

Castle Shannon Borough

Zoning Ordinance

July 2013

Prepared by: Environmental Planning & Design, LLC

TABLE OF CONTENTS

PART 1 GENERAL PROVISIONS1

 §101. TITLE, GENERAL INTENT, ESTABLISHMENT OF CONTROLS. 1

 §102. DEFINITIONS, INTERPRETATION OF REGULATIONS. 4

PART 2 LAND USE DISTRICTS36

 §201. ZONING DISTRICT OBJECTIVES. 36

 §202. DIMENSIONAL REQUIREMENTS..... 43

 §203. GENERAL REGULATIONS FOR ALL DISTRICTS. 46

PART 3 NON-RESIDENTIAL DEVELOPMENT DISTRICTS53

 §301. ZONING DISTRICT OBJECTIVES. 53

 §302. C-1 GENERAL COMMERCIAL DISTRICT..... 53

 §303. C-2 CENTRAL COMMERCIAL DISTRICT..... 54

 § 304. DESIGN STANDARDS FOR COMMERCIAL AND INDUSTRIAL DISTRICTS. 54

 § 305. TOD TRANSIT ORIENTED DEVELOPMENT DISTRICT..... 55

PART 4 PLANNED RESIDENTIAL DEVELOPMENT DISTRICT60

 §401. DISTRICT PURPOSE..... 60

PART 5 CONDITIONAL USES.....71

 §501. STANDARDS FOR GRANTING CONDITIONAL USE. 71

 §502. RESIDENTIAL USES..... 72

 §503. PRINCIPAL NON-RESIDENTIAL USE..... 82

PART 6 OFF-STREET PARKING AND LOADING REGULATIONS110

 §601. OFF-STREET PARKING AND LOADING REGULATIONS..... 110

PART 7 SIGN REGULATIONS119

 §701 SIGN REGULATIONS. 119

PART 8 NONCONFORMING USES, STRUCTURES AND LOTS.....126

 §801. NONCONFORMITIES 126

 §802. NONCONFORMING USE, STRUCTURE AND/OR LOT REGULATIONS. 126

 §803. NONCONFORMING LAWFUL SIGNS. 127

PART 9 RESERVED 129

PART 10 ADMINISTRATIVE ROLES AND DUTIES 130

§1001. SPECIFIC INTENT 130

§1002. ADMINISTRATION AND ENFORCEMENT 130

§1003. PROCEDURES 135

§1004. ENFORCEMENT REMEDIES 145

PART 1**GENERAL PROVISIONS****§101. TITLE, GENERAL INTENT, ESTABLISHMENT OF CONTROLS.**

- A. Long Title. An Ordinance to establish zoning regulations for the use of land and structures, the density of population, the provision of off-street parking and loading spaces and similar accessory regulations for Castle Shannon Borough, Allegheny County, Pennsylvania, and for such purposes to divide the Borough into zoning districts; and further to provided for administrative enforcement and amendment thereof, in accordance with the provisions of the Borough Code and Pennsylvania Municipalities Planning Code and to repeal all ordinances in conflict herewith.
- B. Short Title. This Chapter shall be known and may be cited as the "Official Zoning Ordinance of Castle Shannon Borough, Allegheny County, Pennsylvania."
- C. General Intent. The zoning regulations and districts set forth in this Chapter are made in accordance with a Comprehensive Plan for the general welfare of Castle Shannon Borough and are intended to achieve, among others, the following purposes: to lessen congestion in the streets, to secure safety from fire and other dangers, to provide adequate light and air, to prevent the over-crowding of the land, to avoid undue concentration of population to facilitate adequate provisions for transportation, water, sewerage, schools, parks and other public requirements, as well as the conservation of the value of land and buildings, and to encourage a broader tax base within the Borough. These were made with reasonable consideration, among other things, of the existing character of the various areas, their respective suitability for particular land uses, and with a view of conserving the value of buildings and encouraging the most appropriate use of land throughout Castle Shannon Borough.
- D. Interpretation of Zoning Standards. In interpreting and applying the provisions of this Chapter, they shall be held to be the minimum requirements for the promotion of the public health, safety and welfare of the Borough.
- E. Community Development Objectives. This Chapter is adopted in accordance with the provisions of Pennsylvania Act 247 of 1968, as amended by Act 170 of 1988, hereinafter referred to as the Municipalities Planning Code, and is intended to promote an orderly plan of development according to established comprehensive plans for the Borough including data on existing conditions, statements concerning the proposed long range plan, as amended, and evaluations of implementation techniques. The Borough intends to use the Comprehensive Plan, as amended, as a guideline in establishing the provisions, regulations and controls contained in this Chapter.

The Borough shall also, for due cause or reason, make similar appropriate changes in the long range plan for the Borough. The community development objectives of Castle Shannon Borough are clearly explained in Chapter 3 of the Comprehensive Development Policy Plan for Castle Shannon Borough, dated November 1, 1963, as further amended by the July, 1988, and further amended in the 1996 Comprehensive Development Policy Plan amendment for Castle Shannon Borough.

F. Establishment of Controls.

1. Minimum and Uniform Regulations. The regulations set by this Chapter within each district shall be minimum regulations and shall apply uniformly to each class or kind of structure or land.
2. For New Uses and Structures. In all districts, after the effective date of this Chapter, any new building or other structure on any tract of land shall be constructed, developed and used only in accordance with the regulations specified for each district.
3. For Existing Uses and Structures. In all districts, after the effective date of this Chapter, any existing building or other structure, or any tract of land which is not in conformity with the regulations for the district in which it is located shall be deemed as nonconforming and subject to the regulations of this Chapter.
4. Type of Control. The following minimum and uniform regulations shall apply in the respective districts: use regulations, including uses by rights, conditional uses and uses by special exception; area and bulk regulations, including required front, side and rear yards; maximum permitted height and allowable lot coverage, and floor area ratio requirements in those districts in which they apply; off-street parking and loading regulations; sign regulations; and special regulations dealing with open space landscaping, storage, access and traffic control and lighting.

G. Establishment of Districts.

1. The Zoning District Map.
 - a) Adoption of Official Zoning Map. The area within the Borough limits as assigned to each district and the location of boundaries of the districts established by this Chapter are shown on the Official Zoning Map, which is declared to be a Part of this Chapter, and shall be kept on file with the Zoning Officer.
 - b) District Boundary Lines. The district boundary lines shall be as shown on the Zoning Map. District boundary lines are intended to coincide with lot lines, centerlines of streets, and/or alleys within the corporate limits of the Borough or as dimensioned on the map. In case of doubt or disagreement concerning the exact location of the boundary line, the determination of the Zoning Hearing Board shall prevail.

- c) Types of Districts. For the purpose of this Chapter, the entire Castle Shannon Borough is hereby divided into the following districts:
- (i) Residential Districts.
 - R-1 Single-Family Residential District
 - R-2 Single and Two-Family Residential District
 - R-3 High Density Residential District
 - R-P Planned Residential Development District
 - (ii) Non-Residential Districts.
 - C-1 General Commercial District
 - C-2 Central Commercial District
 - TOD Transit Oriented Development
 - I Industrial District.
- d) Boundary Tolerances. Where a district boundary line divides a lot held in single and separate ownership at the effective date of the Chapter, the use regulations applicable to the more restrictive district shall apply.
2. Annexed Land. All land annexed to the Borough after the effective date of this Chapter shall be automatically classified as an R-1 Single-Family Residential District, and shall remain so classified until a zoning plan for the annexed area has been adopted by the Borough Council. The Borough Planning Commission shall recommend to the Borough Council appropriate zoning for the annexed area within ninety (90) days of the effective date of such annexation.
- H. Separability. Should any Section or provision of this Chapter be declared by the courts to be unconstitutional or invalid for any reason, such decision shall not affect the validity of the Chapter as a whole or the validity of any other Section or provision of the Chapter other than the one so declared.
- I. Repeal of Conflicting Ordinances. The existing Zoning Ordinance of Castle Shannon Borough, as amended, or parts thereof, which are contrary to the provisions of this Chapter, are hereby repealed to the extent necessary to give this Chapter full force and effect.
- J. Interpretation of Regulations. The interpretation of the regulations of this Chapter is intended to be such that whenever these requirements are at variance with any other lawfully adopted rules, regulations, ordinances, deed restrictions or covenants, as such particularly refer to area and bulk regulations, the most restrictive requirements shall govern.
- K. Ordinance Not Repealed. Nothing in this Part shall be construed to affect or repeal:
- 1. Ordinance 679, enacted May 24, 1982 [Chapter 13, Parts 3, 5 and 6].

§102. DEFINITIONS, INTERPRETATION OF REGULATIONS.

- A. Language Interpretations. For the purposes of this Chapter, certain words shall have the meaning assigned to them, as follows:
 - 1. Words used in the present tense include the future. The singular number includes the plural and the plural the singular.
 - 2. The word "structure" includes "building" and any part thereof.
 - 3. The phrase "used for" includes "arranged for," "designed for," "intended for," "maintained for," or "occupied for."
 - 4. The word "person" includes an individual, corporation, partnership, incorporated association or any other entity of any kind and nature whatsoever.
 - 5. The word "includes" or "including" shall not limit the term to the specified example but is intended to extend its meaning to all other instances of like kind and character.
 - 6. Words in the masculine gender shall include the feminine and the neuter gender.

- B. Definitions. The following words and phrases shall have the meaning given in this Section, as follows, except that all definitions included in the Pennsylvania Municipalities Planning Code are incorporated herein:

ACCESSORY BUILDING/STRUCTURE- a structure clearly and customarily subordinate to and on the same lot as the principal building and used exclusively for purposes constituting an accessory use, including, but not limited to, private garages, accessory dwellings, swimming pools, gazebos, barns, utility shed, greenhouses and buildings for housing household pets. An accessory structure shall extend at least eighteen (18) inches above the adjacent grade and occupy at least one (1) square foot of lot area. This use excludes fences, walls, signs, antennae communication towers, communication facilities, telecommunications equipment buildings, co-location/shared use communication facilities and power-mounted/shared use communication facilities. Operable or inoperable vehicles or any portion thereof shall not be considered accessory structures.

ACCESSORY USE - see “Use, Accessory.”

ADULT BUSINESS - an adult bookstore, adult live theater, adult motion picture theater or adult entertainment center as defined herein.

ADULT BOOKSTORE - an establishment having a twenty-five (25) or greater percentage of gross receipts in trade, books, magazines, films for sale or viewing on premises by use of motion picture devices or other coin operated means, and other periodicals which are

distinguished or characterized by their principal emphasis on matters depicting, describing or relating to nudity, sexual conduct, sexual excitement or sadomasochistic abuse, as defined below, or an establishment with a segment or section devoted to the sale or display of such material, for sale to patrons therein.

ADULT ENTERTAINMENT CENTER - an enclosed building or a part of any enclosed building, which contains one or more coin operated mechanisms which when activated permit a customer to view a live person unclothed or in such attire, costume or clothing to expose to view any portion of the female breast below the top of the areola, or any portion of the pubic hair, anus, cleft of the buttocks, vulva or genitals, or the charging of any admission or fee for the viewing of any such activity.

ADULT LIVE THEATER - an establishment which features live shows for public viewing in which all or some of the performers are displaying nudity or are engaging in sexual conduct, sexual excitement or sadomasochistic abuse, as defined below.

ADULT MOTION PICTURE THEATER - an enclosed building used at any time for presenting programs, material distinguished or characterized by an emphasis on matter depicting, describing or relating to nudity, sexual conduct, sexual excitement or sadomasochistic abuse, as defined below, for observation by patrons therein.

ADVERTISING SIGN - see "Sign, Off-Premises Sign."

ALL OTHER RESIDENTIAL USES - "See Uses Not Listed."

ALTERATION, NONSTRUCTURAL an incidental change in or replacement to the nonstructural parts of a building or other structure, enlargements whether by extending on a side or by increasing the height, or the moving from one location to another.

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

AMENDMENT - any addition, deletion or revision of this Chapter including the Borough zoning map officially approved by the governing body after public hearings.

AMUSEMENT ESTABLISHMENT, LARGE SCALE - an establishment more than 5,000 square feet located within a completely enclosed building for the pursuit of cultural performances and entertainment activities, including, but not limited to theaters (live and motion picture), arenas, and similar facilities, excluding any adult business, as defined herein.

AMUSEMENT ESTABLISHMENT, SMALL SCALE - an establishment of 5,000 square feet or less located within a completely enclosed building for the pursuit of cultural performances and entertainment activities, including, but not limited to theaters (live and motion picture), arenas, and similar facilities, excluding any adult business, as defined herein.

ANIMAL HOSPITAL - a business establishment operated by a veterinary medical doctor(s), certified in the Commonwealth of Pennsylvania, for the medical or surgical treatment of domestic, agricultural or zoological animals but excluding the boarding and grooming of animals not subjected to medical or surgical treatment.

APARTMENT, CONVERSION - an existing building, previously either residential or non-residential, that contains or is converted to a dwelling for more than one (1) family but not more than three (3) families, without substantially altering the exterior of the building.

APPLICANT - a landowner or developer, as hereinafter defined, who has filed an application for development including his heirs, successors and assigns.

APPLICATION FOR DEVELOPMENT - every application, whether preliminary, tentative or final, required to be filed and approved prior to the start of construction or development including, but not limited to, an application for a building permit, for the approval of a subdivision plat or plan or for the approval of a development plan.

APPROVED – authorized by the Zoning Officer or other authority having jurisdiction.

AWNING - a shelter projecting from and supported by the exterior wall of a building constructed on a supporting framework.

BASEMENT - that portion of a building which is partly or completely below grade (see “story above grade”).

BAKERY - a facility where baked goods are prepared and baked which may utilize an open flame

BED AND BREAKFAST - a business establishment which occupies a single-family dwelling and, if applicable, associated accessory structures where limited overnight lodging and breakfast is provided for compensation to guests and where said use may or may not also host accommodations for private events (e.g. such as weddings and conferences). The dwelling may or may not include a publicly accessible restaurant as a related use. Overnight lodging occurs within individual sleeping rooms, each of which is accessible from the interior of the principal structure and/or existing accessory structure (constructed prior to the date of this Ordinance) and which each does not contain cooking facilities. New construction, alteration, or reconstruction of any structure shall also be governed by said Chapter.

BEER DISTRIBUTOR - a business establishment engaged in the sale and delivery of beer and ale in wholesale quantities to retail sellers or buyers. The small scale beer distributor shall be 5,000 square feet or less. Large scale beer distributor shall be more than 5,000 square feet.

BERTH - a space typically within a loading facility, exclusive of driveways, aisles, maneuvering areas, ramps, columns, landscaping areas, office, and work areas for the temporary parking of a commercial vehicle while loading or unloading goods or materials, and which may

or may not abut upon a street, alley or other appropriate means of access; or, within a mobile home park, a space reserved for a mobile home.

BOROUGH - Castle Shannon Borough, Allegheny County, Pennsylvania.

BOROUGH COUNCIL - the Borough Council of Castle Shannon Borough, Allegheny County, Pennsylvania.

BOROUGH ENGINEER - a professional engineer licensed as such in the Commonwealth of Pennsylvania, with training and experience in civil engineering, duly appointed by Borough Council to serve as the engineer of the Borough.

BOROUGH SOLICITOR - an attorney appointed by Borough Council to serve as legal counsel for the Borough.

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

BUILDING - any structure, having a roof, used or intended for supporting any use or occupancy.

- A. **LOW RISE BUILDING** - a building with a height of three (3) stories or less.
- B. **MEDIUM RISE BUILDING** - a building with a height of four (4) to nine (9) stories.
- C. **HIGH RISE BUILDING** - a building with a height of ten (10) stories or more.

BUILDING CODE - the Uniform Construction Code (UCC), or Borough adopted equivalent, and any supplements thereto as most recently adopted by Castle Shannon Borough.

BUILDING HEIGHT - see "height of building."

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

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

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

CARTWAY - see “roadway.”

CEMETERY - a facility used for interring of dead persons or domestic pets, including mausoleums and columbariums, but not including crematoriums or family plots.

CENTER LINE OF STREET - see “street center line.”

CERTIFICATE OF USE, OCCUPANCY, AND COMPLIANCE - the certificate issued by the Zoning Officer which permits the use of a building or lot in accordance with the approved plans and specifications and which certifies compliance with the provisions of law for the use and occupancy of the building in its several parts together with any special stipulations or conditions of the zoning permit.

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

CLUB AND CLUBHOUSE - a for-profit or not-for-profit establishment operated by a private entity for social, recreational, educational or fraternal purpose, but open only to members and their guests and not to the general public.

COIN OPERATED LAUNDRY AND CLEANING - a self-serve laundry facility where washing and drying machines are provided for use of customers. The washing machines must use a water (rather than solvent) based cleaning system. The facility may or may not provide staff to assist customers or provide related retail products for sale. The facility may or may not provide laundering services for drop-off or delivery. This use does not include “dry cleaning processing.”

COMMON OPEN SPACE - a parcel or parcels of land or an area of water, or a combination of land and water within a development site and designed and intended for the use or enjoyment of residents of a development, not including streets, off-street parking areas, and areas set aside for public facilities.

COMMUNICATIONS ANTENNA - an instrument intended for use in the wireless transmission or in the gathering of data, or relaying of any portion of the electromagnetic spectrum, including television, radio, telephonic, cellular, or any other type of communicative transmission which is to be affixed to a building or structure, and including the equipment necessary for its use, but not including any structure for signal reception only, excluding such wireless transmission or receiving instruments licensed by the FCC exclusively for private use and not subject to local regulation.

COMMUNICATIONS FACILITY - the equipment and structures (including but not limited to communications towers, antennae and telecommunications equipment buildings) involved in the reception and/or transmission of electromagnetic or radio waves. Communication facilities shall not be construed to be within the definition of “utility.”

COMMUNICATIONS TOWER - a structure other than a building such as a monopole, self-supporting or guyed tower, designed and used to support communications antennas.

COMPLETELY ENCLOSED BUILDING - a building designed and constructed so that all exterior walls shall be solid from the ground to the roof line, containing no openings except for windows and doors which are designed so that they may be closed and any other small openings required for ventilation system.

COMPREHENSIVE PLAN - the community master plan of Castle Shannon Borough created for the purposes of guiding community development and as authorized by the Pennsylvania Municipalities Planning Code.

CONDITIONAL USES – a use authorized in a particular zoning district pursuant to the provisions in Article VI and Article IX of the Pennsylvania Municipalities Planning Code and allowed by the Council after recommendations by the Planning Commission and hearing, pursuant to express standards and criteria set forth in the Zoning Ordinance

CONSTRUCTION - the erection, reconstruction, renovation, repair, extension, expansion, alteration, or relocation of a building or structure, including the placement of mobile homes.

CONTINUATION - the permissible uninterrupted prolongation of a use which is rendered nonconforming by this Chapter provided that it remains otherwise lawful.

CONTRACTING BUSINESS - the administrative offices of an establishment that provides landscaping, construction, remodeling, home improvement, land development and related services on a contractual basis and which may include the storage of materials, equipment and vehicles, provided all materials, equipment and vehicles are stored within a completely enclosed building.

CONTRACTOR'S YARD - an outdoor area which may or may not include administrative offices for a business that provides landscaping, construction, remodeling, home improvement, land development and related services on a contractual basis, but which involves the storage, either indoors or outdoors, of materials, equipment and vehicles used in the business.

CONVENIENCE STORE WITH ALCOHOL - a retail store with a gross floor area of 5,000 square feet or less offering a limited selection of grocery, household, alcoholic and personal items for quick purchase, but not including the dispensing of fuel/energy recharge.

CONVENIENCE STORE WITHOUT ALCOHOL - a retail store with a gross floor area of 5,000 square feet or less, offering a limited selection of grocery, household, non-alcoholic and personal items for quick purchase, but not including the dispensing of fuel/energy recharge.

CORNER LOT - a lot bounded on at least two (2) sides by streets. The owner or developer of a corner lot may specify which street line shall be the front lot line, unless front lines are established for abutting properties. In those lots, the front lot line shall be located on the side having principal access. The required setback on all sides bounded by a street shall equal the building setback line of the district in which the corner lot is situated.

COUNCIL - the Borough Council of Castle Shannon Borough.

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

INNER COURT - any court enclosed wholly by buildings, walls or other enclosing devices.

OUTER COURT - a court extending to and opening upon a street, public alley or other approved open space, not less than fifteen (15) feet wide, or upon a required yard.

COVERAGE - see LOT COVERAGE.

CUL-DE-SAC - a local street intersecting another street at one end and terminating in the form of a loop at the other end or dead-end street provided with a terminus in the form of a loop.

DAY CARE - An establishment managed as a for profit or not-for-profit operation that provides supervision to children or adults, at a place outside the home of the person being supervised.

- A. **DAY CARE CENTER, ADULT** - any premises, which is licensed by Pennsylvania Department of Welfare as a “day care center” where care is provided for any number of adults, who are not relatives of the operator, at any one time for part of a twenty-four (24) hour day.
- B. **DAY CARE, SMALL FAMILY CHILD CARE HOME** - a facility, licensed or approved by the Commonwealth, as required by the laws of the Commonwealth, located within a dwelling, for care on a regular basis during part of a twenty-four (24) hour day of not more than six (6) children under sixteen (16) years of age, including care provided to children who are relatives of the provider, where such use shall be secondary to the use of the dwelling.
- C. **DAY CARE, LARGE FAMILY CHILD CARE HOME** - a facility licensed and approved, as applicable, by the Commonwealth of Pennsylvania, County of Allegheny, and/or Castle Shannon Borough, providing care for more than six (6) but less than twelve (12) minors. The child care area may also be used as a dwelling. Care can be rendered during a part of the day, but care cannot be rendered in the fashion so that minors spend the night at the facility. This definition excludes care provided by relatives of the minor and the care furnished in places of worship during services.

- D. DAY CARE CENTER, CHILD - a facility licensed and approved, as applicable, by the Commonwealth of Pennsylvania, County of Allegheny, and/or Castle Shannon Borough, providing care for twelve (12) or more children at any one time. The child care area shall not be used as a dwelling. Care shall be rendered to minors only. Care shall be rendered without any restrictions on the hours of operation.

DENSITY - the measurement of compactness of residential development as to the number of dwelling units per one (1) acre of land or forty-three thousand five hundred sixty (43,560) square feet of land.

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

DETERMINATION - Final action by an officer, body or agency charged with the administration of any land use ordinance or applications thereunder, except the following: 1) the Council; and 2) the Zoning Hearing Board.

DEVELOPER - any landowner, agent of such landowner, or tenant with the permission of such landowner, who makes or causes to be made a subdivision of land or a land development.

DRIVE-THROUGH FACILITY - any principal use or accessory use which involves a window, service lane, bay or other facility where customers are provided services either inside or outside their vehicles and where cars may or may not wait in line to access these services, including, but not limited to "drive-in" or "drive-through" windows at high turn over restaurants, banks or other businesses, exterior automated teller machines (ATMs), quick oil change facilities, car washes and similar automotive services and other such facilities.

DRY CLEANING PROCESSING - a business establishment to cleanse clothing and fabric with chemical solvents rather than water.

DWELLING - a building designed exclusively as living quarters for one (1) or more families, including single family, two-family and multifamily dwellings, but not including hotels, motels or boarding houses.

DWELLING TYPES - the following dwelling types are included in this Zoning Ordinance:

- A. DWELLING, SINGLE-FAMILY DETACHED - a dwelling unit designed and intended to be occupied by one (1) family that is not attached to another dwelling unit.
- B. DWELLING, MULTI-FAMILY - a suite of rooms or a single room in a building containing four (4) or more dwelling units, each with its own cooking, food storage, bathing and toilet facilities and with access directly or by a common hallway to the outside. (See additional information on low, medium and high density dwellings in Section 202.A.)

- C. DWELLING, TOWNHOUSE - a building which contains at least three (3) but no more than eight (8) single-family dwelling units, each of which are separated from the adjoining unit or units by a continuous, common wall extending from the basement to the roof, each unit having independent access directly to the outside and having no other units above or below.
- D. DWELLING, TWO FAMILY ATTACHED - a building containing only two (2) single-family dwelling units which are constructed on top of one another and divided by a common floor/ceiling structure with each dwelling unit having direct access to the outside or a building containing only two (2) single-family dwelling units, each of which are entirely separated from the other by a continuous, common wall extending from the basement to the roof with each dwelling unit having independent access directly to the outside.

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

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

ELECTRONICS REPAIR/SERVICE/INSTALLATION – A business establishment that provides service the repair, service or installation of electronics otherwise not defined as motor vehicle electronics service.

EMERGENCY SERVICES - any service, vehicles, dispatch centers, etc. that serves citizens in the event of injury or life-threatening events, including but not limited to ambulance, paramedic or fire and rescue services provided by a public or private agency or entity. This use does not include a Medical Facility Type A or Type B or Office, medical.

ESSENTIAL SERVICES - the erection, construction, alteration or maintenance by public utilities or municipal or other governmental agencies of underground or overhead gas, electrical, steam or water transmission, disposal or distribution systems, including poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, street signs, off-street parking spaces and other similar equipment and accessories in connection therewith reasonably necessary for the furnishing of adequate service by such public utilities or municipal or other governmental agencies or for the public health, safety or general welfare, but not including buildings.

FACADE – an entire building wall including the parapet.

FAMILY - an individual, or two (2) or more persons related by blood, marriage, adoption or foster child care, including domestic servants or gratuitous guests, thereof; or a group of not more than three (3) unrelated persons living together without supervision in a dwelling unit or any number of persons protected by the provisions of the Fair Housing Act (42 U.S.C. 3601 et. seq., as now or hereafter amended) living together in a group living arrangement with

supervision, provided those persons do not have a criminal record. Family shall not include persons living together in a Group Care Facility, Personal Care Boarding Home or Group Care Facility, as defined herein, or any other supervised group living arrangement for persons other than those protected by the Fair Housing Act or persons who constitute a direct threat to others or their physical property.

FARMER'S MARKET - An outdoor, regularly recurring event, created for public benefit, where a group of market vendors consisting principally of agricultural producers, and that may include food market manufacturers, food market distributors, craft producers, and home processors are organized for the purpose of selling their product directly to the public.

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

FINANCIAL INSTITUTION WITH DRIVE-THRU - a bank, savings and loan association or similar institution that lends money or is engaged in a finance-related business within a building and/or via a vehicular drive-thru.

FINANCIAL INSTITUTION WITHOUT DRIVE-THRU - a bank, savings and loan association or similar institution that lends money or is engaged in a finance-related business within a building and not via a vehicular drive-thru.

FLOOR AREA RATIO - the gross floor area of all buildings or structures on a lot divided by the total lot area. The area comprising the boundary of parking lot or parking deck shall not be included in the gross floor area.

FLOOR AREA, GROSS - floor area within the perimeter of the outside walls of the building under consideration, without deduction for hallways, stairs, closets, thickness of walls, columns or other features.

FORESTRY - the management of woodlands and timberlands when practiced in accordance with accepted silvicultural principles, through developing, cultivating, harvesting, transporting and selling trees for commercial purposes and which does not involve any land development.

FREIGHT TERMINAL AND TRUCKING TERMINAL - an enclosed building or portion thereof, where the principal use is temporary storage of goods and/or the vehicles for transporting them to be later moved to another location.

FRONT YARD - see "yard, front."

FRONT YARD LINE - see "yard line, front."

FRONTAGE, BUILDING - the length of an outside building wall on a public Right-Of-Way.

FRONTAGE, LOT - the length of the property line of any one premise along a public Right-Of-Way on which it borders.

FUEL/ENERGY RECHARGE - a station where the dispensing of fuel or recharge of energy for motor vehicles is provided for retail and/or wholesale sale.

FUNERAL HOME - a business establishment licensed by the Commonwealth of Pennsylvania that contains a suitable storage room for the deceased and may include embalming facilities and rooms for the display of burial ceremonies of the deceased, but excludes crematories.

GOLF COURSE - open space comprised of a series of teeing grounds, fairways and rough designed for the game of golf.

GRADE -

- A. An elevation above an established datum for purposes of excavation, fill and grading.
- B. A reference plan representing the average of finished ground-level adjoining the building or structure at all exterior walls.

GROCERY STORE - a business establishment that sells produce, dry goods, meats, baked goods, dairy items, frozen foods and the like. The term grocery store includes supermarkets, food stores, green grocers, dairies and delicatessens but does not include convenience stores.

GROUP CARE FACILITY - a facility providing shelter, counseling, and other rehabilitative services in a family-like environment for fewer than fifteen (15) residents, plus such minimum supervisory personnel as may be required to meet standards of the licensing agency. Residents may not be legally related to the facility operators or supervisors and, by reason of mental or physical disability, chemical or alcohol dependency, family or school adjustment problems, or past correctional offenses require a minimal level of supervision but do not require medical or nursing care or general supervision. A group care facility must be licensed and/or approved by the Pennsylvania Department of Public Welfare.

GROUP CARE HOME - a facility licensed by the Pennsylvania Department of Public Welfare which houses residents and provides twenty-four (24) hour supervision and rehabilitation services for developmentally disabled individuals (mental disability, autism, cerebral palsy, epilepsy or other similar conditions).

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

HEALTH AND FITNESS ESTABLISHMENT – a business establishment offering a service to the public involving health, healing or fitness related activities or providing or offering to provide physiological or psychological healing or therapy. This includes, but is not limited to, a health club, martial arts schools that have exercise programs, gyms, exercise clubs, massage establishments and public spas or public hot tubs. This term shall not include medical facility type a or b, office, medical or personal services.

HEIGHT OF BUILDING - the vertical distance measured from the floor elevation at the front entrance to the highest point of the roof for flat roofs; to the deck line of mansard roofs; and to the mean height between eaves and ridge for gable, hip and gambrel roofs; provided, that chimneys, spires, towers, mechanical penthouses, tanks and similar projections of the building not intended for human occupancy shall not be included in calculating the height. If there are two (2) or more separate roofs on a single building, the height of such building shall be calculated from the highest roof.

HEIGHT OF SIGN - the vertical distance measured from the highest point of the sign or its supporting structure to the grade of the adjacent street or the surface grade beneath the sign, whichever is less.

