes of cleaning or reconditioning the exterior and/or interior surfaces of automotive vehicles, but not including an incidental one-bay washing facility in a gasoline service station, where washing facilities are purely incidental to the operation of said service station. A self-operated vehicular laundry and facility not requiring attendance or employees, regardless of capacity, is also considered to be an automobile laundry. Any

automobile laundry located in the Borough of Castle Shannon shall require appropriate paved, off-street parking spaces with a capacity sufficient to handle a number of vehicles equal to the 45 minute capacity of the maximum hourly operation of the auto washing facility.

#### Awning

A shelter projecting from and supported by the exterior wall of a building constructed of nonrigid materials on a supporting framework.

#### Basement (or Cellar)

That portion of a building which is partly or completely below grade (see "Story Above Grade").

#### Billboard

A sign other than one indicating a business conducted on the premises, a sign upon which advertising matter of any character is printed, posted or lettered and it may be either free-standing or attached to a surface of a building or other structure.

#### Board

All references to the Board are to "The Zoning Hearing Board" created by this Ordinance, or previous Zoning Ordinance of the Borough of Castle Shannon.

#### Buffer Area

A strip of land which is planted and maintained in shrubs, bushes, trees, grass or other landscaping material and within which no parking lot or parking space and no structure or building is permitted except a wall or fence. A sign may be permitted in a buffer area so long as the sign complies with all other provisions regarding signs.

### Building

Any structure used or intended for supporting any use or occupancy.

### Building Heights

(See Height of Building)

### Building Line

The line established herein, beyond which a building or structure shall not extend.

### Building Official

The officer or other designated authority charged with the administration and enforcement of this code, or a duly authorized representative.

### Building Setback Line

An established line within a property defining the minimum required distance between the face of any structure or accessory structure to be erected and an adjacent right-of-way or street line. This face as measured to the major portion of the structure includes sun parlors, foyers, bay windows, porches, projecting eaves, dormers, gutters, and is contiguous with the front yard lines. However, if an existing building line has been previously established, the building setback line shall be based upon an average overall depth as determined from existing structures located on lots or parcels to either side of the proposed building.

### Building Site

The area occupied by a building or structure, including required yards, buffer strips, parking areas, driveways, etc.

### Bulk

The volume of building or structure indicating the total space enclosed by the exterior walls and roof.

Care Facility

A Child Day Care Center, Child Group Day Care Center, Family Day Care Home, Foster Care Home, Group Care Home, Small Personal Care Boarding Home or other facility providing similar services.

Carport

A partially enclosed accessory structure used for the purpose of parking an automobile. Such structure may be free-standing but is normally attached to the primary structure on at least one side.

Cart way

(See Roadway)

Cellar

(See Basement)

Center Line of Street

(See Street Center Line)

Certificate of Use and Occupancy

The certificate issued by the Building Official which permits the use of a building or lot in accordance with the approved plans and specifications and which certifies compliance with the provisions of law for the use and occupancy of the building in its several parts together with any special stipulations or conditions of the zoning permit.

Change of Use

An alteration by change of use in a building heretofore existing to a new use group which imposes other special provisions of law governing building construction, equipment, or means of egress; or, the change of use of a building, structure, or lot here to before existing to a new use requiring the application of different criteria under the regulations set forth herein.

### Child Day Care Center

A facility licensed and approved, as applicable, by the Commonwealth of Pennsylvania, County of Allegheny, and/or Borough of Castle Shannon, providing care for twelve (12) or more children at any one time. The child care area shall not be used as a family residence area. Care shall be rendered to minors only. Care shall be rendered without any restrictions on the hours of operation, This definition excludes care provided by relatives of the minor and care furnished in places of worship during religious services.

### Child Group Day Care Home

A facility licensed and approved, as applicable, by the Commonwealth of Pennsylvania, County of Allegheny, and/or Borough of Castle Shannon, providing care for more than six (6) but less than twelve (12) minors. The child care area may also be used as the family residential area. Care can be rendered during a part of the day, but care cannot be rendered in the fashion so that minors spend the night at the facility. This definition excludes care provided by relatives of the minor and the care furnished in places of worship during religious services.

### Club and Clubhouse

A non-profit association of persons who are bona fide members paying periodic dues, which owns, hires or leases a building or lot, or portion of either or both, the use of which is primarily restricted to members and their guests.

### Code Official

(See Building Official)

### Conditional Uses

Conditional uses are those uses in a particular zoning district which may be allowed or denied by the Borough Council of the Borough of Castle Shannon pursuant to public notice and hearing and recommendations by the Planning Commission and

pursuant to express standards and criteria set forth in this Ordinance. In allowing a conditional use, the Council may attach such reasonable conditions and safeguards, in addition to those expressed in the ordinance, as it may deem necessary to implement the purposes of the Municipalities Planning Code and this Ordinance.

#### Condominium Apartment or Condominium

A multiple dwelling where each dwelling unit in the structure is individually owned and the owner of each unit has an undivided interest in the common areas and facilities of the structures and surrounding grounds.

#### Continuation

The permissible uninterrupted prologation of a use which is rendered non-conforming by this Ordinance provided that it remains otherwise lawful.

#### Convalescent Homes

An institution or building for the in-patient long-term care of convalescent or postoperative patients, including therewith full-time nursing care.

#### Corner Lot

A lot bounded on at least two sides by streets. The owner or developer of a corner lot may specify which street line shall be the front lot line, unless front lines are established for abutting properties. In those lots, the front lot line shall be located on the side having principal access. The required setback on all sides bounded by a street shall equal the building setback line of the district in which the corner lot is situated.

#### Council

All reference to the Council are to the "Council of the Borough of Castle Shannon".

### Court

An open, uncovered and unoccupied space on the same lot with a building and enclosed wholly or partly by buildings, walls, or other enclosing devices.

Inner - Any court enclosed wholly by buildings, walls or other enclosing devices.

Outer - A court extending to and opening upon a street, public alley, or other approved open space, not less than 15 feet wide, or upon a required yard.

### Coverage

(See Lot Coverage)

### Detached House

A "detached house" is a single-family dwelling on a lot which has yard area on all four sides.

### Detention Facility

Any building, whether owned or operated by a public or private entity, where persons are detained, incarcerated, or held in custody by any law enforcement officer or other agency or person pursuant to court order, warrant or otherwise.

### Dwelling

Any building which is designed for or occupied in whole or in part as the dwelling unit of one (1) or more persons, either permanently or temporarily. A basement or foundation alone shall not be used as a dwelling. A dwelling may be any one of the following:

#### Single-Family

A building designed for and occupied exclusively as a single detached dwelling unit in such a manner that the unit is surrounded on four sides by yard area.

### Two-Family

A building designed and occupied exclusively as two dwelling units, with one dwelling unit wholly or partly over the other, and with both units surrounded on four sides by yard area (i.e., two dwelling units stacked vertically).

### Boarding House

A building arranged or used for lodging, with or without meals, for compensation and not occupied as a single-family dwelling.

### Dormitory

A space in a building where group sleeping accommodations are provided for persons not members of the same family group, in one room, or in a series of closely associated rooms.

### Hotel

Any building containing six or more guest rooms, intended or designed to be used, or which are used, rented or hired out to be occupied or which are occupied for sleeping purposes by guests on a daily basis.

### Motel Hotel

An hotel which contains sufficient on-lot parking to meet the requirements contained herein.

### Apartment Hotel

An hotel the rooms in which are occupied on a long-term basis and are not available for daily rental, wherein the guests are furnished services including dining room and maid service.

### Duplex

A building designed and occupied exclusively as two dwelling units in such a manner that each unit is surrounded on three sides by yard area and so constructed that one wall is on the side lot line and abuts the neighboring dwelling unit.

### Multiple

A building used or designed as three or more dwelling units, including apartment houses, apartment hotels, flats and group houses, but not as a residence for transients.

### Dwelling Unit

A single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.

### Dwelling Unit Density

The maximum number of dwelling units permitted per acre or per lot.

### Easement

A right-of-way granted for limiting private land for a public or quasi-public purpose, and within which the property owner shall not erect any permanent structure, but shall have the right to make any other use of the land which is not inconsistent with the rights of the grantee.

### Enlargement

An addition to the floor area of an existing building, an increase in size of another structure, or an increase in that portion of a tract of land occupied by an existing use.

### Essential Services

The erection, construction, alteration or maintenance by public utilities or municipal or other governmental agencies, of underground or overhead gas, electrical, steam or water transmission or distribution system, collection, communication, supply or disposal systems and their associated structures.

### Facade

The entire building front including the parapet.

