

ARTICLE 300 - COMMERCIAL DISTRICTS

Statement of Intent

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

To provide sufficient space in appropriate location for the types of commercial and service establishments anticipated in the Comprehensive Plan;

To provide appropriate space for the requirements of present-day merchandising, including the provisions of off-street parking spaces, safe circulation of pedestrian and motor traffic in the zone district and in nearby areas;

To promote the most desirable use of land and a pattern of building development in accord with a well-considered plan, to promote stable commercial development, to strengthen the economic base of the Borough, to protect the character of the commercial areas and nearby districts, to conserve the value of land and buildings, and to promote municipal tax revenues.

Section 301      C-1 GENERAL COMMERCIAL 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 provide for the orderly commercial development commonly associated with the linear business districts of Castle Shannon by concentrating the more intensive non-residential uses in areas which are oriented to vehicular traffic.

301.1      Use Regulations

Uses By Right

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

Any retail trade outlet including building materials, hardware, general merchandise, food products, new and used automobile sales (excluding gasoline service stations), clothing apparel, and clothing accessories, furniture, home furnishings and similar equipment, eating and drinking establishments, sporting goods, drugs, specialty food shops, paint stores, electrical supplies, variety stores, department stores, bakeries, dairy products, household appliances, taverns and similar retail or general commercial outlets.

Wholesale distribution and offices related to drugs, chemicals, dry goods, groceries, electrical goods, hardware, plumbing, heating equipment, machinery, equipment or supplies, food products, lumber and construction materials, provided that the products are not manufactured on the premises which would entail a manufacturing process.

The processing, light fabrication or assembly of electrical goods, hardware items, surgical tools, light mechanical equipment, sheet metal, optical instruments, communications equipment, electronic components, and any similar uses not requiring a manufacturing process which would be obnoxious or offensive in any way to the surrounding neighborhoods with regard to glare, odor, noise, smoke, pollution or other encroachments.

All offices related to financial institutions, insurance, real estate service, banking, credit services, business services, advertising, duplicating, medical and health services, legal services, any professional office and similar functions requiring the use of the property for general offices or personal services.

Other commercial type uses such as automobile laundries operated as a supporting facility for existing gasoline stations, automotive repair facilities related to new automobile sales agencies, commercial recreation

facilities, amusement establishments, business associations, civic, social and fraternal organizations, schools related to business, education, art, music, medical and dental laboratory uses, the rental and leasing of mechanical equipment, telephone exchanges, rapid transit and bus passenger transit stations and terminals, mortuaries, public garages, clubs and clubhouses.

Child Day Care Center subject to the standards and criteria set forth in Section 505.4, 505.6, and 505.7 of this Ordinance.

#### Accessory Uses

Only the following accessory uses shall be permitted:

Those accessory uses customarily incidental to the principal uses and including customary services within the building provided such services are for the patrons of the principal use of the building and there is no external evidence of such services or signs advertising the same.

Any building used for any of the allowed enumerated uses may not have more than twenty (20%) percent of its floor area used for purposes incidental to the primary use.

#### Conditional Uses

Display but not storage or sale of merchandise, items or things outside the buildings located on the premises as an ancillary use related to a use permitted in the zoning district; subject to the standards and criteria set forth in Section 502.10.

Public and Semi-Private Uses and essential services.

#### Uses by Special Exception

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

Health and Fitness-Related Establishment.

301.2 Area and Bulk Regulations

Lot size ----- 4,800 sq. ft.  
Lot width ----- 48 ft. minimum  
Total lot coverage- 80% **maximum**  
Building Setback Line -- 10 ft. required for buildings three floors or less in height, except for parking garages, 20 feet. For buildings four or more stories in height, 10 feet plus 15 feet for each floor over three floors.  
Side yards ----- Minimum of five (5) feet. Ten (10) feet for third floor, plus three (3) feet for each floor above three floors. When abutting any residential districts, thirty (30) feet plus the height of the building over thirty feet.  
Buffer Zone----- 5 ft. wide minimum at front and sides of lot.  
Rear yard ----- 20 ft. **minimum plus** one foot for each floor above three floors.  
Building height ----- 60 ft. or 5 stories **maximum.**

Public and Semi-Private Uses

Lot size ----- 5,000 sq. ft. **minimum**  
Side yards ----- 10 ft. minimum each  
Building Setback  
Line ----- 10 ft. minimum  
Rear yard ----- 25 ft. minimum  
Height of Building -35 ft. or three (3) stories

301.3 General Provisions

Balconies may project into the side and front yard above the first floor for a distance of five (5) feet.

Parking and accessory uses **may be permitted** in required yards below grade to within five (5) feet of any property line, provided that there shall be no building projections above ground level in any required yard and provided planting and landscaping is placed above and around such areas.

No merchandise shall be displayed, sold or otherwise made available between the street right-of-way lines.

All permitted uses except parking areas, used car sales and displays of merchandise permitted as a conditional use) shall be conducted wholly within enclosed buildings.

301.4 Requirement for Site Plan Submission

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

301.5 Off-Street Parking Standards and Requirements

As required by Section 503 of this Ordinance.

301.6 Off-Street Loading Regulations

As required by Section 503 of this Ordinance.

301.7 Design and Performance Standards

As required by Section 504 and 505 of this Ordinance.

Section 302 C-2 CENTRAL COMMERCIAL 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 provide for the orderly commercial development commonly associated with the central business district of Castle Shannon Borough.

302.1 Use Regulations

Uses by Right

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

General merchandise stores, including department, variety, discount, drug stores; apparel and accessories stores, including shoe, furrier, tailor and all other wearing apparel and accessories stores, furniture, home furnishing and equipment, including

household appliances, hardware, paint stores; eating establishments; State stores, taverns; telephone equipment and central office equipment building; specialty stores, including gift, antique, newsstands, tobacco, flower, sporting goods, hobby, books, jewelry, leather luggage, music stationery stores; retail food stores, including bakery confectionery, candy, meat, grocery stores; governmental offices serving the public, including post office, business offices, professional offices, public utility offices; hotels or motels; finance institutions, including banks, insurance companies; public parking garage; new and used vehicular sales; leasing; apartments, provided they do not exceed a density of one (1) dwelling unit per 400 sq. ft. of lot area and provided they are not located as a basement or first floor use; personal services; private garages; rapid transit stations or terminals; and, funeral parlors and personal services. Gasoline service stations are not permitted as a use by right.

Child Day Care Center subject to the standards and criteria set forth in Section 505.4, 505.6, and 505.7 of this Ordinance.

#### Accessory Uses

Only the following accessory uses may be permitted;

Customary accessory uses in commercial districts.

Any building used for any of the allowed enumerated uses may not have more than twenty (20%) percent of its floor area used for purposes incidental to the primary use.

#### Conditional Uses

Display but not storage or sale of merchandise, items, or things outside the buildings located on the premises as an ancillary use related to a use permitted in the zoning district; subject to the standards and criteria set forth in Section 502.10.

Public and Semi-Private Uses.

Uses By Special Exception

None

302.2 Area and Bulk Regulations

The following regulations shall be observed:

- Lot Size ----- No minimum, except lots with dwelling units shall provide a minimum of four hundred (400) sq. ft. per dwelling unit. None required
- Lot width -----
- Lot coverage ----- 50% maximum, primary buildings -
- Total lot coverage (including primary, accessory and paved area) 90%
- Building Setback Line ----- 5 ft. minimum plus 1.5 ft. for each floor above three floors.
- Side yards ----- 5 ft. minimum each side plus 3 ft. for each floor above three floors. When abutting a residential district, 30 ft. plus the height of the building over 30 ft.
- Rear yard ----- 20 ft. minimum plus 1 ft. for each floor above three floors. only.
- Building height --- 60 ft. or 5 stories maximum

Public or Semi-Private Uses

- L o t   s i z e            5,000 sq. ft. minimum
- - -                      10 ft. minimum each
- Side yards
- Building Setback        25 ft. minimum
- L i n e                    25 ft. minimum
- Rear yard                40 ft. or 4 stories
- Height of building-

302.3

General Provisions

Balconies may project into the side and front yard above the first floor for a distance of five (5) feet.

Parking and accessory uses may be permitted in required yards below grade to within five (5) feet of any property line, provided that there shall be no building projections above ground level in any required yard and provided planting and landscaping is placed above and around such areas.

No merchandise shall be displayed, sold or otherwise made available between the street right-of-way lines.

All permitted uses (except parking areas) shall be conducted wholly within enclosed buildings.

302.4 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.

302.5 Off-Street Parking Standards and Requirements

As required by Section 503 of this Ordinance.

302.6 Off-Street Loading Regulations

As required by Section 503 of this Ordinance.

302.7 Design and Performance Standards

As required by Section 504 and 505 of this Ordinance.

Section 303 C-3 RESTRICTED COMMERCIAL DISTRICT

In addition to the general goals listed in the preamble and Statement of Intent, it is the purpose of this section to provide for an area which permits limited commercial uses. By permitting such a mixture of uses, special review provisions are incorporated.

303.1 Use Regulations

Uses By Right

Office uses, including professional activities; personal service offices; commercial business offices; financial and credit establishments; commercial educational facilities; executive offices for wholesale and industrial firms provided the site is not used for wholesale distribution or storage or any industrial manufacture or processing;

Conditional Uses

Display but not storage or sale of merchandise, items or things outside the buildings located on the premises as an ancillary use related to a use permitted in the zoning district; subject to the standards and criteria set forth in Section 502.10.

Public and Semi-Private Uses and essential services.

Uses by Special Exception

Child Group Day Care Home subject to standards and criteria set forth in Section 505.4, 505.5, 505.6, and 505.7 in particular and other sections as applicable.

Child Day Care Center subject to standards and criteria set forth in Section 505.4, 505.6, and 505.7 in particular and other sections as applicable;

Small Personal Care Boarding Home subject to the standards and criteria set forth in Section 505.4, 505.5, and 505.6 in particular and other sections as applicable.

Accessory Uses

Only the following accessory uses shall be permitted:

Those accessory uses customarily incidental to the principal uses and including customary services within the building provided such services are for patrons of the principal use of the building and there is no external evidence of such services or sign advertising the same.

Any building used for any of the allowed enumerated uses may not have more than twenty (20%) percent of its floor area used for purposes incidental to the primary use.