HIGH HAZARD USE - uses designated by Group H in the ICC 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.

HOME BASED BUSINESS, LOW-IMPACT - a business or commercial activity carried on entirely within a building whose principal use is a dwelling whose impacts exceed those of a no-impact home-based business.

HOME-BASED BUSINESS, NO-IMPACT - a business or commercial activity administered or conducted clearly secondary to the use as a residential dwelling and which involves no customer, client or patient traffic, whether vehicular or pedestrian, pickup, delivery or removal functions to or from the premises, in excess of those normally associated with residential use. The business or commercial activity must satisfy the following requirements:

- A. The business activity shall be compatible with the residential use of the property and surrounding residential uses.
- B. The business shall employ no employees other than members residing in the dwelling.
- C. There shall be no display or sale of retail goods and no stockpiling or inventory of a substantial nature.
- D. There shall be no outside appearance of a business use, including, but not limited to parking, signs or lights.
- E. No on-site parking of commercially identified vehicles shall be permitted.
- F. The business activity may not use any equipment or process which creates noise, vibration, glare, fumes, odors, or electrical or electronic interference, including interference with radio or television reception, which is detectable in the neighborhood.

- G. The business activity may not generate any solid waste or sewage discharge, in volumes or type, which is not normally associated with residential use in the neighborhood.
- H. The business activity shall be conducted only within the dwelling and may not occupy more than twenty-five (25) percent of the habitable floor area.
- I. The business may not involve any illegal activity.

HOTEL/MOTEL - an establishment which offers transient overnight lodging or extended stay accommodations to the general public and which also may provide additional supporting services such as restaurants, dining areas, meeting rooms, recreation, facilities and living quarters for a resident manager or proprietor.

INDOOR SELF-STORAGE FACILITY - a building with common entrances and halls, containing various sizes of individual, compartmentalized and controlled access units, accessed from the interior of the building, leased to the general public for a specified period of time for the dead storage of personal property.

JUNKYARD - a lot used for the storage of any scrap material or junk, including without limitation appliances, fixtures, nonworking automobiles, automobile parts, machines or machinery parts, equipment, containers and building materials.

KENNEL - a structure and/or premises where four (4) or more dogs or cats or any combination of dogs and cats totaling four (4) animals which are six (6) months or older are kept, bred, trained or boarded at any one time, whether for profit or not.

KENNEL, DAY - a facility providing such services as canine day care for all or part of a day, obedience classes, training, grooming or behavioral counseling, provided that overnight boarding is not permitted.

LANDSCAPE NURSERY/RETAIL SALE OF LANDSCAPE PLANTS - an enterprise which conducts the retail and/or wholesale of plants grown/sold on the site, as well as accessory items (but not power equipment such as gas or electric lawnmowers and farm implements) directly related to their care and maintenance. Accessory items normally could include items such as pots, potting soil, fertilizers, insecticides, hanging baskets, rakes, shovels, and the like.

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

LAND DEVELOPMENT - any of the following activities:

- A. The improvement of one (1) lot or two (2) or more contiguous lots, tracts or parcels of land for any purpose involving:

1. A group of two (2) or more residential or nonresidential buildings, whether proposed initially or cumulatively, or a single nonresidential building on a lot or lots regardless of the number of occupants or tenure; or,
 2. The division or allocation of land or space, whether initially or cumulatively, between or among two (2) or more existing or prospective occupants by means of, or for the purpose of streets, common areas, leaseholds, condominiums, building groups or other features;
- B. Subdivision of land;
- C. Land development does not include construction which involves:
1. The conversion of an existing single family detached dwelling or single family semi-detached dwelling into not more than three (3) residential units, unless such units are intended to be a condominium;
 2. The addition of an accessory building, including farm building, on a lot or lots subordinate to an existing principal building; or
 3. The addition or conversion of buildings or rides within the confines of an enterprise which would be considered an amusement park. For the purposes of this subsection, an amusement park is defined as a tract, or area used principally as a location for permanent amusement structures or rides. This exclusion shall not apply to newly acquired acreage by an amusement park until initial plans for the expanded area have been approved by the proper authorities.

LIFE CARE FACILITY - a health care facility for the transitional residency of senior and/or disabled persons, providing for a progression of residential living types such as from independent living in single-family units to assisted and/or congregate living and culminating in a full health and continuing care nursing home facility where any portion of the facility may include common dining and recreation areas and which provides supportive services, not primarily medical in nature, to facility residents for activities of daily living. A life care facility may include an assisted living facility; such facility shall comply with all applicable federal, state and local laws, ordinances and regulations relating to housing for the elderly. This term shall not include a group care home or group care facility.

LOADING AREA - a portion of a lot set aside for the shipping and receiving of goods and not used for any other purpose or interfering with other vehicular or pedestrian circulation on the lot.

LOT - a designated parcel, tract, or area of land established by a plat or otherwise as permitted by law and to be used, developed or built upon as a unit.

LOT AREA - The horizontally projected area of a lot computed exclusive of any portion of the right-of-way of any public or private street.

LOT, FLAG - a lot surrounded by another lot or lots on all side and where access to such lot is by means of a narrow strip of lot or easement. The narrow strip of lot or easement shall be termed as the flag pole portion of the lot.

LOT FRONTAGE - the minimum straight line distance between the points where the side lot line intersects the front lot line. If the fronting street is curved, frontage is measured as the minimum linear distance of the arc that connects the points where the side lot lines intersect the front lot line.

LOT COVERAGE –the percent of lot area covered by all buildings or structures, including sun parlors, foyers, porches, breezeways, gutters, awnings, steps, patios, surface parking, garages, etc.

LOT LINE - a line dividing one (1) lot from another or from a street or any public right-of-way.

- A. **LOT LINE, FRONT** - the line contiguous with the street right-of-way line. The length of this line is the frontage of the lot.
- B. **LOT LINE, REAR** - the line generally parallel to the front lot line, which defines the rear of the lot.
- C. **LOT LINE, SIDE** - any lot line which is not a front lot line or a rear lot line.

LOT WIDTH - the average horizontal distance between side lot lines measured along between mid points of the side lot lines.

MAIL/DISTRIBUTION/PICK-UP/DROP-OFF FACILITY – a building used as part of the United States Postal System for the posting, receipt, sorting, handling, transmission or delivery of mail and parcels.

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

MANUFACTURING, HEAVY - a building where the mechanical or chemical transformation of raw materials or substances into new products or other raw materials, including the assembling of component parts, the manufacturing of products and the blending of materials into finished or semi-finished products not otherwise defined as light manufacturing.

MANUFACTURING, LIGHT - a building where the processing and fabrication of certain materials and products where no process involved will produce noises, vibration, water pollution, fire hazard or noxious emissions which will disturb or endanger neighboring properties. Light manufacturing includes, but is not limited to, the production of the following goods: home appliances, electrical instruments, office machines, precision instruments, electronic devices, timepieces, jewelry, optical goods, musical instruments, novelties, wood products, printed material, lithographic plates, type composition, machine tools, dies and gauges, ceramics, apparel, lightweight non-ferrous metal castings, film processing, light sheet

metal products, plastic goods, pharmaceutical goods, food products, not including animal slaughtering, curing or rendering of fats, and similar activities.

MASSAGE ESTABLISHMENT - any establishment as defined in Ordinance No. 719 enacted January 11, 1988 [Chapter 13, Part 1]. A Massage Establishment falls under the Health and Fitness Establishment land use category.

MEDICAL FACILITY TYPE "A" - a building or series of buildings providing medical or medical-related services licensed by the Pennsylvania Department of Health. This term may include but is not limited to drug and alcohol treatment centers; laboratories; pharmacies; facilities manufacturing or distributing drugs, medical devices or medicated cosmetics; surgical facilities; hospitals; home health/hospice agencies; and birth centers. This term shall not include Nursing Home or Office, Medical.

MEDICAL FACILITY TYPE "B" - a building or series of buildings providing medical or medical-related services that are not licensed by the Pennsylvania Department of Health but may be certified by the Department of Health for the purposes of Medicare or other federal programs. This term may include but is not limited to kidney dialysis centers, physical rehabilitation agencies including comprehensive outpatient rehabilitation facilities, intermediate care facilities for individuals with mental retardation and psychiatric residential treatment facilities for individuals under twenty-one (21) years of age. This term shall not include Office, Medical, or Medical Facility Type A.

MICROBREWERY - A facility for the production and packaging of malt beverages of low alcoholic content for distribution, retail, or wholesale, on or off premise, with a capacity of not more than fifteen thousand (15,000) barrels per year. The development may include other uses such as a restaurant as otherwise permitted in the zoning district.

MINI-WAREHOUSE OR SELF-STORAGE FACILITY - a building or group of buildings in a controlled access and fenced compound that contains various sizes of individual, compartmentalized and controlled access stalls and/or lockers leased to the general public for a specified period of time for the storage of personal property.

MIXED USE BUILDING - a building occupied as a mix of any combination of residential and non-residential uses. The street level floor shall be occupied by any authorized non-residential use of the corresponding district and floors above the street level floor may be occupied by either residential or non-residential uses of the corresponding district.

MOTOR VEHICLE DETAILING - a business establishment or portion thereof contained completely indoors in which automobile interiors and exteriors are cleaned by employees of the shop and which may contain products for sale relating to common vehicle maintenance and detailing.

MOTOR VEHICLE LAUNDRY - a structure used for the purposes of cleaning or reconditioning the exterior and/or interior surfaces of automotive vehicles. Not including an incidental one-bay washing facility in an automobile service station, where washing facilities

are purely incidental to the operation of said service station. A self operated automobile laundry not requiring attendance or employees, regardless of capacity, is also considered to be an automobile laundry.

MOTOR VEHICLE ELECTRONICS SERVICE - the servicing of motor vehicles and operations incidental thereto and limited to retail sales and installation of automotive accessories such as audio or video equipment or specialty interior or exterior lights

MOTOR VEHICLE SERVICE STATION - a building, or part thereof, used for the servicing and repair of motor vehicles, including engine overhaul, body work and recapping/retreading of tires and where all storage of parts and dismantled vehicles and all repair work are conducted entirely inside a Completely Enclosed Building.

MOTOR VEHICLE RENTAL, SALES AND SERVICE - a business establishment for the rental, sales and service of automobiles, motorcycles and trucks and any heavy equipment or any other vehicle or equipment which is not classified as a "motor vehicle" under the Pennsylvania Motor Vehicle Code.

MULTIPLE-FAMILY DWELLINGS - see "dwelling, multifamily"

MUNICIPAL FACILITY - buildings and structures owned and occupied by Castle Shannon Borough or any of its assigned agencies and used to provide public services to the residents of the Borough. Municipal Facilities may include but not be limited to Borough Administrative buildings, Borough Public Works buildings and storage yards, libraries, fire company buildings, police department, senior centers, parks, ball fields and other recreation facilities and buildings.

MUNICIPALITIES PLANNING CODE - the Pennsylvania Municipalities Planning Code, Act 247 as amended, which is an Act that empowers municipalities to plan their growth and development as well as to govern the same by zoning, subdivision and land development ordinances, by official maps, to promote conservation of energy; to establish Borough Planning Commissions, Planning Departments and Zoning Hearing Boards.

MUSEUM/CULTURAL CENTER - a business establishment or institution primarily engaged in creating, acquiring, studying, interpreting and/or exhibiting cultural and/or historical items for public instruction and enjoyment.

NONCONFORMING LOT - a lot the area or dimension of which was lawful prior to the adoption of this Chapter but which fails to conform to the requirements of the zoning district in which it is located by reason of the adoption of this Chapter.

NONCONFORMING SIGN - a sign which was lawful prior to the adoption of this Chapter but which fails to conform to the regulations of this Chapter.

NONCONFORMING STRUCTURE - any structure or part of a structure manifestly not designed to comply with the applicable provisions of this Chapter or any amendments heretofore or hereafter enacted, where such structure lawfully existed prior to the enactment of

this Chapter or any amendment or prior to the application of such ordinance or amendment to its location by reason of annexation. Such nonconforming structures include, but are not limited to, nonconforming signs as defined above.

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

NUDITY - the showing of the human male or female genitals, pubic area or buttocks with less than a fully opaque covering, or the showing of the female breast with less than a fully opaque covering of any portion thereof below the top of the nipple, or the depiction of covered male genitals in a discernibly turgid state.

NURSING HOME – a facility used for the care or a place of rest for those persons suffering disorders requiring full-time nursing care, but not including facilities for major surgery or institutions for the care and treatment of narcotics addiction.

OFF-STREET PARKING – an area wholly outside any public right-of-way, constructed to accommodate the storage of vehicles as required by this Chapter and connected to a public street by a driveway or access aisle.

OFFICE – offices shall be limited to the following:

- A. **OFFICE, BUSINESS** - a business establishment that generally operates on a first-come, first-serve basis and has relatively high pedestrian or customer traffic throughout the year including utility payment centers, advertising agencies, manufacturing representatives, personnel agencies, travel and ticket agencies and the like; a business establishment that serves clients and operates on an appointment basis, with relatively low pedestrian or vehicular traffic, including offices of recognized professionals such as lawyers, architects, engineers, real estate brokers, insurance agents and others who, through training, are qualified to perform services of a professional nature and other offices used primarily for accounting, corresponding, research, editing or other administrative functions, but not including banks or other financial institution.; or an office of a governmental agency, social service organization, notary, public or private utility, political organization or the like not including a municipal facility
- B. **OFFICE, MEDICAL** - a business establishment where the full time equivalent of up to four (4) principal health care providers and the full time equivalent of up to three other health care providers practicing on the premises at any given time, exclusive of administrative or clerical staff, provide diagnosis and treatment to the general public without overnight observation or outpatient surgical services. A medical office may include such uses as reception areas, offices, examination rooms and x-ray rooms, provided that all such uses have access only from the interior of the building. The term may include but is not limited to the practice of a licensed physician, dentist,

podiatrist or chiropractor. A medical office shall not include a medical facility type “A” or “B”, or uses listed within health and fitness establishment.

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

OIL AND GAS OPERATIONS – well location assessment, including seismic operations, well site preparation, construction, drilling , hydraulic fracturing and site restoration associated with an oil or gas well of any depth

- A. Water and other fluid storage or impoundment areas used exclusively for oil and gas operations.
- B. Construction, installation, use, maintenance and repair of:
 - 1. Oil and gas pipelines
 - 2. Natural gas compressor stations; and
 - 3. Natural gas processing plants or facilities performing equivalent functions; and
- C. Construction, installation, use, maintenance and repair of all equipment directly associated with activities specified in paragraphs (A), (B) and (C), to the extent that:
 - 1. The equipment is necessarily located at or immediately adjacent to a well site, impoundment area, oil and gas pipeline, natural gas compressor station or natural gas processing plant; and;
 - 2. The activities are authorized and permitted under the authority of a Federal or Commonwealth agency.

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

OTHER HEALTH CARE PROVIDER - a health care professional who may or may not be licensed in the Commonwealth of Pennsylvania who provides patient care, patient support, or ancillary medical services under the supervision of a principal health care provider. This term may include but is not limited to nurse practitioners, registered or licensed practical nurses, physicians’ assistants, dental hygienists, sonographers, or phlebotomists.

PARAPET - the extension of a false front or wall above the roofline of a building or structure.

PARKING DECK - a principal or accessory structure comprised of one (1) or more decks supported by columns or piers, without walls or a roof, accessible to the general public for the

storage or parking of motor vehicles, but not including the repair or servicing of such vehicles for profit.

PARKING LOT - that area of a lot utilized to meet the parking requirements of this Chapter including, the lanes which provide access to the parking slots, but not including, any streets or driveways which provide access to the parking area.

PARKING SPACE - an open or covered area (or space in a private garage or other structure) for the storage of one automobile, accessible from a public right-of-way.

PAVED - ground area covered with concrete, brick, asphalt or other surface in accordance with Borough standards.

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

PERMITTED USE - an activity that is expressly allowed to occur on a lot because of the lot's location in a particular zoning district.

PERSONAL CARE BOARDING HOME - a facility located within a dwelling licensed by the Commonwealth of Pennsylvania Department of Public Welfare where room and board is provided to three (3) or less, permanent residents in the dwelling of the operator, who are not relatives of the operator, and who are mobile or semi-mobile and require specialized services for a period exceeding twenty-four (24) consecutive hours in such matters as bathing, dressing, diet and medication prescribed for self-administration, but who are not in need of hospitalization or skilled nursing care or intermediate nursing care.

PERSONAL SERVICES – a business establishment that provides products and/or services to a person, their apparel or personal effects commonly carried on or about their person, including but not limited to, shoe repair, tailoring, clothes cleaning, watch repair, beauty shops, tattoo shops, barber shops and the like. Personal services shall not include Medical Facility Type "A" or "B", Office, medical or Health and Fitness Establishment.

PLACE OF ASSEMBLY - a building and/or lot that is designed for the assembly or collection of persons, for civic, political, educational, or social purposes, and where recreation, amusement, or dining may occur as accessory activity. A place of assembly does not include a private club or private clubhouse.

PLACE OF WORSHIP - a building use and/or lot where people regularly observe, practice, or participate in religious or spiritual services, meeting and/or activities.

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

PLANNING COMMISSION - Borough of Castle Shannon Planning Commission, appointed by the Borough Council in accordance with the Pennsylvania Municipalities Planning Code, Act 247, as amended.

PREMISES – an area of land with its appurtenances and buildings, in whole or in part which, because of its unity of use, may be regarded as the smallest conveyable unit of real estate.

PRE-SCHOOL - a facility, including a pre-school and/or kindergarten, licensed as such by the Commonwealth of Pennsylvania, designed to provide daytime care and educational instruction for compensation to children three (3) to six (6) years of age who are not related to the operator.

PRINCIPAL BUILDING/STRUCTURE - the building or portion thereof housing the principal use of the land.

PRINCIPAL HEALTH CARE PROVIDER - a health care professional licensed to practice by the Pennsylvania Department of State who provides care to patients and may refer patients or receive referrals for specific medical or dental services in an outpatient setting. Principal health care providers shall include those individuals licensed in chiropractic, dentistry, medicine, occupational therapy, optometry, osteopathic medicine, physical therapy, podiatry, psychology, social work, marriage and family therapy, and professional counseling.

PRIVATE ENTITY – of or pertaining to buildings, structures, use or activities owned or supported by any person other than a public entity.

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

PUBLIC HEARING - a formal meeting held pursuant to public notice by the Borough Council or Borough Planning Commission, intended to inform and obtain public comment, prior to taking action in accordance with this Chapter.

PUBLIC MEETING - a forum held pursuant to notice under 65 Pa C.S. CH.7

PUBLIC NOTICE - notice published once each week for two successive weeks in a newspaper of general circulation in the Borough. Such notice shall state the time and place of the hearing and the particular nature of the matter to be considered at the hearing. The first publication shall not be more than thirty (30) days and the second publication shall not be less than seven (7) days from the date of the hearing

PUBLIC TRANSIT PARKING FACILITY - a parking lot or parking deck designed and used to provide parking for persons using the public transit system.

PUBLIC UTILITY STRUCTURE - any administrative building, maintenance building, garage or other structure intended for human occupancy or storage of equipment or any other part of

the essential service public utility installation defined herein, including but not limited to long distance transmission facilities such as power lines or high pressure natural gas or petroleum lines, switching facilities, substations, treatment plants, reservoirs, water towers, transmission towers and similar facilities.

RIGHT-OF-WAY (ROW) - a strip of land dedicated to, reserved for and/or improved for public or private use, providing access to a lot or lots that abut it and connecting to other public ways, or an easement across a private lot for the passage of public utilities or the disposal of storm water.

REAR YARD - see "yard, rear."

REAR YARD LINE - see "yard line, rear."

RECREATION FACILITY - a business establishment, generally intended for use by all ages that provides recreation or entertainment including but not limited to swimming pools, gymnasiums, dance halls, bowling alleys, billiard and pool halls, video and other coin-operated game parlors, miniature golf courses, indoor rifle range and indoor archery range.

- A. COMMERCIAL - said establishment typically owned by a private entity(ies).
- B. NOT-FOR-PROFIT PRIVATE - said establishment typically owned by a not-for-profit entity(ies).
- C. PUBLIC - said establishment owned and/or operated by/for a public entity

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

REPAIR SHOP - a business establishment providing maintenance and repairs of items that can be carried in by hand, including personal effects such as bicycles, small household appliances, office equipment, small gasoline engines and similar items, but not including repair of large appliances, motorized vehicles or heavy equipment.

RESTAURANT - an establishment which, as the principal use, offers food and beverages for consumption.

- A. HIGH TURNOVER RESTAURANT, DRIVE THROUGH – a restaurant that serves ready-to-eat food, desserts or beverages available upon a short waiting time, generally in disposable containers or wrappers for immediate consumption on or off the premises, typically including a public service area with counter and queuing areas. This use may or may not include table service and a restaurant that may include a drive through facility.

- B. **HIGH TURNOVER RESTAURANT, TAKE OUT** – a restaurant that serves ready-to-eat food, desserts or beverages available upon a short waiting time, generally in disposable containers or wrappers for immediate consumption on or off the premises, typically including a public service area with counter and queuing areas. This use may or may not include table service and may not include a drive through facility.
- C. **LOW TURNOVER RESTAURANT** – a restaurant that serves food on the premises where orders are placed with waitpersons by customers seated at tables and food and beverages are served at the table by waitpersons and where the usual length of stay is one (1) hour or more. A low turnover down restaurant may or may not serve alcoholic beverages for consumption on the premises as an accessory use and may or may not offer take out service as an accessory use, but shall not include a pick-up or drive-through window.

RETAIL STORE - any establishment not otherwise specifically defined that sells or rents commodities and/or services on the premises directly to the general public, available for immediate purchase and removal, but not including the manufacturing or processing of any products.

- A. **RETAIL, LARGE SCALE** - retail store with a gross floor area equal to or more than five thousand (5,000) square feet.
- B. **RETAIL, SMALL SCALE** - retail store with a gross floor area less than fivethousand (5,000) square feet. This use may not include wholesaling, manufacturing or processing of goods

ROADWAY - the paved portion of the street Right-Of-Way.

SADOMASOCHISTIC ABUSE - flagellation or torture by or upon a person clad in undergarments, a mask or bizarre costume, or the condition of being fettered, bound or otherwise physically restrained on the part of one so clothed.

SEASONAL OUTDOOR SALES - a temporary use conducted for a period of eight (8) months or less during a calendar year that is accessory to a principal use and involves the display and/or sales of merchandise outside the principal structure.

SEASONAL OUTDOOR SEATING - a temporary use conducted for a period of eight (8) months or less during a calendar year that is accessory to a principal use and involves food or beverage service or other customer activities at tables and chairs or other seating arrangements located outside the principal structure.

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

SETBACK - see "building setback line."

SEXUAL CONDUCT - act of masturbation, sexual intercourse or physical contact with a person's unclothed genitals, pubic area, buttocks or, if such person is a female, her breast.

SEXUAL EXCITEMENT - the condition of human male or female genitals when in a state of sexual stimulation or arousal.

SIDE YARD - see "yard, side."

SIDE YARD LINE - see "yard line, side."

SIGN - any fabricated sign or outdoor display structure, including its structure, consisting of any letter, graphic, figure, character, mark, point, plane, marquee sign, design, poster, pictorial, picture, stroke, stripe, symbol, line, trademark, reading matter or illuminating device, constructed, attached, erected, fastened or manufactured in any manner whatsoever so that the same shall be used for identification or the attraction of the public to any place, subject, person, firm, corporation, public performance, article, machine or merchandise whatsoever, and displayed in any manner out of doors for recognized advertising purposes.

- A. **ABANDONED SIGN** - a sign which no longer identifies or advertises a bona fide on-premises business, lessor, service, owner, product or activity, and/or for which no legal owner can be found by certified mail to the landowner of record of the land upon which the sign is located.
- B. **ANIMATED SIGN** - a sign which uses movement or change of lighting to depict action or to create a special effect or scene (compare "flashing sign").
- C. **AWNING SIGN** - a sign painted on, printed on or attached flat against the surface of an awning.
- D. **BANNER SIGN** - a sign made of fabric or any nonrigid material with no enclosing framework.
- E. **BILLBOARD** – see Off-Premise Sign.
- F. **CHANGEABLE COPY SIGN (AUTOMATIC)** - a sign on which the copy changes automatically on a lampbank or through mechanical means; e.g., electrical or electronic time and temperature units.
- G. **CHANGEABLE COPY SIGN (MANUAL)** - a sign on which a copy is changed manually in the field; e.g., readerboards with changeable letters.
- H. **CLEARANCE (OF A SIGN)** - the smallest vertical distance between the grade of the adjacent street or street curb and the lowest point of any sign, including framework and embellishments, extending over that grade.
- I. **CLOSED SIGN** - a sign in which more than fifty (50) percent of the entire area is solid or tightly enclosed or covered.

- J. CONSTRUCTION SIGN - a temporary sign identifying an architect, contractor, subcontractor and/or material supplier participating in construction on the property on which the sign is located.
- K. COPY - the wording on a sign surface in either permanent or removable letter form.
- L. DIRECTIONAL/INFORMATION SIGN - an on-premises sign giving directions, instructions or facility information and which may contain the name or logo of an establishment but no advertising copy. e.g., parking or exit and entrance signs.
- M. DOUBLE-FACED SIGN - a sign with two faces.
- N. ELECTRICAL SIGN - a sign or sign structure in which electrical wiring, connections or fixtures are used.
- O. ELECTRONIC MESSAGE CENTER - see "changeable copy sign, automatic."
- P. FACE OF SIGN - the area of a sign on which the copy is printed.
- Q. FESTOONS - a string of ribbons, tinsel, small flags or pinwheels.
- R. FLASHING SIGN - a sign which contains an intermittent or sequential flashing light source used primarily to attract attention, or signs which, through reflection or other means, create an illusion of flashing of intermittent light (compare "animated sign," "changeable copy sign").
- S. FREESTANDING SIGN - a sign supported upon the ground by poles or braces and not attached to any building.
- T. GOVERNMENT SIGN - any temporary or permanent sign erected and maintained by a municipality, county, State or Federal government for traffic direction or for designation of or direction to any school, hospital, historical site or public service, property or facility.
- U. GROUND SIGN - a sign supported by uprights or braces in or upon the ground surface.
- V. HEIGHT (OF A SIGN) - the vertical distance measured from the highest point of the sign or its supporting structure to the grade of the adjacent street or the surface grade beneath the sign, whichever is less.
- W. IDENTIFICATION SIGN - a sign whose copy is limited to the name and address of a building, institution or person and/or to the activity or occupation being identified.
- X. ILLEGAL SIGN - a sign which does not meet the requirements of this Chapter and which has not received legal nonconforming status.

- Y. ILLUMINATED SIGN - a sign with an artificial light source incorporated internally or externally for the purpose of illuminating the sign.
- Z. INCIDENTAL SIGN - a small sign, emblem or decal informing the public of goods, facilities or services available on the premises; e.g., a credit card sign or a sign indicating hours of business.
- AA. MAINTENANCE - for the purposes of this Chapter, the cleaning, painting, repair or replacement of defective parts of a sign in a manner that does not alter the basic copy, design or structure of the sign.
- BB. MARQUEE - a permanent roof-like structure or canopy of rigid materials supported by and extending from the facade of a building.
- CC. MARQUEE SIGN - a sign attached to or hung from a marquee, canopy or other covered structure, projecting from and supported by the building and extending beyond the building wall, building line or street lot line.
- DD. NAMEPLATE - a non-electric on premise identification sign giving only the name, address and/or occupation of an occupant or group of occupants.
- EE. NONCONFORMING SIGN - a sign which was erected legally but which does not comply with subsequently enacted sign restrictions and regulations.
- FF. OFF-PREMISES SIGN - a sign structure advertising an establishment, merchandise, service or entertainment, which is not sold, produced, manufactured or furnished at the property on which said sign is located e.g., "billboards" or "outdoor advertising."
- GG. ON-PREMISES SIGN - a sign which pertains to the use of the premises on which it is located.
- HH. OPEN SIGN - a sign in which at least fifty (50) percent of the enclosed area is uncovered or open to the transmission of wind.
- II. PAINTED WALL SIGN - any sign which is applied with paint or similar substance on the face of a wall.
- JJ. POINT OF PURCHASE DISPLAY - advertising of a retail item accompanying its display; e.g., an advertisement on a product dispenser.
- KK. POLE COVER - covers enclosing or decorating poles or other structural supports of a sign.

- LL. POLITICAL SIGN - for the purposes of this Chapter, a temporary sign used in connection with a local, State or national election or referendum.
- MM. PORTABLE SIGN - any sign designed to be moved easily and not permanently affixed to the ground or to a structure or building.
- NN. PROJECTING SIGN - a display sign which is attached directly to the building wall and which extends from the face of the wall.
- OO. REAL ESTATE SIGN - a temporary sign advertising the real estate upon which the sign is located as being for rent, lease or sale.
- PP. ROOFLINE - the top edge of a roof or building parapet, whichever is higher, excluding any cupolas, pylons, chimneys or minor projections.
- QQ. ROOF SIGN - any sign erected over or on the roof of a building.
- RR. ROTATING SIGN - a sign in which the sign itself or any portion of the sign moves in a revolving manner. Such motion does not refer to the methods of changing copy.
- SS. SIGN, AREA OF –
1. Projecting and Freestanding. The area of a freestanding or projecting sign shall have only one face (the largest one) of any double-faced sign counted in calculating its area.
 - a) The area around and enclosing the perimeter of the cabinet or module shall be summed and then totaled to determine total area. The perimeter of measurable area shall not include embellishments such as pole covers, framing, decorative roofing, etc., provided that there is not written advertising copy on such embellishments.
 - b) If the sign is composed of more than two (2) sign cabinets or modules, the area enclosing the entire perimeter of all cabinets and/or modules within a single, continuous geometric figure shall be the area of the sign. Pole covers and other embellishments shall not be included in the area of measurement if they do not bear advertising copy.
 2. Wall Signs. The area shall be within a single, continuous perimeter composed of any straight line geometric figure which encloses the extreme limits of the advertising message.
- TT. SNIPE SIGN - a temporary sign or poster affixed to a tree, fence, etc.