### Family

A single person occupying a dwelling unit and maintaining a household; two (2) or more persons related by blood or marriage or adoption occupying a dwelling unit and sharing common kitchen and cooking facilities, living together and maintaining a common household; not more than three (3) unrelated persons occupying a dwelling unit and sharing common kitchen and cooking facilities and living together and maintaining a common household as considered reasonably appropriate for a family related by blood, marriage, or adoption; and not more than two (2) unrelated persons when residing with at least two (2) persons related by blood, marriage, or adoption.

### Family Day Care Home

A facility licensed and approved, as applicable by the Commonwealth of Pennsylvania, County of Allegheny, and/or Borough of Castle Shannon. The child care facility shall be the family residence of the resident who shall be the care giver. This facility may either be profit or nonprofit. Said services are to be provided to more than three (3) but not more than six (6) children in any one day and hours of operation shall be limited to 6:00 a.m. through and including 7:00 p.m., prevailing time. Care to be given to minors only. No more than one (1) assistant may be employed. No signs are permitted. This definition excludes care provided by relatives of the minor and the care furnished in places of worship during religious services.

Fence

A barrier constructed of materials other than shrubbery and erected for the purpose of protection, confinement, enclosure or privacy.

Floor Area, Gross

Gross floor area shall be the floor area within the perimeter of the outside walls of the building under consideration, without deduction for hallways, stairs, closets, thickness of walls, columns, or other features.

Floor Area, Net

Net floor area shall be the actual occupied area, not including accessory unoccupied areas or thickness of walls.

Foster Care Home

A facility licensed and approved as applicable by the Commonwealth of Pennsylvania, County of Allegheny, and/or Borough of Castle Shannon. This facility shall be a single-family dwelling and shall be supervised by an applicable Court system, or other governmental agency. This facility shall serve no more than three (3) minors who are placed in the home by the applicable Court system or governmental agency. This definition excludes care provided by relatives of the minor and the care furnished in places of worship during religious services.

Front Yard

(See Yard, Front)

Front Yard Line

(See Yard Line, Front)

Frontage, Lot

The length of the property line of any one premise along a public right-of-way on which it borders.

Frontage, Building

The length of an outside building wall on a public right-of-way.

Garden Apartment

A dwelling unit which is generally located in a structure containing not less than four (4) and up to eighteen (18) dwelling units; usually not exceeding three (3) stories in height; sometimes designed around courts or common green spaces; often having private balconies or patios; and frequently exhibiting different facades and design features between structures in a garden apartment complex.

Garage

A building or structure in which one or more motor vehicles are stored, but not for the repairs or maintenance thereof. A garage may take the following forms and conform with all other applicable Borough Ordinances:

Private:

An accessory structure, which is either a one story accessory building or an integral part of a dwelling, which is used for the storage of one or more motor vehicles owned and used by the owner or tenants of the lot on which it is erected, and which is without provision for repairing or serving vehicles for profit.

Double:

A private garage having one interior party wall resting on the property line when the double garage serves two lots.

Community:

A single accessory building or group of private garages, one story in height, arranged in a row or surrounding a common means of access for the private use of adjacent property owners or residents of adjacent multiple dwellings in storing their motor vehicles.

### Public Parking

A building structure or parcel or part thereof, other than a private garage for the storage of motor vehicles belonging to persons other than the owners or the occupants of the lot on which it is located and which is without provision for repairing or servicing such vehicles for profit.

### Public Service

A building or structure for the servicing of passenger motor vehicles or commercial motor vehicles, with provision for the dispensing of gasoline, oil or similar products for the servicing of such vehicles, and/or with provision for the care, storage, repair or painting of such vehicles, said vehicles belonging to persons other than the owners or occupants of the lot on which the building or structure is located.

### Gasoline Service Station

(See Garage, Public Service)

### Group Care Home

A facility licensed and approved as applicable by the Commonwealth of Pennsylvania, County of Allegheny, and/or Borough of Castle Shannon. This facility shall be a single-family home that shall provide room and board, personal care, rehabilitation services, and supervision in a family environment to not more than four (4) developmentally disabled persons. A development disability shall be considered one that:

- Is attributable to mental retardation, cerebral palsy, epilepsy, or autism, or;
- Is attributable to any other condition found to be closely related to mental retardation because such condition results in similar impairment of general functioning or adaptive behavior to that of mentally retarded persons, or requires treatment and services similar to those required for such persons, or;

Is attributable to dyslexia resulting from a disability described in clause 1 or 2 above;

And has continued, or can be expected to continue indefinitely.

This facility shall provide around-the-clock living services to the developmentally disabled persons. This definition excludes care provided by relatives of a minor and the care furnished in places of worship during religious services.

Grade

(1) An elevation above an established datum for purposes of excavation, fill, and grading.

(2) A reference plane representing the average of finished ground-level adjoining the building or structure at all exterior walls.

Half Story

A story with a cubic content of not more than fifty (50%) percent of the first story (or ground story) of a building.

Health and Fitness Related Establishment

Any establishment having a source of income or compensation derived from offering a service to the public involving health, healing or fitness related activities, or providing or offering to provide physiological or psychological healing or therapy. This includes, but is not limited to, a health club; martial arts schools that have exercise programs; gyms; exercise clubs; massage establishments and public spas or public hot tubs. This term shall not include any business or establishment operated for the practice of a profession which is licensed by the Commonwealth of Pennsylvania, such as physicians, dentists, nurses, podiatrists, chiropractors, physical therapists, and similar occupations.

Height of Building

The vertical distance measured from grade to the highest point of the roof for flat roofs; to the deck line of mansard roofs; and to the mean height between eaves and ridge for gable, hip, and

gambrel roofs; provided that chimneys, spires, towers, mechanical penthouses, tanks, and similar projections of the building not intended for human occupancy, shall not be included in calculating the height.\* If there are two or more separate roofs on a single building, the height of such building shall be calculated from the highest roof.

\*if such projections individually or in combination do not themselves exceed twelve (12) feet in height

#### Height of Sign

The vertical distance measured from grade to the highest point on the sign, or its supporting structure.

#### High-Rise Structures

A building containing more than two (2) dwelling units or offices and whose height is four (4) stories, or more. For any high-rise structure to be located in the Borough of Castle Shannon which exceeds the height of existing or anticipated fire equipment available in the Borough for fire protection, a certificate of approval from the Pennsylvania Department of Labor and Industry shall be presented by the proposed developer before final site plan approval. In addition, a letter of review by the Fire Chief of the Castle Shannon Volunteer Fire Company shall be presented before preliminary site plan approval as evidence that the Fire Company is aware of the proposed intentions to exceed certain height limitations.

#### Home Occupations

An accessory use of a non-residential nature which is conducted within a dwelling unit by a resident of the dwelling unit, which is clearly incidental and accessory or secondary to the use of the property for residential purposes, and which meets the following additional conditions:

- a. The occupation or activity including the storage of materials shall be carried on wholly within the principal building.
- b. No more than one (1) paid assistant not residing at the resident household shall be employed at the location of the home

occupation. Said paid assistant may not be involved in the actual manufacturing or production of a product(s).

- c. There shall be no exterior display or sign except a nameplate not exceeding two (2) square feet and attached to the principal building, no exterior storage of materials and no other exterior indication of the home occupation or variation from the residential character of the lot or of the surrounding neighborhood.
- d. No offensive odor, noise, vibration, smoke, dust, heat or glare shall be produced.
- e. The home occupation shall not generate traffic, including truck deliveries, in any greater volume than would normally be expected in a residential neighborhood.
- f. Any need for parking generated by the home occupation shall be met by off-street parking accommodations and shall be in accordance with the regulations of this ordinance.  
No more than two vehicles of a non-resident at one time are permitted to be parked off-street if associated with a home occupation.
- g. Employees or persons affiliated with said home occupation, other than the one permitted assistant and residents, shall not report to or meet at such residence.
- h. All home occupations are required to obtain a Certificate of Occupancy.

In particular, a home occupation includes, but is not limited to, the following: art studio, dressmaking, teaching (with musical and art instruction limited to a single pupil at a time), and the professional office of an engineer, architect, or insurance agent. A home occupation specifically does not include: family day care home, dancing studios, art and musical instruction in groups, automotive repairs, barbershops, beauty shops, mortuary establishments, stores, medical, chiropractor, dental offices, group day care homes or care facility. The acceptability or

unacceptability of a home occupation not specifically listed above will be determined by the Building Official in accordance with the provisions set forth above.