303.3

Area and Bulk Regulations

Lot size ----- 10,000 sq. ft. minimum  
Lot width ----- 80 ft. minimum  
Total lot coverage- 50% maximum

Building Setback	
Line	---- 20 ft. minimum
Side yard	---- For commercial uses only, 10 ft. each side. For combined commercial- residential uses, 30 ft. each side.
Buffer Zone	----- 5 ft. wide minimum at front and sides of lot.
Rear yard	----- 20 ft. minimum
Building height	3 stories or 35 ft. maximum

303.4 General Provisions

No merchandise shall be displayed, sold or otherwise made available between the street right-of-way lines.

All permitted uses (except parking areas, used car sales and displays of merchandise permitted as a conditional use) shall be conducted wholly within enclosed buildings.

303.5 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.

303.6 Off-Street Parking Standards and Requirements

As required by Section 503 of this Ordinance

303.7 Off-Street Loading Regulations

As required by Section 503 of this Ordinance.

303.8 Design and Performance Standards

As required by Section 504 and 505 of this Ordinance.

Section 304 C-4 PLANNED UNIT DEVELOPMENT 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 provide for integrated high density, mixed use projects on large sites abutting rapid transit interchanges.

304.1 Use Regulations

## Uses by Right

In any C-4 District, land, buildings or premises shall be used by right for only one or more of the following:

### Multi-Family Residential

Located so as to be above any retail trade, retail service, or parking uses in the entire development, and above office uses in the same building; at a density not to exceed 80 dwelling units for each acre of total property or fraction thereof.

### Offices

Including but not limited to branch banks, savings and loan institutions, real estate and insurance, post office branch, medical or dental offices, professional offices, public utility offices, business offices with or without customer services.

## Conditional Uses

### Recreational Facilities

Publicly or privately owned and operated recreation facilities developed in conjunction with multi-family dwelling units or office space and as a subordinate use thereto.

### Retail Trade Stores

Including pharmacy; clothing, shoes, accessories, home appliances stores; sit-down restaurants with or without incidental takeout service; taverns, delicatessens, food stores; specialty food sales, state stores, newsstands, book stores, tobacco, flower, sporting goods, jewelry, leather goods, hobbies, antiques, and similar specialty stores; electronic equipment and supplies; photo equipment; and other retail trade uses similar to and compatible with the listed uses.

### Retail Services

Including beauty and barber shops, tailor, dry cleaning pick up and delivery,

laundromat, health club, self-defense or dance instruction, shoe repair, and other retail service uses similar to and compatible with the listed uses.

Accessory Uses

Including parking areas for apartment residents, public transit patrons and office, retail trade and services customers and employees; service entrances and truck access areas; recreation areas and facilities for the exclusive use of the residents of the development; utility buildings to enclose or house equipment to serve the development; landscaping, paved walkways.

304.2 Area and Bulk Regulations

L o t    S i z e - - -	175,000 square feet minimum
Building Setback Below the "podium"- (see definition of "podium" in 304.3 below)	No setback where the podium is below grade of the adjacent property lines, but where the podium is above grade relative to the adjacent property line, the podium shall be set back at least its height above the adjacent property grade line.
Above the "podium" or where no podium is constructed ----	Thirty (30) feet minimum from any property line plus two (2) feet for each ten (10) feet of building height above thirty (30) feet.
Floor Area Ratio -- Above the "podium" or where no podium is constructed	The total enclosed gross floor area of all buildings above the podium shall not exceed two (2) times the gross lot area.
<u>Length</u> to Width ----- R a t i o Above the "podium" or where no podium is constructed	No building rising above the podium or free-standing shall exceed in length four (4) times its width.
<u>Ratio</u> of Retail Space -----	The total enclosed gross floor area available for retail sales or service outlets shall not exceed one and one-half (1.5) percent of the total gross lot area.

Dwelling Unit

Density ----- Eighty (80) dwelling units  
per acre of gross lot maximum.  
Building Height Eighteen (18) stories or 180  
feet maximum (excluding the  
height of mechanical spaces on  
top of the building) measured  
from grade.

304.3 General Provisions

The "podium" shall be used only for off-street parking, services access to the occupants of the building and/or mechanical equipment rooms. The top surface shall be landscaped in those portions not used for pedestrian or vehicular circulation.

No merchandise shall be displayed, sold, or otherwise made available within a street right-of-way.

All permitted uses (except parking areas, used car sales and displays of merchandise permitted as a conditional use) shall be conducted wholly within enclosed buildings.

304.4 Off-Street Parking Standards and Requirements

As required by Section 503 of this Ordinance, except that one and a half (1.5) parking spaces shall be provided for each dwelling unit.

304.5 Off-Street Loading Regulations

As required by Section 503 of this Ordinance.

304.6 Design and Performance Standards

As required by Section 504 and 505 of this Ordinance.

304.7 Review of Planned Unit Developments

1. The developer shall provide five (5) copies of the following materials to the Borough Manager:

a. Proof that he either owns, or has entered into an agreement to purchase the property he proposes to develop.

- b. A site survey of the property and its environs showing streets and curbs, sidewalks, watercourses, railroad and/or street railway trackage, structures, sanitary and storm sewers, water lines and other utilities, contours at two (2) foot intervals within the property and within one hundred (100) feet of the edge of the property.
- c. A property boundary survey showing the edges of the property described by bearings and distances and indicating location of corner monuments set in the field.
- d. A preliminary development plan, showing traffic improvements in streets surrounding the property to accommodate the development, the proposed layout of buildings and other structures on the property, the arrangement of vehicular and pedestrian access and circulation and of parking and loading areas within the property, revision of contours to accommodate the development, means of collecting and releasing storm water, and major landscaping proposals (trees, shrub groups, etc.).
- e. Building plans, showing the entrance level and typical office and residential floors in sufficient detail to indicate vertical and horizontal circulation, building elevations from four (4) positions around the property, or two (2) perspective drawings sufficient to show the character of the design against the background of existing buildings and land forms.
- f. A tabulation showing the total property area in square feet, the number and size of apartments, the amount of office space and any other retail space in square feet, and the number of parking spaces.

2. The Manager shall provide Borough Council and the Planning Commission with copies of the submission for review at their first meetings respectively after receipt. The Commission shall provide recommendations to Council to approve or reject the proposal or approve it with specific conditions. The commission may call and hold a public hearing, but shall submit its recommendations not later than its second regular meeting after the original receipt. If the developer withdraws his proposal for revision, the review process shall be suspended and started again when the plan is resubmitted.
3. Council shall review the Commission's recommendations and shall require of the developer the following materials as a condition of final approval:
  - a. A set of the final, or essentially complete, site plans, floor plans, and building elevations.
  - b. A statement of financial capability to show that the developer and his partners have sufficient funding to complete the project.
  - c. A bond or escrow account payable to the Borough guaranteeing the installation of street improvements, utility connections, and site amenities on the property to which the public has access.
  - d. A schedule of construction, indicating the dates of commencement and completion of various phases of the project.
  - e. The by-laws of an association of owners if some or all of the residential, office, and retail units are to be sold.
4. Council shall make a decision to approve the project as submitted, reject it, or approve it with specific conditions which shall be attached to the building permit. Council's decision shall be made not later than the second regular meeting after receipt of the Planning Commission's recommendations.

5. If the developer refuses to accept conditions attached to approval by Council, the project shall be considered denied. However, Council and the developer may negotiate and modify the conditions, at the discretion of Council, and Council in its sole discretion may rescind its denial and approve the project with modified conditions.

ARTICLE 400 - INDUSTRIAL DISTRICTS

Statement of Intent

In addition to the general goals listed in the preamble, the district established in this regulation is intended to achieve the following:

To provide sufficient space, in appropriate locations, to meet the anticipated future needs for industrial activity.

To insure that the land most suitable for industrial and related activities will be available by prohibiting the use of such land for new residential development, and at the same time to protect residences by separating them from such activities.

To protect industry against congestion by limiting the bulk of buildings in relation to the land around them and to one another, and by providing sufficient off-street parking and loading facilities for such developments.

To promote the most desirable use of land and direction of building development in accord with a well-considered plan, to promote stable industry, to strengthen the economic base, to protect the character of particular industrial areas and their peculiar suitability to particular uses, to conserve the value of land and buildings, and to protect local tax revenues.

Section 401      I INDUSTRIAL DISTRICT

Specific Intent

In addition to the general goals listed in the preamble and the Statement of Intent, it is the purpose of this section to provide industrial locations for plants which require a large area for their operations and which are normally undesirable adjacent to residential and commercial areas. Residential uses are not permitted in industrial zone areas.

401.1      Use Regulations

Uses by Right

Any production, reproduction, manufacturing, assembly, processing, cleaning, testing, repair, storage or distribution of materials, goods, foodstuffs and products not involving a retail

activity on the property; a rail freight terminal or switching yard; essential services, all wholesale distribution or storage; all utilities and garages.

Accessory Uses

Only the following accessory uses shall be permitted:

Customary accessory uses in manufacturing or industrial districts.

Uses by Special Exception

The following uses shall be permitted by special exception approved by the Zoning Hearing Board and subject to prior review and approval by the Planning Commission, subject to Article 800 of this Ordinance:

Any on-site retail sales or on-site distribution of products related to the above permitted uses.

High hazard uses as designated by Group H in Section 306.0 of the Boca Code relating to the manufacturing, processing, generation or storage of corrosive, highly toxic, highly combustible, flammable or explosive materials that constitute a high fire or explosion hazard, including loose combustible fibers, dust and unstable materials.

Restaurant or cafeteria in connection with a permitted use within the district.

Detention Facility.

401.2 Area and Bulk Regulations

The following regulations shall be observed:

Lot size ----- 10,000 sq. ft. minimum  
Lot width ----- 100 ft. minimum  
Lot coverage ----- 55% maximum  
Setback ----- 20 ft. minimum  
Side yards ----- 10 ft. minimum for each side  
Rear yard ----- 25 ft. minimum  
Yards ----- Contiguous to Residential  
Districts, 40 ft.

Landscaped Buffer  
Strip ----- 5 ft. minimum along front and  
side yards.  
Maximum Building  
Height ----- 40 ft. (See Section 502.4)  
Tower and chimney  
location ----- 100 ft. minimum from any  
lot line

401.3 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.

401.4 Off-Street Parking Regulations

As provided in Section 503 of this Ordinance.

401.5 Loading Regulations

As provided in Section 503 of this Ordinance.