- UU. SPECIAL EVENT SIGN - Any professionally made sign for an identified special event with the cumulative number of special event days not exceeding fourteen (14) days within any ninety (90) day period.
- VV. SUBDIVISION IDENTIFICATION SIGN - a freestanding or wall sign identifying a recognized subdivision, condominium complex or residential development.
- WW. TEMPORARY SIGN - a sign constructed of cloth, fabric or other light temporary material with or without a structural frame intended for a limited period of display; including decoration displays for holidays or public demonstrations.
- XX. UNDER CANOPY SIGN - a sign suspended beneath a canopy, ceiling, roof or marquee.
- YY. WALL SIGN - a sign attached parallel to and extending from the wall of a building. This definition includes painted, individual letter and cabinet signs and signs on a mansard.
- ZZ. WINDOW SIGN - a sign installed inside a window and intended to be viewed from the outside.

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

SLOPE - the face of an embankment or cut section or any ground whose surface makes an angle with the plane of the horizon. Slopes are usually expressed in a percentage based upon vertical differences in feet per one hundred (100) feet of horizontal distance.

SPECIAL EXCEPTION – a use permitted in a particular zoning district pursuant to the provisions of Article VI and IX of the Pennsylvania Municipalities Planning Code.

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

STORY ABOVE GRADE - any story having its finished floor surface entirely above grade except that a basement shall be considered as a story above grade when the distance from grade to the finished surface of the floor above the basement is more than six (6) feet for more than fifty (50) percent of the total perimeter or more than twelve (12) feet at any point.

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

- A. **Collector Street** – a roadway that provides both land access service and traffic circulation within residential neighborhoods and commercial and industrial areas. It differs from the arterial street in that facilities on the collector system may penetrate residential neighborhoods, distributing trips from the arterials through the area to their ultimate destinations. Conversely, the collector street also collects traffic from local streets in residential neighborhoods and channels it into the arterial system. In the central business district, and in other areas of similar development and traffic density, the collector system may include the entire street grid. The collector street system may also carry local bus routes.
- B. **Local Street** – a roadway that comprise all facilities not in one of the higher systems. It primarily permits direct access to abutting lands and connections to the higher order systems. It offers the lowest level of mobility and usually contains no bus routes. Service to through-traffic movement usually is deliberately discouraged.
- C. **Major Arterial** – a roadway that serves the major centers of activity, the highest traffic volume corridors, and the longest trip desires and carries a high proportion of the total area travel even though it may constitute a relatively small percentage of the total roadway network.
- D. **Minor Arterial** – a roadway that interconnects with and augments the major arterial system. It accommodates trips of moderate length at a somewhat lower level of travel mobility than principal arterials do. This system distributes travel to geographic areas smaller than those identified with the higher system.

STREET CENTER LINE - a line which is usually at an equal distance from both street lines or Right-Of -Way lines.

STREET LINE - see "Lot Line, Front."

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

SUBDIVISION - the division or redivision of a lot, tract or parcel of land by any means into two or more lots, tracts, parcels or other division of land including changes in existing lot lines for the purpose, whether immediate or future, of lease, partition by the court for distribution to heirs or devisees, transfer of ownership or building or lot development; provided, however, that the subdivision by lease of land for agricultural purposes into parcels of more than ten (10) acres, not involving any new street or easement of access or any residential dwelling, shall be exempted.

SUBSTANTIAL DAMAGE - damage from any cause sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceeds fifty (50) percent or more of the market value of the structure before the damage occurred.

SUBSTANTIAL ENLARGEMENT - the increase in floor areas occupied by the business by more than twenty-five (25) percent, as the floor areas exist on date of enactment of this Chapter.

SUBSTANTIAL IMPROVEMENT - any reconstruction, rehabilitation, addition or other improvement of a structure, the cost of which equals or exceeds fifty (50) percent of the market value of the structure before the “start of construction” of the improvement. This term includes structures which have incurred “substantial damage,” regardless of the actual repair work performed. The term does not, however, include either:

- A. Any project for improvement of a structure to correct existing violations of State or local health, sanitary or safety code specifications which have been identified by the local Code Enforcement Official and which are the minimum necessary to assure safe living conditions; or
- B. Any alteration of a “historic structure,” provided that the alteration will not preclude the structure’s continued designation as a “historic structure.”

SWIMMING POOL - any body of water or receptacle for water having a depth at any point greater than two (2) feet or a surface area greater than two hundred fifty (250) square feet, used or intended to be used for swimming or bathing and constructed, installed or maintained outside.

TAVERN - a business establishment selling alcoholic beverages for consumption on the premises where service of food may or may not be accessory to such use.

TECHNOLOGY SERVICE/SUPPORT CENTER – a business establishment providing call center customer care or technical support, analytical services or information technology support services via phone, live chat, email or data services. Services can include but are not limited to customer care and support, order entry and processing, order management and fulfillment services, accounts receivable, data mining, accounts payable, automated or computer-aided response, email extraction, software management or infrastructure management.

TOWER (NON-COMMUNICATIONS, NON-WATER) - a free-standing structure exceeding the Borough’s maximum building height of the specific zoning district in which it is located and not classified as a communication tower, steeple, water tower or silo.

TRANSIT STATION (PARK AND RIDE LOT) - improvements and facilities at selected points along transit routes for passenger pick-up, drop-off and waiting. Facilities and improvements may include passenger parking facilities shelters, benches, signs, structures, operator restrooms and other improvements to provide security, protection from the weather and access to nearby services.

TRANSIT STOP - a location where regularly scheduled transit service occurs to load and unload passengers.

TRANSIT SUPPORT (INFRASTRUCTURE) – buildings or structures used as warehouses, garages, maintenance/employee parking facilities, service centers or repair facilities for the use of public transit including buses, shuttles, trains or light rail.

UNCONVENTIONAL GAS WELL - A bore hole drilled or being drilled for the purpose of or to be used for the production of natural gas from an unconventional formation as defined in Pennsylvania Act 13 of 2012.

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

USE, ACCESSORY - a use customarily incidental and subordinate to the principal use of a building, sign, structure, lot or tract of land and located on the same lot with the principal building.

USE, PRINCIPAL - the primary or main activity of a building, sign, structure, lot or tract of land.

USES NOT LISTED - any principal use not otherwise listed in Table 1 and Table 2.

VARIANCE - relief granted pursuant to the provisions of Article VI and IX of the Pennsylvania Municipalities Planning Code.

VINEYARD - A farm where grapevines are planted, grown, raised or cultivated for the purpose of producing grape wine.

WAREHOUSE - a building used for the storage and handling of freight or merchandise, but not including the maintenance or fueling of commercial vehicles. Warehousing which is incidental to retail sales and which does not constitute in excess of thirty (30) percent of the total floor area of the retail establishment shall be excluded from this definition.

WHOLESALE - a business establishment engaged in selling merchandise to retailers, institutional, commercial or professional business customers or other wholesalers, rather than to the general public, or acting as a broker for such merchandise sales.

WINERY - An agricultural facility designed and used to crush, ferment, and process grapes into wine.

YARD - an open space at grade between a yard line and the adjoining lot lines or street Right-Of-Way lines, unoccupied and unobstructed by a portion of any structure or vehicle, unless otherwise approved by the Borough, from the ground upward.

YARD LINE - a line drawn parallel to the corresponding lot lines or street Right-Of-Way lines at a distance specified for the required depth of yard in each respective case.

YARD LINE, FRONT - a line bounding the front yard and parallel to the front lot line.

YARD LINE, REAR - a line bounding the rear yard and parallel to the rear lot line.

YARD LINE, SIDE - a line bounding the side yard and parallel to the side lot lines.

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

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

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

ZONING DISTRICT - a contiguous area of land on all parts of which the same uniform controls and requirements for development apply.

ZONING HEARING BOARD - a body appointed by Castle Shannon Borough Council to examine and decide appeals from any determination of the Zoning Officer, to hear and take evidence on any challenge to the validity of any section of this Chapter or the zoning map, to consider and take action on appeals for variances, and to hear and decide applications for special exception uses as well as to hear and render final adjudication in any other matters as authorized in the Pennsylvania Municipalities Planning Code.

ZONING MAP - the official plan illustrating the locations and extents of the zoning districts within Castle Shannon Borough, a part of this Chapter, showing precisely the boundaries and title of each zoning district.

ZONING OFFICER - that person appointed by the Castle Shannon Borough Council and charged with the responsibility of administering and enforcing this Ordinance.

ZONING ORDINANCE - a document duly ordained by the Castle Shannon Borough Council to regulate the use of land and structures throughout the entire Borough and subject to prudent change from time to time by official action of the Castle Shannon Borough Council.

PART 2**LAND USE DISTRICTS****§201. ZONING DISTRICT OBJECTIVES.**

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

- A. To provide sufficient space, appropriately located for residential development to meet the housing needs of the present and expected future population of the Borough within the range of house types and densities anticipated.
- B. To assure light, air and privacy, as much as possible, by controlling the spaces and height of buildings and other structures.
- C. To protect residential areas against hazards of fire, offensive noises, vibrations, smoke, odors, glare or other objectionable influences.
- D. To prevent congestion, as far as possible, by the density of population and the bulk of buildings and by providing for sufficient off-street parking.
- E. To protect residential neighborhoods, as much as possible, from heavy truck, or high volumes of through traffic.
- F. To make possible provisions of those public and private educational, recreational, health and similar facilities serving the needs of nearby residents, which perform most effectively in a residential environment and do not create objectionable influences.
- G. To promote the most desirable use of land and direction of building development in accordance with a well considered plan, to promote stable residential development, to protect the character of any district and its peculiar suitability for particular uses, to conserve the value of land and buildings, and to protect the Borough tax revenues.
- H. District Purposes.
 1. R-1:Single-Family Residential District.

In addition to the general goals listed in the General Intent and Zoning District Objectives, it is the purpose of this District to permit continued residential development which is compatible with existing types of housing and lot sizes in the predominantly single-family sections of this Borough. It is further the purpose of this district to encourage additional single-family development in those sections of Castle Shannon where lower densities are desirable.

2. **R-2: Single and Two-Family Residential District**
In addition to the general goals listed in the General Intent and Zoning District Objectives, it is the purpose of this District to encourage and provide for both single-family and two family residential structures which will be in keeping with the existing character of areas so zoned. This district established herein further serves as an intermediate density zone between single-family areas and multiple family areas.
3. **R-3: High Density Residential District**
In addition to the general goals listed in the General Intent and Zoning District Objectives, residential development which provides for higher densities and apartment development while maintaining sufficient open areas so that dwellings may blend with the existing and proposed characteristics of the land. Further, these higher densities will be so delineated as to be located near major thoroughfares, both rail and motor vehicular.
4. **TOD: Transit Oriented Development District**
In addition to the general goals listed in the General Intent and Zoning District Objectives, it is the purpose of this District to provide the opportunity for orderly development of a mix of appropriate uses that take advantage of their location on sites at or adjacent to public transit stations, particularly taking into consideration a balance between the demand for commuter parking and parking for the other authorized uses.
5. **R-P: Planned Residential Development**
In addition to the general goals listed in the General Intent and Zoning District Objectives, it is the purpose of this District to establish regulations and controls for the use of land and structures, area of lots, bulk of buildings, amount and kind of open-space land, the provision of off-street parking and other similar accessory regulations in the planned residential development districts in accordance with the provisions of the Pennsylvania Municipalities Planning Code; Act 247 of 1968, as amended.
6. **C-1: General Commercial District**
In addition to the general goals listed in the General Intent and Zoning District Objectives, it is the purpose of this District to provide for the orderly commercial development commonly associated with the linear business districts of Castle Shannon Borough by concentrating the more intensive nonresidential uses in areas which are oriented to vehicular traffic.
7. **C-2: Central Commercial District**
In addition to the general goals listed in the General Intent and Zoning District Objectives, it is the purpose of this District to provide for the orderly commercial development commonly associated with the central business district of Castle Shannon Borough.

8. I: Industrial District

In addition to the general goals listed in the General Intent and Zoning District Objectives, it is the purpose of this District to provide industrial locations for facilities which require a large area for their operations and which are normally undesirable adjacent to residential and commercial areas.

Table 1: Authorized Principal Land Uses.

DRAFT

Legend

- P Permitted Use
- C Conditional Use

Land Use	Zoning Designation							
	R-1	R-2	R-3	R-P	TOD	C-1	C-2	I
A. Principally Residential Uses								
1 All Other Residential Uses (Uses Not Listed)								C
2 Apartment, Conversion			C	C				
3 Bed and Breakfast	C	C	C				C	
4 Day Care, Large Family Child Care Home	C							
5 Day Care, Small Family Child Care Home	C	C	C					
6 Dwelling, High Density Multifamily			C		C			
7 Dwelling, Low Density Multifamily		C	C	C				
8 Dwelling, Medium Density Multifamily			C	C	C			
9 Dwelling, Single Family	P	P	P	C			P	
10 Dwelling, Townhouse		C	C	C				
11 Dwelling, Two Family		P	C	C				
12 Group Care Facility						C	C	
13 Group Care Home		C						
14 Life Care Facility				C		C	C	
15 Nursing Home				C		C	C	
16 Personal Care Boarding Home		C	C					
B. Principally Non-Residential Uses								
1 Adult Businesses							C	
2 All Other Non-Residential Uses (Uses Not Listed)								C
3 Amusement Establishment, Large Scale						C	C	
4 Amusement Establishment, Small Scale						P	P	
5 Animal Hospital						P	P	
6 Bakery						P	P	
7a Beer Distributor, Large Scale						C	C	C
7b Beer Distributor, Small Scale						P	P	
8 Cemetery	C							
9 Club and Clubhouse						P		
10 Coin-Operated Laundry						C	C	
11 Communications Antenna	C	C	C	C	C	C	C	C
12 Communications Facility						C	C	C
13 Communications Tower						C		
14 Contracting Business								P
15 Contractor's Yard								P
16 Convenience Store, With Alcohol					C	C	C	
17 Convenience Store, Without Alcohol					P	P	P	
18 Day Care Center, Adult					P	P	P	
19 Day Care Center, Child					P	P	P	
20 Detention Facility								C
21 Dry Cleaning Processing								C
22 Electronics Repair/Service/Installation						C		C
23 Emergency Services						P		P

Table 1: Authorized Principal Land Uses. (continued)

P Permitted Use
C Conditional Use

	Land Use	Zoning Designation							
		R-1	R-2	R-3	R-P	TOD	C-1	C-2	I
24	Essential Services					C	C		C
25	Farmer's Market					C	C	C	
26	Financial Institution						P	P	
27	Forestry	P	P	P	P	P	P	P	P
28	Freight Terminal and Trucking Terminal								P
29	Fuel/Energy Recharge Station						C		
30	Funeral Home						C	C	
31	Golf Course			C					
32	Health and Fitness Establishment					C	C	C	
33	High Hazard Use								C
34	Hotel/Motel					C	C	C	
35	Indoor Self Storage Facility						C	C	P
36	Junkyard								
37	Kennel						C	C	
38	Kennel, Day (Doggie Day Care)						C		P
39	Landscape Nursery, Large Scale						C		C
40	Landscape Nursery, Small Scale						P		P
41	Manufacturing, Heavy								C
42	Manufacturing, Light								C
43	Medical Facility Type A							C	C
44	Medical Facility Type B					C	C		
45	Microbrewery					C	C	C	C
46	Mini-Warehouse or Self-Storage Facility						C	C	P
47	Mixed Use Building						C	C	C
48	Motor Vehicle Detailing								C
49	Motor Vehicle Electronics Service								C
50	Motor Vehicle Laundry						C		C
51	Motor Vehicle Rental, Sales, and Service					C	C	C	C
52	Motor Vehicle Service Station					C	C	C	C
53	Municipal Facility	C	C	C	C	C	C	C	C
54	Museum/Cultural/Art Center					C	C	C	

Table 1: Authorized Principal Land Uses. (continued)

Legend

- P Permitted Use
- C Conditional Use

	Land Use	Zoning Designation							I	
		R-1	R-2	R-3	R-P	TOD	C-1	C-2		
55	Oil and Gas Operations									C
56	Off Premise Signs including Billboards						C			C
57	Office, Business					C	C	C		
58	Office, Medical					C	C	C		
59	Parking Deck					C				
60	Parking Lot					C	C	C		
61	Personal Services					C	C	C		
62	Places of Assembly	C		C	C					
63	Places of Worship	C		C	C					
64	Parcel Distribution Facility									P
65	Parcel Pick-Up/Drop-Off Facility						P	P		
66	Pre-School Facility					P	P	P		
67	Public Transit Parking Facility	C				C				
68	Recreation Facility (Commercial, Not-for-Profit Private)				C		C	C		
69	Recreation Facility (Public)			C	C	C	C	C		
70	Repair Shop						C	C		P
71	Restaurant, High Turnover, Drive through					C	P	P		P
72	Restaurant, High Turnover, Takeout					C	P	P		P
73	Restaurant, Low Turnover					P	P	P		C
74	Retail Store, Large Scale						P	P		C
75	Retail Store, Small Scale					P	P	P		
76	School	C								
77	Tavern					C	P	P		
78	Technology Service/Support Center									C
79	Tower (Non-Communications, Non-Water)					P				
80	Transit Station	C				C	C	C		
81	Transit Stop					C	C	C		
82	Transit Support (Infrastructure)					C	C	C		
83	Unconventional Gas Well									C
84	Utility	C	C	C	C	C	C	C		C
85	Vineyard			C						C
86	Warehouse									P
87	Wholesaling									P
88	Winery			C						C

Table 2: Accessory Land Uses.

Legend

- P Permitted Use
- C Conditional Use

Land Use		Zoning Designation							
		R-1	R-2	R-3	P-R	TOD	C-1	C-2	I
1	Accessory Building	P	P	P	C		P		
2	Accessory Structure	P	P	P	C		P		
3	Drive Through Facility						C	C	
4	No-Impact Home-Based Business	P	P	P	P	P	P		
5	Off-Street Parking and Loading					P			
6	Swimming Pool	P	P	P	C				
7	Communications Antenna	P	P	P	C				
8	Electronic and Satellite Dish Antenna	P	P	P	C				
9	Solar Energy Systems, Solar Collectors and Solar-Related	P	P	P	C				
10	Wind Energy Conversion Systems	P	P	P	C				

* Low Impact Home-Based Business may be approved only in accordance with the Borough’s conditional use process.

§202. DIMENSIONAL REQUIREMENTS.

Table 3: Principal Structure – Residential Zoning Districts

Legend: du = dwelling unit; sf = square feet

	R-1	R-2	R-3		R-P
			Low Rise Residential Structures	High Rise Residential Structures	
Minimum Lot Area	7,500 sf	6,250 sf per du	9,600 sf	19,000 sf	6,000 sf single-family detached du; 1,540 sf all townhouse, row or duplex du; 900 sf multifamily du
Minimum Lot Width	60 ft. *	50 ft.	75 ft.	100 ft.	
Maximum Lot Coverage	30%	35%	35%	35%	40% development; open space minimum 15%
Minimum Building Setback Line	20 Ft.	20 ft.	20 ft.	30 ft.	<u>Single-family</u> : Average Lot Slope 0-5% = 25 ft. 5% - 10% = 20 ft. 10% - 19% = 15 ft. Over 20% = 10 ft. <u>All other du</u> : see Rear
Minimum Side Yard	5 ft. per side; 15 ft. aggregate	5 ft. per side; 15 ft. aggregate	5 ft. per side; 10 ft. aggregate; abutting R-1 or R-2 dist, 15 ft.	20 ft.; abutting R-1 or R-2 districts, 30 ft.	Single-family: 8 ft. per side; 16 ft. aggregate; All other du: ends of structures not less than the average height of structure or in no case
Minimum Rear Yard	30 ft.	30 ft.	20 ft. (max)	30 ft.	<u>Single-Family</u> >20 ft.; <u>all other du</u> = 30 ft for combined front and rear yards with minimum front or rear yard of 10 ft each
Maximum Height	30 ft. or 2 1/2 stories	30 ft. or 2 1/2 stories	35 ft. or 3 stories	98 ft. or 9 stories	45 ft. or 4 stories
Minimum Buffer Zone					50 ft. between single family and multifamily du's
Tower and Chimney (Industrial) Location					

Notes:

* Existing lots of record may be developed if not less than 40 ft in width subject to Zoning Hearing Board approval.

** When abutting any residential districts, 30 feet plus the height of the building over 30 feet.

Table 4: Principal Structure – Non-Residential Zoning Districts

Legend: du = dwelling unit; sf = square feet	C-1		C-2		TOD	Industrial
	General Uses	Public and Semiprivate Uses	General Uses	Public and Semiprivate Uses		
Minimum Lot Area	4,800 sf	5,000 sf	Lots with dwelling units 400 sf per dwelling unit; otherwise, none	5,000 sf	3 acres (minimum site area)	10,000 sf
Minimum Lot Width	48 ft.		None required		None required	100 ft.
Maximum Lot Coverage	80%		50% , primary buildings; 90% total including primary, accessory and paved area		90% (maximum floor area ratio = three (3) gross square feet of floor area for each one (1) square foot of lot area)	55%
Minimum Building Setback Line	10 ft. for structures ≤3 floors , except for parking garages, 20 feet.; additional 15 ft. for each floor over 3	10 ft.	5 ft. plus 1.5 ft. for each floor above 3	25 ft.	high rise structures: 50'; all other: 10'	20 ft.
Minimum Side Yard	5 ft.; 10 ft. for third floor, plus 3 feet for each floor above 3 **	10 ft. per side	5 ft. per side plus 3 ft. for each floor above 3 **	10 ft. per side	Adjoining transit right of way: 0'; public parking deck: 0'; all others: 5'	10 ft. per side; contiguous to residential district, 40 ft.
Minimum Rear Yard		25 ft.	20 ft. plus 1 ft. for each floor above three floors only	25 ft.	High rise residential (HRR) structures adjoining transit right-of-way: 0' and all (HRR) others: 30'; public parking decks: 10'; All others: 0'	25 ft.
Maximum Height	60 ft. or 5 stories	35 ft. or 3 stories	60 ft. or 5 stories	45 ft. or 4 stories	2 stories for each full acre in site area measured from the floor elevation at the front entrance to the building that faces the public street right of way; all others: 3 stories, but no more than 45 feet	40 ft. (see §502(4))
Minimum Buffer Zone	5 ft. along front and side yards				See Section 305.	5 ft. along front and side yards
Tower and Chimney (Industrial) Location	100 ft. from any lot line					100 ft. from any lot line

Notes:

* Existing lots of record may be developed if not less than 40 ft in width subject to Zoning Hearing Board approval.

** When abutting any residential districts, 30 feet plus the height of the building over 30 feet.

Table 5: Accessory Structure – Residential Zoning Districts

	R-1	R-2	R-3		R-P
			Low Rise Residential Structures	High Rise Residential Structures	
Minimum Building Setback Line	Front facade of Principal Structure	Front facade of Principal Structure	Front facade of Principal Structure	Front facade of Principal Structure	Front facade of Principal Structure
Minimum Side Yard	5 ft. per side	5 ft. per side	5 ft. per side	5 ft. per side	5 ft. per side
Swimming Pool Setback	10 ft.	10 ft.			
Minimum Rear Yard	5 ft.	5 ft.	5 ft.	5 ft.	5 ft.
Minimum Front Yard	No less than that of the primary structure				
Maximum Height	15 ft.	15 ft.	15 ft.	15 ft.	15 ft.

Table 6: Accessory Structure – Non-Residential Zoning Districts

	C-1		C-2		TOD	Industrial
	General Uses	Public and Semiprivate Uses	General Uses	Public and Semiprivate Uses		
Minimum Building Setback Line	Front facade of Principal Structure	Front facade of Principal Structure	Front facade of Principal Structure	Front facade of Principal Structure	Front facade of Principal Structure	Front facade of Principal Structure
Minimum Side Yard	5 ft.; 10 ft. for third floor, plus 3 feet for each floor above 3 **	10 ft. per side	5 ft. per side plus 3 ft. for each floor above 3 **	10 ft. per side	Parking structures: 5 ft.; all other: 10 ft.	10 ft. per side
Swimming Pool Setback	10 ft.					
Minimum Rear Yard					10'	
Minimum Front Yard	No less than that of the primary structure					
Maximum Height	15 ft.	15 ft.	15 ft.	15 ft.	1 story, but no more than 20 ft.	15 ft.

A. MULTI-FAMILY DWELLING DENSITY

1. **LOW DENSITY** - a density of four (4) to eight (8) dwelling units per acre.
2. **MEDIUM DENSITY** - a density of eight (8) to fourteen (14) dwelling units per acre.
3. **HIGH DENSITY** - a density of fifteen (15) or more dwelling units per acre.

B. HIGH RISE - a building containing more than two (2) dwelling units or non-residential uses and whose height is ten (10) stories, or more. For any high rise to be located in Castle Shannon Borough which exceeds the height of existing or anticipated fire equipment available in the Borough for fire protection, a certificate of approval from the Pennsylvania Department of Labor and Industry shall be presented by the proposed developer before final site plan approval. In addition, a

letter of review by the Fire Chief of the Castle Shannon Volunteer Fire Company shall be presented before preliminary site plan approval as evidence that the fire company is aware of the proposed intention to exceed certain height limitation.

§203. GENERAL REGULATIONS FOR ALL DISTRICTS.

- A. 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 ½) feet and below ten (10) feet.
- B. Swimming Pools.
1. 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 Part, they are not counted as floor area in computing the lot coverage but shall not be located in any required setback area.
 2. 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.
 3. No swimming pool shall be constructed in the Borough except in accordance with a permit therefore previously secured from the Zoning Officer 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 Zoning Officer to determine whether the pool complies with this Chapter.
- C. Exception to Height Limitations.
1. The height limitations of this Part shall not apply to 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.
 2. This subsection shall not apply to any freestanding 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 above.

D. Outdoor Storage Prohibition.

1. Outdoor storage of any type shall not be permitted unless such storage is a part of the normal operations conducted on the premises.
2. No merchandise shall be displayed, sold or otherwise made available between the street Right-Of-Way lines.
3. All permitted uses (except parking areas and used car sales) shall be conducted wholly within enclosed buildings.
4. 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 a person standing on the ground level.
5. 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.

E. 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 (150) feet in area and one story in height. Such accessory structures shall not be used for garage purposes. All plans for accessory buildings shall be submitted to the Zoning Officer 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.

F. Central air conditioning unit.

1. In all R1 - R2 Districts, any outdoor air conditioning units, condenser and exhaust from units shall be placed in the rear or front side yards of the dwelling, immediately adjacent to the dwelling.
2. In all Residential Districts, any outdoor installation constructed or placed on a lot in connection with an air conditioning system designed to air condition all or part of a residence may be located not more than five (5) feet in front of the Building Line or shall not be located less than three (3) feet from the side lot line and adequately screened, as outlined in §204.D34 (See Note).

3. The installation of the proposed unit and accessories shall not be detrimental to neighboring properties through emission of noise, odor and /or leakage of condensate and by being unsightly.
- G. Fences. No fence or wall, except retaining walls or other obstruction (except a required retaining wall or a wall of a building permitted under the terms of this Part) 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 subsection (5) of this Section. 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.
- H. Lot Sizes. Any lot as well as the open spaces reserved on it must equal or exceed the minimum sizes prescribed by this Part for the district in which the lot is located.
- I. In all districts flashing, moving or oscillating lights are expressly prohibited except for seasonal displays during the holiday season.
- J. Outdoor Displays. In those zoning districts where outdoor display is permitted as a conditional use the following standards and criteria shall apply:
1. 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 and require parking stalls, aisles or driveways; nor shall such display obstruct any line of vision of any vehicular operator entering, exiting or transiting the premises or adjacent street or highway; nor shall such display obstruct any window, doorway or exit way 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 15 of the Borough Code of Ordinances.
- K. 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. A letter of commitment for perpetual care of said shopping carts shall be submitted to the Borough by the owner of a lot on which a shopping carts exist. Said letter shall identify the owner of said lot shall be responsible for managing and storing all carts on the lot at all times.

- L. Firewood. Any processed or prepared for use as a heating fuel or for the purpose of burning in an indoor fireplace or a wood-burning furnace, shall be staked in orderly fashion not to exceed a four (4) foot height and shall be stored a minimum of four (4) inches off the ground and maintained so as not to harbor insect and/or rodent infestation. Firewood shall be stored in the rear yard minimum of five (5) feet from the side and rear property lines, except that a day-rack limited to one-eight cord (16 cubic feet) may be stored against a dwelling.
- M. Lighting and Glare. It is the intent of this Part to provide for the control of lighting and glare for all districts of the Borough.
1. In any district, any operation or activity producing intense glare shall be so conducted that direct and indirect illumination from the source of light shall not cause illumination in excess of one half (1/2) of one footcandle when measured at any residence district boundary line or any residentially developed property in a commercial or industrial district. Flickering or intense sources of light shall be so controlled as not to cause a nuisance across any lot lines.
 2. No use shall produce a strong, dazzling light or a reflection of a strong, dazzling light beyond its lot lines. In general, lighting fixtures that shield the reflector or lens or any high-brightness surface from viewing angles about sixty (60) degrees from horizontal shall be utilized. Architectural lighting shall be recessed under roof overhangs or generated from concealed sources utilizing low-intensity light fixtures. The interior illumination of a canopy which permits any light to pass through is hereby banned. The illumination or lighting of freestanding and building canopies, awnings and exterior auxiliary parts is prohibited, with the exception of flat-lens, full cutoff, downcast lighting, which may be mounted on the underside surface of a structure, provided that it illuminates only the ground area beneath the structure. For the purpose of this Ordinance, a "canopy" shall be defined as a covering over an area not enclosed by walls. An "awning" shall be defined as an overhanging projection extending from a structure. An "auxiliary part" shall mean all exterior structures, such as shelters, porches, decks, colonnades, arbors, trellises, and pergolas.
 3. All outside lighting, including sign lighting, shall be focused away from adjacent streets and properties and shall be directed in such a way as not to create a nuisance to any adjacent use and roadway. All luminaries and fixtures hereafter constructed, installed, changed or remodeled shall be equipped with a glareshielding device, full cutoff downward cast in the case of freestanding area lighting. Intensity of outdoor lighting shall be limited within usable areas of a site (i.e., parking, walkways, etc.) to an average intensity at the ground of three and one half (3 1/2) footcandles with a maximum intensity at any given point on the ground of twelve (12) footcandles, unless otherwise approved by the Borough Council. A four-hundred (400) watt maximum shall apply to any light source.