#### Junk Yard

An area of land, with or without buildings, used for the storage, outside a completely enclosed building, of used and discarded materials, including but not limited to, waste paper, rags, metal, building materials, house furnishings, machinery, vehicles, or parts thereof, with or without the dismantling processing, salvage, sale or other use or disposition of the same. The deposit or storage on a lot of one or more unlicensed or currently uninspected, wrecked or disabled vehicles, or the major part thereof, shall be deemed to constitute a "junk yard".

#### Landowner

The legal or beneficial owner or owners of land including the holder of an option or contract to purchase (whether or not such option or contract is subject to any condition), a lessee if he is authorized under the lease to exercise the rights of the landowner or other person having a proprietary interest in land.

#### Lot

A designated parcel, tract, or area of land established by a plot or otherwise as permitted by law, and to be used, developed or built upon as a unit.\*

\*No part of a lot which is also a part of a public street, road or alley, shall be included in determining the area of the lot.

#### Lot Coverage

A percentage, which when multiplied by the lot area, will determine the maximum permitted building area and includes the aggregate of the maximum horizontal cross section areas of all buildings or structures on a lot, including sun parlors, foyers, porches, breezeways, gutters, awnings, steps, patios, garages, etc.

Lot Line

A line dividing one lot from another, or from a street or any public place.

Lot Line, Front

"Front lot line" is the line contiguous with the street right-of-way line. The length of this line is the frontage of the lot.

Lot Line, Rear

The line generally parallel to the front lot line, which defines the rear of the lot.

Lot. Line, Side

Any lot line which is not a front lot line or a rear lot line.

Lot Width

The average horizontal distance between side lot lines measured along between mid points of the side lot lines.

Low-Rise Residential Structures

A building containing one (1) dwelling unit or more and whose height is three (3) stories, or less.

Mansard

A sloped roof or roof-like facade architecturally comparable to a building wall.

Massage Establishment

Any establishment as defined in Ordinance No. 719 enacted January 11, 1988.

Medical Facilities

A facility for the examination and treatment of ill and afflicted human outpatients provided, however, that patients are not kept overnight except under emergency conditions and includes doctors and dental offices and clinics and other establishments where a Commonwealth licensed health care professional provides his service.

## Multiple-Family Dwellings

(See Dwelling, Multiple)

## Municipalities Planning Code

Act of July 31, 1968 (P.L. 805, No. 247), as reenacted and amended by Act 170 of 1988, approved December 12, 1988 as may be amended from time to time.

## Non-Conforming Lot

A lot the area or dimension of which was lawful prior to the adoption of this amended zoning ordinance but which fails to conform to the requirements of the zoning district in which it is located by reason of the adoption of this amended ordinance.

## Non-Conforming Sign

A sign which was lawful prior to the adoption of this amended zoning ordinance but which fails to conform to the regulations of this amended ordinance.

## Non-Conforming Structure

Any structure or part of a structure manifestly not designed to comply with the applicable provisions of this Zoning Ordinance or any amendments heretofore or hereafter enacted, where such structure lawfully existed prior to the enactment of this Ordinance or any amendment, or prior to the application of such ordinance or amendment to its location by reason of annexation. Such non-conforming structures include, but are not limited to, non-conforming signs as defined above.

## Non-Conforming Use

Any use whether of land or of structures which does not comply with the applicable use provisions of this Zoning Ordinance or any amendment heretofore or hereafter enacted where such use was lawfully in existence prior to the enactment of such ordinance or amendment, or prior to the application of such ordinance or amendment to its location by reason of annexation.

### Office Building

A building designed or primarily used for office purposes, no part of which is used for manufacturing or a dwelling other than the living quarters for a watchman or custodian.

### Open-Space

Common greens; parks, or other recreation space generally open and available to the public; or yards or other open areas provided in connection with residential buildings occupied by more than two(2) families per lot which are intended for the sole use of the occupants of such building and their guests.

### Owner

Any person, agent, firm or corporation having a legal or equitable interest in the property. For the purpose of this ordinance, the owner of land on which a building or structure is located is presumed to be the owner of said building or structure unless facts to the contrary are officially recorded or otherwise brought to the attention of the Building Official in writing.

### Parapet

The extension of a false front or wall above a roofline.

### Parking Lot

That area of a lot utilized to meet the parking requirements of this ordinance, including the lanes which provide access to the parking slots, but not including any streets or driveways which provide access to the parking area.

### Parking Space

An open or covered area (or space in a private garage or other structure) which shall be at least 9 feet x 18 feet in size for the storage of one (1) automobile, accessible from a public way and must conform to the setback requirements of the district in which it is situated; i.e., it may not be located in any required yard, buffer area, or open space.

### Parochial School

A school maintained and operated by a parish or religious body.

Paved

Covered with paving.

### Paved Area

A percentage which, when multiplied by the lot area, will determine the permitted ground area which may be covered with an impervious material. Such area shall not include the area occupied by the building.

Paving

Concrete, brick or bituminous wearing surfaces with appropriate base consistent with sound engineering practices. "Paving" shall not include tar and chip and other similar practices.

### Person

For the purposes of this Ordinance, any individual, corporation, association, firm, partnership, or similarly defined interest.

Personal Care Boarding Home

A facility licensed and approved, as applicable, by the Commonwealth of Pennsylvania, County of Allegheny, and/or Borough of Castle Shannon. This facility shall provide care to adult residents on a continual, overnight basis. The residents shall not require hospitalization or care in a skilled or intermediate care facility.

This facility shall provide food, shelter, and personal assistance. Personal assistance or personal care includes personal hygiene, activities of daily living, medication, personal finances. A facility which provides care to eight (8) or fewer adult residents shall be considered a "Small Personal Care Boarding Home".

#### Planned Residential Development

An area of land, controlled by a landowner, to be developed as a single entity for a number of dwelling units, or combination of residential and nonresidential uses, the development plan for which does not correspond in lot size, bulk, type of dwelling, or use, density, or intensity, lot coverage and required open space to the regulations established in any one district created, from time to time, under the provisions of this ordinance.

#### Premises

A parcel of land with its appurtenances and buildings, in whole or in parts, which, because of its unity of use, may be regarded as the smallest conveyable unit of real estate.

#### Private

Any facility or establishment limited to members of an organization or to other persons specifically invited or permitted where no advertisement or inducement has been made to the general public.

#### Professional Office

A room or rooms used for carrying on a professional occupation which is recognized by the Commonwealth of Pennsylvania and requires a license or certification for practice.

#### Public

Of or pertaining to buildings, structures, uses, or activities owned by the Borough of Castle Shannon, the Keystone Oaks School District, or other agencies of government other than a detention facility.

### Public Spa or Public Hot Tub

A facility open to the public, which facility consists of a pool designed for recreational or therapeutic use or for physiological or psychological relaxation. The pools include, but are not limited to, these types: hydrojet circulation, hot water, cold water, mineral baths, air induction system or a combination of any of these. This term shall not include any pool designed to be used for swimming and diving. A spa or hot tub shall be considered open to the public if it is open to the general public or if it is made available to customers or guests at any hotel, motel, health club or other club, or other business.

### Public Way

Any street, alley, or other parcel of land open to the outside air leading to a public street; deeded, dedicated, or otherwise permanently appropriated to the public for public use and having a clear width of not less than 10 feet.

### Rear Yard

(See Yard, Rear)

### Rear Yard Line

(See Yard Line, Rear)

### Repair

The reconstruction or renewal of any part of an existing building for the purpose of maintenance.

### Restaurant

Any building or use which serves food to the general public and which provides tables, chairs and/or counters for the consumption of food entirely within the premises. The word "restaurant" does not include drive-through establishments.

Restaurant, Carry Out

An establishment where refreshments, beverages, meals or frozen deserts, or the like, are served for consumption primarily off of the premises and where not more than twelve (12) permanent seats are provided.

Restaurant, Drive-through

A restaurant which provides drive-through service.

Roadway

The paved portion of the street right-of-way.

School

Any building, group of buildings, or grounds, or portions thereof, used for the purpose of educating individuals and licensed therefore by the Commonwealth of Pennsylvania.

Semi-Private

Churches, Sunday schools, parsonages and other related religious functions; colleges; hospitals; and other institutions of an educational, religious, charitable or philanthropic nature.

Setback

(See Building Setback Line)

Side Yard

(See Yard, Side)

Side Yard Line

(See Yard Line, Side)

Sign

Any fabricated sign or outdoor display structure, including its structure, consisting of any letter, graphic, figure, character, mark, point, plane, marquee sign, design, poster, pictorial, picture,

stroke, stripe, symbol, line, trademark, reading matter or illuminating device, constructed, attached, erected, fastened or manufactured in any manner whatsoever so that the same shall be used for identification or the attraction of the public to any place, subject, person, firm, corporation, public performance, article, machine or merchandise whatsoever, and displayed in any manner out of doors for recognized advertising purposes.