401.6 Storage

As provided in Section 502.5 of this Ordinance.

401.7 Performance and Design Standards

The performance and design standards outlined in Section 504 and 505 of this Ordinance shall apply to all Industrial areas.

ARTICLE 500 - SUPPLEMENTAL REGULATIONS

Section 501 SIGN REGULATIONS

501.1 Purpose

The purpose of this Section shall be to coordinate the type, placement, and physical dimensions of signs within the different land-use zones; to recognize the commercial communication requirements of all sectors of the business community; to encourage the innovative use of design; to promote both renovation and proper maintenance; to allow for special circumstances; and to guarantee equal treatment under the law through accurate record keeping and consistent enforcement. These shall be accomplished by regulation of the display, erection, use and maintenance of signs. The use of signs is regulated according to zone. The placement and physical dimensions of signs are regulated primarily by type and length of street frontage. No sign shall be permitted as an accessory use except in accordance with the provisions of this Ordinance.

501.2 Scope,

This Section shall not relate to building design. Nor shall the Ordinance regulate official traffic or government signs; the copy and message of signs; window displays; product dispensers and point of purchase displays; scoreboards on athletic fields; flags of any nation, government, or noncommercial organization; gravestones; religious symbols; commemorative plaques; the display of street numbers; or any display or construction not defined herein as a sign.

Thus, the primary intent of this Ordinance shall be to regulate signs of a commercial nature.

501.3 General Intent

It shall hereafter be unlawful for any person to erect, place, or maintain a sign in the Borough except in accordance with the provisions of this Section. For the purposes of this Ordinance, the owner of property on which a sign is located is presumed to be the owner of the sign unless facts to the contrary are officially recorded or otherwise brought to the attention of the Building Official.

501.4 Signs Prohibited

The following types of signs are prohibited in all districts:

- (a) Abandoned signs
- (b) Animated signs
- (c) Banners, pennants, festoons, searchlights (except as allowed in Sec. 501.10)
- (d) Flashing signs
- (e) Signs imitating or resembling official traffic or government signs or signals
- (f) Snipe signs or signs attached to trees, telephone poles, public benches, streetlights, or placed on any public property or public right-of-way
- (g) Signs placed on vehicles or trailers which are parked or located for the primary purpose of displaying said sign (This does not apply to allowed portable signs or to signs or lettering on buses, taxis, or vehicles operating during the normal course of business)
- (h) Off-premise signs
- (i) Painted wall signs
- (j) Rotating signs

501.5 Permits Required

Unless otherwise provided by this Section, all signs shall require permits and payment of required fees. No permit is required for the maintenance of a sign.

501.6 Signs Not Requiring Permits

The following types of signs are exempted from permit requirements but must be in conformance with all other requirements of this Ordinance:

- (a) Signs used by churches, synagogues, or civic organizations
- (b) Construction signs of 12 square feet or less
- (c) Directional/Information signs of 2 square feet or less
- (d) Nameplates of 2 square feet or less
- (e) Political signs
- (f) Public signs or notices, or any sign relating to an emergency

- (g) Real estate signs of 6 square feet or less
- (h) Window signs
- (i) Incidental signs

501.7 Maintenance

All signs shall be properly maintained. Exposed surfaces shall be clean and painted if paint is required. Defective parts shall be replaced. The Building Official shall have the right to order the repair or removal of any sign which is defective, damaged, or substantially deteriorated.

501.8 Lightins.

Unless otherwise specified by this Section, all signs may be illuminated. However:

- (a) No artificial light or reflecting device shall be used as a part of a sign where such light or device interferes with, competes for attention with, or may be mistaken for, a traffic signal;
- (b) Flood lighting shall be arranged so that the source of light is not visible from any point off the lot and that only the sign is directly illuminated thereby;
- (c) Flashing, moving, or oscillating lights are expressly prohibited;
- (d) No revolving beacon light shall be permitted.

501.9 Changeable Copy

Unless otherwise specified by this Section, any sign herein allowed may use automatic or manual changeable copy. Changeable copy signs shall be permitted only to advertise on-site goods and services.

501.10 Signs Permitted In All Zones

The following signs are allowed in all zones:

- (a) All signs not requiring permits.
- (b) One construction sign for each street frontage of a construction project, not to exceed 12 square feet in sign area in residential zones or 12 square feet in sign area in all other zones. Such signs may be erected one day prior to beginning of construction and shall be removed one day following completion of construction.
- (c) One nonilluminated real estate sign per lot or premises, not to exceed 6 square feet in sign area. Such signs must be removed one day following sale, rental, or lease.
- (d) One attached nameplate per occupancy, not to exceed 2 square feet in sign area.
- (e) One directional/information sign per lot, not to exceed 2 square feet in sign area or 2-1/2 feet in height.
- (f) Temporary special events sign(s) and decoration per premises as allowed by the Building Official for special events, grand openings, or holidays. Such signs and decorations may be erected 10 days prior to a special event or holiday and shall be removed one day following the event or holiday. For grand openings such signs may be used for no more than 10 days.

501.11 Signs Permitted In Residential Zones

Signs are allowed as follows in residential zones:

- (a) All signs as permitted in Sec. 501.6.
- (b) Two subdivision identification sign(s) per neighborhood, subdivision, or development, not to exceed 32 square feet in sign area.
- (c) One identification sign per apartment or condominium complex, not to exceed 32 square feet in sign area.
- (d) For permitted nonresidential uses, including churches and synagogues, one freestanding sign, not to exceed 32 square feet in sign area, and one wall sign not to exceed 32 square feet in sign area.
- (e) All allowed freestanding signs shall have a maximum height limit of 2-1/2 feet and shall have a setback of 2 feet from any public right-of-way.

Signs are allowed as follows in commercial and industrial zones:

- (a) All signs as permitted in Sec. 501.10 and 501.11.
- (b) One (1) freestanding sign per premises, not to exceed two (2) square feet in sign area for each linear foot of building frontage up to a maximum of 60 square feet. Such signs shall not exceed a height of 35 feet.
- (c) One (1) wall sign per occupancy, not to exceed two (2) square feet in sign area for each linear foot of that occupancy's building frontage up to a maximum of 60 square feet.
- (d) One (1) roof sign per premises, not to exceed two (2) square feet in sign area for each linear foot of building frontage up to a maximum of 60 square feet.
- (e) One (1) awning sign per occupancy not to exceed 25 percent of the surface area of an awning, or one (1) marquee sign, not to exceed one (1) square foot in sign area for each linear foot of marquee front and side.
- (f) One (1) under-canopy sign per occupancy, not to exceed three (3) square feet in sign area.
- (g) Incidental signs not to exceed one (1) square foot in aggregate sign area per occupancy.
- (h) One (1) portable sign per lot, not to exceed 18 square feet in sign area or four (4) feet in height. Such signs may be displayed four (4) times per year for periods not to exceed four (4) weeks.
- (i) The aggregate total area of all signs on each premises (i.e., parcel/lot) shall not exceed two (2) square feet per linear foot of building frontage.

Special regulations and allowances for commercial and industrial zones are as follows:

- (j) Where an occupancy has more than one main street frontage one (1) additional wall sign and zero (0) additional freestanding signs are allowed on the additional frontage, not to exceed the size limitations of other allowed wall and freestanding signs.

- (k) Every part of all freestanding, projecting, awning, marquee, and under-canopy signs shall have a minimum setback of two (2) feet from any vehicular public right-of-way, and a minimum clearance of 13-1/2 feet over any vehicular use area and seven (7) feet over any pedestrian use area.
- (I) If more than one principal use (tenant, etc.) is located on one lot, then the aggregate total area of all signs on the lot shall not exceed two (2) square feet per linear foot of lot frontage.

**Determination of Legal Nonconformity**

501.13

(See Section 602.1)

501.14

**Loss of Legal Nonconforming Status**

(See Section 602.2)

501.15

**Maintenance and Repair of Nonconforming Signs**

(See Section 602.3)

501.16

**Compliance With Building and Electrical Codes**

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All signs shall be constructed and inspected in accordance with the requirements of the Borough Building Code and Electrical Code.

501.17

**Building Official**

The Building Official is authorized to process applications for permits and enforce and carry out all provisions of this code, both in letter and in spirit. The Building Official is authorized to promulgate regulations and procedures consistent with this function.

The Building Official is empowered, upon presentation of proper credentials, to enter or inspect any building, structure, or premises in the Borough for the purpose of inspection of a sign and its structural and electrical connections to ensure compliance with all applicable codes and ordinances. Such inspections shall be carried out during business hours unless an emergency exists.

501.18 Application for Permits

Application for a permit for the erection, alteration, or relocation of a sign shall be made to the Building Official upon a form provided by the Building Official and shall include the following information:

- (a) Name and address of the owner of the sign.
- (b) Street address or location of the property on which the sign is to be located, along with the name and address of the property owner.
- (c) The type of sign or sign structure as defined in this Ordinance.
- (d) A site plan showing the proposed location of the sign along with the locations and square footage areas of all existing signs on the same premises.
- (e) Specifications and scale drawings showing the materials, design, dimensions, structural supports, and electrical components of the proposed sign.

501.19 Permit Fees

All applications for permits filed with the Building Official shall be accompanied by a payment of the permit fee for each sign according to the adopted fee schedule.

501.20 Issuance and Denial

The Building Official shall issue a permit for the erection, alteration, or relocation of a sign within 10 days of receipt of a valid application, provided that the sign complies with all applicable laws and regulations of the Borough. In all applications, where a matter of interpretation arises, the more specific definition or higher standard shall prevail.

When a permit is denied by the Building Official, he shall give a written notice to the applicant along with a brief statement of the reasons for denial. The Building Official may suspend or revoke an issued permit for any false statement or misrepresentation of fact in the application.

501.21 Permit Conditions, Refunds, and Penalties

If a permit is denied, the permit application review fee will not be refunded to the applicant.

A permit issued by the Building Official becomes null and void if work is not commenced within 180 days of issuance. If work authorized by the permit is suspended or abandoned for 180 days, the permit must be renewed with an additional payment.

If any sign is installed or placed on any property prior to receipt of a permit, the specified permit fee shall be doubled. However, payment of the doubled fee shall not relieve any person of any other requirements or penalties prescribed in this Ordinance.