4. In any district all pole mounted illumination or lighting over six (6) feet in height or any wall mounted illumination or lighting supported by brackets or pole arms over six (6) feet in height, hereafter constructed, installed, changed or remodeled shall be “full cut-off lighting” with flush or recessed lens caps only. All light fixtures shall be mounted parallel to the ground. Full cut-off lighting shall be defined as the type lighting fixture designed to provide a light distribution so that the candela at ninety (90) degrees above nadir is zero (0) and less than ten (10) percent of rated lumens at eighty (80) degrees above nadir.
 5. Illumination and light intensity shall not exceed one half (1/2) of one (1) footcandle, measured either vertically or horizontally to the ground surface, at any height, at any adjoining lot line in a residential district. Where light is reflected in a street area, then the intensity measurement shall be made on the right-of-way line across the street from where the light source emanates.
 6. Illumination and light intensity shall not exceed three (3) footcandles, measured either vertically or horizontally to the ground surface, at any height, at any adjoining lot line in a commercial or industrial district. Where light is reflected in a street area, the intensity measurement shall be made on the right-of-way line across the street from where the light source emanates.
 7. Sign lighting shall be low intensity, and generated from a concealed source and shall not spill over into adjoining properties or roadways or in any way interfere with the vision of oncoming motorists. Spotlights used to illuminate signs, or each side of a two faced sign, shall be restricted to not more than one (1) one-hundred fifty (150) watt light per signs for up to forty (40) square feet and no more than two (2) one-hundred fifty (150) watt light per sign for over forty (40) square feet. The sign base or landscaping around the sign shall be designated to shield the light from oncoming motorists to conceal the light source and light fixtures.
- N. Temporary events and festivals, like carnivals, fairs and sidewalk sales, may be authorized by permit by the Zoning Officer provided the event or festival complies with the follows standards.
1. The temporary event or festival shall be limited to seventy-two (72) consecutive hours
 2. No more than two (2) temporary events or festivals may be authorized in one calendar year.
 3. No outdoor display may limit access to entrances of the building, obstruct parking spaces or be placed in such a way to as to interrupt the flow of pedestrian and vehicular traffic.
- O. Temporary Uses or Structures, other than Construction Trailers

1. Temporary uses such as festivals, fairs or other similar activities sponsored by a governmental, local nonprofit, community or charitable organization shall be exempt from obtaining zoning approval from the Zoning Hearing Board, provided the Zoning Officer determines compliance with the standards of this Section as a condition of issuing a Certificate of Occupancy.
2. Sidewalk sales, carload sales and other special promotions conducted on the site of an existing retail establishment with the permission of the landowner for a period of not more than seventy-two (72) consecutive hours shall not be subject to the provisions of this Section. Any such activity which exceeds seventy-two (72) consecutive hours in duration shall be subject to approval under this Section.
3. A transient merchant license as required by Borough Ordinance shall be obtained.
4. In the C-1 and C-2 Districts, preparation and/or serving of food in an outdoor setting shall be permitted only if all of the following requirements are met:
 - i. The preparation and serving of food which is part of a special event that does not exceed 72 consecutive hours in duration shall be exempt from the requirement to obtain approval of a conditional use under this Section; however, an occupancy permit shall be obtained from the Borough Zoning Officer subject to the applicant demonstrating compliance with the standards and criteria of this Subsection.
 - ii. Evidence of an approved permit from the PA DEP or its successor agency.
 - iii. The preparation and serving of food shall not be permitted on any vacant lot and shall only be permitted on the site of an existing business.
 - iv. The area used for preparing and serving the food shall not obstruct any sidewalk or public right of way nor shall it obstruct the free flow of pedestrian or vehicular traffic on the site or adjoining the site. On any sidewalk, there shall be maintained a minimum of five (5) feet unobstructed width for the passage of pedestrians and, in the case where there is parallel parking permitted along such sidewalk, a minimum of four (4) feet adjacent to the curb to permit the discharging of passengers shall be provided. These required unobstructed areas on the sidewalk may be combined into one area at least five (5) feet wide along the curb.
 - v. No noise or odor shall emanate from such outdoor area where food is prepared and/or served which adversely affects any adjoining residentially zoned property within three hundred (300) feet of the outdoor area.
 - vi. The area used for preparing and serving food shall not eliminate the availability of any existing parking spaces on the site.
 - vii. The activity shall comply with all applicable requirements of the Borough Fire Code.

- viii. The site intended to be used for the preparation and/or serving of food shall provide restroom facilities available to the public, unless the existing business on the site has restroom facilities which will be available to the public visiting the temporary use.
 - ix. The owner of the existing business or the operator of the temporary use involving the preparation and/or serving of food in an outdoor setting shall provide the Borough with a Certificate of Insurance, in an amount at least equal to \$2,000,000 per occurrence and \$3,000,000 aggregate, indemnifying the Borough against any liability resulting from such use.
5. Approval of temporary uses or structures shall be granted for a specific time period not to exceed six (6) months. If continued need for the temporary use or structure on an annual basis is demonstrated by the applicant, approval may be granted for annual renewal by the Zoning Officer of the permit for the temporary use or structure, provided all conditions of the original approval are maintained.
 6. All temporary uses or structures shall be removed within ten (10) days of the expiration of the specific period for which the structure or use is approved.
 7. All temporary uses or structures which are proposed to be accessible to the public shall provide offstreet parking in accordance with the requirements of Section 503 for the proposed use.
 8. Vehicular access for all temporary uses or structures which are proposed to be accessible to the public shall be designed to minimize congestion on the lot and not impede the free flow of traffic for any other permanent use or structure on the lot.
 9. All temporary uses or structures proposed to be used as principal uses or structures shall comply with all area and bulk regulations of the Zoning District in which they are located. All temporary uses or structures which are proposed to be used as accessory uses or structures shall comply with the requirements of the Zoning District for accessory structures.
 10. Temporary uses or structures which are authorized for a particular event shall be removed within forty-eight (48) hours after the completion of the event.
 11. Temporary uses or structures which are proposed as principal uses or structures and which are accessible to the public shall provide sanitary facilities, unless such facilities already exist on the lot.

PART 3**NON-RESIDENTIAL DEVELOPMENT DISTRICTS****§301. ZONING DISTRICT OBJECTIVES.**

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

- A. To provide sufficient space in appropriate location for the types of commercial and service establishments anticipated in the comprehensive plan.
- B. 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.
- C. 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.

§302. C-1 GENERAL COMMERCIAL DISTRICT.

- A. Other General Provisions.
 - 1. Balconies may project into the side and front yard above the first floor for a distance of five (5) feet.
 - a. 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.
 - 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, used car sales and displays of merchandise permitted as a conditional use) shall be conducted wholly within enclosed buildings.

§303. C-2 CENTRAL COMMERCIAL DISTRICT.

1. Other 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.

- d. No merchandise shall be displayed, sold or otherwise made available between the street Right-Of-Way lines.

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

§ 304.DESIGN STANDARDS FOR COMMERCIAL AND INDUSTRIAL DISTRICTS.

- A. Wherever any parking lot, trash collection, outdoor storage, merchandizing or service area lies within fifty (50) feet of any R1, R2, R3 or, RP 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 manmade 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.

- B. Plantings.
 1. General Requirements.
 - i. 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 nonsurviving plants should be included.

 - ii. 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.

 2. 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 one thousand five hundred (1,500) square feet or fraction of required yard space. All the trees required by this Chapter shall be at least twelve (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 fifteen (15) feet or reduce existing height below

fifteen (15) feet. Where new tree plantings are otherwise required, existing trees having a height of at least eleven (11) feet may be counted as required trees if not the varieties prohibited below and if the each under their branches remains undisturbed. The following varieties of trees are prohibited in meeting the requirements of this Part: poplars, willows, American elms, seed bearing locusts, box elders and any species which does not normally grow to a height of fifteen (15) feet in Castle Shannon Borough or which the Borough Engineer determines to be a nuisance vis-a-vis sanitary sewers. See Table 8.

3. **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 ½) inches DBH (diameter at breast height), for every ten 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. See Table 8.
- B. All planting screens required by this Part shall consist of plants at least thirty (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 (75) percent 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.
 - C. 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.
 - D. All plants not surviving three (3) years after planting must be replaced.
 - E. An existing business affected by these regulations at the time of passage of this Chapter shall not be required to comply with the above screening requirements except in case of enlargement or major alteration of such business. Similarly, for any zoning district boundary change after the passage of this Chapter, 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.

§ 305.TOD TRANSIT ORIENTED DEVELOPMENT DISTRICT.

- A. This zoning district provides the opportunity for orderly development of a mix of appropriate uses that take advantage of their location on sites at or adjacent to public transit stations, particularly taking into consideration a balance between the demand for commuter parking and parking for the other authorized uses.

B. Buffer Zone:

1. Buffer zones shall be established between the following adjoining uses and shall have the following required depths:

Table 7: Buffer zones

		Adjacent Use				
		Single Family Residential	Multi Family Residential	Commerical	Industrial	Institutional
Subject Use	Single Family Residential					
	Multi Family Residential	5'				
	Commerical	5'	5'			
	Industrial	10'	10'			
	Institutional	5'	5'			
		Not Required; installation at Applicant's Discretion				

2. Buffer zones may be constructed within the required setbacks defined for the lot.
3. All buffer zones shall be planted with shrub and tree plantings and/or installed with walls/fencing as permitted by this Chapter in a pattern that creates no less than twenty (20) percent transparency unless otherwise specified by this Chapter. Plant materials used in buffer zones shall be at least three (3) feet in height when planted, shall be planted no more than three (3) feet apart, and be of such species as will produce within three (3) years a complete year-round visual screen of at least six (6) feet in height. Trees that are used in the planting of a buffer zone and elsewhere on the lot shall be in accordance with Borough standards. In addition, grass or ground cover shall be planted on the ground surface of the buffer zone. Buffer zones shall be maintained and kept free of all debris and rubbish. The buffer zones shall be maintained permanently and any plant material which perishes shall be replaced by the landowner and/or developer within one (1) year.
4. No structure, manufacturing or processing activity, or storage of materials shall be permitted in buffer zones. However, utility easements not more than thirty-five (35) feet in width, access roads, service driveways and sidewalks are permitted to cross a buffer zone but shall not reduce the buffer zone by more than twenty (20) percent.
5. No parking shall be permitted in buffer zones.

6. A clear sight triangle shall be maintained at all street intersections and at all points where vehicular access ways intersect public streets.
 7. Walls/fencing shall be permitted to comprise no more than sixty (60) percent of the required perimeter length of the buffer zone.
 8. In instances where the existing principal and/or building or structure is located within the area to be set aside as the required buffer zone, the buffer zone may be reduced in depth to the distance from the existing building or structure to the lot line. This reduced buffer zone width shall apply only to the yard area upon which the existing structure encroaches. If the existing building or structure is located within the required buffer zone on one (1) side of the building or structure, the required buffer zone as determined by Table 7, Buffer zones, shall apply on all other sides where a buffer zone is required.
 9. The buffer zone shall include plant combinations meeting the following requirements:
 - a) One (1) tree for each thirty (30) linear feet along the adjacent roadway.
 - b) One (1) shrub for every five (5) linear feet along the adjacent roadway.
 - c) Seventy-five (75) percent of the plant material in the buffer zone shall be evergreen.
 - d) Any portion of the buffer zone not covered by trees and shrubs shall be planted with a seasonal ground cover.
 10. All plants in the buffer zone shall meet the maintenance requirements and specifications set forth in this Part.
- C. Time of Completion. All tree plantings, planting screens and buffer zones required by this Part 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 Officer 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 thirty (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 Part.
- D. Landscaping.
1. A minimum of ten (10) percent of the site shall be landscaped. The required buffer zone, parking lot landscaping and landscaped plazas outside buildings

may be included in the calculation of the minimum required ten (10) percent landscaped area.

2. For areas outside a required buffer zone or landscaping area in a parking lot or parking deck, one (1) tree shall be provided for each one thousand five hundred (1,500) square feet or fraction thereof of landscaped area.
3. All plant materials shall be selected from the suggested list of plant materials in Table 8 of this Ordinance. Substitution of other plant material not included in the plan list shall be permitted only upon certification by a licensed landscape architect that the proposed plantings can be expected to thrive, have equivalent characteristics and will not create a nuisance or hazard.
4. A landscaping plan shall be submitted that shows a satisfactory method of irrigating all planted areas. All plants not surviving three (3) years after planting shall be replaced. A replacement program for non-surviving plants shall be included in the plan.

E. General Provisions.

1. Commercial uses shall be authorized only as part of a high rise residential structure, business or professional office building or low intensity medical facility, low rise residential structure or hotel in compliance with the following conditions:
 - a) No merchandise shall be displayed, sold or otherwise made available within any street Right-Of-Way or within the transit Right-Of-Way.
 - b) Temporary events and festivals, like carnivals, fairs and sidewalk sales, may be authorized by permit by the Zoning Officer provided the event or festival complies with the follows standards.
 - (i) The temporary event or festival shall be limited to seventy-two (72) consecutive hours.
 - (ii) No more than two (2) temporary events or festivals may be authorized in one calendar year.
 - (iii) No outdoor display may limit access to entrances of the building, obstruct parking spaces or be placed in such a way to as to interrupt the flow of pedestrian and vehicular traffic.
 - c) Outdoor dining areas may be authorized as accessory to a restaurant.
 - d) The total of all commercial uses authorized subject to this section shall not consume more than fifty (50) percent of the total floor area of any building.

- e) Commercial uses authorized subject to this Section shall be located no higher than highest level of parking on the site.

PART 4**PLANNED RESIDENTIAL DEVELOPMENT DISTRICT****§401. DISTRICT PURPOSE.**

- A. It is the purpose of this Section to establish regulations and controls for the use of land and structures, area of lots, bulk of buildings, amount and kind of open-space land, the provision of off-street parking and other similar accessory regulations in the planned residential development districts in accordance with the provisions of The Pennsylvania Municipalities Planning Code, Act No. 247 of 1968, as amended.
- B. In order that the purpose of this Chapter be furthered in an era of increasing urbanization and of growing demands for housing of all types and design, the following principles form the basis for this Section:
1. The purpose of the procedures, standards, controls and regulations of this Chapter is to provide a means whereby parcels of land in excess of 3 acres can be designed and developed without regard to the normal lot-size, building bulk and setback requirements of the typical zoning districts. However, in this innovative type of development, minimum requirements are established to insure that each living unit has proper light and air, appropriate access to public Right-Of-Way and open space and is properly connected to public utilities.
 2. To encourage innovations in residential development which will provide housing of greater variety in type, design and site planning incorporating the conservation of maximum open space ancillary to said dwellings.
 3. To encourage a more efficient use of land and public services and to reflect changes in the technology of land development so that economies secured may benefit the homeowner, the developer and the community.
 4. To provide a procedure which can relate the type, design and layout of residential development to the particular site as well as the particular demand for housing existing at the time of development.
 5. To ensure that the increase flexibility of regulations over land development as authorized herein is carried out under such administrative standards and procedures as shall encourage the disposition of proposals for land development without undue delay, the following review powers are granted to the Borough Planning Commission which acts as the designated planning agency of Castle Shannon Borough.
 - a) The Borough Planning Commission shall review all planned residential developments pursuant to the provisions of this Chapter and shall make

recommendations to the Borough Council for approval or disapproval, in writing.

- b) The Borough Planning Commission shall insure that the application conforms to all requirements, standards, controls and regulations as are set forth in this Section of this Chapter.
- c) The Borough Planning Commission and the Applicant shall comply with all procedures as set forth in §204(3)(E) of this Part pertaining to application and hearings on tentative and final approval of a proposed planned residential development by the Borough Council.

C. Establishment of Controls. The regulations set by this Section of this Part are minimum regulations within the planned residential districts and shall apply uniformly to each classification or kind of lot and structure within the districts.

D. Other Parts of This Chapter. The planned residential districts do not necessarily correspond in minimum lot size, building area, type of dwelling unit, density, lot coverage or required open space, to any other district requirements of this Chapter in the Borough.

1. Principles Uses See Table 1: Land Use Table

2. Area and Bulk Regulations.

a) Yard Controls. See Table 3: Principal Structures-Residential Zoning Districts, with the following additional minimum regulations being observed:

(i) Single-Family Dwellings. Front yards shall not be less than shown below for various topographic areas and slope areas:

Table 8: I-PRD Single Family Dwelling Front Yards.

Average Lot Slope	Minimum Front Yard
0 - 5%	25 feet
5% - 10%	20 feet
10% - 15%	15 feet
15% - 19%	15 feet
Over 20%	10 feet

- a) Open Space.
 - (i) The net difference between designated lots for building or dwelling purposes and net site acreage (gross site area less streets and right-of-way) shall be proposed for residual open space to be maintained by a "homeowners corporation" and/or made available for dedication to the Borough. In any case, fifteen (15) of the gross site area shall be designated for public and/or private recreation and open space area.
 - (ii) The amount, location and proposed use of all open-space land within the site must be clearly shown and in no case shall the amount of open-space land be less than four hundred (400) square feet per dwelling unit. Of the gross area of open-space land, forty (40) percent must be suitable for active recreational purposes and access to these open-space lands must be convenient to all residents. For purposes of calculation, such areas as parking lots are not considered as open-space land. In addition, land lying within ten (10) feet of any townhouse or multifamily dwelling, shall not be considered as open-space land.
- b) Supplemental Design Standards.
 - (i) Buildings shall be so designed as to avoid monotonous patterns of construction or repetitive spaces or modules between buildings; all development must be served by public water and sewer facilities.
 - (ii) Streets shall be so designed as to discourage through traffic on the site.
 - (iii) The Borough Planning Commission may require such additional standards as are applicable to the proposed site and any development thereon such as grading, parking, landscaping, etc. (See Borough Grading Ordinance [Chapter 9]).
- c) Buffer zones. If, within the planned residential development area, a proposal is made to construct a single-family dwelling adjacent to multiple-family dwellings of any type, a minimum of fifty (50) foot buffer zone shall be provided between such differing types of dwelling units. Said buffers shall be densely landscaped to differentiate between the differing housing types.

- E. Off-Street Parking Regulations. As required by Part 6 of this Chapter.
- F. Procedures.
 - 1. Introductory. The procedure for the consideration of planned unit residential developments, together with the site improvements relating thereto, shall be in accordance with the provisions of this Section.
 - 2. Establishment of Ownership of Open-Space. The Applicant must establish and assure the future ownership of the permanent open-space land as well as indicating the provisions for the burden of maintenance and control of the open space, if said open space is held in private ownership. In addition, the Borough, at its discretion may, at any time, and from time to time, accept the dedication of land or any interest therein for public use and maintenance. However, the Borough need not require, as a condition of the approval of the planned residential development, that the land set aside for common open space be dedicated or made available for public use.
 - 3. Outline of Procedure.
 - a) Pre-application conferences with the Borough Planning Commission for consideration of basic site information and sketch plans and preparation of application.
 - b) Planned residential development application to the Borough Planning Commission. Applicant presents preliminary plans and statements of facts and purposes to the Borough Planning Commission.
 - c) Tentative approval of the planned residential development application by the Borough Planning Commission and presentation to the Borough Council.
 - d) Submission to Borough Planning Commission of final planned residential development plans including site plans showing detailed site improvements, furnishing evidence of the developer's financial capacity to carry out the development and other installations connected with the development and the establishment of development phasing.
 - e) Final approval by Borough Council of the planned residential development and the signing of subdivision site plan to be recorded.
 - f) Conditional use approval takes effect and designation R-P issued after filing of detailed superstructure plans, with the Building Official. Detailed superstructure plans shall include preliminary architectural sketches showing site and building sections, typical building elevations and the proposed architectural character of the development.

- g) Applicant. The Applicant must be the owner of the site, or if more than one owner, all owners of the site must act jointly.
 - (i) Pre-Application Conference. Each Applicant shall confer with the Borough Planning Commission in connection with the preparation of the planned residential development application and prior to the submission of such application. The purpose of pre-application conferences is to benefit the Applicant by providing information and guidance before the Applicant shall have entered into binding commitments or incurred any substantial expense in the preparation of plans, surveys and other data.
 - (ii) Application. The planned residential development application shall consist of the following requirements defined in subsection (h).
- h) Preliminary (or Tentative) Development Plan.
 - (i) An Applicant shall make formal application for the approval of a planned development to the Borough Planning Commission, a copy of which shall be forwarded to Allegheny County Economic Development within ten (10) days.
 - (ii) A preliminary development plan must include both maps, drawings and a written statement and must show enough of the area surrounding the proposed planned development to demonstrate the relationship of the planned development to adjoining uses, both existing and proposed.
 - (iii) The maps and drawings which are part of the preliminary development plan must contain the following information for both existing and proposed uses:
 - (iv) The existing and proposed topographic character of the land at not less than two (2) foot contour intervals.
 - (v) Existing and proposed land uses and the approximate location of building and other structures.
 - (vi) The character and approximate density of existing and proposed dwellings.
 - (vii) The approximate location of major thoroughfares.
 - (viii) Public uses, including parks, playgrounds and other open spaces.

4. The preliminary development plan must include detailed proposals for each of the following items:
 - a) A map showing street systems, plot lines and plot designs.
 - b) Areas proposed to be conveyed, dedicated or reserved for parks, parkways, playgrounds, school site, public buildings and similar public and semipublic uses.
 - c) A plot plan with common open space, showing the approximate location of all buildings, structures.
 - d) A typical elevation and perspective drawing of proposed structures and improvements (except single-family residences) and any unusual accessory buildings. The drawings need not be the result of final architectural decisions and need not be in final detail.
 - e) A development schedule indicating: (1) the approximate date when construction of the project can be expected to begin; (2) the stages in which the project will be built and the approximate date when construction of each stage can be expected to begin; (3) the anticipated rate of development; (4) the approximate dates when the development of each of the stages in the development will be completed; and, (5) the area and location of common open space that will be provided at each stage.
 - f) Agreements, provisions or covenants which govern the use, maintenance and continued protection of the planned development and any of its common open areas.
 - g) An off street parking and loading plan.
 - h) A circulation diagram indicating the proposed movement of vehicles, goods and pedestrians within the planned development and to and from existing thoroughfares. Any special engineering features and traffic regulation devices needed to facilitate or insure the safety of this circulation pattern must be shown.
 - i) A generalized landscaping plan. See Section 304, Table 8 and other applicable Borough Code provisions.
 - j) Furnish letters from all publicly involved utilities stating their capacity to provide service for the proposed development, including:
 - (i) Sanitary sewers.
 - (ii) Potable water, as required by the Municipalities Planning Code.

- (iii) Natural gas.
 - (iv) Electric service.
 - k) A stormwater management plan indicating proposed drainage patterns, storm sewers, engineering calculations of existing and developed runoff quantities and proposed detention facilities engineered to minimize the impact of increased runoff on adjacent and downstream areas.
5. The written statement to accompany the outline development plan must contain the following information:
- a) An explanation of the character of the planned development and the manner in which it has been planned to take advantage of the planned development regulations.
 - b) A generalized statement of proposed financing for the entire planned unit area.
 - c) A statement of the present ownership of all of the land included within the planned development.
 - d) A general indication of the expected schedule of development.
 - e) Any expected development problems which might cause construction delays.
 - f) A written statement by the landowner setting forth the reasons why, in his opinion, the proposed development would be in the public interest and would be consistent with the comprehensive plan for the development of the Borough.
6. Approval of Preliminary Development Plan and Public Hearing.
- a) Within sixty (60) days after the filing of an application for tentative approval of the preliminary development plan, a public hearing on said plan, pursuant to public notice, shall be held by the Borough Council. The Borough Planning Commission shall first review the preliminary development plan and shall report to the Borough Council, within forty-five (45) days, a record of its findings and recommendations, but prior to the public hearing. Verbatim records may be made at the hearing, the cost of which shall be borne by the party requesting such records. Within sixty (60) days after the conclusion of the public hearing, the Borough Council shall, after consulting with the Borough Planning Commission, notify the Applicant, in writing, that said preliminary development plan is tentatively approved as submitted, tentatively approved subject to

specified conditions not included in the development plan as submitted, or disapproved.

- b) The grant or denial of tentative approval by official written communication shall include not only conclusions but also findings of fact related to the specific proposal and shall set forth the reasons for the grant, with or without conditions, or for the denial, and said communication shall set forth with particularity in what respects the development plan would or would not be in the public interest.
- c) Tentative approval of a development plan shall not qualify a plan of the planned residential development for recording nor authorize development or the issuance of any building permits. A development plan which has been tentatively approved as submitted, or which has been given tentative approval with conditions which have been accepted by the landowner (and provided that the landowner has not defaulted nor violated any of the conditions of the tentative approval), shall not be modified or revoked nor otherwise impaired by action of the Borough pending an application or applications for final approval, without the consent of the landowner, provided an application for the final approval is filed or, in the case of development over a period of years, provided applications are filed, within the periods of time specified in the official written communication granting tentative approval.
- d) In accordance with the provisions of the Municipalities Planning Code, §704, a copy of any proposed application for tentative approval of a planned residential approval of a planned residential development with the Borough shall be referred to the Allegheny County Department of Economic Development within ten (10) days after receipt by the Borough Planning Commission. The County Department of Economic Development shall review the application and make such recommendations as may be required. However, if the County fails to report its findings to the Borough Council within thirty (30) days thereafter, the right of review shall be forfeited.
 - (i) Approval of Final Development Plan. Within six (6) months following the approval of the preliminary development plan, the Applicant shall file with the Borough Council and Borough Planning Commission, a final development plan containing the final form, the information required in the preliminary plan, and any corrections thereto. Borough Council shall approve or refuse to grant final approval of the application in accordance with the Municipalities Planning Code.
- e) Record of Final Plan. A Final development plan, or any part thereof, which has been given final approval shall be so certified without delay by

the Borough Council and shall be filed by the owner of record forthwith in the office of the Recorder of Deeds before any development shall take place in accordance therewith. Upon the filing of record of the development plan, the zoning and subdivision regulations otherwise applicable to the land included in such plan shall cease to apply thereto. Pending completion within a reasonable time of said planned residential development or of that part thereof, as the case may be, that has been finally approved, no modification of the provisions of said development plan, or the provisions of said development plan, or part thereof, as finally approved, shall be made except with the consent of the landowner.

- f) Fees.
 - (i) Fees for Planned Unit Residential Development Applications. At the time of filing an application for preliminary development plan approval, the Applicant shall make payment to the Borough, a fee in accordance with Borough requirements, for filing and review costs and to cover advertising costs. This fee shall also cover reclassifying the subject area, after approval of all final plans, to the R-P Planned Residential Development District which shall be recorded on the official Zoning Map of the Borough, within ten (10) days after final approval.

