

CASTLE
SHANNON
BOROUGH

ZONING
ORDINANCE

ORDINANCE #841
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PART 1
GENERAL PROVISIONS

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

1. 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 the Borough of Castle Shannon, Allegheny County, Pennsylvania, and for such purposes to divide the Borough into zoning districts; and further to provide for administrative enforcement and amendment thereof, in accordance with the provisions of the Borough Code and Pennsylvania Municipalities Planning Code and to repeal all ordinances in conflict herewith. This ordinance includes Articles 100 through 900, as contained herein and made a part hereof.
2. Short Title. This Chapter shall be known and may be cited as the "Zoning Ordinance of the Borough of Castle Shannon, Allegheny County, Pennsylvania."
3. 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 the Borough of Castle Shannon and are intended to achieve, among others, the following purposes: to lessen congestion in the streets, to secure safety from fire and other dangers, to provide adequate light and air, to prevent the over-crowding of the land, to avoid undue concentration of population to facilitate adequate provisions for transportation, water sewerage, schools, parks and other public requirements, as well as the conservation of the value of land and buildings, and to encourage a broader tax base within the Borough. These were made with reasonable consideration, among other things, of the existing character of the various areas, their respective suitability for particular land uses, and with a view of conserving the value of buildings and encouraging the most appropriate use of land throughout the Borough of Castle Shannon.
4. 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.
5. 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 long range comprehensive plan, as amended, as a guideline in establishing the provisions, regulations and controls contained in this Chapter. Since, however, the comprehensive plan is a flexible document, the Borough Council shall not always be bound to the provisions of the long range comprehensive plan in making major changes in future zoning districts. However, the Borough shall also, for due cause or reason, make similar appropriate changes in the long range plan for the Borough. The community development objectives of the Borough of Castle Shannon are dearly explained in Chapter

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3 of the Comprehensive Development Policy Plan for the Borough of Castle Shannon, dated November 1, 1983, as further amended by the July, 1988, and further amended in the 1996 Comprehensive Development Policy Plan amendment for the Borough of Castle Shannon.

6. Establishment of Controls.

A. 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.

B. 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.

C. 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.

D. 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.

7. Establishment of Districts.

A. Types of Districts. For the purpose of this Chapter, the entire Borough of Castle Shannon is hereby divided into the following districts:

(1) Residential Districts.

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

(2) Commercial Districts.

- C-1 General Commercial District
- C-2 Central Commercial District

(3) Industrial District.

- I Industrial District

8. The Zoning District Map.
 - A. Adoption of 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 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, the limits of the Borough or as dimensioned on the map. In case of doubt or disagreement concerning the exact location of the boundary line, the determination of the Zoning Hearing Board as provided in Part 8 shall prevail.
 - C. 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.
9. 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 Planning Commission shall recommend to the Borough Council appropriate zoning for the annexed area within 90 days of the effective date of such annexation.
10. 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.
- 11. Repeal of Conflicting Ordinances.** The existing Borough of Castle Shannon Zoning Ordinance, as amended, or parts thereof, which are contrary to the provisions of this Chapter are hereby repealed to the extent necessary to give this Chapter full force and effect.
- 12. 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.
 - A. Ordinance Not Repealed. Nothing in this Part shall** be construed to affect or repeal:
 - Ⓣ) Ordinance 679, enacted May 24, 1982 [Chapter 13, Parts 3, 5 and 6].

(Ord. 744, 6/11/1990, §101)

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§102. DEFINITIONS, INTERPRETATION OF REGULATIONS.

1. **Language Interpretations.** For the purposes of *this* Chapter, certain words shall have the

meaning assigned to them, as follows:

- A. Words used in the present tense include the future. The singular number includes the plural and the plural the singular.
- B. The word "building" includes "structures" and any part thereof.
- C. The phrase "used for" includes "arranged for," "designed for," "intended for," "maintained for," or "occupied for."
- D. The word "person" includes an individual, corporation, partnership, incorporated association or any other entity of any kind and nature whatsoever.
- E. 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.
- F. Words in the masculine gender shall include the feminine and the neuter gender.