#### Abandoned Sign

A sign which no longer identifies or advertises a bona fide on-premises business, lessor, service, owner, product, or activity, and/or for which no legal owner can be found by certified mail to the landowner of record of the land upon which the sign is located.

#### Animated Sign

Any sign which uses movement or change of lighting to depict action or to create a special effect or scene (compare "Flashing Sign").

#### Awning Sign

A sign painted on, printed on, or attached flat against the surface of an awning.

#### Banner Sign

A sign made of fabric or any nonrigid material with no enclosing framework.

#### Billboard

See "Off-Premise Sign"

#### Changeable Copy Sign (Automatic)

A sign on which the copy changes automatically on a lamp bank or through mechanical means; e.g., electrical or electronic time and temperature units.

### Changeable Copy Sign (Manual)

A sign on which copy is changed manually in the field; e.g., reader boards with changeable letters.

### Clearance (of a Sign)

The smallest vertical distance between the grade of the adjacent street or street curb and the lowest point of any sign, including framework and embellishments, extending over that grade.

### Closed Sign

A sign in which more than 50 percent of the entire area is solid or tightly enclosed or covered.

### Construction Sign

A temporary sign identifying an architect, contractor, subcontractor, and/or material supplier participating in construction on the property on which the sign is located.

### Copy

The wording on a sign surface in either permanent or removable letter form.

### Directional/Information Sign

An on-premise sign giving directions, instructions, or facility information and which may contain the name or logo of an establishment but no advertising copy; e.g., parking or exit and entrance signs.

### Double-Faced Sign

A sign with two faces.

### Electrical Sign

A sign or sign structure in which electrical wiring, connections, or fixtures are used.

## Electronic Message Center

See "Changeable Copy Sign, Automatic"

## Face of Sign

The area of a sign on which the copy is printed.

## Festoons

A string of ribbons, tinsel, small flags, or pinwheels.

## Flashing Sign

A sign which contains an intermittent or sequential flashing light source used primarily to attract attention, or signs which, through reflection or other means, create an illusion of flashing of intermittent light (compare "Animated Sign", "Changeable Copy Sign").

## Freestanding Sign

A sign supported upon the ground by poles or braces and not attached to any building.

## Government Sign

Any temporary or permanent sign erected and maintained by a municipality, county, state, or federal government for traffic direction or for designation of or direction to any school, hospital, historical site, or public service, property, or facility.

## Ground Sign

A sign supported by uprights or braces in or upon the ground surface.

## Height (of a Sign)

The vertical distance measured from the highest point of the sign, to the grade of the adjacent street or the surface grade beneath the sign, whichever is less.

### Identification Sign

A sign whose copy is limited to the name and address of a building, institution, or person and/or to the activity or occupation being identified.

### Illegal Sign

A sign which does not meet the requirements of this code and which has not received legal nonconforming status.

### Illuminated Sign

A sign with an artificial light source incorporated internally or externally for the purpose of illuminating the sign.

### Incidental Sign

A small sign, emblem, or decal informing the public of goods, facilities, or services available on the premises; e.g., a credit card sign or a sign indicating hours of business.

### Maintenance

For the purposes of this Ordinance, the cleaning, painting, repair, or replacement of defective parts of a sign in a manner that does not alter the basic copy, design, or structure of the sign.

### Marquee

A permanent roof-like structure or canopy of rigid materials supported by and extending from the facade of a building.

### Marquee Sign

A sign attached to or hung from a marquee, canopy or other covered structure, projecting from and supported by the building and extending beyond the building wall, building line or street lot line.

Nameplate

A nonelectric on-premise identification sign giving only the name, address, and/or occupation of an occupant or group of occupants.

Nonconforming Sign

A sign which was erected legally but which does not comply with subsequently enacted sign restrictions and regulations.

Off-Premise Sign

A sign structure advertising an establishment, merchandise, service, or entertainment, which is not sold, produced, manufactured, or furnished at the property on which said sign is located; e.g., "billboards" or "outdoor advertising".

On-Premise Sign

A sign which pertains to the use of the premises on which it is located.

Open Sign

A sign in which at least 50 percent of the enclosed area is uncovered or open to the transmission of wind.

Painted Wall Sign

Any sign which is applied with paint or similar substance on the face of a wall.

Point of Purchase Display

Advertising of a retail item accompanying its display; e.g., an advertisement on a product dispenser.

Pole Cover

Covers enclosing or decorating poles or other structural supports of a sign.

### Political Sign

For the purposes of this Ordinance, a temporary sign used in connection with a local, state, or national election or referendum.

### Portable Sign

Any sign designed to be moved easily and not permanently affixed to the ground or to a structure or building.

### Projecting Sign

A display sign which is attached directly to the building wall and which extends from the face of the wall.

### Real Estate Sign

A temporary sign advertising the real estate upon which the sign is located as being for rent, lease, or sale.

### Roofline

The top edge of a roof or building parapet, whichever is higher, excluding any cupolas, pylons, chimneys, or minor projections.

### Roof Sign

Any sign erected over or on the roof of a building.

### Rotating Sign

A sign in which the sign itself or any portion of the sign moves in a revolving manner. Such motion does not refer to methods of changing copy.

### Sign, Area of

(1) Projecting and Freestanding: The area of a freestanding or projecting sign shall have only one face (the largest one) of any double-faced sign counted in calculating its area. The area of the sign shall be measured as follows if the sign is composed of one or two individual cabinets:

(a) The area around and enclosing the perimeter of each cabinet or module shall be summed and then totaled to determine total area. The perimeter of measurable area shall not include embellishments such as pole covers, framing, decorative roofing, etc., provided that there is not written advertising copy on such embellishments.

(b) If the sign is composed of more than two sign cabinets or modules, the area enclosing the entire perimeter of all cabinets and/or modules within a single, continuous geometric figure shall be the area of the sign. Pole covers and other embellishments shall not be included in the area of measurement if they do not bear advertising copy.

(2) Wall Signs: The area shall be within a single, continuous perimeter composed of any straight line geometric figure which encloses the extreme limits of the advertising message.

#### Snipe Sign

A temporary sign or poster affixed to a tree, fence, etc.

#### Subdivision Identification Sign

A freestanding or wall sign identifying a recognized subdivision, condominium complex, or residential development.

#### Temporary Sign

A sign constructed of cloth, fabric, or other light temporary material with or without a structural frame intended for a limited period of display; including decoration displays for holidays or public demonstrations.

#### Under-Canopy Sign

A sign suspended beneath a canopy, ceiling, roof, or marquee.

### Wall Sign

A sign attached parallel to and extending from the wall of a building. This definition includes painted, individual letter, and cabinet sign, and signs on a mansard.

### Window Sign

A sign installed inside a window and intended to be viewed from the outside.

Site Plan (see Section 702.1 for further requirements)

An accurate drawing 24" by 36" in size, prepared by a professional engineer, surveyor, architect or landscape architect, showing the proposed buildings and/or structures to be constructed, altered or enlarged, the property upon which the improvements will be made, the owner of the property, the abutting owners and property lines, the exact size, shape and dimensions of the lot to be built upon, all adjacent streets or alleys, proposed parking arrangements, proposed facilities for lighting, public and private utilities, proposed grading, proposed site drainage and stormwater management measures, existing and proposed landscape elements, existing and proposed access to the property, and all customary incidentals such as north arrow, scale and any appropriate notations required to fully explain the plan.

### Special Exception

A "special exception" deals with the special permission, granted only by the Zoning Hearing Board, to occupy land for specific purposes when such use is not permitted by right, or as a conditional use. In granting a special exception, the board may attach such reasonable conditions and safeguards, in addition to those expressed in the ordinance, as it may deem necessary to implement the purposes of the Municipality Planning Code and this Ordinance.

at\_gm:

That portion of a building, included between the upper surface of any floor and the upper surface of the floor next above it, or if there is no floor above it, then the space between the floor and the roof next above it.

Story Above Grade

Any story having its finished floor surface entirely above grade except that a basement shall be considered as a story above grade when the distance from grade to the finished surface of the floor above the basement is more than 6 feet for more than 50 percent of the total perimeter or more than 12 feet at any point.

Street

Includes street, avenue, boulevard, road, highway, freeway, parkway, lane, alley, viaduct and any other ways used or intended to be used by vehicular traffic or pedestrians whether public or private.

Street Center Line

A line which is usually at an equal distance from both street lines, or right-of-way lines.