Section 502 GENERAL REGULATIONS FOR ALL DISTRICTS

502.1 Visibility at Intersections

A clear sight triangle shall be maintained at all intersections and points of entry on a public road, so that, measured along the centerline, there shall be a clear sight triangle of seventy-five (75) feet minimum from the point of intersection. No obstruction to view will be permitted in this area above the height of two and one-half (2-1/2) feet and below ten (10) feet.

502.2 Swimming Pools

Open private swimming pools are considered structures for the purpose of permits and regulations of all ordinances, if they are constructed, used or maintained to provide recreational facilities for swimming, bathing or wading and capable of containing water to a depth of greater than eighteen (18) inches. For the purpose of this ordinance, they are not counted as floor area in computing the lot coverage but shall not be located in any required setback area.

All swimming pools, both in-ground and above-ground, shall be at least ten (10) feet from any lot line and shall be enclosed by a fence, wall or other substantial barrier not less than four (4) feet high, with a self-closing, self-latching gate and of such a character as reasonable to prevent access to the pool.

No swimming pool shall be constructed in the Borough except in accordance with a permit therefore previously secured from the Building Official or his duly authorized representative, upon written application accompanied by a plan showing the size, shape, and location of the swimming pool and its enclosure and such other information as may be necessary to enable the Building Official to determine whether the pool complies with this ordinance.

502.3 A transmitting antenna or tower shall not be considered as an accessory structure in any zoning district but may be permitted in any zoning district if approved as a special exception.

502.4 Exception to Height Limitations

The height limitations of this Ordinance shall not apply to church spires, belfries, domes, monuments, observation towers, radio and television towers, chimneys, smokestacks, flag poles, masts and aerials, elevators, equipment towers, tanks and other projections neither intended nor used for human occupancy provided such features themselves do not exceed twelve (12) feet in height.

This subsection shall not apply to any free-standing antenna or aerial in a residential zone which shall be considered an accessory structure and shall be governed by the regulations of the appropriate district except as provided in Section 502.3.

502.5 Outdoor Storage Prohibition

a. Outdoor storage of any type shall not be permitted unless such storage is a part of the normal operations conducted on the premises.

- b. No merchandise shall be displayed, sold or otherwise made available between the street right-of-way lines.
- c. All permitted uses (except parking areas and used car sales) shall be conducted wholly within enclosed buildings.
- d. Any article or material stored temporarily outside an enclosed building as an incidental part of the primary operation shall be so screened by opaque ornamental fencing, walls, or evergreen planting that it cannot be seen from adjoining public streets or adjacent lots when viewed by person standing on the ground level. Any outside storage not now enclosed shall be permanently enclosed or screened within three (3) years from the date of this Ordinance.
- e. All organic rubbish or storage shall be contained in air-tight vermin-proof containers on an adequately designed concrete pad behind the front face of the primary building on the lot which shall also be screened from public view.

502.6 Accessory Building and Structures

An accessory building may be constructed within the rear yard if entirely separated from the primary structure and if located at least three (3) feet farther back from the front street line than the rear-most portion of the primary structure, or at least five (5) feet from the rear property line and at least five (5) feet from the side property line.

An accessory building may also be constructed within the rear yard, in any case in which the rear portion of the lot abuts upon a road not exceeding twenty (20) feet in width, providing that all parts of the accessory building are at least five (5) feet distant from the right-of-way line of such

roadway. Accessory buildings shall not exceed one-hundred fifty feet (150) in area and one (1) story in height. Such accessory structures shall not be used for garage purposes.

All plans for accessory buildings shall be submitted to the Building Official for approval prior to issuance of a building permit. Structures of poor

construction or structures which are to be comprised of make-shift materials, or structures which are subject to extreme weathering and unsightly conditions shall not be permitted.

502.7 Fences

No fence or wall or other obstruction (except a required retaining wall or a wall of a building permitted under the terms of this Ordinance) over four (4) feet in height in front yards or over six (6) feet in height in side yards or rear yards, shall be erected within any of the required open spaces or yard spaces, unless said fence shall contain openings therein equal to fifty (50%) percent or more of the area of the fence or wall. This provision shall not apply to the required enclosing of outside storage areas in Commercial Districts as required by Section 502.5 of this Ordinance. All screen fences (those having more than fifty (50%) percent of the face area closed) shall be located two (2) feet or more from any property line.

502.8 Lot Sizes

Any lot as well as the open spaces reserved on it must equal, or exceed, the minimum sizes prescribed by this Ordinance for the district in which the lot is located.

502.9 In all districts flashing, moving or oscillating lights are expressly prohibited except for seasonal displays during the holiday season.

502.10 Outdoor Displays

In those zoning districts where outdoor display is permitted as a conditional use the following standards and criteria shall apply:

No sales transactions shall be permitted outside an enclosed building or structure. No such display shall be located outside the buildable area of the lot; nor shall such displays occupy any required parking stalls, aisles or driveways; nor shall such display obstruct any line of visions of any vehicular operator entering, exiting or transiting the premises or adjacent street or highway; nor shall such display

obstruct any window, doorway or exitway in any manner prohibited by any building code or related code of the Borough; nor shall such display be located any farther from the face of the exterior surfaces of the building(s) which parallels a public roadway located on the premises than the marked area of those surplus (non-mandated) parking stalls immediately adjacent to said building(s), or, in the absence of such immediately adjacent stalls, any further than five (5) feet from the face of the exterior surfaces of said building(s) which face a public roadway; nor shall such display be located so as to constitute a public nuisance or a violation of the provisions of Chapter XIV of the Borough Code of Ordinances.

Section 503

OFF-STREET PARKING AND LOADING REGULATIONS

503.1

Off-Street Parking Regulations

General Standards

On-site, off-street parking space(s) with a proper and safe access shall be provided within a structure or in the open to serve adequately the uses on each lot within the district. For purposes of computing car space, including stalls and driveways, parking space for one (1) vehicle shall be at least 9 feet x 18 feet in size for 90 degree parking. The Borough Engineer shall determine stall and aisle dimension for other than 90 degree parking by using standard engineering references based on the 9' x 18' 90 degree stall. Handicapped spaces shall measure at least 12 feet by 18 feet. Parking spaces shall be adequately marked and shall have an approved paved all-weather surface to provide safe and convenient access in all seasons.

The maximum permissible slope of any parking area shall be 5.0%.

Single-Family and Two-Family Standards

For single-family and two-family structures, the required parking spaces shall be designed as an enclosed garage (either totally enclosed or a carport) and shall have a paved access from street or alley to the parking space.

Off-street parking spaces for single-family and two-family uses may take the following forms and all such spaces shall be provided in either the side or rear yard of residential properties.

- a. Attached garages or carports to a dwelling;
- b. Detached garage on property;
- c. Attached garage (minimum 2 spaces) in joint ownership, i.e. party wall (also possible with driveways or accessways in joint ownership at the property lines);

Multi-Family Standards

Off-street parking spaces for multi-family structures shall be provided. At least fifty (50%) percent of the required number of spaces shall be totally enclosed. No surface parking space shall be located in the required front yard areas; however, in the R-3 and C-1 Districts, parking may be permitted in required yards below grade to within five (5) feet of any property.

Requirements

Required off-street parking space(s) for new construction, enlargement or change in use, shall conform to the following:

<u>Residential Uses</u>	At least two (2) off-street parking spaces for each:
Single-family residence -----	dwelling unit
Two-family or duplex structure -----	dwelling unit
Multi-family structure (more than two (2) units per structure -----	2.33 spaces per dwelling unit

<u>Commercial Uses</u>	At least one (1) off-street parking space for each:
Food market -----	300 sq. ft. of gross floor area
Eating establishment -----	3 seats or one (1) for each 200 sq. ft. of floor area, whichever is greater.

Personal service establishment----- 100 sq. ft. of customer service area in addition to one (1) for each employee.

Office building ----- 500 sq. ft. of gross floor area.

Automobile laundry ----- Sufficient spaces to handle 45 min. of capacity of the maximum hourly operation of auto washing facility.

Such off-street parking spaces shall be arranged in an orderly fashion so as not to cause blockage of any means of ingress or egress and to insure that the traffic flow on public rights-of-way is not endangered in any way. A separate means of ingress shall be established and clearly marked as shall be a separate means of egress from the automobile laundry facility.

Should any traffic congestion occur in the public right-of-way, it shall be the responsibility of the owner to direct traffic away from the facility by posting a "Temporarily Closed" sign or other means.

Medical and Dental Offices and Clinics ----- Two (2) employees plus four (4) spaces per doctor.

Motel (or hotel) ----- Separate sleeping unit in addition to five (5) visitor parking spaces per 100 units or fraction thereof; and one (1) space for each employee. (If the motel (or hotel) also has related uses such as restaurant or public meeting facilities, additional parking shall be provided in accordance with the requirements for restaurants, meeting places, etc.)

Other commercial uses ----- 400 square feet of gross floor area

Other Uses, including Public and Semi- Public

Private recreation facilities -----	1.5 members
Church -----	200 sq. ft. of gross floor area or for each three (3) fixed seats, whichever is greater.
School -----	15 students in elementary schools 10 classroom seats in other schools or for each 125 square feet of auditorium space provided, whichever is greater.
Lodge, Library, Museum, Meeting place, etc. -----	50 sq. ft. of floor area used for assembly in the building.
All Industrial Uses -----	One (1) for each 900 sq. ft. of gross floor area Or each two (2) employees, whichever is greater.

Off-Street Design Standards For Commercial and Industrial Districts

Parking spaces shall be clearly delineated by painted lines or markers, and shall be maintained to keep parking space designations identifiable.

In no case shall parking facilities be permitted to encroach on required landscape buffer strips.

Stalls shall be provided with bumper guards or wheel stops when necessary for safety or protection to adjacent structures or landscaped areas.

Surface drainage shall be connected to the existing or proposed drainage system. No surface runoff may be drained on to any public street surface or sidewalk.

All vehicular entrances and exits to parking areas shall be clearly designated for all conditions.

Short-term visitor parking spaces shall be differentiated from long-term employee spaces by suitable markings.

If spaces are used during evening hours, appropriate lighting shall be provided.

503.2

Off-Street Loading Regulations

Standards

Off-street loading and unloading space(s) with proper and safe access from street or alley, shall be provided on each lot where it is deemed by the Borough Engineer that such facilities are necessary to adequately serve the uses within the district. Each loading and unloading space:

shall be at least fourteen (14) feet wide, sixty (60) feet long and shall have at least a fifteen (15) foot vertical clearance;

shall have a paved all-weather surface to provide safe and convenient access during all seasons; and,

shall not be constructed between the street right-of-way line and the building setback line.