TABLE 8: Recommended Plants List

CASTLE SHANNON BOROUGH RECOMMENDED PLANTS LIST			
Botanical Name	Common Name	Spacing	Comment
Groundcover			
Vinca minor	Blue Myrtle	6" on center	Sun or shade; blue flower in spring
Pachysandra terminalis	Pachysandra	4" on center	Evergreen, ideal for shade
Evergreen Shrubs			
Azalea "Delaware Valley"	Delaware Valley Azalea	Height: 5' Spread: 4'	Very hardy, large pure white flowers in spring
Azalea "Hino Crimson"	Hino Crimson Azalea	Height: 3' Spread: 4'	Clear crimson red flowers in spring
Azalea "Rosebud"	Rosebud Azalea	Height: 5' Spread: 3'	Double pink late spring flowers
Ilex glabra "Compacta"	Nordic Holly	Height: 4' Spread: 4'	Massing, hedges, accents; sun or partial shade
Ilex meserveae "Blue Princess"	Blue Prince Holly	Height: 5' Spread: 5'	Pollinator for Blue Princess
Ilex x meserveae "Blue Princess"	Blue Princess Holly	Height: 5' Spread: 5'	Produces heavy berry set of excellent red fruit
Juniperis chinensis "Aquarius"	Aquarius Juniper	Height: 3' Spread: 5'	Blue-green foliage
Juniperis virginiana "Burkii"	Burk Juniper	Height: 10' Spread: 4'	Pyramidal; steel-blue foliage
Rhododendron "Cunningham's White"	Cunningham's White Rhododendron	Height: 4' Spread: 4'	White flowers in late spring; compact plant
Rhododendron "English Roseum"	English Roseum Rhododendron	Height: 6' Spread: 8'	Compact; lavender-pink flowers in late spring
Rhododendron grandiflorum	Grandiflorum Rhododendron	Height: 6' Spread: 6'	Rose purpose flowers in late spring
Rhododendron P.J.M.	P.J.M. Rhododendron	Height: 4' Spread: 4'	Lavendar-pink flowers in early spring; compact
Deciduous Shrubs			
Clethra alnifolia "Rosea"	Pink Summersweet Clethra	Height: 6' Spread: 5'	Aromatic pink flower spikes; does well in shade
Cotoneaster apiculata	Cranberry Cotoneaster	Height: 3' Spread: 6'	Very hardy; sun or partial shade; bright red berries through winter
Euonymus alata	Winged Euonymus	Height: 15' Spread: 12'	Picturesque corky wings in winter; scarlet autumn color; sun or med. shade
Euonymus alata "Compacta"	Dwarf Burning Bush	Height: 8' Spread 8'	Hedge or specimen use; best in sun; brilliant red fall foliage color
Hibiscus syriaca	Rose-of-Sharon	Height: 8' Spread: 6'	Sun or partial shade; varying bloom color choices in later summer

TABLE 8: Recommended Plants List

CASTLE SHANNON BOROUGH RECOMMENDED PLANTS LIST			
Botanical Name	Common Name	Spacing	Comment
<i>Spiraea x bumalda</i> "Coccinea"	Improved Dwarf Red Spiraea	Height: 3' Spread: 4'	Border or mass planting; pinkish red flowers; sun or partial shade; grows to 3'
<i>Spiraea japonica</i> "Alpina"	Daphne Spiraea	Height: 1' Spread: 3'	12" mounded form with pink flowers; best in sun
Evergreen Trees			
<i>Pinus strobus</i>	Eastern White Pine	Height: 75' Spread: 40'	Fast growing; long needles
<i>Picea pungens</i>	Colorado Spruce	Height: 60' Spread: 20'	Bluish color; pyramidal
<i>Tsuga canadensis</i>	Canadian Hemlock	Height: 75' Spread: 25'	Screen or informal planting; sun or shade; adaptable, graceful evergreen
<i>Thuja occidentalis</i> "Nigra"	Dark Green Arborvitae	Height: 20' Spread: 5'	Excellent screen; shears well; columnar
Deciduous Trees			
<i>Acer x</i> "Celebration" P.A.F.	Celebration Maple	Height: 45' Spread: 20'	Compact, upright; red/gold fall color
<i>Acer ginnala</i>	Amur Maple	Height: 15' Spread: 15'	Clipped hedge or small tree; yellow and red in fall
<i>Acer platanoides</i> and cultivars	Norway Maple	Height: 45' Spread: 20'	Rounded; yellow fall color
<i>Liriodendron tulipifera</i>	Tulip Tree	Height: 70' Spread: 35'	Dense foliage; tulip-like flowers in June; sun or partial shade
<i>Pyrus calleryana</i> and cultivars (Redspire)	Redspire Pear	Height: 30' Spread: 20'	White flowers in spring; purple, crimson foliage in fall; adaptable to adverse conditions
Small Flowering Trees			
<i>Malus</i> species and cultivars	Crabapple	Height: 20' Spread: 15'	Spring flowering, variety of colors
<i>Crataegus</i> species and cultivars	Hawthorne	Height: 15' Spread: 15'	White flowers in spring; ornamental
<i>Cornus kousa chinensis</i> "Milky Way"	Milky Way Dogwood	Height: 20' Spread: 15'	Strawberry-like fruits loved by birds; white flowers; partial shade
Perennials			
<i>Coreopsis verticillata</i> "Moonbeam"	Moonbeam Coreopsis	Height: 18" Spread: 18"	Pale lemon yellow flowers through summer; cut flowers or border plant; best in sun
<i>Hemerocallis</i>	Day Lilies	Height: 15-36"	Summer blooming; variety of colors
<i>Hosta</i>	Plantain Lily	Height: 18-36"	Summer flowering; good in shade
<i>Rudbeckia fulgida</i> "Goldstrum"	Black Eyed Susan	Height: 18" Spread: 3'	Summer bright yellow flower

PART 5**CONDITIONAL USES****§501. STANDARDS FOR GRANTING CONDITIONAL USE.**

- A. The Borough Council shall have the power to approve conditional uses at a public hearing following public notice for any of the uses for which this Chapter requires the obtaining of such approval and for no other use or purpose. An application to the Borough Council shall be made on the form approved by the Borough Council and shall be accompanied by the fee set by the Borough Council.
- B. In granting a conditional use the Borough Council shall make findings of fact consistent with the provisions of this Chapter. The Borough Council shall not grant a conditional use except in conformation with the conditions and standards outlined in this Chapter. Borough Council shall consider recommendation for approval or denial of the conditional use application as reviewed and provided by Borough Planning Commission. Borough Council shall also consider any applicable comments provided as part of any public hearing for said application. The Borough Planning Commission and Borough Council may attach additional reasonable conditions and safeguards to ensure the proposed conditional use is in the best interest and applicability of development within the overall Borough and the surrounding development/land use activity.
- C. General Requirements and Standards Applicable to all Conditional Uses. The Borough Council shall grant a conditional use only if it finds adequate evidence that any proposed use submitted for a conditional use will meet all the following general requirements as well as any specific requirements and standards listed for the proposed use. The Borough Council shall, among other things, require that any proposed use and location be:
1. In accordance with the Castle Shannon Borough Comprehensive Plan, and other plans as may be adopted from time to time, and consistent with the spirit, purpose and intent of this Chapter.
 2. The best interests of the Borough, the convenience of the community, the public welfare and be a substantial improvement to the property in the immediate vicinity.
 3. Suitable for the property in question, and designed, constructed, operated and maintained so as to be in harmony with and appropriate in appearance with the existing or intended character of the general vicinity.
 4. In conformance with all applicable requirements of this Chapter.
 5. Suitable in terms of effects on street traffic and safety with adequate access arrangements to protect major streets from undue congestion and hazard.

- D. The Borough shall use the following criteria as a guide in evaluating a proposed conditional use.
1. The presence of adjoining similar uses.
 2. An adjoining district in which the use is permitted.
 3. The need for the use in the area proposed as established by the Comprehensive Plan.
 4. Sufficient area to effectively screen the conditional use from adjacent different uses.
 5. The use will not detract from the permitted uses of the district.
 6. Sufficient safeguards such as parking, traffic control, screening and setbacks can be implemented to remove any potential adverse influences the use may have on adjoining uses.
 7. The notification of abutting property owners.
 8. Uses shall meet the provisions and requirements of other applicable Borough regulations.
 9. Should the Applicant fail to obtain the necessary permits within a one (1) year period, or having obtained the permit should he fail to commence work thereafter or thereunder within such twelve (12) month period, it shall be conclusively presumed that the Applicant has waived, withdrawn or abandoned his appeal or his application and all provision, conditional uses and permits granted to him shall be deemed automatically rescinded by the Borough Council.

§502. RESIDENTIAL USES.

In addition to the general standards and criteria for all certain permitted uses and uses by conditional uses listed, an application for any of the following uses which are listed in any Zoning District as permitted uses or conditional uses shall comply with the applicable standards and criteria specified below for that use.

§502.1. Apartment, Conversion.

- A. All apartment unit doors to be accessed from the interior of the apartment building.
- B. Minimum unit size to be five hundred (500) square foot.
- C. Parking shall be provided on the same lot upon which the dwelling unit is located.

§502.2. Bed and Breakfast.

- A. No more than ten (10) bedrooms may be available or used for such use in any building and each guest room may provide lodging for up to two (2) individuals, unless children under the age of sixteen (16) years are accompanying the guests, and in no instance shall the total number of guests in a Bed and Breakfast use exceed thirty (30).
- B. Not more than one (1) ground sign shall be permitted on the lot. The maximum permitted sign area shall be ten (10) square feet.
- C. Service meals shall be limited to breakfast only to overnight guests of the facility. Dining room space shall be seven hundred (700) square feet or less.
- D. All off-street parking spaces shall be provided on the lot. The number of off-street parking and loading spaces shall be provided as defined by this Ordinance. All parking spaces and driveways shall be surfaced with bituminous, brick, concrete or stone block paving material.
- E. The owner and/or manager of the facility shall be permanent resident on the site.
- F. An overnight guest shall not occupy the facility for more than fourteen (14) consecutive nights in a thirty (30)-day period.
- G. Means of ingress and egress to the lot shall be from an arterial or collector street only.

§502.3. Day Care (Large Family, Small Family).

- A. Exterior open space shall be provided, being usable and accessible only for the patrons at a minimum ratio of sixty-five (65) square feet per patron. Interior space shall be provided as per the regulations of the Pennsylvania Department of Welfare. In addition, other lot and area requirements within the zoning district in which the day-care center is proposed shall apply.
- B. Off-street parking spaces required for day-care centers shall be one (1) for each three hundred (300) square feet of gross floor area with a minimum of four (4) spaces.
- C. Depending on traffic and/or adjoining use of the premises, a fence with approved height and strength by the Borough may be required along the lot's perimeter for the protection of those using the day-care home/center.
- D. Safe vehicular access and areas for discharging and picking up patrons shall be provided.
- E. All drop-off locations shall not interfere with the free flow of traffic on adjacent streets.

- F. Any applicable licensing shall be current, available and provided for Borough reference upon inquiry.

§502.4. Dwelling, High Density Multi Family.

- A. Parking spaces shall be located no more than three hundred (300) feet from the high-rise apartment's primary entrance.
- B. All parking spaces and driveways shall be surfaced with bituminous, brick, concrete or stone block paving material.
- C. The means of a building's ingress and egress shall meet requirements as outlined in the applicable Borough's Building Code.
- D. A twelve (12) foot wide fire/emergency access route shall be provided around the perimeter of each building. Topography or other characteristics of the site or the development that might affect the use of emergency equipment between buildings may dictate a greater separation of structures.
- E. All dumpsters and/or waste collection areas shall be located on the interior of the structure or, if outdoors, with an enclosure a minimum of six (6) feet in height.
- F. The primary vehicular entrance to a high-rise apartment development shall, at a minimum, have direct access to a collector road.
- G. Maximum height of lighting for outdoor parking areas and roadways shall be twenty-five (25) feet.
- H. As a part of all land development, the landowner and /or developer shall provide a plan for photometrics of the lot. Illumination, when measured at a lot line, shall be a maximum of one (1) footcandle.
- I. Bufferyards between apartment development and any other adjacent residential lot shall be increased by ten (10) feet in addition to the required bufferyard width. Landscaping, within this additional width, shall be provided according to spacing, quantity and type of plants specified by the applicable Borough.
- J. Slopes shall be graded at a maximum of a three-foot horizontal to one-foot vertical (3:1) ratio.
- K. If the parking area for a high-rise apartment development is adjacent to a single family residential lot and demands greater than ten (10) automobiles, the following shall apply:
 - 1. An additional ten (10) foot bufferyard with one (1) of the following shall be provided along the parking lot's perimeter to minimize the impact of inappropriate noise, dust, light and other disturbances on adjacent residential lots.

- a) One and one-half (1.5) times the required number of plants for screening and buffering off-street parking and loading areas; or
- b) A mound, a minimum of three and one-half (3.5) feet in height at its peak, shall be constructed whereas the sides do not exceed a four-foot horizontal to one-foot vertical (4:1) change in elevation. The mound shall be landscaped in its entirety with plants that provide four (4) seasons of interest not including turf grass. The landowner and/or developer shall coordinate site drainage so that site development and grading do not create any adverse effects on adjacent.

§502.5. Dwelling, Low/Medium Density Multi Family.

- A. Parking spaces shall be located no more than three hundred (300) feet from the apartment's primary entrance.
- B. All parking spaces and driveways shall be surfaced with bituminous, brick, concrete or stone block paving material.
- C. The means of a building's ingress and egress shall meet requirements as outlined in the applicable Borough's Building Code.
- D. A twelve (12) foot wide fire/emergency access route shall be provided around the perimeter of each building. Topography or other characteristics of the site or the development that might affect the use of emergency equipment between buildings may dictate a greater separation of structures.
- E. The structure shall be limited to five stories or a maximum of fifty-five (55) feet in height.
- F. All dumpsters and/or waste collection areas shall be located on the interior of the structure or, if outdoors, with an enclosure a minimum of six (6) feet in height.
- G. Maximum height of lighting for outdoor parking areas and roadways shall be twenty-five (25) feet.
- H. As part of all land development, the landowner and /or developer shall provide a plan for photometrics of the lot. Illumination, when measured at a lot line, shall be a maximum of one (1) footcandle.
- I. Bufferyards between an apartment development and any other adjacent residential lot shall be increased by ten (10) feet in addition to the required bufferyard width. Landscaping, within this additional width, shall be provided according to spacing, quantity and type of plants specified by the applicable Borough.
- J. Slopes shall be graded at a maximum of a three (3) foot horizontal to one (1) foot vertical (3:1) ratio.

- K. Said development shall not be permitted on any corner lots within the Commercial District, unless adjacent to a residential district.
- L. A traffic study may be required, at the expense of the Applicant, if deemed necessary by the Borough.
- M. If the parking area for a development is adjacent to a single-family residential lot and demands greater than ten (10) automobiles, the following shall apply:
 - 1. An additional ten (10) foot bufferyard with one (1) of the following shall be provided along the parking lot's perimeter to minimize the impact of inappropriate noise, dust, light and other disturbances on adjacent residential lots.
 - 2. One and one-half (1.5) times the required number of plants for screening and buffering off-street parking and loading areas; or
 - 3. A mound, a minimum of three and one-half (3.5) feet in height at its peak, shall be constructed whereas the sides do not exceed a four-foot horizontal to one-foot vertical (4:1) change in elevation. The mound shall be landscaped in its entirety with plants that provide four (4) seasons of interest but shall not include turf grass. The landowner and/or developer shall coordinate site drainage so that site development and grading do not create any adverse effects on adjacent lots.

§502.6. Dwelling , Single Family.

- A. All open space associated with the development of single-family dwellings shall be accessible to the public.
- B. Parking shall be provided on the same lot upon which the dwelling unit is located.
- C. All parking spaces and driveways shall be surfaced with bituminous, brick, concrete or stone block paving material.
- D. In order to ensure that any proposed development does not create adverse conditions to the public road right-of-way, a traffic impact study, in accordance with Institute of Transportation Engineers (ITE) standards, shall be required to be submitted as part of any proposed development to determine peak hour volumes and the traffic movements produced by such development. A description of future levels of service and their compliance with standards for traffic capacity of streets, intersections and driveways shall be provided. New streets shall be designed for adequate traffic capacity. All reference to levels of service (LOS) shall be defined by the Highway Capacity Manual, published by Transportation Research Board. These standards may be waived by the Borough if sufficient evidence is provided that the criteria cannot be met with reasonable mitigation.

§502.7. Dwelling, Townhouse.

- A. All off-street parking spaces shall be incorporated into the building. Guest parking shall be located no more than three hundred (300) feet from each townhouse.
- B. All dumpsters and/or waste collection areas shall be located on the interior of the structure or, if outdoors, with an enclosure a minimum of six (6) feet in height.
- C. The primary entrance to the multi-family residential units shall be from a primary public or private road.
- D. To minimize potential nighttime lighting pollution and to encourage minimizing negative impacts from impervious surface run-off, bufferyards shall be increased by five (5) feet for a townhouse development. The additional buffer area shall be planted at a minimum with turf or groundcover.
- E. The maximum number of contiguous units situated within one (1) structure shall be ten (10).

§502.8. Dwelling , Two Family.

- A. Maximum height of outdoor parking area and roadway lighting shall be twenty-five (25) feet.
- B. The landowner and /or developer shall provide a plan for photometrics of the lot. To minimize undesirable impacts on adjacent lots, illumination, when measured at a lot line, shall be a maximum of one (1) footcandle.
- C. Access to the rear of any duplex lot shall not be encumbered by development.
- D. Comments and restrictions shall be required for the final approval of all major land developments that incorporate duplexes.
- E. Any development shall be provided with public sewage as approved by the applicable Borough.
- F. Buffer yards between a duplex development and adjacent residential lots shall be increased by ten (10) feet in width. Landscaping, within this expanded area additional width, shall be provided in accordance with the spacing, quantity and type of plants recommendations made by the Borough Planning Commission.
- G. Slopes shall be graded at a maximum of a three-foot horizontal to one-foot vertical (3:1) ratio.
- H. The primary vehicular entrance to the duplex shall, at a minimum, have direct access to an arterial or collector road.
- I. Parking shall be provided on the same lot upon which the dwelling unit is located.

- J. All parking spaces and driveways shall be surfaced with bituminous, brick, concrete or stone block paving material.
- K. As a part of all land development, the landowner and /or developer shall provide a plan for photometrics of the lot. Illumination, when measured at a lot line, shall be a maximum of one (1) footcandle.

§502.9. Group Care Facility and Group Care Home.

- A. The Applicant of said use shall file a detailed statement of intent with the Borough Council describing the proposed use. The statement shall identify how said use satisfies a demonstrative need and shall be conducted in a responsible manner without detriment to the surrounding lots and neighborhood.
- B. Twenty-four (24) hour supervision of residents by a facility employee approved by the Pennsylvania Department of Public Welfare shall be required.
- C. The minimum lot size shall be one-half (1/2) acre.
- D. The institution shall be accredited by the Commonwealth and shall have direct access to a State or County highway.
- E. The institution shall be the sole occupant of the lot.
- F. Access drives shall be located to take maximum advantage of sight distances for motorists and shall be as remote as possible from street intersections.
- G. Parking areas shall be screened from view of neighboring houses or those directly across the street from the lot.
- H. Buildings shall be set back from one another and residential occupancy shall be in conformance with this Chapter.
- I. Said facility with six (6) or more residents shall not be located within one thousand (1,000) feet of another facility with six (6) or more residents.

§502.10. Low Impact Home-Based Business.

- A. The employees of a home occupation (other) may include the residents of said dwelling and a maximum of one (1) non-resident.
- B. A home occupation shall not exceed twenty-five (25) percent of the gross floor area (GFA) of the residence, including the space to maintain the equipment needed in the occupation (business).
- C. The use shall not create any additional environmental impact other than those impacts, including but not limited to road infrastructure, traffic, garbage, water and sewage, normally resulting from residential use.

- D. The use shall not cause an increase in the use of water, sewerage, garbage, public safety or any other municipal services beyond that which is normal for an average residence in the neighborhood.
- E. The use shall not require internal or external alterations or construction features which change the fire rating of the structure.
- F. There shall be no use of materials or equipment except that of similar power and type normally used in a residential dwelling for domestic or household purposes.
- G. There shall be no storage of materials or equipment outside an enclosed building.
- H. The conduct of any home occupation, including but not limited to the storage of goods or equipment, shall not reduce or render unusable areas required for enclosed parking for the dwelling unit.
- I. The use shall not create greater vehicular or pedestrian traffic than that which is normal for the residences in the neighborhood.
- J. All needs for parking generated by the conduct of a home occupation shall be provided for on the lot.
- K. The home occupation shall not involve the use of vehicles in excess of one (1) ton capacity or nine thousand (9,000) pounds gross vehicle weight for delivery of materials to or from the premises, and such vehicles shall not be parked on the premises.
- L. There shall be no regular display of merchandise available for sale on the premises; however, merchandise may be stored on the premises for pickup and/or delivery.
- M. The home occupation shall not involve the use of advertising signs on or off the premises or any other local advertising media which shall call attention to the fact that the home is being used for business purposes other than a telephone listing or small classified ad briefly describing the service and providing only a telephone number.
- N. The following uses shall not be considered to be home occupations and shall be limited to the districts in which they are specifically authorized as permitted uses, conditioned uses or uses by special exception:
 - 1. Veterinary services
 - 2. Automobile sales, rental, service and repair shops
 - 3. Beauty shops and barbershops containing more than one (1) chair
 - 4. Hospitals, nursing homes, group living facilities

5. Kennels
 6. Funeral homes
 7. Private clubs
 8. Private instruction to more than three (3) students at a time
 9. Restaurants
 10. Keeping/boarding of horses for commercial enterprise
- O. Day care, as defined by this Chapter, shall be considered a home occupation, provided that:
1. All of the foregoing standards for a home occupation are met.
 2. An adequate area for outdoor recreation shall be provided and shall be secured by a fence with a self-latching gate.
 3. A safe area shall be provided for dropping off and picking up children which does not obstruct the free flow of traffic on any public street.
 4. Any approved home occupation which requires any type of public access to the dwelling must obtain all required approvals from the Pennsylvania Department of Labor and Industry.
 5. Normal hours of operation shall be a maximum of 7 am to 9 pm for customer/client traffic.

§502.11. Life Care Facility.

- A. The minimum lot size shall be at least one (1) acre.
- B. A useable open space area of one hundred (100) square feet per bed shall be provided exclusive of the front setback, bufferyards and parking area.
- C. The lot shall be served by frontage on a public street.
- D. Off-street access and areas for discharging and picking up guests shall be provided.
- E. Maximum height of lighting for any outdoor parking area and/or roadway shall be twenty (20) feet from grade.
- F. If the parking area adjoins a residential use or contains more than ten (10) parking spaces the following shall apply:

1. An additional ten (10) foot setback from the respective lot line shall be provided along the parking lot's perimeter to minimize the impact of inappropriate noise, dust, light and other disturbances on adjacent residential property development.
 2. One and one-half (1.5) times the required number of plants for buffering off-street parking and loading areas; or
 3. A berm shall be installed along the parking area proposed adjacent to the lot line shared with the residential use, a minimum of three and one-half (3.5) feet in height at its peak, and the sides do not exceed a four (4) foot horizontal to one (1) foot vertical (4:1) change in elevation. The berm shall be landscaped with plants that provide four (4) seasons of vegetated cover not including turf grass.
- G. The facility shall meet all state requirements for life care or nursing/convalescent care facilities (or the defined equivalent) in addition to those defined in this subsection.

§502.12. Nursing Home.

- A. The institution shall be accredited by the Commonwealth and shall have direct access to a State or County highway.
- B. The institution shall be the sole occupant of the lot.
- C. Access drives shall be located to take maximum advantage of sight distances for motorists and shall be as remote as possible from street intersections.
- D. Parking areas shall be screened from view of neighboring houses or those directly across the street from the lot.
- E. Buildings shall be set back from one another and residential occupancy shall be in conformance with this Ordinance.

§502.13. Personal Care Boarding Home.

- A. Any single-family dwelling occupied by a family whose members are related by blood, marriage or adoption may also accommodate not more than two individual boarders, who also take meals in the dwelling, or two individual roomers, who do not take meals there.
- B. Any single-family dwelling occupied by a family and containing no boarders or roomers may also accommodate foster persons, placed by court order.
- C. There shall be at least two means of egress from each floor in the structure.

- D. One parking space shall be provided on the premises for each guest sleeping room plus three spaces per dwelling on premises.
- E. Off street parking in a front yard shall not be permitted except in a driveway.
- F. For new conversions, floor plans shall be reviewed and approved by the Borough.

§503. PRINCIPAL NON-RESIDENTIAL USE.

In addition to the general standards and criteria for all certain permitted uses and uses by conditional uses listed, an application for any of the following uses which are listed in any Zoning District as permitted uses or conditional uses shall comply with the applicable standards and criteria specified below for that use.

§503.1. Adult Business.

- A. No adult bookstore, adult live theater, adult motion picture theater or adult entertainment center shall be operated or maintained within one hundred fifty (150) feet of a residentially zoned district, church, school serving persons age eighteen (18) or younger, State licensed day care center, hospital, nursing home, park, establishment licensed to serve or sell alcoholic beverages or any other existing adult business.
- B. The distance limitations in subsection (A), above, shall be measured in a straight line from lot lines of the proposed said premises, or from the lot lines of properties in residentially zoned districts.
- C. Establishments in violation of subsections (A) and (B), above, but otherwise lawfully existing on the effective date of the enactment of this Section, shall be permitted as a nonconforming use but any such nonconforming use shall not be enlarged or increased in size. Establishments in violation of subsections (D) and (E), below, but otherwise lawfully existing on the effective date of this Section, shall comply with those subsections within 180 days of the effective date of this Section.
- D. In addition to sign regulations provided for in §501, all adult businesses shall comply with the following sign, display and window requirements:
 - 1. All signs shall be flat wall signs.
 - 2. The amount of allowable sign area shall be one (1) square foot of sign area per linear foot of lot frontage on a street.
- E. No merchandise or pictures of the products or entertainment on the premises shall be displayed on signs or in window areas or any area where they can be viewed from the sidewalks or the street in front of the building.
- F. Window areas shall not be covered or made opaque in any way. No signs shall be placed in any window. A one (1) square foot sign may be placed on the door to state hours of operation and admittance to adults only.

- G. Any adult business which exhibits on the premises film, video cassette or other method of image reproduction or live performance which depicts nudity, sexual conduct, sexual excitement or sadomasochistic abuse shall comply with the following:
1. At least one (1) employee shall be on duty at all times that any patron is on the premises.
 2. Where viewing rooms are located on the premises, an unobstructed view of access to all such rooms shall be available to the employee on duty.
 3. Where applicable, no viewing room shall be occupied by more than one (1) person at a time.
 4. No direct connections or openings to adjoining viewing rooms shall be permitted other than those used for safe egress as required by the Fire Prevention, Building and Property Maintenance Codes [Chapter 5].
 5. A minimum of one (1) footcandle of illumination measured at floor level shall be provided in every area where patrons are permitted access.
 6. Where live performances are given, a separate stage shall be required and no seating shall be located closer than five (5) feet of that area and all live performances must be confined to the stage.
 7. An annual occupancy permit shall be required to insure compliance with the standards herein. Occupancy applications must be received each year within 30 days of year's end -A year being January 1 to December 31.

§503.2. Beer Distributor, Large Scale.

- A. Dumpsters and service areas shall be screened from the public right-of-way and not conflict with off-street parking associated with the use. No dumpsters and/or service areas shall be located between the front lot line of the lot and the front facade of the principal structure in which it is located.
- B. Outdoor storage of materials shall not be permitted.
- C. A Delivery Plan for the use shall be submitted for Borough approval.

§503.3. Cemetery.

- A. The developer shall provide a statement of guaranteed perpetual maintenance before approval is given.
- B. No burial sites shall be within fifty (50) feet of any lot line or one hundred (100) feet of a street right-of-way.
- C. Access drives shall be located to take maximum advantage of sight distances for motorists.

§503.4. Coin Operated Laundry.

- A. All materials and equipment shall be stored within a completely enclosed building.
- B. The use shall comply with all performance standards specified in this Ordinance.
- C. The storage or manufacture of hazardous or potentially hazardous materials shall not be permitted.

§503.5. Communications, (Antenna, Facility, Tower).

- A. A telecommunication tower more than twelve (12) feet in height or that is not mounted to an existing structure is only permitted as a conditional use in designated Zoning Districts.
- B. Ground transformer, generator and related ground equipment are permitted on the same lot as said tower but ancillary uses such as business office, vehicular storage and maintenance buildings are prohibited unless otherwise permitted in said zoning district.
- C. The height of any antenna on said tower shall not exceed the height of the structure by more than twelve (12) feet. If the antenna is to be mounted on an existing tower, a permit shall not be required.
- D. The owner of the communication tower must demonstrate by competent expert testimony and submitted, signed and sealed statement that the location of the tower (or antenna, whatever the case may be) is necessary to prevent a gap in reasonable and acceptable transmission or reception service under prevailing industry standards.
- E. For all new tower installations.
 - 1. It is required to demonstrate that it contacted the owners of tall structures within a one (1) mile radius of the lot proposed, asked for permission to install the antenna on those structures and was denied for reasons other than economic ones. This would include smoke stacks, water towers, tall buildings, antenna support structures of other communication phone companies, other communications (fire, police, etc.), and other tall structures. The Borough may

deny the application to construct a new tower if the Applicant has not made a good faith effort to mount the antenna on an existing structure.

F. Tower Height.

1. The Applicant shall submit justification that the proposed tower does not exceed the minimum height required to function according to reasonably acceptable industry standards. Industry standards shall be submitted as part of the conditional use application. The height of the tower shall be determined by the distance from grade to top of the support tower.

G. Tower setbacks.

1. If a new communication tower support structure is constructed, the minimum distance between the base of the support structure and any lot line or street right-of-way shall be one hundred fifteen (115) percent of the tower's height but in no case less than thirty (30) feet. Associated supports and guide wires shall not be located within the required setbacks.

H. The communication tower must be erected to comply with manufacturer requirements and accepted engineering standards and the Applicant must submit certification by a duly licensed engineer, competent in the field, that the tower is structurally sound for the purposes intended. The communication tower shall be securely anchored in a fixed location on the ground, and the Applicant shall provide qualified documentary evidence that the proposed structure will withstand wind, snow, ice and other natural forces. The Applicant shall also demonstrate that the proposed tower and support structure are safe and adequate clear area according to industry standards is available in case of support structure failure, radio frequency, falling ice or other debris. The communication tower shall meet radio emission standards adopted by the FCC. All of the foregoing shall be certified by a duly licensed engineer, competent in the field, and by an expert competent in radio emission standards.

I. The communication tower, or the yard area containing the communication tower, shall be protected and secured to guarantee the safety of the general public. Fencing shall consist of galvanized chain link, eight (8) feet in height, and installation of anti-climbing safety devices will be required at a minimum to demonstrate compliance with this Chapter.

J. The Applicant shall submit a site plan or survey of the lot certified by an Engineer or Architect.

K. Only one (1) communication tower shall be permitted per lot.

L. The Applicant shall have the burden of proof to demonstrate a high degree of probability that the placement and use of the tower will not endanger the health, safety and welfare of the public.

- M. The Applicant will provide, at the Borough's request, copies of FCC licenses for all users of the facility. Conditional use approval is contingent upon the maintenance of FCC licenses for all users. Any grant of conditional use hereunder will automatically expire if said license ever expires.
- N. Communication tower owners shall be responsible for removing all antennas whose licenses have expired. Removal of the tower shall occur within six (6) months following the expiration date of the license(s). Such activity shall be subject to bonding as defined by the Borough.
- O. Landscaping. Outside of the required fencing, a landscaping screen of evergreen trees planted ten (10) feet on center and a minimum six (6) feet in height shall be required on all sides of said fencing except where an opening/access way exists.
- P. In order to reduce the number of antenna support structures needed in the community in the future, the proposed support structure shall be required to accommodate other users, including other cellular phone companies, and police, fire and ambulance companies and other public and emergency management entities. The Applicant, its successor(s) or assign(s) shall file written certification that said requirements will be complied with and agrees that if the Applicant fails to do so, the conditional use shall become null and void.
- Q. Communication tower and support structures fewer than two hundred (200) feet in height should be painted silver or have a galvanized finish retained in order to reduce the visual impact. Where a communication tower and support structure are located within an existing woodland setting, the communication tower and support structure shall be painted dark green.
- R. Additional Standards. In addition to the foregoing, the following standards shall also apply to communication towers and the applications for conditional use:
1. Inspection. The Borough Council may require periodic inspections of communication towers to insure structural integrity. Such inspections may be required by owners as follows:
 - a) Monopole Towers - at least once every three (3) years;
 - b) Self-Support Towers - at least once every three (3) years;
 - c) Guyed Towers - at least once every three (3) years.
 2. Inspections shall be conducted by an Engineer licensed by the Commonwealth of Pennsylvania. The result of such inspections shall be provided to the Borough. Based upon results of an inspection, the Borough may require repair or removal of a communication tower.