Street Line

(See Lot Line, Front)

Structure

Any man-made object having an ascertainable stationary location on or in land or water, whether or not affixed to the land.

Subdivision

The division or redivision of a lot, tract, or parcel of land by any means into two or more lots, tracts, parcels or other division of land including changes in existing lot lines for the purpose, whether immediate or future, of lease.\*

\*position by the court for distribution to heirs or devisees, transfer of ownership or building or lot development: Provided, however, that the subdivision by lease of land for agricultural purposes into parcels of more than ten (10) acres, not involving any new street or easement of access or any residential residential dwelling shall be exempted.

Tavern

A business selling alcoholic beverages for consumption on the premises.

Townhouse

A development consisting of a series of from three (3) to six (6) attached dwelling units, separated from one another by continuous vertical walls without openings from basement to roof and having diversified architectural facades or treatment of materials with not more than four (4) of any six (6) abutting units having the same architectural facades and treatment of materials and with not more than two (2) abutting units having the same front yard setback.

Use

A "use" is any purpose for which a building, sign or other structure or a tract of land may be designed, arranged, intended, maintained or occupied; or is any activity, occupation, business, or operation carried on in a building or other structure or on a tract of land.

Use, Accessory

A use incidental to the principal use of a building as defined or limited by the provisions of the local zoning laws.

Use Group

The classification of a building or structure based on the purpose for which it is used as listed in the BOCA code.

Use Group A assembly  
Use Group B business  
Use Group E educational  
Use Group F factory and industrial

Use Group H	high hazard
Use Group I	institutional
Use Group M	mercantile
Use Group R	residential
Use Group S	storage
Use Group U	utility and miscellaneous

Use, Principal

The primary or main use of a building, sign, structure, lot or tract of land.

Variance

Permissive waivers from the terms of this ordinance as will not be contrary to the public interest, where owing to special conditions a literal enforcement of the provisions of the ordinance will result in unnecessary hardship, and so that the spirit of the ordinance shall be observed and substantial justice done and granted. The Zoning Hearing Board shall grant variances in compliance with the Municipalities Planning Code.

Warehouse, Freight Terminals, and Trucking Terminals

An enclosed building, or portion thereof, where the principal use is temporary storage of goods to be later moved to another location.

Yard

An open space at grade between a yard line and the adjoining lot lines or street right-of way lines, unoccupied and unobstructed by any portion of a structure or vehicle from the ground upward.

Yard Line

A "yard line" is a line drawn parallel to the corresponding lot lines or street right-of-way lines at a distance specified for the required depth of yard in each respective case.

Yard Line, Front

A "front yard line" bounds the front yard and is parallel to the front lot line.

Yard Line, Rear

A "rear yard line" bounds the rear yard and is parallel to the rear lot line.

Yard Line, Side

A "side yard line" bounds the side yard and is parallel to the side lot lines.

Yard, Front

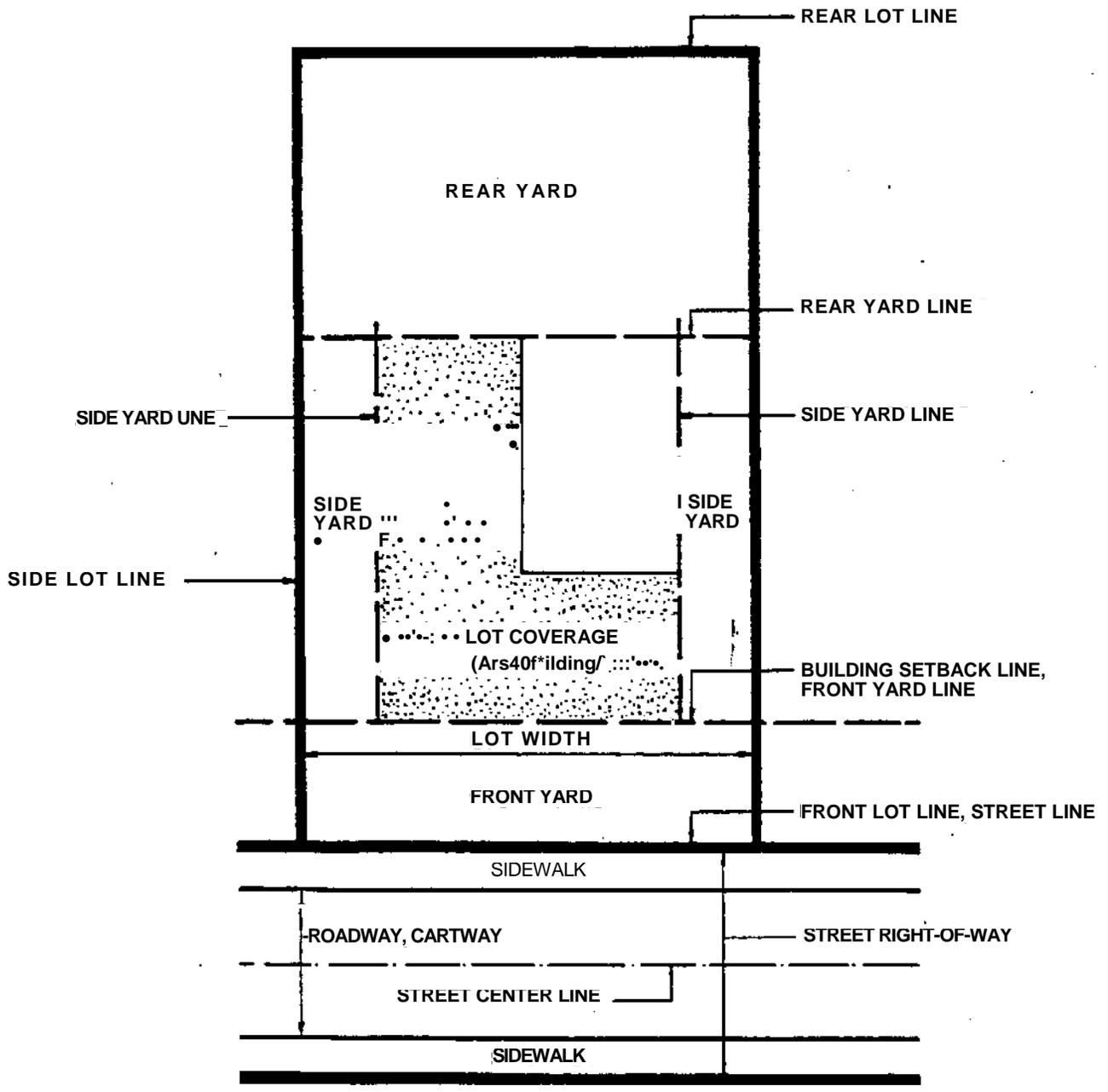
A "front yard" is the yard extending along the full length of the front lot line and being the minimum horizontal distance between the front lot line (or street line) and the front yard line (or the building or any projection thereof, other than steps).

Yard, Rear

A "rear yard" is a yard extending the full length of the rear lot line and being the minimum horizontal distance between the rear yard line (or the rear of the building or any projection, other than steps).

Yard Side

A "side yard" is a yard extending along the side lot line from the required front yard to the required rear yard and being the minimum horizontal distance between the side lot line and the side yard line (or the side of the building or any projections, other than steps).



**SKETCH PLAN DEFINING ZONING ORDINANCE AREA  
AND BULK REGULATION TERMS**

ARTICLE 200 - RESIDENTIAL DISTRICTS

Statement of Intent

In addition to the general goals listed in the preamble and General Intent, the districts established in this regulation are intended to achieve the following:

To provide sufficient space, appropriately located for residential development to meet the housing needs of the present and expected future population of the Borough within the range of house types and densities anticipated.

To assure light, air and privacy, as much as possible, by controlling the spaces and height of buildings and other structures.

To protect residential areas against hazards of fire, offensive noises, vibrations, smoke, odors, glare or other objectionable influences.

To prevent congestion, as far as possible, by the density of population and the bulk of buildings, and by providing for sufficient off-street parking.

To protect residential neighborhoods, as much as possible, from heavy or through traffic.

To make possible provisions of those public and private educational, recreational, health and similar facilities serving the needs of nearby residents, which perform most effectively in a residential environment and do not create objectional influences.

To promote the most desirable use of land and direction of building development in accordance with a well-considered plan, to promote stable residential development, to protect the character of any district and its peculiar suitability for particular uses, to conserve the value of land and buildings, and to protect the Borough tax revenues.

Section 201      R-1 SINGLE FAMILY RESIDENTIAL DISTRICT

Specific Intent

In addition to the general goals listed in the preamble and Statement of Intent, it is the purpose of this section to permit continued residential development which is compatible with existing types of housing and lot sizes in the

predominantly single-family sections of this municipality. It is further the purpose of this district to encourage additional single-family development in those sections of Castle Shannon where lower densities are desirable.