Required off-street parking spaces (including aisles) shall not be used for loading and unloading purposes except during hours when business operations are suspended.

Loading and unloading facilities shall be designed so that a truck or any portion thereof need not park in nor effectively block in any manner, any public right-of-way.

No truck shall be allowed to stand in: 1) a right-of-way; 2) automobile parking area (including aisles); or 3) in any way block the effective flow of persons or vehicles.

Requirements

At least one (1) off-street loading space shall be provided for all commercial or industrial concerns in excess of 3,500 square feet of gross floor area. The number of loading and unloading spaces shall be such that the standards of this section shall be maintained and the number of proposed spaces approved by the Planning Commission.

503.3 Interior Circulation, Access and Traffic Control

The interior circulation of traffic shall be designed so that no driveway or street providing parking spaces shall be used as a through street. If parking spaces are indicated by lines with angles other than 90 degrees, then traffic lanes shall be restricted to one-way permitting head-in parking. No driveway or street used for interior circulation shall have traffic lanes less than ten (10) feet in width.

Areas provided for loading and unloading of delivery trucks and other vehicles, and for the servicing of shops by refuse collection, fuel and other service vehicles, shall be adequate in size and shall be so arranged that they may be used without blockage, or interference with the use of access ways or automobile parking facilities.

All access ways to any public street or highway shall be located at least seventy-five (75) feet from the intersection of any two street lines and shall be designed in a manner conducive to safe ingress and egress as determined by the Planning Commission and the Borough Council. Where practicable, exits shall be located on minor, rather than major, streets or highways.

No design shall be approved which is likely to create substantial traffic hazards endangering the public safety. Safety requirements which may be imposed in such a review shall include traffic control devices, acceleration or deceleration lanes, turning lanes, traffic and lane markings, and signs. The developer shall be responsible for the construction of any such traffic control devices.

503.4 Prior to installing or placing any permanent, exterior lighting on a lot, whether affixed to a structure or otherwise, a plan for such lighting shall be submitted to the Planning Commission for review and approval.

503.5 Parking and Storage of Vehicles in All Residential Districts

In any Residential District, the following restrictions shall apply: (A) The parking of any vehicle including an automotive passenger vehicle

or station wagon, in required front yards shall be prohibited except in designated driveway areas. Parking overnight of truck-type vehicles (pick up trucks and panel body trucks) not exceeding 3/4 ton payload in a residential garage or in residential driveway shall be permitted. Parking of any other type of truck, except for temporary loading or unloading, shall be prohibited. Parking of recreational vehicles, "campers", boats, similar types of mobile vehicles may be temporarily permitted in Residential Districts provided: 1) that such vehicles may not be used for human occupancy while parked; 2) that such vehicles must be parked only behind the front building line and where possible, only in the rear of dwellings.

(B) Any movable structure, trailer, automobile, truck or parts of these items or any other items of similar nature, allowed to remain on the premises a longer time than that required to load, unload, or otherwise discharge its normal functions, shall be considered subject to all regulations set forth in this ordinance for buildings and structures as defined herein.

503.6 Parking and Storage of Vehicles - General

Vehicles in all districts shall be parked or stored only in designated parking or driveway areas. In no event shall vehicles be parked on grassy or open areas not designed for parking or storage of such vehicles.

503.7 Parking and Storage of Vehicles - Commercial and Industrial District

In Commercial Districts, the following regulations shall apply:

Company vehicles operated daily in connection with a business may be parked on paved parking areas on the premises after business hours as long as such vehicles do not exceed 11,000 pounds gross weight. In the event that more than 3 such vehicles are so parked or vehicles exceed 11,000 pounds of gross weight or combination weight, then the parking of such vehicles shall be governed by the provisions regarding outdoor storage.

This provision shall not be applicable to new used car sales operations as a primary subject premises. and use of the

504.1 Required Planting Screens

Wherever any parking lot, trash collection, outdoor storage, merchandizing or service area lies within 50 feet of any R1, R2, R3, RP, or C4 district, a planting screen of sufficient height and length to interfere with the view thereof from the adjoining district shall be required except where the view is blocked by change in grade or other natural or man-made features. Where, because of intense shade, or soil conditions, the planting screen cannot be expected to thrive, a wooden fence or masonry wall may be substituted.

All planting screens required by this Ordinance shall consist of plants at least 30 inches high when planted, maintained in a healthy condition and so pruned as to provide maximum opacity from the ground to a height of five (5) feet. The plant materials on the following list shall be used. Seventy-five percent (75%) of the plant material used shall be evergreen. Plants shall be installed no farther apart than the distance indicated under "Spread" in the plant list.

Substitution of other plant material not included in the plant list shall be permitted only upon certification by a licensed landscape architect that the proposed plantings can be expected to thrive and provide equivalent screening and will create no nuisance or hazard.

All plants not surviving three (3) years after planting must be replaced.

An existing business affected by these regulations of this ordinance shall not be required to comply with the above screening in case of a major alteration of such business. Similarly, for any zoning district boundary change after the passage of this ordinance, initiated by a residential developer abutting a commercial or industrially zoned property for which these regulations apply, these screening requirements shall not be imposed upon such commercial or industrial property.

rizr

ITANICAL NAME	COMMON NAME	SPACING	COMMENT
<b>'fritiNDCOVER</b>			
Lc.) nunor	Blue Myrtle	6' on center	Sun or Ehadci_blue flower in spring_
tirtaNti a terminalis	Par-hysantka	4" on center	lnty/Leo, itkal for shade
<b>'ERGKEEN SHRUBS</b>			
ikil 'DcLeware Vallee	Drama= Valley Azalea	Height: 5' Spread: 4'	Verhardy, Urge pure white flowers in Spring
ilea T lino airmen(	Ilion Criarxxi Azalea	Uzi lit: 3' S L 4'	Clear crimson red flowers in Springy
des Rosebud'	Rosebud Azalea	Height: 5' Spread: 3'	Double pink late spring flowers
i gla bra 'Cl litINctie	NICaliC I lolly	Height: 4' Spread: 4'	Massing, hedges, accents_; sun or partial shade
4x ineserveaLt 'tacit Prince'	Blue Primal liolly	Height: 5' Spread: 5'	Pollinator for Mite Princess
t i inesmrveltelluie Princess'	Blue Prin.:1-ess Holly	Height: 5' Spteari: 5'	Pt (slums ht,tavy berry set of excellent red Inrit
ti Kris chinextsis 'Aquarius'	Mtruius Juniper-	Height: 3' Sweatt 5'	Blue-green folingp:
tip erig virginaiana 'fliukie	Burk Juniper	Height: 10' Spread: 4'	Pyramidal; Steel-Blur; foliam
'whole term Vtinninghaas White'	erausinglosn's White Rhododendron	Height: 4' Sprr:ad: 4'	white flowers in late spring; concompact plant;
c minden' nal 'English Kos nn	English Roscunt leamixkodron	Height: 8' SPfeigl: 8'	Compact ; lavender- pink flowers in late spring
ixtixienthon grantliclorium	Granilifloritun Ritedorlexutron	Height 6 Spread: 6'	Roc purple fnhvers in laic spring
IN indrlithr031 1' 1 Ai	Pi_M. RlaxicActruiron	Height: 4' Spread: 4'	lavender-pink fkiwers in early spar% cerulean[
<b>.C1)(10L/S SIIRURS</b>			
-dual alnifolia 'Rosa	Pink Sunfinersweet (Udine	Height: 6' Spread: 5'	A1011181.1C _pink flower Spike; does well in shade
ii oca-arr apicularo	Cranberry Caoneaster	Height: 3' Sfferid: 6'	Very hardy; sun or partial shatk; bright red berries through whiter
oigintis Alta	Wingo_i )coprius	Height: 15' Spread: 12'	Pietunesque corky wings in winter scadct autunui color sum or med.
[storms alma Voilipecia'	Dwarf Burning flush	Height: 8' Spread: 8'	ledge or specimen use; best in scut; brilliant red fall foliage color
X SV.113 SYriibC3	ROM-Of-S113000	Height: 8' Spread: 6'	Sun or partial shade; varying bloom color choices hi fate sutsuner
rata x bmitalda Voocinea	Improved Dwarf Red Spires	Height: 3' Spread: 4'	Roeder or mass planting; pinkish red flowerg six' or partial shade
card F,p onica ' Al pina'	Daphne Spiraea	Height: 1' Spread: 3'	12" rounded font, with pink flowers; best in sun
<b>ERGREEN TREES</b>			
us striAius	Eastern White Pine	Height: 75' Spread: 40	Pol growing.; long needles
f".a ftiffgittis	Colorado Spruce	Height: 60' Spread: 20	Bluish color; pyramidal
4-11 cairativitas	Canadian !Unlock.	Height: 75' Spread: 25'	Screen or infer:inl planting; sun or shatk; adaptable, graceful
p ixAndcanatis Niktr.t	Dstrk Onx-n Arborviatae	Height: 20' Spread: 5'	Excellent sereeti shears well: oolturtnar

<b>(30110tIS TREES</b>			
er 1 'eck:IxTti4xe P.A.F.	Celetration Maple	Height: 45' Spread:	Compact, upright;roillgokl (all color
rr ginnala	Arum` Maple	Height 5" Spread:	Clipped hedge or small tree; yellow & red in rail
is platarroides mut culovms	Noma y Maple	Height 50dSpread:	rounded: yellow fall eahrr
iodencinnt tulipifera	Tulip Tree	Height!: 70'	Dense foliage; tulip-like flowers in Juno; sun or patrol shade
AA callayarra anti	itoilspire liar	licig!tl: 31Y	While flowers in spring; purple crimson foliage in fall` adfftabk to adverse
<b>IAI.I. FLOWERING TREES</b>			
Iglus spix:ies and cultivars	endsvple	Height: 20'Spread:	Spring flowering, variety of colors
itamts specie and arkivars	I lawthome	Height: 15' Sprcad:	White flowers in spring: ornamental
Winks kousa chmensis 'Milk	Milky Way Dogwood	I 'eight: 20" Spread:	Strawberry-like huits loved by birds- white flowers- partial shade
<b>...RENNIALS</b>			
ireopsis	Moonbeam C1 p.--is	lir Spread: 18"	Pale lemon yellow flowers ihrough summer-ent flowers or border
Inerocallis	Day Lilies	Iteigit 15-34"	Summer bloomingi variety of colors
oma	Plantain LA/	freight: 18-36"	Sommer fkniverrng;god in shade
!,lbeck la fulgida	Black Eyoti Susan	licidtt: sir Spread: 3'	,Surnraer bri_ghtyellow flowtr.