3. Equipment in a transmission facility shall be automated to the greatest extent possible to reduce traffic and congestion. The Applicant shall provide a written statement describing anticipated maintenance needs, including frequency of service, personnel needs, equipment needs and traffic, noise, or safety impact of such maintenance. Where the lot abuts or has access to a collector and local street, access for maintenance vehicle shall be exclusively the means of the collector street. A surfaced and maintained driveway with parking inside the fence boundaries must also be constructed.
4. When lighting is required and permitted by the FAA or other federal or state authority, it shall be oriented inward so as not to project onto a surrounding lot.
5. Review letters from Allegheny County and/or FAA shall be submitted that determine any flight path hazards, prior to the site plan approval.
6. Applicants will be required to execute a Developers Agreement with the Borough Council in a form acceptable to the Borough Solicitor. Such Agreement may be subject to bonding as defined by the Borough.

§503.6. Convenience Store, With Alcohol.

- A. In order to ensure pedestrian safety, access and circulation for both customers and deliveries/loading shall be posted on the lot.
- B. Loading areas/docks shall be screened with either landscaping or fencing from neighboring uses.
- C. To minimize conflicts between food/beverage items, animals and the natural elements, the storage of palettes and other loading-related equipment/materials shall be contained within an enclosed and covered structure.
- D. Hours of operation shall be scheduled to minimize negative impacts on the surrounding neighborhood.
- E. Building and parking setbacks shall be consistent with the existing building and parking setbacks of adjoining lots.
- F. Buffering of parking and loading areas shall be provided in accordance with this Ordinance.
- G. As part of all land development, the landowner and /or developer shall provide a plan for photometrics of the lot. Illumination, when measured at a lot line, shall be a maximum of zero (0) footcandles.
- H. A traffic impact study shall be required to be submitted where the proposed development, according to the institute of Transportation Engineers (ITE) standards,

will generate one hundred (100) trips in addition to the adjacent roadways' peak hour volumes

§503.7. Detention Facility.

- A. The number of occupants and/or residents shall not exceed that which permitted by local and County building/fire codes.
- B. Access for emergency response shall be clearly distinguished and provided so as no parking or circulation of visitor or employee traffic blocks such access.
- C. No correctional facility shall be closer than one thousand (1,000) feet from another licensed correctional facility or from any property designated on official zoning map as residential.
- D. Appropriate transition to neighboring property shall be provided by landscaping and site design consistent with the bufferyard requirements of this Ordinance.
- E. To the greatest extent possible, all outdoor lighting shall be directed downward and on to the site. A lighting plan identifying the location, direction, wattage in lumens and potential impacts of any lighting required to extend beyond the boundaries of the lot line shall be submitted.

§503.8. Dry Cleaning Processing.

- A. All materials and equipment shall be stored within a completely enclosed building.
- B. The use shall comply with all performance standards specified in this Ordinance.
- C. The storage or manufacture of hazardous or potentially hazardous materials shall not be permitted.

§503.9. Electronics Repair/Service/Installation.

- A. All vehicle repairs, services, and installations shall occur within the interior of the building.
- B. Each lot must have adequate parking for all of the functions of the establishments including service/repairs, storage while waiting for service/repairs, and customer dropoff /pickup.

§503.10. Essential Services.

- A. The Applicant shall demonstrate that co-location of proposed and existing facilities is not feasible from a safety and health standpoint.

§503.11. Farmer's Market

- A. Sales shall be limited to meat, fish, fruit, vegetables, and other products of the farm, garden, greenhouse, apiary or forest. Home-processed food sales require a sales license.
- B. Sales shall take place between 7am and 7pm.
- C. The use shall be limited to no more than three (3) days per week.
- D. Approval of a site plan showing the number and location of vendors at the site, with contact information for the market director.
- E. A farmer's market shall have a designated market director who is responsible for coordinating the market vendors and activities.
- F. No more than one (1) identification sign shall be permitted; said sign shall be a ground or a wall sign. The graphic area of the sign shall not exceed forty (40) square feet.
- G. Hours of operation and activities must be appropriately scheduled to protect the operation of the surrounding neighborhood from detrimental noise, dust, odor, vibration, light or other disturbance or interruption.
- H. The use shall comply with all performance standards specified in this Ordinance.

§503.12. Financial Institution, With Drive Thru.

- A. The Borough shall require the landowner and/or developer to prepare and submit a traffic impact analysis of the proposed development.
- B. The ground of off-street parking and loading spaces shall be paved with bituminous, brick, concrete or stone block paving material to protect the surrounding neighborhood from inappropriate dust and other disturbances.
- C. Side and rear buffer areas shall be maintained in accordance with this Ordinance.
- D. Paved off-street stacking 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 bank. 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. The Borough may require any traffic studies and associated improvements as a condition of approval.

§503.13. Fuel/Energy Recharge Station.

- A. In order to ensure pedestrian safety, access and circulation for both customers and deliveries/loading shall be posted on the lot.
- B. Loading areas/docks shall be screened with either landscaping or fencing from neighboring uses.
- C. One additional tree per fuel pump/recharge unit shall be planted on the lot.
- D. Lighting associated with any canopy constructed on the lot shall be installed as internal illumination of the canopy only.
- E. To minimize conflicts between food/beverage items, animals and the natural elements, the storage of palettes and other loading-related equipment/materials shall be contained within an enclosed and covered structure.
- F. Hours of operation shall be scheduled to minimize negative impacts on the surrounding neighborhood.
- G. Building and parking setbacks shall be consistent with the existing building and parking setbacks of adjoining lots.
- H. Buffering of parking and loading areas shall be provided in accordance with this Ordinance.
- I. As part of all land development, the landowner and /or developer shall provide a plan for photometrics of the lot. Illumination, when measured at a lot line, shall be a maximum of zero (0) footcandles.
- J. A traffic impact study shall be required to be submitted where the proposed development, according to the institute of Transportation Engineers (ITE) standards, will generate one hundred (100) trips in addition to the adjacent roadways' peak hour volumes

§503.14. Funeral Home.

- A. There shall be no crematory or receiving vaults, nor any external display of merchandise on the premises.
- B. One off-street loading space shall be provided for every ten thousand (10,000) square feet of GFA.
- C. No loading and unloading of merchandise and cadavers shall occur, under any circumstances, on public property or shall be visible from the public right-of-way.
- D. An occupancy or building permit shall not be issued unless they are filed with the written consent of sixty (60) percent of the residential lot owners within two hundred (200) feet of the proposed structure. Lot(s) owned by the Applicant shall not be included in such consents.

§503.15. Golf Course.

- A. The ground surface of off-street parking and loading spaces shall be paved with bituminous, brick, concrete or stone block paving material to protect the surrounding neighborhood from inappropriate dust and other disturbances.
- B. An additional ten (10) feet of yard setback shall be provided around all off-street parking and loading areas. The intention of the Bufferyard shall be to protect the surrounding neighborhood from inappropriate light and other disturbances.
- C. The outer safety zone of all golf holes, as recommended by the United States Golf Association, shall be a minimum of fifty (50) feet from all adjacent residential lots.
- D. A country club or golf course's hours of operation and activities must be appropriately scheduled to protect the surrounding neighborhood from detrimental noise, disturbance or interruption.
- E. The owner(s) and operator(s) of a country club or golf course shall be responsible for the conduct and safety of the members, visitors or guests and shall be available to respond to inquiries and promptly quell any disturbances caused by the members, visitors and guests.
- F. The site shall be served by public water and public sanitary sewer.
- G. No storage or transfer of toxic, corrosive, flammable, carcinogenic or explosive materials, chemicals, liquids, gases or solids is permitted with the exception of lawn chemicals and gasoline, diesel fuel and oil for the operations and maintenance of motorized vehicles and equipment.
- H. The owner(s) and operator(s) of a country club or golf course shall incorporate Best Managements Practices as outlined in the Pennsylvania Handbook of Best

Management Practices for Developing Areas to minimize negative impacts of erosion, siltation and surface water and groundwater contamination.

§503.16. Health and Fitness Related Establishment.

- A. Dumpsters and service areas shall be screened from the public right-of-way and not conflict with off-street parking associated with the use. No dumpsters and/or service areas shall be located between the front lot line of the lot and the front facade of the principal structure in which it is located.
- B. Outdoor storage of materials shall not be permitted.
- C. A Delivery Plan for the use shall be submitted for Borough approval.

§503.17. High Hazard Use.

- A. Any outdoor storage conducted on the lot shall comply with the regulations for outdoor storage as defined in this Ordinance.
- B. A research, testing and development facility shall have one (1) point of ingress and egress to an arterial road as defined by this Ordinance.
- C. Hours of operation and activities must be appropriately scheduled to protect the operation of the surrounding neighborhood from detrimental noise, dust, odor, vibration, light or other disturbance or interruption.
- D. All interior driveways and parking areas shall be paved with a material to reduce dust.
- E. An inventory of toxic, corrosive, flammable, carcinogenic or explosive materials, chemicals, liquids, gases or solids shall be updated annually and filed with the local fire department and the Allegheny County 911 service.

§503.18. Hotel/Motel.

- A. The location, orientation and lot circulation shall be such as to minimize the disturbance to surrounding uses.
- B. All off-street parking areas located adjacent to existing residences shall reduce exterior lights to half power after 9:00 P.M. and shall be screened as per this Ordinance.
- C. A traffic impact study shall be required to be submitted, where the proposed development according to the Institute of Transportation Engineers (ITE) standards will generate one hundred (100) trips in addition to the adjacent roadway's peak hour volumes.
- D. Drop-off/temporary parking areas shall remain free and clear of obstructions for general safety and fire department access.

- E. A twelve (12) foot wide fire/emergency access route shall be provided around the perimeter of each building. Topography or other characteristics of the site or the development that might affect the use of emergency equipment between buildings may dictate a greater separation of structures.
- F. Service of meals and/or beverages (alcoholic/non-alcoholic) must be secondary to the principal use of room or suite rental.
- G. Secondary eating establishments serving alcoholic beverages or secondary bars or nightclubs must be licensed by the Pennsylvania Liquor Control Board.
- H. The owner(s)/operator(s) of a hotel/motel shall be responsible for the conduct and safety of the renters and guests and shall be available to respond to inquiries and promptly quell any disturbances caused by renters or guests.

§503.19. Indoor Self Storage Facility.

- A. Individual storage spaces within an Indoor Self Storage Facility shall have a maximum gross floor area of five hundred (500) square feet.
- B. Lighting. All lighting shall be indirect, hooded and positioned so as not to reflect onto adjoining property or public streets.
- C. Gates. All gates shall be decorative wrought iron, chain link, other metal type, or wood. All gates shall be subject to review and approval by the county fire department and sheriff's department to assure adequate emergency access.
- D. A manager and/or caretaker shall be a permanent resident and on-site or available for immediate contact at all times.

§503.20. Junkyard.

- A. The minimum lot area shall be twenty (20) acres.
- B. The premises shall be maintained so as to not constitute a nuisance or a menace to public health and safety.
- C. No garbage, organic waste, petroleum products or hazardous waste shall be stored, buried or disposed of on the premises.
- D. The manner of storage of junk shall be arranged in such a fashion that aisles of a minimum width of twenty-five (25) feet between rows of junk are maintained in order to facilitate access for fire fighting and to prevent the accumulation of stagnant water.
- E. Junkyards shall comply with the performance standards of this Ordinance.

- F. No junk shall be stored or accumulated and no structure shall be constructed within one hundred (100) feet of any existing residential lot or within forty (40) feet of any property line or public right-of-way.
- G. The premises shall be enclosed by a metal chain link fence not less than eight (8) feet in height supported on steel posts with a self-latching gate. The fence shall be located within the interior of the bufferyard a twenty five (25) foot wide landscaped bufferyard. All other property lines shall provide a fifteen (15) foot wide landscaped bufferyard. Bufferyards shall be planted with a combination of deciduous and evergreen trees, shrubs, ornamental grasses and groundcovers.
- H. Grass, sod, lawn or turf shall not be considered an acceptable plant for use within landscaped bufferyards.
- I. The fence shall be supplemented with screening material which creates a visual barrier that is one hundred (100) percent opaque.
- J. The Applicable Zoning Officer may inspect the property at any time. The Applicable Zoning Officer shall notify the operator forty-eight (48) hours before such inspection shall take place.
- K. The manner of storage of junk shall be arranged in such a fashion that it shall not be higher than the adjacent fence.
- L. The owner(s) and operator(s) of a junkyard shall incorporate Best Managements Practices as outlined in the Pennsylvania Handbook of Best Management Practices for Developing Areas to minimize negative impacts of erosion, siltation and surface water and groundwater contamination.

§503.21. Kennel (Regular, Day).

- A. Such uses shall be located at least one hundred (100) feet from any property line adjoining an existing residential lot and at least fifty (50) feet from any other property line or public right of way as defined by this Ordinance.
- B. The minimum lot area shall be two (2) acres.
- C. Outdoor runs and similar facilities shall be constructed for easy cleaning, shall be adequately secured by a fence with a self-latching gate and shall be screened by a six (6) foot high compact hedge or one hundred (100) percent opaque fence on all sides which are visible from an existing residential lot or a public right of way.
- D. If adjacent properties are developed as residential lots, the kennels shall be soundproofed to minimize noise impact on adjacent properties.
- E. The kennel shall be licensed by the Commonwealth of Pennsylvania, and compliance with all applicable rules and regulations of the Commonwealth of Pennsylvania and the Allegheny County Health Department shall be maintained.

- F. At no time shall the animals be permitted to run loose on the lot other than in a completely enclosed area.
- G. Approval shall be subject to periodic inspections to insure compliance with the conditions of approval. The Applicable Zoning Officer shall notify the operator forty eight (48) hours before such inspection shall take place.

§503.22. Landscape Nursery, Large Scale.

- A. The location, orientation and lot circulation shall be such as to minimize the disturbance of the surrounding open space.
- B. Equipment storage shall be permitted to include man-operated or mechanical equipment or other machinery that is in operable condition. The storage of inoperable vehicles is prohibited for this use.
- C. Site grading shall be completed to ensure that surface run-off is directed away from any and all material storage areas.
- D. An eight (8) foot high screen shall be constructed around the perimeter of any storage areas if equipment and/or materials are not contained within an enclosed building/area. The screen shall be measured from the average grade of the adjacent ground, unless otherwise defined by the applicable Borough. The screen shall be eighty (80) percent opaque and composed of finished masonry, wood, or black or green vinyl-covered chain link fencing with eight foot high evergreen plantings on the exterior side of the fence.
- E. No storage or transfer of toxic, corrosive, flammable, carcinogenic or explosive materials, chemicals, liquids, gases or solids shall be permitted, with the exception of gasoline, diesel, fuel and oil for the operation and maintenance of motorized vehicles and equipment.
- F. The ground surface of off-street parking shall be paved with bituminous, brick, concrete or stone block paving material to protect the surrounding neighborhood from inappropriate dust and other disturbances. Loading and equipment storage areas shall, at a minimum, be paved with crushed limestone aggregate.
- G. No more than one (1) identification sign shall be permitted; said sign shall be a ground or a wall sign. The graphic area of the sign shall not exceed forty (40) square feet.

§503.23. Manufacturing (Heavy, Light).

- A. All materials and equipment shall be stored within a completely enclosed building.
- B. The use shall comply with all performance standards specified in this Ordinance.

- C. The storage or manufacture of hazardous or potentially hazardous materials shall not be permitted.
- D. Any outdoor storage conducted on the lot shall comply with Borough standards.
- E. Hours of operation and activities must be appropriately scheduled to protect the operation of the surrounding neighborhood from detrimental noise, dust, odor, vibration, light or other disturbance or interruption.
- F. An inventory of toxic, corrosive, flammable, carcinogenic or explosive materials, chemical, liquids, gases or solids stored and/or used on site shall be available upon request.

§503.24. Medical Facility. Type A & B

- A. Parking shall be designated for employee and visitor use.
- B. A Delivery Plan acceptable to the Borough Engineer shall be submitted to demonstrate adequate delivery and associated circulation areas do not conflict with existing Borough development and circulation patterns.

§503.25. Microbrewery

- A. The use shall comply with all performance standards specified in this Ordinance.
- B. Required off-street parking for the restaurant shall be clearly designated and shall be located within three hundred (300) feet of the entrance to the restaurant.
- C. Dumpsters and service areas shall be screened from the public right-of-way and not conflict with off-street parking associated with the use. No dumpsters and/or service areas shall be located between the front lot line of the lot and the front facade of the principal structure in which it is located.
- D. Outdoor storage of materials shall not be permitted.
- E. A Delivery Plan for the use shall be submitted for Borough approval.
- F. A microbrewery shall be located in accordance with the provisions of the Pennsylvania Liquor Control Board.
- G. A microbrewery's hours of operation and activities must be appropriately scheduled to protect surrounding residential neighborhoods from detrimental noise, disturbance or interruption.
- H. The owner(s) and operator(s) of a bar/tavern shall be responsible for the conduct and safety of the patrons.

§503.26. Mini Warehouse or Self Storage Facility.

- A. Individual storage spaces within a mini-warehouse shall have a maximum gross floor area of five hundred (500) square feet.
- B. Exterior individual storage unit access doors are to be located on a building wall perpendicular to the adjacent main roadway.
- C. Walls. A six (6) foot high masonry wall combined with an earthen berm or landscaping to provide an eight foot high screen shall be provided around the entire mini-warehouse land use, unless otherwise approved by the Borough. The rear and sides of mini-warehouse buildings may be used in place of portions of the required wall where no individual storage units are accessible from the building sides. The exterior side of all perimeter masonry walls and building sides (if used in place of portions of the walls), shall be coated with a protective coating that will facilitate the removal of graffiti.
- D. Lighting.
 - 1. All lighting shall be indirect, hooded and positioned so as not to reflect onto adjoining property or public streets.
 - 2. Lighting fixtures may be installed in each individual storage space, provided that the fixtures shall not include or be adaptable to provide electrical service outlets.
- E. Gates. All gates shall be wrought iron, chain link, other metal type, or wood.
- F. A manager and/or caretaker shall be a permanent resident and on-site or available for immediate contact at all times.

§503.27. Mixed Use Building.

- A. If residential dwelling units are constructed in conjunction with a non-residential use, the residential land use shall not be located on the first floor.
- B. Each residential dwelling unit shall have separate access from any other use or unit either through an internal hallway or directly to the outside.
- C. Residential dwelling units shall be supplied with dedicated parking stalls and shall not share spaces with other uses. Parking for residential uses shall not be further than two hundred (200) feet from primary entrance of the dwelling units; parking for non-residential uses shall not be further than seven hundred (700) feet from primary entrance of the dwelling units.

§503.28. Motor Vehicle Detailing, Electronics Service, Laundry, Rental,/Sales/Service, Service Station.

- A. Automobile sales shall have direct access to an arterial road.
- B. All automobile sales shall have a maximum lot area of one (1) acre.
- C. Automobile inventory shall be aligned and displayed in an orderly fashion so that circulation for fire safety can be maintained at all times.
- D. All outdoor display areas adjacent to a residence or residential zoning district shall have exterior lighting reduced to fifty (50) percent luminosity after 11:00 P.M.
- E. Sufficient screening and buffering of parking areas must be provided to protect the neighborhood from detrimental noise, dust and other disturbances.
- F. The maximum lot area for an auto service station shall be twenty thousand (20,000) square feet.
- G. The use shall have direct ingress/egress to an arterial road.
- H. All authorized repair and service work, car washing and lubrication shall be conducted within a completely enclosed building.
- I. All automobile parts and accessories, dismantled vehicles and similar materials shall be stored within a completely enclosed building.
- J. All fuel, oil and other flammable substances shall be stored at least twenty (20) feet from any property line.
- K. Hazardous fluids shall be disposed of in accordance with regulations of appropriate regulatory agencies.

§503.29. Municipal Facility.

- A. To protect the surrounding uses from detrimental noise, dust and other disturbances, screening and buffering of parking areas and outdoor common spaces equivalent to one hundred twenty (120) percent of the base zoning standard must be provided along any respective lot line shared with a residential use.
- B. The storage of Borough owned vehicles shall only be permitted within areas for off-street parking.

§503.30. Museum/Cultural/Art Center.

- A. The primary visitor drop-off and pick-up area shall be located in a manner that minimizes detrimental traffic impacts (both pedestrian and vehicular) on the surrounding neighborhood.
- B. The points of ingress/egress shall be located in a manner that minimizes detrimental traffic impacts (both pedestrian and vehicular) on the surrounding neighborhood.

§503.31. Off Premise Sign Including Billboard.

Off-premises signs, including Billboards, may be permitted as a conditional use provided that all of the following requirements are met:

- A. Location. Off-premises signs shall not be erected within the Residential R-1, R-2, R-3, R-P, C-2 or TOD zoning districts or within five hundred (500) feet of the line of any public or parochial school property. Required spacing shall be measured from a point perpendicular to the structure along the front lot line parallel to the centerline of the roadway to which the billboard is oriented.
 - 1. Off-premises signs shall be located only in areas which can be viewed from roads which are classified as Other Principal Arterial Roads or higher in the Allegheny County Comprehensive Plan.
 - 2. The minimum front, side and rear yard requirements applicable to other advertising signs within the zoning district in which the off-premises sign is located shall apply to each off-premises sign structure.
 - 3. An off-premises sign shall be considered a structure and shall be included in the calculation of maximum building coverage. The maximum lot coverage calculation shall be cumulative, including the billboard and any other structures and buildings on the same lot therewith.
 - 4. No off-premises sign shall be erected in such a manner as to block the view from the road or street of any existing business identification sign or residential or non-residential structure or to limit or reduce any required light and ventilation requirements.
 - 5. No off-premises sign shall be constructed that obstructs visibility within the clear sight triangle to a height of twenty-five (25) feet from the average ground elevation of the public street or road on which it is situated and shall not in any case obstruct or impede traffic safety. Average ground elevation shall be measured as the median between the high point and low point found within the clear sight triangle area.
 - 6. Off-premises signs shall maintain a lateral minimum spacing of one thousand (1,000) feet between sign structures. Required spacing shall be measured from

a point perpendicular to the centermost point of the sign structure along the front lot line parallel to the center line of the roadway to which the sign is oriented.

7. Off-premises signs may not be mounted on the roof, wall or other part of a building or any other structure.
 8. A detailed plan shall be submitted which indicates size, height, number of faces, landscaping, construction types and site plan illustrating compliance with applicable setbacks and Right-Of-Way locations. The plan shall include sufficient detail to indicate compliance with all of the requirements of this Ordinance.
- C. Size and Height. Except as otherwise specifically set forth in this section, an off-premises sign shall comply with the requirements of section 501(12) (related to signs permitted in the Commercial and Industrial Zones).
1. An off-premises sign may have a maximum of two (2) sign faces per sign structure. The structure may have sign faces placed back to back or in a V-shaped configuration on a single structure.
 2. Off-premises sign faces in the Industrial District shall not exceed one hundred fifty (150) square feet. Off-premises sign faces in the General Commercial District shall not exceed one hundred (100) square feet.
 3. An off-premises sign shall be independently supported and have vertical supports of metal which are galvanized or otherwise treated to prevent rust and corrosion.
 4. The entire base of the sign structure shall be permanently landscaped with suitable shrubbery and/or bushes of a minimum height of three (3) feet placed in such manner as to screen the foundation of the structure.
 5. Landscaping shall be maintained by the sign owner in an attractive and healthy manner in accordance with accepted conservation practices.
 6. Permanent landscaping shall form a base and/or backdrop to the sign when practical
 7. All curbs and grading shall be in accordance with applicable Borough, County and Pennsylvania regulations.
 8. No bare earth cuts are permitted on a hillside.
 9. All earth cuts or fills are to be permanently seeded or planted.

10. An off-premises sign with display lighting shall be constructed so that it does not glare upon adjoining property and shall not exceed a maximum footcandle of one and one half (1.5) upon the adjoining property.
11. Display lighting shall not operate between 12:00 midnight and 5:00 am prevailing time
12. No sign structure, sign face or display lighting shall move, flash or emit noise. No display lighting shall cause distractions, confusion, nuisance or hazard to traffic, aircraft or other properties.
13. The use of colored lighting for exterior spot lighting or uplighting is not permitted.

D. Maintenance.

1. An off-premises sign structure shall be entirely painted every three (3) years.
2. Every ten (10) years, the owner of the off-premises sign structure shall have a structural inspection made of the sign structure by an engineer or an architect and shall provide to the Borough a certificate from the engineer or architect certifying that the signs is structurally sound.
3. Annual inspections of the sign structure shall be conducted by the Borough to determine compliance with the provisions of this Ordinance.
4. Sign structures found to be in violation of this Chapter shall be brought into compliance or shall be removed within thirty (30) days upon proper notification by the Borough. Failure to comply shall be a violation of this Ordinance.
5. Signs using removable paper or other materials shall be maintained in such condition as to eliminate loose or frayed material protruding or hanging from the structure.
6. Off-premises signs and structures shall be located so that all maintenance and repair, including replacement of the sign face, shall occur without blocking or impeding a street right-of-way or other traffic flow areas.

E. Permits. Prior to submission of an application for a building permit, the Applicant shall obtain and submit with the application all required approvals from the County of Allegheny, the Pennsylvania Department of Transportation (PennDOT) and, when applicable, the United States Aviation Administration.

F. Application Fees. Said application shall be accompanied by an application fee in an amount set by resolution of the Borough Council.

§503.32. Office (Business, Medical).

- A. Off-street parking shall be provided in accordance with the provisions of Part X, “Off-Street Parking and Loading.” Parking shall be located no more than five hundred (500) feet from said use.
- B. Buffering of parking and loading areas shall be provided in accordance with this Chapter.
- C. All off-street parking spaces must be within five hundred (500) feet of the main entrance of the office building.
- D. A site plan acceptable to the Borough Engineer shall be submitted to demonstrate that adequate delivery and associated circulation areas do not conflict with Borough development and circulation patterns or effect the health and safety of the community.

§503.33. Parking Deck.

- A. If the parking garage is accessory to the principal use of a lot, it shall be included in all building coverage calculations.
- B. Said garage shall be subject to building setbacks as defined by this Ordinance
- C. A parking garage shall be illuminated in conformance to the requirements of this Ordinance and any applicable provisions outline in the Borough Subdivision & Land Development Ordinance.
- D. A parking garage shall not be located any closer to a right-of-way line or a lot line than what is permitted by the building setbacks defined in this Ordinance.
- E. The perimeter of a parking garage shall be landscaped in conformance to the Bufferyards defined in this Ordinance.

§503.34. Parking Lot.

- A. A parking lot shall not be accessed within fifty (50) feet of a roadway intersection.
- B. The perimeter of a parking lot along a public right-of-way shall be landscaped with a minimum of a three (3) foot high hedge or screened with a minimum four (4) foot high masonry wall.
- C. Curb cuts shall be located a minimum of sixty (60) feet from an intersection and sixty (60) feet from other curb cuts.
- D. The use shall be located to minimize disruption to pedestrian movements.

§503.35. Personal Services.

- A. Dumpsters, maintenance areas and the like shall not to be visible to the public right-of-way.

§503.36. Places of Assembly/Places of Worship.

- A. The landowner and/or developer shall demonstrate that the primary visitor drop-off and pick-up area is located in a manner that does not cause undue traffic impacts (both pedestrian and vehicular) on the surrounding neighborhood.
- B. The number of points of ingress/egress shall be based upon projected peak hour traffic for the use and approved by the Borough Engineer to ensure employee and visitor safety.
- C. If the parking area is adjacent to a residential use, the following shall apply:
 - 1. An additional ten (10) foot setback for the respective lot line shall be provided along the parking lot's perimeter to minimize the impact of inappropriate noise, dust, light and other disturbances on adjacent residential use.
 - a) One and one-half (1.5) times the required number of plants for screening and buffering off-street parking and loading areas; or
 - b) A berm shall be installed along the parking area proposed adjacent to the lot line shared with the residential use, a minimum of three and one-half (3.5) feet in height at its peak, and the sides do not exceed a four (4) foot horizontal to one (1) foot vertical (4:1) change in elevation. The berm shall be landscaped with plants that provide four (4) seasons of vegetated cover not including turf grass.
- D. The landowner and/or developer shall coordinate site drainage so that site development and grading do not create any adverse effects on adjacent properties. The landowner and/or developer shall provide a signed and sealed engineer's stormwater management plan approved by the Borough Engineer and compliant with the stormwater ordinance.

§503.37. Public Transit Parking Facility.

- A. A parking facility shall not be accessed within fifty (50) feet of a roadway intersection.
- B. The perimeter of a parking facility along a public right-of-way shall be landscaped with a minimum of a three (3) foot high hedge or screened with a minimum four (4) foot high masonry wall.

- C. Curb cuts shall be located a minimum of sixty (60) feet from an intersection and sixty (60) feet from other curb cuts.
- D. The facility shall be located to minimize disruption to pedestrian movements.

§503.38. Recreation Facility (Commercial, Not For Profit, Private, Public).

- A. All pools, tennis courts, or other comparable facilities shall be considered structures for the purpose of this Chapter.
- B. Coverage, including structures, parking lots, and buildings, shall not exceed fifty (50) percent of the lot.
- C. The facility area and lot boundaries shall be landscaped as required by the Borough to minimize noise projection and make the grounds aesthetically compatible to the surrounding properties.
- D. All structures shall not be less than one hundred (100) feet from any lot line, and no less than two hundred (200) feet from the nearest house.
- E. All facilities shall have a paved parking area in accordance with this Chapter; and it shall not be closer than twenty-five (25) feet to any residential lot line.
- F. All facilities shall abut a public road and have a permanent access thereto.
- G. Alcoholic beverages without a state liquor control board license, amplified music, and juke boxes shall be prohibited on the premises.
- H. No direct or sky-reflected glare, whether from floodlights or any other kind of light, shall be visible from adjoining public streets or adjacent lots when viewed by a person standing on ground level.
- I. All pools shall be surrounded by a fence at least six (6) feet in height, the entrance to which shall be kept locked when attendant is not present; and shall be constructed in accordance with all applicable state requirements.
- J. Tennis courts shall be protected by a permanent fence ten (10) feet in height behind each base line extending ten (10) feet beyond the playing area in each direction.
- K. The developer shall demonstrate the proposal will be compatible with the neighborhood and not adversely affect adjoining lot.
- L. The amount of new traffic generated shall not have a detrimental impact on the neighborhood.
- M. Any proposal for development on a two-lane highway shall include road widening to provide turning lanes for traffic in both directions.