201.1 Use Regulations

Uses By Right

In any R-1 District, land, buildings, or premises shall be used by right only for one or more of the following:

Single-family detached homes containing only one dwelling unit; municipal recreational facilities and buildings.

Accessory Uses

Only the following accessory uses shall be permitted:

Customary residential accessory uses; accessory buildings; community garages (subject to Section 503 of this Ordinance); privately owned swimming pools; customary home occupation.

Conditional Uses

Churches or similar places of worship and related functions; public, private or parochial schools; and essential services.

Uses by Special Exception

The following uses shall be permitted as a special exception when authorized by the Zoning Hearing Board subject to Article 800 of this Ordinance:

- Family Day Care Home subject to the standards and criteria set forth in sections 505.1, 505.3, 505.4, 505.5, 505.6, 505.8, 505.9 in particular and other sections as applicable.
- Group Care Home subject to the standards and criteria set forth in sections 505.1, 505.2, 505.3, 505.4, 505.5, 505.6, 505.8, 505.9 in particular and other sections as applicable.

Foster Care Home subject to the standards and criteria set forth in sections 505.1, 505.3, 505.4, 505.6, 505.7, 505.8, and 505.9 in particular and other sections as applicable.

201.2 Area and Bulk Regulations

The following minimum regulations shall be observed:

Single-Family Detached Residential Structures

7,500 sq. Lot size -----ft. minimum 60 ft. minimum  
 (existing Lot width -----lots of record may be developed  
 if not less than 40 ft. in width subject to  
 Zoning Hearing Board approval)  
 30% maximum  
 Building setback line----20  
 ft. minimum (see  
Lot coverage -----definition)  
 Side yards  
 (primary and accessory  
 structures) ----- 5 ft. minimum per side,  
 15 ft. aggregate  
Rear yard ----- 30 ft. minimum  
Height of building ----- 30 ft. or 2 1/2 stories  
 maximum  
 Height of Accessory  
 Structures ----- 15 ft. maximum  
 Public or Semi-Private Uses  
 Lot size----- 10,000 sq. ft. minimum  
 Lot coverage----- 30% maximum  
 Side yards ----- 10 ft. minimum each  
Building setback line-- --20 ft. minimum (see  
 (definition)  
Rear Yard----- 30 ft. minimum  
Height of building ----- 35 ft. or 3 stories

201.3 Off-Street Parking Standards and Requirements

As required by Section 503 of this Ordinance.

201.4 Requirement for Site Plan Submission

A site plan shall be submitted to the building official as required by Section 702.1 of this ordinance.

Section 202 R-2 SINGLE AND TWO-FAMILY RESIDENTIAL DISTRICT

Specific Intent

In addition to the general goals listed in the preamble and Statement of Intent, it is the purpose of this section to encourage and provide for both single-family and two-family residential structures which will be in keeping with the existing character of areas so zoned. This district established herein further serves as an intermediate density zone between single-family areas and multiple family areas.

202.1 Use Regulations

Uses By Right

In any R-2 District, land, buildings or premises shall be used by right only for one or more of the following:

Single-family detached dwellings; two-family dwellings and duplex units; public recreational facilities, and public buildings and uses.

Accessory Uses

Only the following accessory uses shall be permitted:

Customary residential accessory uses; customary home occupations; accessory buildings; private garages; community garages (subject to Section 503 of this Ordinance); swimming pools.

Conditional Uses

Public and Semi-Private Uses; and essential services.

202.2 Area and Bulk Regulations

The following regulations shall be observed:

Single-Family Detached, Two-Family, Duplex and Semi-Detached Residential Structures

Lot size ----- 6,250 sq. ft. per dwelling unit

Lot width ----- 50 ft. minimum

Lot Coverage----- 35% maximum

Building setback line----20 ft. minimum (refer to definition)

Side yards  
(primary structure) -----5 ft. minimum - 15 ft. aggregate

Rear yard-----30 ft. minimum

Height of Building-----30 ft. or 2 1/2 stories maximum

Height of Accessory  
Structures -----15 ft. maximum

Two-Family, Duplex and Semi-Detached Residences

Any such existing unit may be subdivided for any legal purpose by extending a line through the common structure wall from the front lot line to the rear lot line.

Public and Semi-Private Uses

The area and bulk regulations for permitted public and semi-private uses in the R-2 District shall be the same as in the R-1 District. (See Section 201.2).

202.3 Off-Street Parking Standards and Requirements

As required by Section 503 of this Ordinance.

202.4 Requirement for Site Plan Submission

A site plan shall be prepared and submitted to the Building Official as required by Section 702.1 of this Ordinance.

Section 203 R-3 HIGH DENSITY RESIDENTIAL DISTRICT

Specific Intent

In addition to the general goals listed in the preamble, residential development which provides for higher densities and apartment development while maintaining sufficient open areas so that dwellings may blend with the existing and proposed characteristics of the land. Further, these higher densities will be so delineated as to be located near major thoroughfares, both rail and motor vehicular.

203.1 Use Regulations

Uses By Right

In any R-3 District, land, buildings, or premises shall be used by right only for one or more of the following:

Townhouses; garden apartments; condominium apartments; high-rise residential structures.

Accessory Uses

Only the following accessory uses shall be permitted:

Customary high density residential accessory uses; accessory buildings; private garages; community garages (subject to Section 503 of this Ordinance); customary home occupations.

Conditional Uses

Public and Semi-Private Uses; and essential services.

Uses by Special Exception

The following uses shall be permitted as a special exception when authorized by the Zoning Hearing Board, subject to Article 800 of this Ordinance and subject to site plan approval by the Planning Commission:

- Churches or similar places of worship and related functions; public, private or parochial schools; convalescent homes;
- Family Day Care Home subject to the standards and criteria set forth in sections 505.1, 505.3, 505.4, 505.6, 505.7, 505.8, 505.9 in particular and other sections as applicable;
- Group Care Home subject to the standards and criteria set forth in sections 505.1, 505.2, 505.3, 505.4, 505.5, 505.6, 505.8, and 505.9 in particular and other sections as applicable;

- Foster Care Home subject to the standards and criteria set forth in sections 505.1, 505.3, 505.4, 505.6, 505.7, 505.8, 505.9 in particular and other sections as applicable;
- Child Group Day Care Home subject to standards and criteria set forth in sections 505.1, 505.2, 505.3, 505.4, 505.5, 505.6, 505.7, 505.8 and 505.9 in particular and other sections as applicable;
- Small Personal Care Boarding Home subject to standards and criteria set forth in sections 505.1, 505.2, 505.3, 505.4, 505.5, 505.6, 505.8 and 505.9 in particular and other sections as applicable;

203.2      Area and Bulk Regulations

The following regulations shall be observed:

Low Rise Residential Structures (Garden Apartments, Condominium Apartments, and Townhouses)

Lot size ----- 9,600 sq. ft. minimum  
 Lot width----- 75 ft. minimum  
 Building  
 Setback Line----- 20 ft. **minimum**  
 Side yard----- 10 ft. minimum total; abutting R-1, or R-2 Districts, 15 ft.  
 Rear yard----- 20 ft. maximum  
 Lot coverage ----- 35% maximum  
 Building height --- 35 ft. or 3 stories maximum  
 Paved area ----- 40% maximum

High Rise Residential Structures  
 (Four stories or more)  
 Lot size ----- 19,000 sq. ft. minimum  
 Lot width----- 100 ft. minimum  
 Building  
 setback line----- 30 ft. **minimum**  
 Side yards ----- 20 ft. minimum; abutting R-1 or R-2 Districts, 30 ft.  
 Rear yard----- 30 ft. **minimum**  
 Lot coverage ----- 35% maximum

Paved area-----40% maximum  
Building height-----98 ft. or 9 stories maximum  
(See definition)

Public and Semi-Private Uses

The Area and Bulk Regulations for permitted public and semi-private uses in the R-3 District shall be the same as in the R-1 District.

203.3 Dwelling Unit Density

The following schedule shall be used to determine the minimum lot areas for multi-family structures:

Garden Apartments and Townhouses

For each one (1) bedroom unit ----- 1,000 sq. ft.  
For each two (2) bedroom unit ----- 1,150 sq. ft.  
For each three (3) bedroom unit ---- 1,300 sq. ft.

The overall density shall not exceed forty-four (44) dwelling units per net residential acre.