500-12B

Required LandscapingGeneral Requirements

Any part or portion of the site which is not used for buildings, other structures, loading or parking spaces and aisles, sidewalks and designated storage areas, shall be planted with an all-season ground cover and shall be landscaped with trees and shrubs in accordance with an overall landscape plan and shall be in keeping with natural surroundings. A replacement program for non-surviving plants should be included.

The landscape plan must show a satisfactory method of irrigating all planted areas. This may be either by a permanent water system or by hose.

Required Tree Plantings

In every district in which there is a required percentage of lot area devoted to landscaped open space, one tree is required for each 1,500 square feet or fraction of required yard space. All trees required by this Ordinance shall be at least 12 feet high when planted and shall be maintained in a healthy condition. They shall not be pruned, except to remove dead wood, in such a manner as to prevent growth to a height of at least 15 feet or to reduce existing height below 15 feet. Where new tree plantings are otherwise required, existing trees having a height of at least 11 feet may be counted as required trees if not of one of the varieties prohibited below and if the earth under their branches remains undisturbed. The following varieties of trees are prohibited in meeting the requirements of this Ordinance: poplars, willows, American elms, seed-bearing locusts, box elders, and any species which does not normally grow to a height of 15 feet in the Borough of Castle Shannon or which the Borough Engineer determines to be a nuisance vis-a-vis sanitary sewers.

Parking Lot Plantings

All off-street parking areas with more than twenty (20) required parking spaces shall be landscaped with a minimum of one tree, two and one-half (2-1/2) inches DWI (diameter at breast height), for every ten (10) cars. These trees shall be placed in such a fashion to provide

shade and screening of the parking area. No more than twenty (20) cars will be parked in a row without the provision of a nine (9) foot by eighteen (18) foot landscaped island.

504.3 Required Buffer Zones

As required in Sections 301.2, 303.3, and 401.2 of this Ordinance, properties in commercial zones C-1, C-2, C-3, and C-4, and all industrial districts shall be required to provide and maintain a landscape buffer zone of at least five (5) feet in width extending the length of that property line abutting the roadway right-of-way, and along the side yard boundaries, with the exception of those distances used for ingress and egress to and from the property.

The Buffer Zone shall include plant combinations meeting the following requirements:

tree for each 30 linear feet along the adjacent roadway

1 shrub for every 5 linear feet along the adjacent roadway

75% of the plant material in the buffer zone shall be evergreen

any portion of the buffer zone not covered by trees and shrubs shall be planted with a seasonal ground cover

All plants in the buffer zone shall meet the maintenance requirements and specifications set forth in Sections 505.1 and 505.2 of this Ordinance.

504.4 Time of Completion

All tree plantings, planting screens, and buffer zones required by this Ordinance shall be installed prior to occupancy or commencement of use. Where compliance with the preceding sentence is not possible because of the season of the year, the Zoning administrator shall grant an appropriate delay, but shall issue no permanent zoning compliance certificate or certificate of occupancy until completion of all required plantings. Any zoning compliance permit or

certificate of occupancy may be revoked, after 30 days written notice to the owner and to the occupant, whenever planting screens, buffers, or required tree plantings are not maintained as required in this Ordinance.

504.5 Shopping Cart Storage

Any establishment which furnishes carts or mobile baskets as an adjunct to shopping, shall provide definite areas within the required parking space areas for storage of said carts. Each designed storage area shall be clearly marked for storage of shopping carts.

504.6 Lighting

All parking areas, pedestrian walks, driveways, and loading areas shall be provided with a lighting system which shall furnish a minimum of 35 foot candles at any point during hours of operation, with lighting standards in parking areas being located not farther than one-hundred (100) feet apart. All lighting shall be completely shielded from traffic on any public right-of-way and from any residential district.

Section 505 DESIGN AND PERFORMANCE STANDARDS FOR CARE FACILITIES IN RESIDENTIAL AND COMMERCIAL DISTRICTS

All care facilities, as applicable, shall comply with the following:

- 505.1 No two facilities shall be located within fifteen hundred (1,500) feet of each other, in any direction.
- 505.2 Said facility must be located on an arterial or collector street. Arterial streets being Mt. Lebanon Boulevard, Castle Shannon Boulevard, Library Road, Sleepy Hollow Road, Hamilton Road, Grove Road, and Cooke Lane. Collector streets being Rockwood, Hoodridge, Willow, and McRoberts.
- 505.3 Said facility must protect residential areas against the hazards of fire, offensive noise, traffic, or vibration, smoke, odors, glare, or other objectionable influences.
- 505.4 Said facility shall be permitted or denied operation only after inspection by the Castle Shannon Fire Official and Building Inspector.

- 505.5 When said facility is one in which care givers reside, a minimum of four (4) off-street parking spaces are required, regardless of other conflicting regulations.
- 505.6 Said facility must operate in compliance with all applicable regulations of the Commonwealth of Pennsylvania and have a registration certificate from the Pennsylvania Department of Public Welfare, as well as complying with any applicable regulations of Allegheny County and the Borough of Castle Shannon.
- 505.7 Said facility must provide a minimum on-site outdoor play area of sixty-five (65) square feet per child which shall be fenced and leveled.
- 505.8 Public or semi-public use lot requirements shall be met.
- 505.9 If located on a street where parking is restricted, said facility shall have safe access on an off-street area for discharging and picking up of persons to whom the service is rendered.

ARTICLE 600 - NON-CONFORMING USES - PREMISES, STRUCTURES AND LOTS

Statement of Intent

The Zoning Districts established by this Ordinance are designed to guide future use of land in the Borough by encouraging the development of desirable residential, and commercial areas, with appropriate groupings of compatible and related uses, to the end of promoting and protecting the public health, safety, comfort, prosperity and other aspects of the general welfare.

To achieve this end, lawful existing uses which would be prohibited or restricted under the terms of this Ordinance, or future amendments, and which do not conform to the character and regulations of the zoning district in which they are located, shall be subject to certain limitations. The regulations set forth below are intended to provide a gradual remedy for the undesirable conditions resulting from indiscriminate mixing of uses, and to afford a means where-by non-confirming uses can be gradually eliminated and re-established in more suitable locations within the Borough.

Similarly, buildings or other structures which do not comply with one or more of the applicable district requirements as to lot width, minimum lot area and yard spaces, off-street parking, lot coverages, or building height, are deemed to be non-conforming.

Non-conforming uses and structures will generally be permitted to remain; the purpose of regulating them is to restrict further investment in uses or structures which are inappropriate to their location.

To avoid undue hardship, nothing in this Ordinance shall be deemed to require a change in plans, construction, or intended use of any building on which actual construction was lawfully begun prior to the effective date, or amendment of this Ordinance and on which actual building construction has been diligently carried on.

Section 601       NON-CONFORMING USE, STRUCTURE, SIGN, AND/OR  
                  LOT REGULATIONS  
                  (See definitions on page 100-26)

601.1       Continuation

Lawful uses located either within a building or other structure, or part thereof, or on the land, or in combination of both, which, at the effective date of this Ordinance, or subsequent amendment

there-to, become non-conforming, may be continued so long as they remain otherwise lawful, including subsequent sales of the property.

No new non-conforming uses can be added to the premises. Only the specific principal use in existence at the effective date of this Ordinance has such non-conforming use status. A non-conforming secondary use cannot become the basis for a non-conforming principal use.

601.2 Moving of Structure

No non-conforming building or structure shall be moved in whole or in part to another location on the lot, nor shall any structural expansion of the building or structure be made unless every portion of said building or structure is made to conform to all the regulations of the district in which it is located.

601.3 Discontinuance

If a non-conforming use of land or building ceases operations for a continuous period of more than six (6) months, then this shall be deemed to be an intent to abandon such use and any subsequent use of land shall conform to the regulations of this Ordinance. This shall not apply to any single-family, two-family or double-family uses.

601.4 Change in Use

The lawful use of a building existing at the time of the adoption of this ordinance may be continued, although such use does not conform to the provisions hereof, and such use may be extended throughout the building, provided no structural alterations are made other than those ordered by an authorized public officer to assure safety of the building, structure or its occupants or of an abutting building, structure or its occupants, and provided further, that such extension does not displace any residence use in a Residence District. If no structural alterations are made, a non-conforming use of a structure may as a Special Exception be changed to another non-conforming use provided that the Zoning Hearing Board shall find that the proposed use is equally

appropriate or more appropriate to the district than the existing non-conforming use. If such a non-conforming use or a portion thereof is discontinued or changed to a conforming use, any future use of such building, structure, or portion thereof, shall be in conformity with the provisions of this Ordinance.

Whenever a use district shall be hereinafter changed, any existing non-conforming use in such changed districts may be continued or as a special exception be changed to another non-conforming use of the same, or higher classification provided that no structural alterations are made other than those ordered by an authorized public officer to assure the safety of the building, structure or its occupants or of an abutting building, structure or its occupants.

601.5 Damage or Destruction

In the event that a non-conforming building or structure in any district is destroyed or partially destroyed by fire, explosion or other cause, or otherwise damaged to the extent of fifty (50%) percent or more of the bulk of damaged building, structure, or other improvement on the lot, such non-conforming uses shall terminate and the lot shall thereafter be used only for conforming uses.

Section 602 NON-CONFORMING LAWFUL SIGNS

Lawful signs in existence at the effective date of this Ordinance or amendments thereto, may be continued subject to the following regulations:

602.1 Determination of Legal Nonconformity

Existing signs which do not conform to the specific provisions of the Section may be eligible for the designation "legal nonconforming" provided that.

- (a) The Building Official determines that such signs are properly maintained and do not in any way endanger the public.
- (b) The sign was covered by a valid permit or variance or complied with all applicable laws prior to the date of adoption of this amended ordinance.

602.2 Loss of Legal Nonconforming Status

A legal nonconforming sign shall lose this designation if:

- (a) The sign is relocated or replaced or abandoned.
- (b) The structure, size or area of the sign is altered in any way except towards compliance with this Section and Section 501. This does not refer to change of copy or normal maintenance.