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

ACCESSORY BUILDING - A subordinate building, the use of which is customarily incidental to that of the principal building and is used for an accessory use, and is located on the same lot with the principal building.

ACCESSORY STRUCTURE - a subordinate structure, the use of which is customarily incidental to that of the principal building and which *is* used for an accessory use, and which is located on the same lot as the Principal structure. Accessory structures shall extend at least eighteen (18) inches above the adjacent grade and occupy at least one (1) square foot of lot area._ Accessory structures include but are not limited to:

- A. Central air conditioning unit
- B. Children's playhouse, garden house, gazebo or private greenhouse.
- C. Civil defense shelter serving not more than two families.
- D. Garage, shed or building for domestic or commercial storage as permitted in the applicable zoning district.
- E. Fence
- F. Sign.

ACCESSORY USE - A use customarily incidental and subordinate to the principal use and located on the same lot with the principal building.

ADULT BOOKSTORE - an establishment having a substantial or significant portion of its stock 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. fOrd. 7971

ADULT BUSINESS - an adult bookstore, adult live theater, adult motion picture theater or adult entertainment center as defined herein. fOrd. 7973

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. fOrd. 7971

ADULT LIVE THEATER - any commercial 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. [Ord. 797]

ADULT MOTION PICTURE THEATER - an enclosed building used regularly and routinely 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. fOrd. 797]

ADVERTISING SIGN - see "sign," and "billboard."

ALTERATIONS, NONSTRUCTURAL - alterations include, but are not limited to, incidental changes in or replacements 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.

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

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

ANIMAL HOSPITAL - An establishment for the medical or surgical treatment of animals, including the boarding of hospitalized animals.

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

APPROVED - approved by the Zoning Officer or other authority having jurisdiction.

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

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

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

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

BOROUGH - Borough of Castle Shannon, Allegheny County, Pennsylvania.

BOROUGH COUNCIL - Borough Council of the Borough of Castle Shannon, 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 - The attorney appointed by Borough Council to serve as legal counsel for the Borough.

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

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

BUILDING HEIGHTS - 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.

BUILDING SITE - the area occupied by a building or structure, including required yards, buffer strips, parking areas, driveways, etc.

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

BUSINESS OR PROFESSIONAL OFFICES - Any office of recognized professions such as doctors, 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 institutions.

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."

CELLAR - see "basement."

CEMETERY-Property 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 group which imposes other special provisions of law governing building construction, equipment or means of egress; or, the change of use of a building, structure or lot existing to a new use requiring the application of different criteria under the regulations set forth herein.

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

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

CHURCH - Any structure or structures used for worship or religious instruction, including social and administrative rooms and day nurseries accessory thereto, but not including any activity conducted for profit, including, chapels, cathedrals, temples, synagogues and the like.

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

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 dosed and any other small openings required for ventilation system.

CONDITIONAL USES - conditional uses are those uses authorized in a particular zoning district which may be allowed or denied by the Borough Council of the Borough of Castle Shannon pursuant to public notice and hearing and recommendations by the Planning Commission and pursuant to express standards and criteria set forth in this Chapter In allowing a conditional use, the Council may attach such reasonable conditions and safeguards, in addition to those expressed in this Chapter, as it may deem necessary to protect public health and safety and implement the purposes of the Municipalities Planning Code and this Chapter.

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 a business 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.

1) CONTRACTORS YARD - An establishment 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: A retail store with a gross floor area of 7,500 square feet or less, offering a limited selection of grocery, household and personal items for quick purchase, but not including the dispensing of gasoline.

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

COUNCIL - all reference to the Council are to the "Council of the Borough of Castle Shannon."

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

- A. INNER - any court enclosed wholly by buildings, walls or other enclosing devices.
- B. OUTER - a court extending to and opening upon a street, public alley or other approved open space, not less than 15 feet wide, or upon a required yard.

COVERAGE - see "lot coverage."

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

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 fast food restaurants, banks or other businesses, exterior automated teller machines (ATMs), quick oil change facilities, car washes and similar automotive services and other such facilities.

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.