High Rise Apartment Structures

For each one (1) bedroom unit----- 800 sq. ft.  
For each two (2) bedroom unit----- 900 sq. ft.  
For each three (3) bedroom unit,  
or more ----- 1,000 sq. ft.

203.4 General Provisions for Garden Apartments, Townhouses, and High-Rise Residential Structures

- a. Apartments of three (3) or more stories (as measured from grade) shall be equipped with passenger elevators.
- b. Garden Apartments and High-Rise Residential units above the first floor, may be provided with balconies with a maximum extension of eight (8) feet from the principal dwelling unit wall, however, no such extensions shall extend into any required side yards.
- c. A multi-family dwelling shall not exceed two (2) dwelling units in depth unless the additional dwelling units abut a court conforming to the following requirements:

No courts shall be, between two opposite facing walls thereof, less than sixty (60) feet, with the other dimension being ten (10) feet or more.

No court abutting an interior lot side yard shall be less than ten (10) feet in width.

No wing of a multi-family dwelling shall project into a required side yard.

The transverse dimension of a projecting wing shall not be greater than the overall dimension of two (2) dwelling units.

No front entrance shall open on a court that abuts a yard or on a yard, except if either the yard or both together total not less than twenty-five (25) feet.

An enclosed court shall be not less than sixty (60) feet in any dimension.

203.5 Off-Street Parking Standards and Requirements

As required by Section 503 of this Ordinance.

203.6 Requirement for Site Plan Submission

Site plan shall be prepared and submitted to the Planning Commission as required by Section 702.1 of this Ordinance.

203.7 Required Open Space or Recreation Areas

Any residential complex with any mixture of housing types, containing twenty (20) or more residential units, shall provide a minimum of ten (10%) percent of the gross site area as a designated open space or recreation area. The designated area shall not exceed ten (10%) percent grade, and shall be reasonably useful for recreation and open space purposes.

Section 204 R-P PLANNED RESIDENTIAL DEVELOPMENT DISTRICTS

Statement of Intent

It is the purpose of this Section to establish regulations and controls for the use of land and structures, area of lots, bulk of buildings, amount and kind of open-space land,

the provision of off-street parking and other similar accessory regulations in the Planned Residential Development Districts in accordance with the provisions of Pennsylvania Act No. 247 of 1968 as amended by Act 170 of 1988 (the Municipality Planning Code).

In order that the purpose of this Ordinance be furthered in an era of increasing urbanization and of growing demands for housing of all types and design, the following principles form the basis for this Section:

1. The purpose of the procedures, standards, controls and regulations of this Ordinance is to provide a means whereby parcels of land in excess of three (3) acres can be designed and developed without regard to the normal lot-size, building bulk and setback requirements of the typical zoning districts. However, in this innovative type of development, minimum requirements are established to insure that each living unit has proper light and air, appropriate access to public ways and open space, and is properly connected to public utilities.
2. To encourage innovations in residential development which will provide housing of greater variety in type, design and site planning incorporating the conservation of maximum open space ancillary to said dwellings.
3. To encourage a more efficient use of land and public services and to reflect changes in the technology of land development so that economies secured may benefit the homeowner, the developer and the community.
4. To provide a procedure which can relate the type, design and layout of residential development to the particular site as well as the particular demand for housing existing at the time of development.
5. To insure that the increased flexibility of regulations over land development as authorized herein is carried out under such administrative standards and procedures as shall encourage the disposition of proposals for land development without undue delay, the following review powers are granted to the Planning Commission which acts as the designated planning agency of the Borough of Castle Shannon.
  - a) The Planning Commission shall review all planned residential developments pursuant to the provisions of this Ordinance and shall make recommendations to the Borough Council for approval or disapproval, in writing;

- b) The Planning Commission shall insure that the application conforms to all requirements, standards, controls and regulations as are set forth in this section of this Ordinance.
- c) The Planning Commission and the applicant shall comply with all procedures as set forth in Section 204.5 of this Ordinance pertaining to application and hearings on tentative and final approval of a proposed Planned Residential Development by the Borough Council.

Establishment of Controls

The regulations set by this Section of this Ordinance are minimum regulations within the Planned Residential Districts and shall apply uniformly to each classification or kind of lot and structure within the districts.

Other Articles of the Zoning Ordinance

The Planned Residential Districts do not necessarily correspond in minimum lot size, building area, type of dwelling unit, density, lot coverage or required open space, to any other district zoning ordinance requirements in the Borough.

- 204.1 Use Regulations
- Use By Right
- None

Conditional Uses

In any Planned Residential District, land, buildings, or premises shall be used only for one or more of the following, as conditional uses defined in this Ordinance:

One-family detached dwelling, multiple dwelling, apartments, garden apartments and townhouses; churches or similar places of worship, and parish houses; public or private schools conducted primarily to serve the educational needs of the community when not conducted primarily for profit or gain; public parks, playgrounds, municipal recreation areas open space reservations; private or semi-private recreation areas when not operated for gain or profit; public buildings; signs when erected and maintained in accordance with provisions in Section 501; and essential services.

Accessory Uses

All accessory uses located on the same lot that are customarily incidental to any of the above permitted uses, including a private garage, shall be permitted; including customary accessory uses permitted in R-1, R-2 and R-3 districts.

204.2 Area and Bulk Regulations

The following regulations shall be observed;

A. The average or overall density for all types of combined dwelling units shall not exceed twenty (20) dwelling units per gross acre for the entire Planned Unit Residential Area. A minimum six thousand (6,000) square foot lot area shall be provided for all proposed single-family detached dwelling units. A minimum one thousand five hundred forty (1,540) square foot lot area shall be provided for all townhouse, row or duplex dwelling units. A minimum of nine hundred (900) square feet of designated lot area shall be provided for each multi-family dwelling unit. A minimum of fifteen (15%) percent open space land (based on gross site) shall be maintained. Building coverage shall not exceed forty (40%) percent of the gross site, partial site or lot areas being developed.

1. Yard Controls

Yard controls shall be flexible for all types of dwelling units proposed, with the following minimum regulations being observed:

a. Single-Family Dwellings:

Rear yards shall not be less than twenty (20) feet; side yards shall not be less than eight (8) feet each or a total of sixteen (16) feet per dwelling. Front yards shall not be less than shown below for various topographic areas and slope areas:

<u>Average Lot Slope</u>	<u>Minimum Front Yard</u>
0 - 5% -----	25 feet
5% - 10% -----	20 feet
10% - 15% -----	15 feet
15% - 20% -----	15 feet
Over 20% -----	10 feet

b. All dwellings Other Than Single-Family:

A total of thirty (30) feet for combined front and rear yards with a minimum front or rear yard of ten (10) feet each; side yards for ends of structures shall not be less than the average height of structure or in no case less than thirty-five (35) feet.

B. Open Space

The net difference between designated lots for building or dwelling purposes and net site acreage (gross site area less streets and right-of-way) shall be proposed for residual open space to be maintained by a "homeowners corporation" and/or made available for dedication to the Borough. In any case, fifteen (15%) percent of the gross site area shall be designated for public and/or private recreation and open space area.

The amount, location, and proposed use of all open-space land within the site must be clearly shown and in no case shall the amount of open-space land be less than 400 square feet per dwelling unit. Of the gross area of open-space land, forty (40%) percent must be suitable for active recreational purposes and access to these open-space lands must be convenient to all residents. For purposes of calculation, such areas as parking lots are not considered as open-space land. In addition, land lying within ten (10) feet of any townhouse or multi-family dwelling, shall not be considered as open-space land.

C. Supplemental Design Standards

Buildings shall be so designed as to avoid monotonous patterns of construction, or repetitive spaces or modules between buildings; all development must be served by public water and sewer facilities.

Streets shall be so designed as to discourage through traffic on the site;

The Planning Commission may require such additional standards as are applicable to the proposed site and any development thereon such as grading, parking, landscaping, etc. (See Borough Grading Ordinance).

D. Buffer Areas

If, within the Planned Residential Development Area, a proposal is made to construct single-family dwellings adjacent to multiple-family dwellings of any type, a minimum fifty (50) foot buffer zone shall be provided between such differing types of dwelling units. Said buffers shall be densely landscaped to differentiate between the differing housing types.

204.3 Height Regulations

No building shall be erected to a height in excess of forty-five (45) feet, except as provided in Article 500, Section 502.3 of this Ordinance.

204.4 Off-Street Parking Regulations

As required by Section 503 of this Ordinance.

204.5 Procedures

A. Introductory

The procedure for the consideration of Planned Unit Residential Developments, together with the site improvements relating thereto, shall be in accordance with the provisions of this Section.