- N. Plans shall clearly show ingress-egress facilities and provide proper sight visibility for motorists.
- O. Hours of operation shall be scheduled to minimize negative impacts on surrounding residential neighborhoods. The Borough may limit hours within this time frame based on the use and location of the facility. Operating hours for the purpose of this section shall mean the period of time that the recreational or athletic activity is occurring.

§503.39. Repair Shop.

- A. Outdoor storage of materials shall not be permitted.
- B. A Delivery Plan for the use shall be submitted for Borough approval.

§503.40. Restaurant (High Turnover Drive Through, High Turnover Takeout, Low Turnover).

- A. Required off-street parking for the restaurant shall be clearly designated and shall be located within three hundred (300) feet of the entrance to the restaurant.
- B. Dumpsters and service areas shall be screened from the public right-of-way and not conflict with off-street parking associated with the use. No dumpsters and/or service areas shall be located between the front lot line of the lot and the front facade of the principal structure in which it is located.
- C. Outdoor storage of materials shall not be permitted.
- D. A Delivery Plan for the use shall be submitted for Borough approval.

§503.41. Retail Store, Large Scale.

- A. Hours of operation shall be scheduled to minimize negative impacts on surrounding residential neighborhoods.
- B. All lot lines adjoining residential use or zoning classification shall be screened by the bufferyard of deepest dimension and greatest opacity as required by this Ordinance.
- C. Building setbacks shall be consistent with the existing building setbacks of adjoining lots.
- D. As a part of all land development, the landowner and /or developer shall provide a plan for photometrics of the lot. Illumination on a lot, when adjacent to a residential district, shall be a maximum of zero (0) footcandle. Lighting levels shall also be reduced by one-half (½) their standard operating power, between 11:00 pm and 6:00 am.
- E. The location and arrangement of parking on a lot shall be designed and constructed so

that general safety and circulation is optimized and so that the impact of vehicles and lighting on right-of-ways or residential activity in proximity to the lot is minimized. The Borough reserves the right to increase bufferyard requirements, require parking to be located behind the minimum front principal building setback or to designate other measures on the lot in order to maximize safety and/or minimize impacts to surrounding uses.

- F. The ground surface of off-street parking shall be paved with bituminous, brick, concrete or stone block paving material to protect the surrounding neighborhood from inappropriate dust or other disturbances.
- G. One (1) landscaped island for every seven (7) parking spaces shall be provided within all parking areas. All landscaped islands shall contain one (1) tree a minimum of two (2) inches dbh.

§503.42. Tavern.

- A. A bar/tavern shall be located in accordance with the provisions of the Pennsylvania Liquor Control Board.
- B. A bar/tavern's hours of operation and activities must be appropriately scheduled to protect surrounding residential neighborhoods from detrimental noise, disturbance or interruption.
- C. The owner(s) and operator(s) of a bar/tavern shall be responsible for the conduct and safety of the patrons.
- D. No more than one (1) identification sign shall be permitted; said sign shall be a ground or a wall sign. The graphic area of the sign shall not exceed twenty-five (25) square feet.

§503.43. Technology Service/Support Center

- A. Adequate parking must be provided to accommodate overlap during shift changes.
- B. Outdoor open space is to be provided at one thousand (1,000) square foot of dedicated open space for every ten thousand (10,000) square foot of gross floor area.
- C. Service areas are not to be visible to the public right-of-way. Provide screening if they cannot be located in the back of the building,

§503.44. Transit (Station, Stop, Support (Infrastructure)).

- A. Pedestrian walkways and loading areas shall be designed to be an integral part of the surrounding street system and to minimize conflicts with vehicles.
- B. If the parking area for a development is adjacent to a single-family residential lot and demands greater than ten (10) automobiles, the following shall apply:

1. An additional ten (10) foot bufferyard with one (1) of the following shall be provided along the parking lot's perimeter to minimize the impact of inappropriate noise, dust, light and other disturbances on adjacent residential lots.
2. One and one-half (1.5) times the required number of plants for screening and buffering off-street parking and loading areas; or
3. A mound, a minimum of three and one-half (3.5) feet in height at its peak, shall be constructed whereas the sides do not exceed a four-foot horizontal to one-foot vertical (4:1) change in elevation. The mound shall be landscaped in its entirety with plants that provide four (4) seasons of interest but shall not include turf grass. The landowner and/or developer shall coordinate site drainage so that site development and grading do not create any adverse effects on adjacent lots.

§503.45. Utility.

- A. The principal building shall be located not less than fifty (50) feet from the street line.
- B. Sufficient setback, screening and buffering of off-street parking and loading areas or outdoor service and storage spaces must be provided to protect the existing neighborhood from inappropriate noise, dust, odor, vibration, light or other disturbance or interruption. If the parking, loading, outdoor service or storage areas are adjacent to a residential use, the following shall apply:
 1. One and one-half (1.5) times the required number of plants for screening and buffering of off-street parking and loading areas; or
 2. A berm shall be installed along the parking area proposed adjacent to the lot line shared with the residential use, a minimum of three and one-half (3.5) feet in height at its peak, and the sides do not exceed a four (4) foot horizontal to one (1) foot vertical (4:1) change in elevation. The berm shall be landscaped with plants that provide four (4) seasons of vegetated cover not including turf grass.
 3. No storage or transfer of toxic, corrosive, flammable, carcinogenic or explosive materials, chemicals, liquids, gases or solids is permitted. In addition, the owner(s) and operator(s) of a public utility facility shall provide the Zoning Officer and the Fire Chief notice of the type, quantity and storage on the premises, as well as the equipment, materials and processes used as part of the activities by including such information as part of any land development application or any permit application for new construction.

§503.46. Vineyard

- A. The minimum lot size shall be ten (10) acres.
- B. Retail sales of wine fruit products shall be limited to those produced, vinted, cellared or bottled by the vineyard operator or grown on the vineyard premises, and custom crushed at another facility for the vineyard operator.
- C. A vineyard's hours of operation and activities must be appropriately scheduled to protect the surrounding neighborhood from detrimental noise, disturbance or interruption.
- D. The premises shall be maintained so as to not constitute a nuisance or a menace to public health and safety.
- E. No garbage, organic waste, petroleum products or hazardous waste shall be stored, buried or disposed of on the premises

§503.47. Winery

- A. A winery facility (buildings or structures) shall be at least fifteen hundred (1500) square feet in size.
- B. Retail sales of wine fruit products shall be limited to those produced, vinted, cellared or bottled by the winery operator or grown on the winery premises, and custom crushed at another facility for the winery operator.
- C. A winery's hours of operation and activities must be appropriately scheduled to protect the surrounding neighborhood from detrimental noise, disturbance or interruption.
- D. The premises shall be maintained so as to not constitute a nuisance or a menace to public health and safety.
- E. No garbage, organic waste, petroleum products or hazardous waste shall be stored, buried or disposed of on the premises

§503.48. Oil and Gas Operations

- A. All definitions contained in the Pennsylvania Oil and Gas Act, as amended, and Pennsylvania Act 13 of 2012 are incorporated herein by reference for purposes of this Section 503.48.
- B. A written conditional use application shall be required for all Oil and Gas Operations in accordance with Borough procedures and regulations. A conditional use application shall include copies of all permits and applications submitted to local,

- county, state and federal agencies. The application fee shall be as set forth in the Borough's fee resolution.
- C. Oil and Gas Operations shall be conducted in accordance with the Pennsylvania Oil and Gas Act, as amended.
 - D. Oil and Gas Operations shall comply with all criteria and restrictions contained in this section and in the Pennsylvania Oil and Gas Act, as amended.
 - E. Oil and Gas Operations shall comply with all Borough codes including but not limited to the regulations and design standards set forth in this Zoning Ordinance for the zoning district in which it is located and the Borough's Subdivision and Land Development Ordinance, except to the extent that such regulations or standards are preempted by the Pennsylvania Oil and Gas Act.
 - F. The applicant shall have obtained all applicable federal, state and local permits and approvals for the proposed use. In the event that such permits and approvals have not been issued at the time conditional use approval is requested, the conditional use approval of the Borough shall be expressly conditioned on the granting of all permits and approvals required by federal, state and local laws.

PART 6**OFF-STREET PARKING AND LOADING REGULATIONS****§601. OFF-STREET PARKING AND LOADING REGULATIONS.**

Off-Street Parking Regulations. See Table 9 Required Off-Street Parking and Loading showing the minimum number of off-street parking and loading requirements.

A. General Standards.

1. Onsite, 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 vehicle shall be at least nine (9) feet by eighteen (18) feet in size for any stall parking by using standard engineering references based on the nine (9) foot by eighteen (18) foot, ninety (90) degree stall. Handicapped spaces shall measure at least twelve (12) feet by eighteen (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.
2. The maximum permissible slope of any parking area shall be five (5) percent.
3. Parking shall not adversely affect the character of the surrounding neighborhood.

B. 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.

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

C. Multifamily Standards. Off-street parking spaces for multifamily 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 districts, parking may be permitted in required yards below grade

to within five (5) feet of any property.

- D. Requirements. Required off-street parking space(s) for new construction, enlargement or change in use, shall conform to the following:
1. 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 Right-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.
 2. 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.
- E. Off-Street Design Standards For Commercial and Industrial Districts.
1. 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.
 2. Stalls shall be provided with bumper guards or wheel stops when necessary for safety or protection to adjacent structures or landscaped areas.
 3. 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.
 4. All vehicular entrances and exits to parking areas shall be clearly designated for all conditions.
 5. Short-term visitor parking spaces shall be differentiated from long-term employee spaces by suitable markings.
 6. If spaces are used during evening hours, appropriate lighting shall be provided in accordance with this Chapter.
- F. Off-Street Loading Regulations.
1. Off-street loading and unloading space(s) with proper and safe access from street or alley, shall be provided on each lot listed in Table 9: Required Off-Street Parking and Loading. Each loading and unloading berth:
 - a) Shall be at least fourteen (14) feet wide, sixty (60) feet long and shall have at least a fifteen (15) foot vertical clearance.
 - b) Shall have a paved all-weather surface to provide safe and convenient access during all seasons.

- c) Shall not be constructed between the street Right-Of-Way line and the building setback line.
2. Required off-street parking spaces (including aisles) shall not be used for loading and unloading purposes except during hours when business operations are suspended.
3. 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.
4. No truck shall be allowed to stand in:
 - a) a right-of-way;
 - b) automobile parking area (including aisles); or,
 - c) in any way block the effective flow of persons or vehicles.

G. Interior Circulation, Access and Traffic Control.

1. 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 ninety (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.
2. 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 accessways or automobile parking facilities.
3. All accessways 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 Borough Planning Commission and the Borough Council. Where practicable, exits shall be located on minor, rather than major, streets or highways.
4. 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.

- H. Prior to installing or placing any permanent, exterior lighting 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 Borough Planning Commission for review and approval.
- I. Parking and Storage of Vehicles in All Residential Districts.
1. In any residential district, the following restrictions shall apply: 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 three-quarter (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:
 - a) that such vehicles may not be used for human occupancy while parked;
 - b) that such vehicles must be parked only behind the front building line and;
 - c) where possible, only in the rear of dwellings.
 2. 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 Part for buildings and structures as defined herein.
- J. 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.
- K. 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 eleven thousand (11,000) pounds of gross weight or combination weight, then the parking of such vehicles shall be governed by the provision regarding outdoor storage. This provision shall not be applicable to new and used car sales operations as a primary use of the subject premises.
- L. Shared Parking.
1. In order to accommodate the usage of the same parking spaces for two (2) or more different land uses that require different principal hours of operation, a lower number of parking spaces may be authorized. All uses proposing to

share parking shall be located on the same lot under the same ownership.

2. If there are changes in land use after approval of a shared parking arrangement, a new occupancy permit shall be required and said permit shall not be issued unless proof is submitted that sufficient parking will be available for the new uses.
 3. The parking requirement for shared parking shall be computed as follows:
 - a) Determine the minimum parking required for each land use as though it were a separate use based on Table 9.
 - b) Using Table 10, determine the number of spaces needed by each use for each of the four time periods by multiplying the minimum parking required for each use calculated in Step a), above, by the corresponding percentage required for each time period.
 - c) Calculate the total number of spaces needed for all uses in each time period.
 - d) Select the time period with the highest number of parking spaces required for the sum of all uses. This represents the minimum number of spaces required for the shared parking arrangement for the uses proposed.
 - e) The sharing of parking not be permitted between a non-residential use and residential use. Public transportation parking facilities shall be subject to Borough review in order to ensure adequate supply, safety and visibility are maintained on the lot(s) and surrounding lots.
- M. Maximum Number of Parking Spaces and Parking Demand Analysis. No use shall provide more than one hundred ten percent (110%) of any below Ordinance requirements, except through submittal of a parking demand analysis and approval of a conditional use. The analysis shall include at a minimum:
1. The anticipated number of needed parking spaces to accommodate the proposed use
 2. How the parking spaces are accommodated (on-site, public lot, on-street, private lot, etc.)
 3. Rationale for additional parking spaces.

Table 9: Required Off-Street Parking and Loading

Legend: du = dwelling unit; sf = square feet; gfa = gross floor area

	Land Use	Minimum Parking Requirements
A. Principally Residential Uses		
1	All Other Residential Uses (Uses Not Listed)	As Determined by the Borough
2	Apartment, Conversion	2:du
3	Bed and Breakfast	1:guest room plus 2
4	Day Care, Large Family Child Care Home	2:du plus 1 for day care use
5	Day Care, Small Family Child Care Home	2:du plus 1 for day care use
6	Dwelling, High Density Multifamily	1.4:du
7	Dwelling, Low Density Multifamily	1.4:du
8	Dwelling, Medium Density Multifamily	1.4:du
9	Dwelling, Single Family	1.4:du
10	Dwelling, Two Family	1.4:du
11	Group Care Facility	1:every 2 full time staff plus 1:3 residents
12	Group Care Home	1:every 2 full time staff plus 1:3 residents
13	Home Based Business, Low Impact	2:du plus 1:non-resident employee
14	Home Based Business, No Impact	NA
15	Life Care Facility	1:every 2 full time staff plus 1:3 residents
16	Nursing Home	1:every 2 full time staff plus 1:3 residents
17	Personal Care Boarding Home	1:every 2 full time staff plus 1:3 residents
B. Principally Non-Residential Uses		
1	Adult Businesses	1: 100 sf of customer service area plus 1:employee
2	All Other Non-Residential Uses (Uses Not Listed)	As Determined by the Borough
3	Amusement Establishment, Large Scale	1:200 sf gfa
4	Amusement Establishment, Small Scale	1:200 sf gfa
5	Animal Hospital	1:employee plus 4:waiting room
6	Bakery	1:300 sf gfa
7	Beer Distributor	1:200 sf gfa
8	Cemetery	As Determined by the Borough
9	Club and Clubhouse	1:200 sf gfa
10	Coin-Operated Laundry and Cleaning	1:4 machines
11	Communications Antenna	NA
12	Communications Facility	NA
13	Communications Tower	3:tower
14	Contracting Business	1:500 sf gfa
15	Contractor's Yard	1:employee on peak shift plus 1:3,000 sf gfa
16	Convenience Store, With Alcohol	1:300 sf gfa plus 1:employee
17	Convenience Store, Without Alcohol	1:300 sf gfa plus 1:employee
18	Day Care Center, Adult	1:employee on peak shift plus 1:4 patrons
19	Day Care Center, Child	1:employee on peak shift plus 1:4 patrons
20	Detention Facility	1:employee on peak shift plus 1:15 detainees
21	Dry Cleaning Processing	1:employee
22	Electronics Repair/Service/Installation	1:500 sf gfa
23	Emergency Services	As Determined by the Borough

Land Use	Minimum Parking Requirements
B. Principally Non-Residential Uses	
24 Essential Services	1
25 Financial Institution, With Drive-Thru	1:500 sf gfa plus 4 vehicles from the first point of stopping in such a manner as to not block any parking spaces, driving aisles or driveway
26 Financial Institution, Without Drive-Thru	1:300 sf gfa
27 Forestry	NA
28 Freight Terminal and Trucking Terminal	1:employee on peak shift plus 1:3,000 sf gfa
29 Fuel/Energy Recharge Station	1:pump/recharge station
30 Funeral Home	10: viewing room
32 Golf Course	As Determined by the Borough
33 Health and Fitness Establishment	1:200 sf gfa
34 High Hazard Use	1:employee
35 Hotel/Motel	1:sleeping room plus 5:100 units or fraction thereof; plus 1:employee on peak shift; plus parking associated with accessory activities
36 Indoor Self Storage Facility	1:20 storage units
37 Junkyard	1:employee on peak shift
38 Kennel	1:10 kenneled animals plus 1:employee on peak shift
39 Kennel, Day	1:3 kenneled animals plus 1:employee on peak shift
40 Landscape Nursery/Retail Sale of Landscape Plants	1:500 sf display area
41 Manufacturing, Heavy	1:employee on peak shift plus 1:3,000 sf gfa
42 Manufacturing, Light	1:employee on peak shift plus 1:3,000 sf gfa
43 Medical Facility, Type A	2:exam room + 1: employee or 1:200 sf gross square, whichever is greater
44 Medical Facility, Type B	2:exam room + 1: employee or 1:200 sf gross square, whichever is greater
46 Mini-Warehouse or Self-Storage Facility	4 plus 1 per employee on peak shift
47 Mixed Use Building	As determined by the Shared Parking Analysis
48 Motor Vehicle Detailing	3:service bay plus 1: employee on peak shift
49 Motor Vehicle Electronics Service	3:service bay plus 1:employee on peak shift
50 Motor Vehicle Laundry	3:service bay plus 1:employee on peak shift
51 Motor Vehicle Rental, Sales, and Service	3:service bay plus 1:employee on peak shift
52 Motor Vehicle Service Station	3:service bay plus 1:employee on peak shift
53 Municipal Facility	As determined by the Borough
54 Museum/Cultural/Art Center	1:50 sf of floor area used for assembly in the building
55 Off Premise Signs including Billboards	1:sign
56 Office, Business	1:250 sf gfa
57 Office, Medical	2:exam room + 1: employee or 1:200 sf gross square, whichever is greater

Land Use	Minimum Parking Requirements
B. Principally Non-Residential Uses	
58 Parking Deck	NA
59 Parking Lot	NA
60 Personal Services	1:200 sf gfa
61 Places of Assembly	1:200 sf gfa or for each 3 fixed seats, whichever is greater
62 Places of Worship	1:200 sf gfa or for each 3 fixed seats, whichever is greater
63 Parcel Destination/Pick-Up/Drop-Off Facility	1:50 sf customer area
64 Pre-School Facility	1:employee on shift plus 1:4 patrons
65 Public Transit Parking Facility	4 spaces or 2:3 lineal feet of platform/shelter whichever is greater
66 Recreation Facility (Commercial, Not-for-Profit Private)	1:1.5 members
67 Recreation Facility (Public)	1:1.5 members or average peak day attendees
68 Repair Shop	1:200 sf gfa
69 Restaurant, High Turnover, Drive through	3 seats or 1:300 sf gfa, whichever is greater
70 Restaurant, High Turnover, Takeout	1:800 sf gfa
71 Restaurant, Low Turnover	3 seats or 1:300 sf gfa, whichever is greater
72 Retail Store, Large Scale	1:250 sf gfa
73 Retail Store, Small Scale	1:300 sf gfa
74 School	1:2,500 sf gfa plus 1: classroom for K-8th grade; 1:1,000 sf gfa plus 10: classroom for all other grades
75 Tavern	3 seats or 1:200 sf gfa, whichever is greater
76 Technology Service/Support Center	1:3 work stations or employees on peak shift whichever is greater
77 Tower (Non-Communications, Non-Water)	1: tower
78 Transit Station (Park and Ride Lot)	Maximum of 1 per lineal foot of platform/shelter whichever is greater
79 Transit Stop	As determined by the Borough
80 Transit Support (Infrastructure)	As determined by the Borough
81 Utility	NA
82 Vineyard	As determined by the Borough
83 Warehouse	1:employee on peak shift plus 1:3,000 sf gfa
84 Water Tower	1: tower
85 Wholesaling	1:employee on peak shift plus 1:3,000 sf gfa
86 Winery	As determined by the Borough

Table 10: Shared Parking.

CALCULATING SHARED PARKING FOR A MIX OF LAND USES				
USE	WEEKDAY		WEEKEND	
	Daytime	Evening	Daytime	Evening
Bank, Office				
Day Care Center	100%	10%	10%	5%
Residential	40%	100%	75%	100%
Restaurant	75% *	100%	100% *	100%
Retail/Services	60%	90%	100%	70%
Hotel/Motel	75%	100%	75%	100%
Entertainment/ Recreation	30%	100%	100%	80%
Transit	100%	10%	10%	5%
* May be reduced to 10% if restaurant opens at 5 PM.				

PART 7**SIGN REGULATIONS****§701 SIGN REGULATIONS.**

- A. 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 Part.
- B. Scope. This Section shall not relate to building design. Nor shall the Part 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 number; or any display or construction not defined herein as a sign. Thus, the primary intent of this Part shall be to regulate signs of a commercial nature.
- C. 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 Part, 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 Zoning Officer.
- D. Signs Prohibited. The following types of signs are prohibited in all districts:
1. Abandoned signs.
 2. Animated signs.
 3. Banners, pennants, festoons, searchlights [except as allowed in §701(10)].
 4. Flashing signs.
 5. Signs imitating or resembling official traffic or government signs or signals.
Snipe signs or signs attached to trees, telephone poles, public benches,

streetlights or placed on any public property or public Right-Of-Way.

6. 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 vehicle operating during the normal course of business.)
 7. Painted wall signs.
 8. Rotating signs.
- E. Permits Required. Unless otherwise provided in this Section, all signs shall require permits and payment of required fees. No permit is required for the maintenance of a sign.
- F. 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 Part:
1. Signs used by places of worship or civic organizations.
 2. Construction signs of twelve (12) square feet or less.
 3. Directional/information signs of two (2) square feet or less.
 4. Nameplates of two (2) square feet or less.
 5. Political signs.
 6. Public signs or notices, or any sign relating to an emergency.
 7. Real estate signs of six (6) square feet or less.
 8. Window signs.
 9. Incidental signs.
- G. Maintenance. All signs shall be properly maintained. Exposed surfaces shall be clean and painted if paint is required. Defective parts shall be replaced. The Zoning Officer shall have the right to order the repair or removal of any sign which is defective, damaged or substantially deteriorated.
- H. Lighting. 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.
1. Flashing, moving or oscillating lights are expressly prohibited.

2. No revolving beacon light shall be permitted.
- I. 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 onsite goods and services.
- J. Signs Permitted in All Zones. The following signs are allowed in all zones:
1. All signs not requiring permits.
 2. One construction sign for each street frontage of a construction project, not to exceed twelve (12) square feet in sign area in residential zones or twelve (12) square feet in sign area in all other zones. Such signs may be erected one (1) day prior to beginning of construction and shall be removed one (1) day following completion of construction.
 3. One non-illuminated real estate sign per lot or premises, not to exceed six (6) square feet in sign area. Such signs must be removed one (1) day following sale, rental or lease.
 4. One attached nameplate per occupancy, not to exceed two (2) square feet in sign area or two and one half (2 ½) feet in height.
 5. One directional/information sign per lot, not to exceed two (2) square feet in sign area or two and a half (2 ½) feet in height.
 6. Temporary special events sign(s) and decoration per premises as allowed by the Zoning Officer for special events, grand openings or holidays. Such signs and decorations may be erected ten (10) days prior to a special event or holiday and shall be removed one (1) day following the event or holiday. For grand openings such signs may be used for no more than ten (10) days.
- K. Signs Permitted in Residential Zones. Signs are allowed as follows in residential zones:
1. All signs as permitted in §701 (F) above.
 2. Two subdivision identification sign(s) per neighborhood, subdivision or development, not to exceed thirty-two (32) square feet in sign area.
 3. One identification sign per apartment or condominium complex, not to exceed thirty-two (32) square feet in sign area.
 4. For permitted nonresidential uses, including places of worship, one freestanding sign, not to exceed thirty-two (32) square feet in sign area, and one (1) wall sign not to exceed thirty –two (32) square feet in sign area.

5. All allowed freestanding signs shall have a maximum height limit of two and one half (2 ½) feet and shall have a setback of two (2) feet from any public Right-Of-Way.

L. Signs are allowed as follows in commercial and industrial zones:

1. All signs as permitted in §701(J) and §701(K) above.
2. One freestanding sign per premises, not to exceed one half (1/2) of one square foot in sign area for each linear foot of lot frontage up to a maximum of one hundred (100) square feet. Such signs shall not exceed a height of twenty-five (25) feet.
3. One 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 sixty (60) square feet.
4. One awning sign per occupancy not to exceed twenty-five (25) percent of the surface area of an awning, or one marquee sign, not to exceed one (1) square foot in sign area for each linear foot of marquee front and side.
5. One under-canopy sign per occupancy, not to exceed three (3) square feet in sign area.
6. Incidental signs not to exceed one (1) square foot in aggregate sign area per occupancy.
7. Not more than four portable signs per lot, and each sign not to exceed twelve (12) square feet in sign area and not to exceed four (4) feet in height. The Zoning Officer shall perform an annual inspection of each portable sign. An annual fee as set forth in the adopted fee schedule shall be paid on or before January 1 of each year.
8. 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 lot frontage.

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

1. Where an occupancy has more than one main street frontage, one additional wall sign and zero additional freestanding signs are allowed on the additional frontage, not to exceed the size limitations of other allowed wall and freestanding signs.
2. 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 thirteen and one half (13 ½) feet over any vehicular use area and seven (7) feet over any pedestrian use area.

3. 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.
 4. Determination of Legal Nonconformity. [See §803(A)].
 5. Loss of Legal Nonconforming Status. [See §803 (B)].
 6. Maintenance and Repair of Nonconforming Signs. [See §803 (C)].
 7. Compliance with Building and Electrical Codes. All signs shall be constructed and inspected in accordance with the requirements of the Borough Building Code and Electrical Code.
- N. Zoning Officer.
1. The Zoning Officer is authorized to process applications for permits and enforce and carry out all provisions of this Chapter, both in letter and in spirit. The Zoning Officer is authorized to promulgate regulations and procedures consistent with this function.
 2. The Zoning Officer 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.
- O. Application for Permits. Application for a permit for the erection, alteration or relocation of a sign shall be made to the Zoning Officer upon a form provided by the Zoning Officer and shall include the following information:
1. Name and address of the owner of the sign.
 2. 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.
 3. The type of sign or sign structure as defined in this Part.
 4. 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.
 5. Specifications and scale drawings showing the materials, design, dimensions, structural supports and electrical components of the proposed sign.

6. Permit Fees. All applications for permits filed with the Zoning Officer shall be accompanied by a payment of the permit fee for each sign according to the adopted fee schedule.

P. Issuance and Denial.

1. The Zoning Officer shall issue a permit for the erection, alteration or relocation of a sign within ten (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.
2. When a permit is denied by the, Zoning Officer he shall give a written notice to the Applicant along with a brief statement of the reasons for denial. The Zoning Officer may suspend or revoke an issued permit for any false statement or misrepresentation of fact in the application.

Q. Permit Conditions, Refunds and Penalties.

1. If a permit is denied, the permit application review fee will not be refunded to the Applicant.
2. A permit issued by the Zoning Officer becomes null and void if work is not commenced within one hundred eighty (180) days of issuance. If work authorized by the permit is suspended or abandoned for one hundred eighty (180) days, the permit must be renewed with an additional payment.
3. 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 Part.

R. The height of a luminaire shall be as follows:

1. In any residential district, the maximum height permitted shall be twenty (20) feet.
2. In any other district, the maximum height shall be thirty (30) feet.
3. The Borough Council may further limit the height of luminaries when it is determined that proposed lighting may have a detrimental impact upon nearby properties.

- S. Ball diamonds, playing fields and tennis courts have a unique requirement for nighttime visibility may be exempted from subsections A through H if, in the judgment of the Borough Council, their limited hours of operation and the location of the luminaries will adequately protect neighboring residential uses.
- T. The Borough Council shall also retain overall supervision of issues pertaining to enforcement of lighting and glare regulations and may grant modifications from the lighting and glare, regulations contained in this Chapter.

PART 8**NONCONFORMING USES, STRUCTURES AND LOTS****§801. NONCONFORMITIES**

- A. Within the zoning districts established by this Chapter, there exist uses and lots that were lawful before this Chapter's adoption but which are now prohibited, regulated or restricted under the terms of this Chapter. It is the intent of this Chapter to permit these nonconformities to continue until they are removed, but not to encourage their survival. Such uses are considered incompatible with the permitted uses in the zoning districts involved.

§802. NONCONFORMING USE, STRUCTURE AND/OR LOT REGULATIONS.

- A. A non-conforming structure may be modified, expanded and/or enlarged, so long as:
1. The modification, expansion and/or enlargement is for a legal use;
 2. The modification, expansion and/or enlargement is not for a non-conforming use;
 3. The modification, expansion and/or enlargement does not increase the existing non-conformity(ies) associated with the lot.
- B. A nonconforming use may be extended throughout a building that was designed and arranged specifically for the nonconforming use, but the nonconforming use shall not be permitted to occupy land outside the building. If the use of any such nonconforming structure or lot ceases for any reason for a period of more than twelve (12) consecutive months, any subsequent use of the structure or lot shall conform to the regulations specified by this Chapter for the zoning district involved.
- C. Nonconforming Lots of Record.

In any zoning district in which buildings are permitted, a single building and associated accessory buildings may be erected on any single lot of record existing on the date of adoption or amendment of this Chapter. Such a lot must be in separate ownership and not of continuous frontage with other lots in the same ownership. This provision shall apply even though the lot fails to meet the zoning district's requirements for area or width, or both, provided that the lot conforms to the zoning district's setback dimensions and other requirements not involving area or width, or both. Variance of area, width and setback requirements shall be obtained only through action of the Zoning Hearing Board.