602.3 Maintenance and Repair of Nonconforming Signs

A legal nonconforming sign is subject to all requirements of this Ordinance and any other applicable Ordinance or Code regarding safety, maintenance, and repair.

602.4 Moving

No nonconforming advertising sign, billboard, commercial advertising structure, or statuary shall be moved to another position on the building or lot on which it is located after the effective date of this Ordinance or amendment thereto.

602.5 Damage or Destruction

In the event that any nonconforming advertising sign, billboard, commercial advertising structure or statuary is damaged by any means to the extent of fifty (50%) percent of its bulk at the time of destruction, such sign shall not be restored or replaced.

602.6 Discontinuance of Signs

Whenever any specific use of building or structure or land or of a combination of buildings, structures and land ceases, all nonconforming signs accessory to such use shall be deemed to become unlawfully non-conforming and shall be removed within 30 days.

ARTICLE 700 - ADMINISTRATIVE PROCEDURES

Specific Intent

It is the purpose of these regulations to prescribe the procedures by which the administration of this Ordinance shall take place. Nothing contained within this section shall be interpreted as limiting the adoption of administrative regulations which do not supercede required stated procedures.

Section 701       ADMINISTRATION AND ENFORCEMENT

701.1           Council

The Council shall have the power to:

Adopt or amend a comprehensive plan for the Borough;

Enact or amend an official map, a zoning ordinance, a subdivision and land development ordinance, a planned residential development ordinance, and building code, a housing code, and a schedule of fees in accordance with this chapter, other Borough ordinances, and the laws of the Commonwealth;

Appoint a Zoning Ordinance Administrator, members of the Zoning Hearing Board, and members of the Planning Commission;

Approve any plans and permits as may be required by this chapter;

Consider, approve and/or reject "Conditional Uses"; and

Exercise any other powers delegated to them under the laws of the Commonwealth.

701.2           Administration

The duty of administering and enforcing the provisions of this Ordinance is hereby conferred upon the Building Official or his duly authorized representative who shall have such powers as are conferred on them by this Ordinance and are reasonably implied for that purpose. The Building Official shall have all the powers and duties provided for a zoning officer in the Municipalities Planning Code.

## Duties

The duties of the Building Official or his duly authorized representative shall be:

To examine all applications for permits;

To issue permits only for construction and uses which are in accordance with the regulations of this Ordinance and other as applicable ordinances may be subsequently amended;

To record and file all applications for permits with the accompanying plans;

To issue permits for use by special exception only after such uses and buildings are approved by the Zoning Hearing Board in accordance with the regulations of this Ordinance;

To receive all required fees and issue all necessary stop orders or other notices;

To provide information and interpretation as to zoning district boundaries established on the Zoning District Map which do not require decisions by the Zoning Hearing Board;

Upon the request of the Planning Commission or of the Zoning Hearing Board, present such body facts, records and any similar information on specific requests to assist such body in reaching its decision; and,

To be responsible for keeping up-to-date this Zoning Ordinance and accompanying Zoning District Map.

## Notification of Violation

If the Building Official or his duly authorized representative shall find that any of the provisions of this Ordinance are being violated, he shall notify, in writing, the person responsible for such violation, indicating the nature of the violation and order the action necessary to correct it. He shall order discontinuance of illegal use of land, building or structure; removal of illegal buildings or structures or of illegal additions, alterations,

or structural changes thereto; discontinuance of any illegal work being done; or shall take any other action authorized by this Ordinance or statute to insure compliance with, or prevent violation of, its provisions, all in accordance with the provisions of the Municipalities Planning Code.

#### Appeal

Any appeal from a zoning decision or zoning ordinance related action of the Building Official or his duly authorized representative shall be made directly to the Zoning Hearing Board in accordance with the Municipalities Planning Code.

701.3

#### Enforcement

This Ordinance shall be enforced in accordance with the provisions of the Municipalities Planning Code by the designated Building Official or his duly authorized representative of the Borough of Castle Shannon. No permit of any kind as provided in this Ordinance shall be granted by them for any purpose except in compliance with the provisions of this Ordinance, or a decision of the Zoning Hearing Board or the Courts.

#### Complaints Regarding Violations

Whenever a violation of this Ordinance occurs, or is alleged to have occurred, any person may file a written complaint. Such complaint stating fully the causes and basis thereof, shall be filed with the Building Official or his duly authorized representative. They shall record properly such complaint, immediately investigate, and take action thereon as provided by this Ordinance.

701.4

#### Penalties

Any person, partnership, or corporation who, or which, shall violate the provision of this Ordinance shall be subject to the penalties provided for in the Municipalities Planning Code.

702.1 Requirement for Submission of a Site Plan

To assure satisfactory development within the borough, it shall be required that prior to the issuance of any permits for proposed development other than minor modifications to existing structures, a suitable site plan shall be submitted to the Planning Commission for review by the Planning Commission and the Borough Engineer. However, in the case of a single family detached dwelling, only one set of documents need be submitted, and the permit application need not be reviewed by the Planning Commission but instead may be reviewed, approved or denied by the Building Official and the Borough Engineer.

An application package, prepared by a professional engineer, architect, or landscape architect registered in the Commonwealth of Pennsylvania, shall be submitted along with the required review fee, and shall be due fifteen (15) days prior to a scheduled meeting of the Planning Commission.

If recommended for approval by the Planning Commission, the plans shall then be stamped approved, dated, and submitted to the Borough Secretary for submission to the Borough Council at its next regularly scheduled meeting.

The application package shall consist of the following:

1. Five (5) copies of a 24" X 36" site plan showing:
  - a. A location plan showing the location of the proposed development and enough of the surrounding area to demonstrate the relationship of the planned development to adjoining areas.
  - b. The exact size, shape, and dimensions of the site; all existing and proposed property lines and easements, with lengths and bearings; and the exact size and location on the lot of all existing buildings and structures; as recorded by a professional surveyor registered in the Commonwealth of Pennsylvania.

- c. The exact size, height, and location on the lot of the structure(s) or building(s) proposed to be erected, moved, repaired, or altered, and all associated setbacks, side yards, and rear yards.
- d. All adjacent streets and alleys with traffic flow patterns and rights-of-way widths.
- e. A tabular presentation of the regulations applicable to the proposed development, such as zoning district, lot coverage, setbacks, side and rear yards, buffer areas required, lot area and width, and building height; parking requirements; development density, breakdown of dwelling units by number of bedrooms, if applicable; and proposed floor area.
- f. The existing and proposed topographic character of the land at not less than two (2) foot contour intervals, and a detailed description of any retaining structures that may be proposed.
- g. The proposed parking facilities including the size, arrangements, and number of parking stalls (to include handicapped) and placement of lighting standards, if required. Indicate number of spaces provided and number required by Zoning Ordinance.
- h. To ensure the prevention of blockage of vehicles entering and leaving the site, indicate traffic flow, ingress and egress driveways, and all off-street parking and loading areas, both front and rear. Show rights-of-way through the property for ingress and egress to adjoining properties, if applicable.

- i. General location, size, and nature of public and private utilities, including underground utilities, and other community facilities and services showing any easements. Show the location of proposed tap-ins to existing utilities (size and type). Provide a tabular list of the names and addresses of public utilities that will be providing service to the proposed development.
  - j. All sidewalks, ramps, and stairs, along with provisions for the handicapped.
  - k. Areas to be utilized for the exterior storage of materials and type of architectural screen.
2. Preliminary architectural and engineering drawings showing plan and elevation views of the proposed structures, type of building construction, and any other ' necessary information related to the proposed structures.
  3. General landscaping and lighting plan.
  4. Storm water runoff calculations with explanation of methodology used.
  5. Number of Sewage Equivalent Domestic Units (EDUs) requested based on water usage. One EDU represents 50,000 gallons per year.
  6. Copy of State or County Highway Occupancy permit for ingress and egress (if required).
  7. For structures in excess of four (4) stories in height the site plan must include proposed provisions for fire protection and life saving devices and must include a letter from the Chief of the Borough of Castle Shannon Volunteer Fire Department indicating that he has reviewed the provisions for fire protection and life saving devices and any recommendations with regard thereto.

8. Such other information as may be required by the Borough Council, the Planning Commission, Borough Engineer, or the Official Borough Subdivision Regulations.

9. Upon application for any permit review requiring the submission of a site plan, the applicant shall be provided with a copy of the current zoning ordinance the cost of which shall be charged to the applicant.

702.2 Requirements for Zoning Permits (issued simultaneously with building permit)

A zoning permit shall be required prior to the erection, construction or alteration of any building, structure or any portion thereof, prior to the moving of a building into the Borough, from one place in the Borough to another, prior to change in use, ownership or occupancy of a building or land, and prior to the change or extension of non-conforming use and shall be issued simultaneously with the required building permit or occupancy permit.

702.3 Application for Permits

Application for permits shall be made in writing, to the Building Official or his duly authorized representative on such forms as may be furnished by the Borough. Such application shall include building and plot plans of a satisfactory nature and shall contain all information necessary for such official to ascertain whether the proposed erection, alteration, use, or change in use, complies with the provisions of this Ordinance. No permit shall be considered complete or permanently effective until the Building Official or his duly authorized representative has certified that the work meets all the requirements of applicable codes and ordinances.

702.4 Issuance of Permits

No zoning permit shall be issued unless in conformity with the regulations of this Ordinance, except after written order from the Zoning Hearing Board, or the Courts.

702.5 Expiration of Permits

Any permit issued shall become invalid if the authorized work is not commenced within six months after issuance of the permit, or if the authorized work is suspended or abandoned for a period of six months after the time of commencing the work.

702.6 Certificate of Occupancy

Upon completion of the erection or alteration of any building or portion thereof authorized by any permit, and prior to occupancy or use, the holder of such permit shall notify the Building Official or his duly authorized representative of such completion. No permit shall be considered complete or permanently effective nor shall any building be occupied or lot used until said official has issued an occupancy permit certifying that the work has been inspected and approved as being in conformity with the permit and the provisions of this Ordinance and other applicable ordinances.

Certificate of Occupancy shall be granted or denied, within ten (10) days from the date of application.

In Commercial Zoning Districts in which Design and Performance Standards are imposed, subject to Sections 504 and 505 of this Ordinance, no Certificate of Occupancy shall become permanent until thirty (30) days after the facility is fully operating, when upon a re-inspection by the Building Official or his duly authorized representative, it is determined that the facility is in compliance with all performance standards.