B. Establishment of Ownership of Open-Space

The applicant must establish and assure the future ownership of the permanent open-space land as well as indicating the provisions for the burden of maintenance and control of the open space, if said open space is held in private ownership. In addition, the Borough, at its discretion, may, at any time, and from time to time, accept the dedication of land, or any interest therein for public use and maintenance. However, the Borough need not require, as a condition of the approval of the planned residential development, that the land set aside for common open space be dedicated or made available for public use.

C. Outline of Procedure

Pre-application conferences with the Planning Commission for consideration of basic site information and sketch plans and preparation of application;

Planned Residential Development Application to the Borough Planning Commission:  
Applicant presents preliminary plans and statements of facts and purposes to the Planning Commission;

Tentative approval of the Planned Residential Development Application by the Borough Planning Commission and presentation to the Borough Council;

Submission to Planning Commission of final planned residential development plans including site plans showing detailed site improvements, furnishing evidence of the developer's financial capacity to carry out the development and other installations connected with the development and the establishment of development phasing;

Final approval by Borough Council of the planned residential development and the signing of Subdivision Site Plan to be recorded:

Conditional use approval takes effect, and designation R-P issued after filing of detailed superstructure plans, with the Building Official. Detailed superstructure plans shall include preliminary architectural sketches showing site and building sections, typical building elevations and the proposed architectural character of the development.

D. Applicant

The applicant must be the owner of the site, or if more than one owner, all owners of the site must act jointly.

E. Pre-Application Conference

Each applicant shall confer with the Borough Planning Commission in connection with the preparation of the Planned Residential Development Application and prior to the submission of such application. The purpose of pre-application conferences is to benefit the applicant by providing information and guidance before the applicant shall have entered into binding commitments or incurred any substantial expense in the preparation of plans, surveys and other data.

F. Application

The Planned Residential Development Application shall consist of the following:

1. Preliminary (or Tentative) Development Plan
  - a. An applicant shall make formal application for the approval of a planned development to the Borough Planning Commission, a copy of which shall be forwarded to the Allegheny County Planning Commission within ten (10) days.

The Borough Planning Commission shall be the responsible reviewing agency. However, the Borough Council shall make all final decisions regarding approval or disapproval of the Preliminary and Final Development Plans. Five (5) copies of all plans must be provided with the Application.

- b. A Preliminary Development Plan must include both maps, drawings, and a written statement, and must show enough of the area surrounding the proposed planned development to demonstrate the relationship of the planned development to adjoining uses, both existing and proposed.
- c. The maps and drawings which are part of the Preliminary Development Plan must contain the following information for both existing and proposed uses:
  - (1) The existing and proposed topographic character of the land at not less than two (2) foot contour intervals;
  - (2) Existing and proposed land uses and the approximate location of building and other structures;
  - (3) The character and approximate density of existing and proposed dwellings;
  - (4) The approximate location of major thoroughfares;
  - (5) Public uses, including parks, playgrounds and other open spaces.
- d. The preliminary Development Plan must include detailed proposals for each of the following items:

- (1) A map showing street systems, plot lines and plot designs;
- (2) Areas proposed to be conveyed, dedicated, or reserved for parks, parkways, playgrounds, school site, public buildings and similar public and semi-public uses;
- (3) A plot plan with common open space, showing the approximate location of all buildings, structures and improvements and indicating the open spaces around buildings and structures;
- (4) A typical elevation and perspective drawing of proposed structures and improvements (except single-family residences) and any unusual accessory buildings. The drawings need not be the result of final architectural decisions and need not be in final detail;
- (5) A development schedule indicating:
  - (1) the approximate date when construction of the project can be expected to begin;
  - (2) the stages in which the project will be built and the approximate date when construction of each stage can be expected to begin;
  - (3) the anticipated rate of development;
  - (4) the approximate dates when the development of each of the stages in the development will be completed; and,
  - (5) the area and location of common open space that will be provided at each stage;

- (6) Agreements, provisions or covenants which govern the use, maintenance and continued protection of the planned development and any of its common open areas;
- (7) An off-street parking and loading plan;
- (8) A circulation diagram indicating the proposed movement of vehicles, goods and pedestrians within the planned development and to and from existing thoroughfares. Any special engineering features and traffic regulation devices needed to facilitate or insure the safety of this circulation pattern must be shown;
- (9) A generalized landscaping plan.
- (10) Furnish letters from all publicly involved utilities stating their capacity to provide service for the proposed development, including:
- sanitary sewers
  - potable water, as required by the Municipalities Planning Code, Section 705(j)
  - natural gas
  - electric service
- (11) A storm water management plan indicating proposed drainage patterns, storm sewers, engineering calculations of existing and developed runoff

quantities, and proposed, detention facilities engineered to minimize the impact of increased runoff on adjacent and downstream areas.

e. The written statement to accompany the outline development plan must contain the following information:

- (1) An explanation of the character of the planned development and the manner in which it has been planned to take advantage of the planned development regulations;
- (2) A generalized statement of proposed financing for the entire Planned Unit Area;
- (3) A statement of the present ownership of all of the land included within the planned development;
- (4) A general indication of the expected schedule of development;
- (5) Any expected development problems which might cause construction delays.
- (6) A written statement by the landowner setting forth the reasons why, in his opinion, the proposed development would be in the public interest and would be consistent with the comprehensive plan for the development of the Borough.

2. Approval of Preliminary Development Plan and Public Hearing

- a. Within sixty (60) days after the filing of an application for tentative approval of the Preliminary Development Plan, a public hearing on said Plan, pursuant to public notice, shall be held by the Borough Council. The Planning Commission shall first review the Preliminary Development Plan and shall report to the Borough Council, within forty-five (45) days, a record of its findings and recommendations, but prior to the public hearing. Verbatim records may be made at the hearing, the cost of which shall be borne by the party requesting such records. Within sixty (60) days after the conclusion of the public hearing, the Borough Council shall, after consulting with the Planning Commission, notify the applicant, in writing, that said Preliminary Development Plan is tentatively approved as submitted, tentatively approved subject to specified conditions not included in the development plan as submitted, or disapproved.
- b. The grant or denial of tentative approval by official written communication shall include not only conclusions but also findings of fact related to the specific proposal and shall set forth the reasons for the grant, with or without conditions, or for the denial, and said communication shall set forth with particularity in what respects the development plan would or would not be in the public interest.

- c. Tentative approval of a development plan shall not qualify a plat of the planned residential development for recording nor authorize development or the issuance of any building permits. A development plan which has been tentatively approved as submitted, or which has been given tentative approval with conditions which have been accepted by the landowner (and provided that the landowner has not defaulted nor violated any of the conditions of the tentative approval), shall not be modified or revoked nor otherwise impaired by action of the municipality pending an application or applications for final approval, without the consent of the landowner, provided an application for the final approval is filed or, in the case of development over a period of years, provided application are filed, within the periods of time specified in the official written communication granting tentative approval.
- d. In accordance with the provisions of The Municipalities Planning Code, Section 704, a copy of any proposed application for tentative approval of a planned residential development with the Borough shall be referred to the Allegheny County Planning Commission within ten (10) days after receipt by the Borough Planning Commission. The County Planning Commission shall review the application and make such recommendations as may be required. However, if the County Planning Commission fails to report its findings to the Borough Council within thirty (30) days thereafter, the right of review shall be forfeited.

3. Approval of Final Development Plan

Within six (6) months following the approval of the preliminary development plan, the applicant shall file with the Borough Council and Planning Commission, a final development plan containing the final form, the information required in the preliminary plan, and any corrections thereto. Council shall approve or refuse to grant final approval of the application in accordance with the Municipalities Planning Code.

G. Record of Final Plan

A development plan, or any part thereof, which has been given final approval shall be so certified without delay by the Borough Council and shall be filed by the owner of record forthwith in the office of the recorder of deeds before any development shall take place in accordance therewith. Upon the filing of record of the development plan, the zoning and subdivision regulations otherwise applicable to the land included in such plan, shall cease to apply thereto. Pending completion within a reasonable time of said planned residential development or of that part thereof, as the case may be, that has been finally approved, no modification of the provisions of said development plan, or part thereof, as finally approved, shall be made except with the consent of the landowner.

H. Fees

1. Fees for Planned Unit Residential Development Applications

At the time of filing an Application for preliminary Development Plan Approval, the Applicant shall make payment to the Borough, a fee in accordance with Section 703 of this Ordinance, for filing and review costs and to cover advertising costs. This fee shall also cover reclassifying the subject area, after approval of all final plans, to 200

the R-P Planned Residential Development District which shall be recorded on the Official Zoning Map of the Borough, within ten (10) days after final approval.