If two or more lots or combinations of lots and portions of lots with continuous frontage in single ownership are of record at the time of passage or amendment of

this Part, and if all or part of the lots do not meet the requirements for lot width and area as established by this Part, the lands involved shall be considered to be an undivided parcel for the purposes of this Part, and no portion of the parcel shall be used or sold which does not meet lot width and area requirements established by this Part, nor shall any division of the parcel be made which leaves remaining any lot with width or area below the requirements stated in this Part.

§803. NONCONFORMING SIGNS.

- A. Lawful signs in existence at the effective date of this Part or amendments thereto, may be continued subject to the following regulations.
- B. Determination of Legal Nonconformity. Existing signs which do not conform to the specific provisions of the Section may be eligible for the designation "nonconforming" provided that:
 - 1. The Zoning Officer determines that such signs are properly maintained and do not in any way endanger the public.
 - 2. 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 Chapter.
- C. Loss of Nonconforming Status. A nonconforming sign shall lose this designation if:
 - 1. The sign is relocated or replaced or abandoned or ceases to be used.
 - 2. The structure, size or area of the sign is altered in any way except towards compliance with this Section and §701. This does not refer to change of copy or normal maintenance.
- D. Maintenance and Repair of Nonconforming Signs. A nonconforming sign is subject to all requirements of this Part and any other applicable ordinance or code regarding safety, maintenance and repair.
- E. Moving. No nonconforming advertising sign, off-premises sign, 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 Chapter or amendment thereto.
- F. Damage or Destruction. In the event that any nonconforming advertising sign, off-premises sign, 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.
- G. 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 nonconforming and shall

be removed within thirty (30) days.

**PART 9
RESERVED**

PART 10

ADMINISTRATIVE ROLES AND DUTIES

§1001. SPECIFIC INTENT.

- A. It is the purpose of these regulations to prescribe the procedures by which the administration of this Part shall take place. Nothing contained within this Section shall be interpreted as limiting the adoption of administrative regulations which do not supersede required stated procedures.

§1002. ADMINISTRATION AND ENFORCEMENT.

- A. Borough Council.

Under this Chapter the Borough Council shall have the duties to:

1. Consider and adopt or reject proposed amendments or the repeal of this Chapter, as provided by law; and establish a schedule of fees and charges. Under no circumstances shall the duties of the Borough Council include hearing and deciding questions of enforcement that may arise.
2. Appoint the members of the Borough Planning Commission, the Zoning Hearing Board and the Zoning Officer.
3. Receive and consider the recommendations of the Borough Planning Commission on matters the Commission reviews pursuant to this Chapter.
4. Ask for recommendations of the Borough Planning Commission on the adoption or amendment of this Chapter if such recommendations are not prepared by the Borough Planning Commission. In accordance with §303(a) of the Pennsylvania MPC, the Borough Council must ask for recommendations from the Borough Planning Commission for proposed actions related to:
 - a) the location, opening, vacation, extension, widening, narrowing or enlargement of any street, public ground, pierhead or watercourse;
 - b) the location, erection, demolition, removal or sale of any public structure located within the Borough;

- c) the adoption, amendment or repeal of an official map, Subdivision and Land Development Ordinance, zoning ordinance or provisions for planned residential development, or capital improvements program: or the construction, extension or abandonment of any water line, sewer line or sewage treatment facility.
 5. Advertise and host a public hearing before adopting a zoning ordinance or any amendment thereto.
 6. May remove members of the Borough Planning Commission, the Zoning Hearing Board or the Zoning Officer from their positions upon just cause and after a formal hearing.
 7. Establish fees for the issuance of land development, building, occupancy and sign permits. In accordance with MPC §717.3(e), the Borough Council may also prescribe fees for conditional use applications, landowner curative amendments, municipal curative amendments and for hearings before the Zoning Hearing Board.
 8. The Borough Council shall have exclusive jurisdiction to hear and render final adjudications in the following matters:
 - a) All applications pursuant to §508 of the MPC, 53 P. S. §10508, for approval of subdivisions or land developments under Part V of the MPC, 53 P. S. §10501 et seq.
 - b) Applications for conditional use under the express provisions of this Chapter.
 - c) Applications for curative amendment to this Chapter or pursuant to §609.1 and 916.1(a) of the MPC, 53 P. S. §10609.1, 10916.1(a).
 - d) All petitions for amendments to land use ordinances, pursuant to the procedures set forth in §609 of the MPC, 53 P. S. §10609.
 - e) Appeals from the determination of the Zoning Officer or the Borough Engineer in the administration of any land use ordinance or provisions thereof with reference to sedimentation and erosion control and storm water management as enabled by the MPC.
- B. Borough Planning Commission.
 1. The Borough Planning Commission shall at the request of the Borough Council have the power and shall be required to:
 - a) Prepare the Comprehensive Plan for the development of the Borough as set forth in this act, and present it for the consideration of the Borough Council.

- b) Maintain and keep on file records of its action. All records and files of the Borough Planning Commission shall be in the possession of the Borough Council.
2. The Borough Planning Commission at the request of the Borough Council may:
- a) Make recommendations to the Borough Council concerning the adoption or amendment of an official zoning map.
 - b) Prepare and present to the Borough Council a zoning ordinance, and make recommendations to the Borough Council on proposed amendments to it as set forth in this act.
 - c) Prepare, recommend and present subdivision and land development and planned residential development regulations for the consideration of the Borough Council.
 - d) Prepare and present to the Borough Council a building code and a housing code and make recommendations concerning proposed amendments thereto following review and approval by the Pennsylvania Department of Labor and Industry.
 - e) Review and present recommendation to the Borough Council on conditional uses applications.
 - f) Complete other actions, including to but not limited to the review and recommendation on planned residential development applications to Borough Council, or make such studies as may be necessary to fulfill the duties and obligations imposed by this Chapter.
 - g) Prepare and present to the Borough Council an environmental study. Submit to the Borough Council a recommended capital improvements program.
 - h) Prepare and present to the Borough Council a water survey which shall be consistent with the State Water Plan and any applicable water resources plan adopted by a river basin commission. The water survey shall be conducted in consultation with any public water supplier in the area to be surveyed.
 - i) Promote public interest in, and understanding of, the Comprehensive Plan and planning.
 - j) Make recommendations to individuals, governmental, civic and private agencies as to the effectiveness of such agencies' proposals.
 - k) Hold public hearings and meetings.

- l) Present testimony before any board.
- m) Require from other departments or agencies of the Borough such available information as relates to the work of the Borough Planning Commission.
- n) In the performance of its functions, enter upon any land to make examinations and surveys with the consent of the owner.
- o) Prepare and present to the Borough Council, a study regarding the feasibility and practicability of using renewable energy sources in specific areas within the Borough.
- p) Review the zoning, subdivision and land development ordinance, Official Zoning Map of the Borough of Castle Shannon, provisions for planned residential development, and regulations governing the development of land no less frequently than it reviews the comprehensive plan.
- q) Provide recommendations for proposed actions related to:
 - (i) The location, opening, vacation, extension, widening, narrowing or enlargement of any street, public ground, pierhead or watercourse; The location, erection, demolition, removal or sale of any public structure located within the Borough;
 - (ii) The adoption, amendment or repeal of an official map, subdivision and land development ordinance, zoning ordinance or provisions for planned residential development, or capital improvements program; or
 - (iii) The construction, extension or abandonment of any water line, sewer line or sewage treatment facility.

C. Zoning Hearing Board.

1. Zoning Hearing Board. The Borough Council shall appoint a Zoning Hearing Board in accordance with the provisions of §3207 of the Borough's Code of Ordinances and §901 of the PA MPC. The Zoning Hearing Board shall have the following powers:
 - a) To hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by the Zoning Officer in the enforcement of this Chapter.
 - b) To hear and decide all variances to the terms of this Chapter.
 - c) To act under provisions of this Chapter including approval of the expansion, extension or enlargement of nonconforming uses only as

provided for in this Chapter.

- d) To authorize upon appeal in specific cases such variance from the terms of this Chapter as will not be contrary to the public interest, where owing to special conditions a literal enforcement of the provisions of this Chapter would result in an unnecessary hardship, and so that the spirit of the this Chapter shall be observed and substantial justice done.
 - e) To hear and decide substantive challenges to the validity of any land use ordinance, except those brought before the governing body pursuant to sections 609.1 and 916.1(a)(2) of the PA MPC.
 - f) To hear and decide appeals from a determination by a municipal engineer or the zoning officer with reference to the administration of any flood plain or flood hazard ordinance or such provisions within a land use ordinance.
 - g) To hear and decide appeals from the zoning officer's determination under section 916.2 of the PA MPC.
 - h) To hear and decide appeals from the determination of the zoning officer or municipal engineer in the administration of any land use ordinance or provision thereof with reference to sedimentation and erosion control and storm water management insofar as the same relate to development not involving Article V or VII applications prescribed within the PA MPC.
 - i) To have jurisdiction over special exceptions within the zoning ordinance or floodplain or flood hazard ordinance pursuant to MPC §912.1
2. In exercising the above mentioned powers, such Zoning Hearing Board may, in conformity with the provisions of this Part, reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from and may make such order, requirement, decision or determination as in its opinion ought to be made. Notice of such decision shall forthwith be given to all parties in interest and shall be filed immediately with the Zoning Officer.

D. Zoning Officer.

1. The day-to-day administrative procedures provided for in this Chapter are the responsibility of the Zoning Officer. The Zoning Officer's duties generally involve receiving, reviewing, and issuing building and zoning permits and certificates of occupancy, maintaining records of applications and permits, performing inspections to determine compliance with this Chapter, notify persons violating this Chapter, keeping this Chapter and map up-to-date and accepting applications for and presenting facts at hearings before the Zoning Hearing Board. Borough Council may amend the duties of the Zoning Officer as deemed necessary for the health, safety and welfare of the residents. The

Zoning Officer must administer this Chapter by its literal terms; the Zoning Officer does not have any discretionary power and can neither waive nor tighten any requirement of the Chapter. The Zoning Officer is required to meet qualifications established by the Borough and the Pennsylvania MPC and must be able to demonstrate a working knowledge of the municipal zoning. The Zoning Officer may also serve as the Building Inspector.

E. Building Inspector.

1. The Building Inspector shall enforce this Chapter by issuing building permits and occupancy permits for only such structures and uses that comply with the provisions of this Chapter. The Building Inspector shall conduct all inspections necessary to determine compliance with the Chapter and shall maintain records thereof.
2. The Building Inspector shall be responsible for:
 - a) Maintaining all of the records of this Chapter including, but not limited to, all maps, amendments and variances, nonconforming uses appeals and applications thereof and hearing thereon.
 - b) Collecting fees which shall accompany applications for building and occupancy permits and variances.
 - c) Receiving, filling and forwarding to the Borough Council and the Borough Planning Commission for action all applications for amendments to this Chapter.
 - d) Receiving, filing and forwarding to the Zoning Hearing Board all applications for variances and appeals in accordance with the provisions of this Chapter.
3. The Building Inspector may also serve as the Zoning Officer.

§1003. PROCEDURES.

A. General Application and Review Process.

1. Schedule of Fees.
 - a) The Borough Council shall by resolution establish a schedule of fees and shall post said schedule conspicuously in the Borough Building.
 - b) No permit, certificate, application or variance shall be issued unless, or until such costs, charges, fees or expenses as established by such resolution have been paid in full; nor shall any action be taken by the Borough Council and/or Zoning Hearing Board take action unless or until

preliminary charges and fees have been paid in full.

- c) A zoning certificate shall be required prior to the establishment, change or alteration of any use, or the construction, enlargement, expansion or alteration of any structure. A building permit may also be required under the Castle Shannon Borough Code relating to building codes/construction.

2. Requests for Reasonable Accommodation.

- a) Persons with a claim for reasonable accommodation under the Fair Housing Amendments Act or the Americans with Disabilities Act shall submit an application for a special exception to the Zoning Hearing Board. The Zoning Hearing Board shall require the information outlined in §1003B Special Exception Procedures of Approval to process the application.
- b) The Zoning Hearing Board may hold any meeting(s) and/or hearing(s) necessary in its discretion to elicit information or argument pertinent to the request for accommodation.
- c) The Zoning Hearing Board's decision shall be in writing.
- d) The Zoning Hearing Board shall issue its written decision to the Applicant and the Borough Council within thirty (30) days of filing of the request for accommodation or at the next regularly scheduled Zoning Hearing Board meeting, whichever is the later of the two (2).
- e) A request for reasonable accommodation should be directed to the Zoning Hearing Board. In considering a request for reasonable accommodation, the Zoning Hearing Board shall, with the advice of the counsel of the Borough Solicitor and/or Zoning Hearing Board Solicitor, apply the following criteria.
- f) Whether the Applicant is handicapped or disabled within the meaning of the Federal Fair Housing Act Amendments or the Americans with Disabilities Act.
- g) The degree to which the accommodation sought is related to the handicap or disability of the Applicant.
- h) A description of hardship, if any, that the Applicant will incur absent provisions of the reasonable accommodation requested.
- i) The extent to which the requested accommodation is necessary to afford the Applicant an opportunity equal to a non-handicapped or non-disabled person to use and enjoy the dwelling in question.

- j) The extent to which the proposed accommodation may impact other landowners in the immediate vicinity.
- k) The extent to which the proposed accommodation may be consistent with or contrary to the zoning purposes promoted by the Borough's Comprehensive Plan, and the community development objectives set forth in the Zoning Ordinance.
- l) The extent to which the requested accommodation would impose financial and administrative burdens upon the Borough.
- m) The extent to which the requested accommodation would impose an undue hardship upon the Borough.
- n) The extent to which the accommodation would require a fundamental alteration in the nature of the Borough's regulatory policies, objectives and regulations.
- o) The extent to which the requested accommodation would result in a subsidy, privilege, or benefit not available to non-handicapped or non-disabled persons.
- p) The permanency of the requested accommodation and the conditions under which such accommodation will be removed, terminated or discontinued when they are no longer needed to provide handicapped or disabled persons equal opportunity to use and enjoy the dwelling in question.
- q) The extent to which the requested accommodation will increase the value of the lot during and after its occupancy by Applicant.

B. Special Exception Procedures of Approval.

1. Approval of Uses by Special Exception.

- a) The Zoning Hearing Board shall hear and decide requests for uses by special exception in accordance with the provisions of the Pennsylvania MPC.
- b) Requests for Reasonable Accommodation. The Applicant shall provide the following:
 - (i) Specific citation of the Zoning Ordinance provision from which reasonable accommodation is requested.
 - (ii) The specific description of the reasonable accommodation sought and the particulars, including exact admonitions of any proposed structural or location-based accommodation.

- (iii) The condition of the Applicant for which reasonable accommodation is sought.
 - (iv) A description of the hardship that the Applicant will incur absent provision of the reasonable accommodation requested.
 - (v) A description of any alternative methods of relieving the claimed hardship that have been considered and the reason, why the Applicant has rejected such alternatives.
 - (vi) A statement describing why the requested accommodation is necessary to afford the Applicant an opportunity equal to a non-handicapped or non-disabled person to use and enjoy the dwelling in question.
 - (vii) A description of the manner in which the accommodation, if granted, will be terminated or removed if said accommodation is no long applicable.
 - (viii) A statement of any facts indicating whether or not non-handicapped or non-disabled persons would be permitted to utilize the lot (s) in question in a manner similar sought by the Applicant.
- c) A written application for special exception shall be submitted in accordance with the Application Requirements and associated Application Process defined by the Borough.
- d) Conditions and safeguards.
- (i) In considering an application for approval of a use by special exception, the Zoning Hearing Board may prescribe appropriate conditions and safeguards in conformity with the spirit and intent of this Chapter. A violation of such conditions and safeguards, when made part of the terms and conditions under which approval of a use by special exception is granted, shall be deemed a violation of this Chapter.
- e) Expiration of Approval of Use by Special Exception.
- (i) Approval of a use by special exception shall expire automatically without written notice to the Applicant if an application for a building permit or zoning certificate to undertake the construction for the authorized occupancy described in the application for approval of the use by special exception is not submitted within twelve (12) months of said approval.

- f) The Zoning Hearing Board, in their sole discretion, may grant an extension of the special exception upon receipt of a written request by the Applicant prior to the expiration date of approval. Only a one (1) time twelve (12) month extension may be granted.
- g) Expiration of Approval of Use by Special Exception Granted Prior to Effective date of this Chapter. Approval of a use by special exception granted prior to the effective date of this Chapter shall expire automatically without written notice to the Applicant if an application for a grading permit, building permit or zoning certificate to undertake the construction or authorize the occupancy described in the application for approval of the use by special exception is not received submitted within twelve (12) months of the effective date of this Chapter or as specified in the approval.

C. Conditional Uses Procedure for Approval.

1. The Borough Council shall hear and decide requests for conditional uses within the time periods and according to the procedures set forth in the Pennsylvania MPC §913.2. Where the application is contested or denied, each decision shall be accompanied by findings of fact or conclusions based thereon, together with any reasons therefor. Conclusions based on any provisions of this Chapter or any other Ordinance shall contain a reference to the provision relied on and the reasons why the conclusion is deemed appropriate in the light of the facts found.
2. A written application for conditional use shall be submitted in accordance with Borough requirements.
 - a) Where the Borough Council fails to render the decision within the period required by this subsection or fails to commence, conduct or complete the required hearing as provided in §908 (1.2) of the Pennsylvania Municipalities Code, the decision shall be deemed to have been rendered in favor of the Applicant unless the Applicant has agreed in writing or on the record to an extension of time. When a decision has been rendered in favor of the Applicant because of failure of the Borough Council to meet or render a decision as hereinabove provided, the Borough Council shall give public notice of the decision within ten (10) days from the last day it could have met to render a decision in the same manner as required by the public notice requirements of this act. If the Borough Council shall fail to provide such notice, the Applicant may do so.
 - b) Nothing in this subsection shall prejudice the right of any party opposing the application to appeal the decision to a court of competent jurisdiction. A copy of the final decision or, where no decision is called for, the findings shall be delivered to the Applicant personally or mailed to him no later than the day following its date.

- c) In granting a conditional use, the Borough Council may attach such reasonable conditions and safeguards in addition to those expressed in this Chapter, as necessary to implement the purposes of the MPC and this Chapter.
 - d) Borough Council shall review a conditional use application and may approve, deny or attach additional conditions, in order to protect the public's health, safety and welfare.
 - e) In making its decision, Borough Council shall consider the Borough Planning Commission's recommendation, all information and the application submitted by the Applicant and any relevant Borough ordinances.
3. Expiration of Conditional Use Approval. Conditional use approval shall expire automatically without written notice to the Applicant if no application for a grading permit, building permit or occupancy permit to undertake the construction or authorize the occupancy described in the application for conditional use approval is submitted within twelve (12) months of said approval. The Borough Council may extend conditional use approval upon written request of the Applicant received prior to its expiration. The maximum extension permitted shall be one (1) twelve (12) month extension.
 4. Expiration of Conditional Use Approval Granted Prior to Effective Date of this Chapter. Conditional use approval granted prior to the effective date of this Chapter shall expire automatically without written notice to the Applicant if no application for a grading permit, building permit or occupancy permit to undertake the construction or authorize the occupancy described in the application for conditional use approval is submitted within twelve (12) months of the effective date of this Chapter or as specified in the approval. The Borough Council may extend conditional use approval upon written request of the Applicant received prior to its expiration. The maximum extension permitted shall be one (1) twelve (12) month extension.

D. Variances.

1. The Borough's Variance procedure is described on Application Diagram C found on record in the Castle Shannon Borough's Municipal Building Administrative Office.
2. The Zoning Hearing Board shall hear requests for variances where it is alleged that the provisions of the zoning ordinance inflict unnecessary hardship upon the Applicant. The Zoning Hearing Board may by rule prescribe the form of application and may require preliminary application to the Zoning Officer. The Zoning Hearing Board may grant a variance, provided that all of the following findings are made where relevant in a given case:

- a) That there are unique physical circumstances or conditions, including irregularity, narrowness, or shallowness of lot size or shape, or exceptional topographical or other physical conditions peculiar to the particular property and that the unnecessary hardship is due to such conditions and not the circumstances or conditions generally created by the provisions of the zoning ordinance in the neighborhood or district in which the property is located.
 - b) That because of such physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of the zoning ordinance and that the authorization of a variance is therefore necessary to enable the reasonable use of the property.
 - c) That such unnecessary hardship has not been created by the appellant.
 - d) That the variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located, nor substantially or permanently impair the appropriate use or development of adjacent property, nor be detrimental to the public welfare.
 - e) That the variance, if authorized, will represent the minimum variance that will afford relief and will represent the least modification possible of the regulation in issue.
3. In granting any variance, the board may attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes of this act and the zoning ordinance.
 4. A variance from the terms of this Chapter shall not be granted by the Zoning Hearing Board unless and until:
 - a) A written application for the variance is submitted.
 - b) The required fees are paid.
 - c) Public notice by advertising shall be given at least two weeks in advance of the hearing. The owner of the property for which the variance is sought or his agent shall be notified by mail.
 - d) The hearing shall be held. Any party may appear in person, or by agent or by attorney.
 - e) The Zoning Hearing Board shall make findings that the requirements of this Section, have been met by the Applicant for the variance.
 - f) The Zoning Hearing Board shall further make a finding that the reasons set forth in the application justify the granting of the variance, and that

the variance is the minimum variance that will make possible the reasonable use of the land, building or structure.

- g) Zoning Hearing Board shall further make a finding that the granting of the variance will be in harmony with the general purpose and intent of this Chapter and will not be injurious to the neighborhood, or otherwise detrimental to the public welfare.
5. In granting any variance, the Zoning Hearing Board may prescribe appropriate conditions and safeguards in conformity with this Chapter. Violation of such conditions and such safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of this Chapter and subject to Enforcement Remedies.
 6. Under no circumstances shall the Zoning Hearing Board grant a variance to allow a use not permissible under the terms of this Chapter in the district involved, or any use expressly or by implication prohibited by the terms of this Chapter in said district.

E. Rezoning.

1. Purpose of Rezoning.
 - a) The purpose of rezoning is to protect the safety, capacity and efficiency of the Borough's existing infrastructure systems; to maintain fiscal responsibility; and to uphold the objectives of the Castle Shannon Borough Comprehensive Plan. See also the Pennsylvania Municipalities Planning Code §609.
 - b) Rezoning considerations shall be based on the projected benefits and/or detrimental effects to the Borough as a whole.
2. Rezoning Application Forms.
 - a) All rezoning applications shall be completed on the official forms provided by the Zoning Officer.
 - b) All Applicants submitting rezoning applications shall be required to prepare a series of plans, analyses and reports as enumerated in §1003.E.4 to demonstrate the compatibility of a rezoning proposal.
3. Review of Rezoning Applications.
 - a) The Borough's Rezoning procedure is described on Application Diagram E found on record in Castle Shannon Borough's Municipal Building Administrative Office.
 - b) The Zoning Officer shall review the application in compliance with the following procedural guidelines:

- (i) Upon receipt of a rezoning application, the Zoning Officer will perform a desk check review of the package to determine the completeness of the application.
 - (ii) The Zoning Officer will provide the Applicant a letter within seven (7) business days stating that the application has been submitted with all required information attached.
 - (iii) If the Zoning Officer finds the application to be incomplete or insufficient, the rezoning application will be returned to the Applicant.
 - (iv) When the rezoning application is found to be complete, the Zoning Officer shall compile a report and forward the application package and report to the Borough Planning Commission for review.
- c) As part of the rezoning approval process, the Borough Planning Commission and Borough Council shall consider the motivation and implications of each plan, analysis and report.
- d) The Borough Planning Commission shall review the application in compliance with the following procedural guidelines:
 - (i) If the rezoning proposal is found to be generally consistent with the Comprehensive Plan, the Borough Planning Commission shall consider any projected beneficial and/or detrimental effects on the Borough. The Borough Planning Commission may host a public hearing on the application if they deem it applicable.
 - (ii) Based on these analyses, the Borough Planning Commission shall submit a written recommendation either in favor or not in favor of the rezoning proposal including a specific statement as to whether or not the proposed rezoning is in accordance with the objectives of the Borough Comprehensive Plan.
- e) The final recommendation of the Borough Planning Commission shall be forwarded to the Borough Council.
- f) Upon receipt of the Borough Planning Commission's final recommendations, the Borough Council shall host a public hearing on the application. The Borough Council shall compose a brief summary explanation of its decision and forward the decision and explanation to the Applicant. The Borough Council may deny the rezoning proposal and shall provide a brief summary explanation of the decision to the Applicant. Upon approval of the rezoning proposal the Zoning Officer shall update the Official Zoning Map accordingly.

4. Application Criteria.

- a) Application Requirements. The following outlines the plans, analyses and reports that a landowner and/or developer shall submit as part of rezoning applications. The plans, analyses and reports to be submitted include:
- (i) Sketch Plan.
 - (ii) Estimated infrastructure (sanitary sewer and potable water) demands (gallons per day).
 - (iii) Off-street parking projections (number of parking spaces) available on site.
 - (iv) A summary of anticipated impacts on adjoining lots including but not limited to noise, vibration, night-time lighting, service area locations and visibility, hours of operation.
 - (v) Depending upon the location of lot access, infrastructure service/demands and impacts on adjoining lots, the Borough Council may require a landowner and/or developer to prepare other potential related studies.

5. Additional Information.

The Borough Planning Commission and the Borough Council reserve the right to request additional information as part of the rezoning review and approval process in order to evaluate the applicability of the rezoning.

F. Permits.

1. 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 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.
2. Application for Permits. Application for permits shall be made in writing, to the Zoning Officer 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 Chapter. No permit shall be considered complete or permanently effective until the Zoning Officer or his duly authorized representative has certified that the work meets all the requirements of applicable codes and ordinances.

3. Issuance of Permits. No zoning permit shall be issued unless in conformity with the regulations of this Chapter, except after written order from the Zoning Hearing Board, or the courts.
4. Expiration of Permits. Any permit issued shall become invalid if the authorized work is not commenced within six (6) months after issuance of the permit, or if the authorized work is suspended or abandoned for a period of 6 months after the time of commencing the work.

G. Certificate of Occupancy.

1. 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 Zoning Officer 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 Chapter and other applicable ordinances.
2. Certificate of occupancy shall be granted or denied, within ten (10) days from the date of application.
3. In commercial zoning districts in which design and performance standards are imposed, subject to §504 and 505 of this Chapter, no certificate of occupancy shall become permanent until thirty (30) days after the facility is fully operating, when upon a re-inspection by the Zoning Officer or his duly authorized representative, it is determined that the facility is in compliance with all performance standards.

§1004. ENFORCEMENT REMEDIES

A. Enforcement Notice.

1. If it appears to the Borough that a violation of this Chapter has occurred, the Borough shall initiate enforcement proceedings by sending an enforcement notice as provided in this Chapter.
2. The enforcement notice shall be sent to the owner of the lot on which the violation has occurred, to any person who has filed a written request to receive enforcement notices regarding that lot, and to any other person requested in writing by the owner of record.
3. An enforcement notice shall state at least the following:
 - a) The name of the owner of record and any other person against whom the Borough intends to take action.

- b) The location of the lot in violation.
- c) The specific violation with a description of the requirements which have not been met, citing in each instance the applicable provisions of this Chapter.
- d) The date before which the steps for compliance must be commenced and the date before which the steps must be completed.
- e) That the recipient of the notice has the right to appeal to the Zoning Hearing Board within the timeframe as defined by the enforcement notice.
- f) That failure to comply with the notice within the time specified, unless extended by appeal to the Zoning Hearing Board, constitutes a violation, with possible sanctions clearly described.

B. Remedies.

1. Any person, partnership or corporation who or which has violated or permitted the violation of the provisions of this Chapter shall, upon being found liable therefore in a civil enforcement proceeding commenced by the Borough, pay a judgment of not more than five hundred (\$500) dollars plus all court costs, including reasonable attorney fees incurred by the Borough as a result thereof. No judgment shall commence or be imposed, levied or be payable until the date of the determination of a violation by the district justice. If the defendant neither pays nor timely appeals the judgment, the Borough may enforce the judgment pursuant to the applicable rules of civil procedure. Each day that a violation continues shall constitute a separate violation, unless the district justice determining that there has been a violation further determines that there was a good faith basis for the person, partnership or corporation violating this Chapter to have believed that there was no such violation, in which event there shall be deemed to have been only one such violation until the fifth day following the date of the determination of a violation by the district justice and thereafter each day that a violation continues shall constitute a separate violation. All judgments, costs and reasonable attorney fees collected for the violation of this Chapter shall be paid over to the Borough.
2. The court of common pleas, upon petition, may grant an order of stay, upon cause shown, tolling the per diem fine pending a final adjudication of the violation and judgment.
3. Nothing contained in this Section shall be construed or interpreted to grant to any person or entity other than the Borough the right to commence any action for enforcement pursuant to this Section.

- C. References to the PA Municipalities Planning Code (MPC).
 - 1. Actions associated with the following but not limited to mediation, curative amendments, and ordinance amendments shall abide by the PA MPC.
Procedural references shall include but not be limited to MPC §609 and §610.

ORDINANCE #891

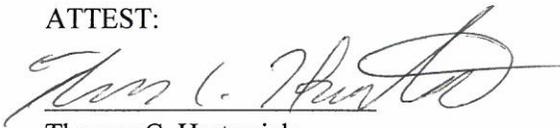
PART 11

ENACTMENT

All existing Ordinances of the municipality are hereby repealed insofar as they may be inconsistent with the provisions of this Ordinance.

ORDAINED AND ENACTED into law this 8th day of July, 2013.

ATTEST:



Thomas C. Hartswick
Borough Manager



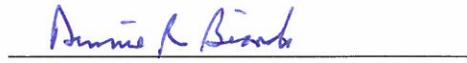
Nancy J. Kovach
President of Council

EXAMINED AND APPROVED:



Donald J. Baumgarten
Mayor

APPROVED AS TO FORM:



Dennis Biondo
Solicitor