702.7 Remedies

In case any building or structure is erected, constructed, reconstructed, altered, repaired, converted, or maintained or any building, structure, or land is used or occupied in violation of this Ordinance or of any ordinance or other regulation made supplementing this Ordinance, the proper authorities of the Borough, in addition to the other remedies, may institute any appropriate action or proceedings to prevent such unlawful erection, construction,

reconstruction, alterations, repairs, conversion, maintenance, occupancy or use, to restrain, correct or abate such violation, or to prevent any illegal act, conduct business or use in or about such premises.

Section 703      SCHEDULE OF FEES

703.1      Determination

The Borough Council shall determine a schedule of fees, charges and expenses, as well as a collection procedure for special permits, variances, amendments and other matters pertaining to this Ordinance. Said schedule of fees shall be posted in the office of the Building Official.

The Borough Council shall be empowered to reevaluate the fee schedule and make necessary alterations to it. Such alterations shall not be considered an amendment to this Ordinance, and may be adopted at any public meeting of Council by resolution.

The required fees for zoning district amendments may vary according to advertising costs and thus shall be kept up-to-date by the Borough Council and the Building Official or his duly authorized representative. All such fees shall be paid into the Borough treasury.

Special exceptions and variances shall be issued only after fees have been paid in full, and the Zoning Hearing Board shall take no action on appeals until preliminary charges have been paid in full.

Section 704      AMENDMENTS

704.1      Power to Amend

The regulations, restrictions, boundaries and requirements set forth in this Ordinance may, from time to time, be amended, supplemented, changed, or repealed, through amendment by the Borough Council.

704.2      Procedure for Amendment

The procedure for amendment of this Ordinance shall be as provided in the Municipalities Planning Code.

ARTICLE 800 - ZONING HEARING BOARD

Section 801      ADMINISTRATION AND PROCEDURE

801.1      Creation

There is hereby created a Zoning Hearing Board which shall have all the duties, rights, and shall conduct itself and be governed by and in accordance with the provisions of the Municipalities Planning Code.

801.2      Membership

The membership of the Board shall consist of three (3) residents of the Borough, appointed by Borough Council. Their terms of office shall be three (3) years and shall be so fixed that the term of office of one (1) member shall expire each year. Borough Council shall also appoint two residents of the Borough to serve as alternate members of the Board for three-year terms. The Board shall promptly notify Borough Council of any vacancies which occur. Appointments to fill vacancies shall be only for the unexpired portion of the term. Members of the Board shall hold no other office in Castle Shannon Borough.

Any Board member may be removed for malfeasance, misfeasance or nonfeasance in office or for other just cause, by a majority vote of the Borough Council, taken after the member has received fifteen (15) days' advance notice of the intent to take such a vote. A hearing shall be held in connection with the vote if the member shall request it, in writing.

801.3      Organization

The Board shall organize in accordance with the Municipalities Planning Code and shall hold hearings, seat alternate members, conduct its proceedings and make, alter and rescind rules, forms and procedures in accordance with the Municipalities Planning Code.

801.4 Expenditures

The Board may make expenditures for services in accordance with the Municipalities Planning Code and members and alternate members of the Board may receive compensation, as may be fixed by the governing body.

Section 802 HEARINGS, NOTICE, FEES

802.1 Hearings

The Board shall conduct hearing and make decisions in accordance with the Municipalities Planning Code.

The applicant or appellant shall provide seven (7) copies of all applications, appeals, exhibits or other documents at least ten (10) days prior to the date of the hearing.

802.2 Notice

In addition to any notice required by the Municipalities Planning Code, written notice of hearings shall be given to the Borough Manager.

802.3 Fees

Council shall establish reasonable fees with respect to hearings before the Zoning Hearing Board in accordance with the Municipalities Planning Code.

Section 803 POWERS AND DUTIES

803.1 Jurisdiction

The Zoning Hearing Board shall have exclusive jurisdiction to hear and render final adjudications as provided by the Municipalities Planning Code.

803.2 Variances

The Zoning Hearing Board shall hear requests for variances as provided by the Municipalities Planning Code.

803.3 Special Exceptions

The Zoning Hearing Board shall hear and decide requests for special exceptions in accordance with the standards and criteria provided by the Ordinance and as further provided by the Municipalities Planning Code.

803.4 Other Administrative Procedures

All other administrative procedures shall be in accordance with the provisions of the Municipalities Planning Code.

Section 804 APPEALS

Appeals from any decision rendered pursuant to or deemed to have been made pursuant to this Ordinance shall be governed by the provisions of the Municipalities Planning Code.

ARTICLE 900 - THE PLANNING COMMISSION

Specific Intent

It is the purpose of this article to cite those articles and sections of this Ordinance that specifically refer to responsibilities of the Borough of Castle Shannon Planning Commission in the administration of the Zoning Ordinance. Further, it is the purpose of this section to establish a site plan review procedure for the Planning Commission.

Section 901        ADMINISTRATION AND PROCEDURE

901.1            Appointment

The Planning Commission, consisting of **nine (9)** members, shall be appointed by the Borough Council in the manner prescribed by law, as outlined in the **Municipalities** Planning Code.

901.2            Rules of Procedure

The Planning Commission shall adopt such **Rules of Procedure** as are required in accordance with the provisions of other Borough ordinances and as necessary, to provide the required reviews and recommendations relative to this Ordinance. The Rules of Procedure with regard to zoning ordinance matters shall be in accordance with the provisions of the Municipalities Planning Code and any other Borough ordinances pertinent to the review functions of the Castle Shannon Borough Planning Commission.

901.3            Meetings

The Planning Commission shall meet monthly at a regularly prescribed date and meeting place, and **at** other times as the Chairman may deem necessary. All meetings of the Planning Commission shall be open to the public. The Secretary of the Planning Commission shall keep minutes of all meeting.

901.4 Decisions Regarding Zoning Matters

Within thirty (30) days after any hearing regarding a zoning matter or unless a different time is required within this Ordinance, the Planning Commission shall record its review, analysis and recommendations in written form, copies of which shall be forwarded to the appropriate body such as the Borough Council, the Zoning Hearing Board, or, in certain cases, to the Borough Manager or Building Official. The thirty (30) day period for a decision shall be computed from the day the Planning Commission received the subject matter requiring said decision. If any public hearings are required during the course of the hearing, the thirty (30) day period prescribed above shall be applicable only after the holding of a required public hearing in accordance with public notice required by the Municipalities Planning Code.

901.5 Limitations

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The Planning Commission shall function as an advisory body and shall be restricted in its duties to applying the conditions, requirements, restrictions and standards imposed by the various sections of this Ordinance in keeping with its overall intent.

The Planning Commission shall have no authority to consider any matter for which a fee is required if the required fee has not been paid.

901.6 Activities

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With prior authorization of Borough Council, the Planning Commission may undertake special studies relating to the Comprehensive Plan and its implementation which it deems necessary. Public

meetings may be undertaken for this purpose. Material may be gathered and printed. The Planning Commission may retain outside consulting assistance as it deems necessary. All appropriations of Borough funds for planning purposes, shall first be approved by the Borough Council.

Section 902

POWERS

The Planning Commission of the Borough of Castle Shannon shall have all powers prescribed by law (see Section 209.1 of the Municipalities Planning Code).

These powers shall include:

Review of all amendments to this Ordinance as prescribed by Section 704 of this Ordinance, and in accordance with the provisions of the Municipalities Planning Code.

Be of assistance to the Zoning Hearing Board whenever requested, and present to such body, facts, records, and any other similar information on specific requests to guide such body in reaching its decision;

Review of all site plans on accordance with the procedures established by Section 903 of this Ordinance.

Section 903

SITE PLAN REVIEW PROCEDURE FOR ALL PROPOSED DEVELOPMENT WITHIN THE BOROUGH OF CASTLE SHANNON (See Definition of Site Plan, Page 100-39)

903.1

Purpose

In order to assure the satisfactory development of sites within any Residential, Commercial or Industrial Districts, it shall be required that prior to the use or occupancy of such a lot, building site, parcel or property, a suitable site plan shall be submitted to Castle Shannon Borough Planning Commission for review prior to the issuance of a building permit to occupy or use the lot for the uses prescribed herein. For the

purposes of site plan review, all commercial or industrial proposals regardless of size, configuration, nature or location, and all residential proposals consisting of more than a single dwelling unit, shall be subject to the review of the Castle Shannon Borough Planning Commission.

903.2 Submission Procedure

Such a plan should be submitted to the Planning Commission in accordance with the provisions of 702.1.

903.3 Review by the Planning Commission

The review of the Site Plan shall be accomplished by the Planning Commission and Borough Engineer. Upon approval of the Site Plan by the Planning Commission, said Commission shall authorize its chairman to endorse the plan together with the date of such action.

903.4 Review by Borough Council

Upon approval of the Site Plan by the Planning Commission, the Plan shall then be submitted to the Borough Secretary for submission to the Borough Council at its next regularly scheduled meeting.

If the Planning Commission disapproves the Site Plan, said Plan may be modified or changed for further review by the Planning Commission, or the Site Plan may be submitted to the Borough Secretary for appeal to the Borough Council with all recommendations from the Planning Commission attached. The Borough Council may approve the Site Plan, reject the Site Plan or request changes and modifications, in which case, the Site Plan must be resubmitted to the Planning Commission for their review and approval or disapproval.

No site plan shall be considered to be approved until it is approved by Borough Council at a regularly scheduled business meeting of Borough Council.

ARTICLE 1000 - ENACTMENT

Section 1001 REENACTMENT OF ORDINANCE NUMBER 552

Ordinance Number 552 of the Borough of Castle Shannon enacted into law on the 11th day of August 1970, as amended, known as the Zoning Ordinance of the Borough of Castle Shannon, Allegheny County, Pennsylvania, is reenacted and amended to read as set forth hereinabove:

Section 1002 EFFECTIVE DATE

This Ordinance shall take effect on July 1, 1990.

ORDAINED AND ENACTED into law this 11th day of June, 1990.

ATTEST:



E. R. McFadden  
Borough Manager/Secretary



Donald Baumgarten, President of  
Council  
Castle Shannon Borough

EXAMINED AND APPROVED:



Thomas P. O'Malley, Mayor

APPROVED AS TO FORM:



1990 / 4 /  
Hickton and Associates  
Borough Solicitor