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

- A. SINGLE-FAMILY DWELLING - a building designed for and occupied exclusively as a single detached dwelling unit in such a manner that the unit is surrounded on four sides by yard area.
- B. TWO FAMILY DWELLING - A residential building which is the only principal structure on the lot, designed exclusively for occupancy by two (2) families living independently of each other, and containing two (2) dwelling units, each with a separate entrance directly to the outside, including double houses and duplexes.
- C. PERSONAL CARE BOARDING HOME - A dwelling licensed by the Commonwealth where room and board is provided to more than three (3), permanent residents, 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.
- D. TRANSITIONAL DWELLING - A dwelling unit occupied on a short term basis by persons assigned by a Court of Law, or public, semi-public or non-profit agency, and managed by a public, semi-public or any for profit or not, agency responsible for the occupants' care, safety, conduct, counseling and supervision for a specified period of time, including alcoholic recovery, shelters for battered persons and their children, community re-entry services following incarceration, prison assignment, house arrest or other Court ordered treatment, and other such short-term supervised assignments.
- E. TOWNHOUSE - A multifamily residential building no more than two and one-half (2-1/2) stories in height which contains at least three (3), but no more than eight (8) dwelling units, each of which are separated from the adjoining unit or units by a continuous, unpierced vertical wall extending from the basement to the roof, each unit having independent access directly to the outside of the unit and having no other units above or below.
- F. MULTIFAMILY DWELLING - A residential building designed exclusively for occupancy by three (3) or more families living independently of each other and containing three (3) or more dwelling units, including garden apartments and townhouses
- G. HIGH RISE RESIDENTIAL STRUCTURE:** A building containing multiple dwelling units, the height of which is four (4) stories or more.
- H. GARDEN APARTMENT - A multifamily residential building no more than three (3) stories in height containing three (3) or more dwelling units, and which dwelling units may have other dwelling units either above or below them.

I. GROUP CARE FACILITY - A facility licensed by the Commonwealth which provides room and board and specialized services for any number of permanent residents who are not included in the protected classes covered by the Fair Housing Act (42 U.S.C. 3601 et seq.) and persons of any age or condition who have been adjudicated by the Criminal Court system and who are in need of supervision and specialized services on a twenty-four (24) hour basis, including staff qualified by the sponsoring agency who may or may not reside at the facility and who provide health, social and rehabilitative services to the residents. The services shall be provided only by a governmental agency, its licensed or certified agents or any other responsible nonprofit social services corporation and the facility shall meet all minimum requirements of the sponsoring agency.

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

DWELLING UNIT DENSITY - the maximum number of dwelling units permitted per acre or per lot.

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

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

FACADE - the entire building front including the parapet

FAMILY - 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 Transitional Dwelling, 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.

FAMILY DAY CARE HOME - A facility, licensed or approved by the Commonwealth, as required by the laws of the Commonwealth, located within a dwelling, for the 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 for living purposes.

ZONING

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

FINANCIAL INSTITUTION: A bank, savings and loan association or similar institution that lends money or is engaged in a finance-related business.

FLOOR AREA RATIO - The gross floor area of all buildings or structures on a lot divided by the total lot area. Parking lot and parking deck shall not be included in the gross floor area. **FLOOR AREA, GROSS** - gross floor area shall be the floor area within the perimeter of the outside walls of the building under consideration, without deduction for hallways, stairs, closets, thickness of walls, columns or other features.

FREIGHT TERMINALS AND TRUCKING TERMINALS - an enclosed building or portion thereof, where the principal use is temporary storage of goods to be later moved to another location.

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.

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.

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

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

HEAVY VEHICLE AND EQUIPMENT RENTAL, SALES AND SERVICE - The rental, sales and service of heavy vehicles and trucks over 26,000 pounds GVW, and including construction and farm equipment or any other vehicle or equipment

1) **HEIGHT OF BUILDING** - the vertical distance measured from grade to the highest point of the roof for flat roofs; to the deck line of mansard roofs; and to the mean height between eaves and ridge for gable, hip and gambrel roofs; provided, that chimneys, spires, towers, mechanical penthouses, tanks and similar projections of the building not intended for human occupancy shall not be included in calculating the height.¹ If there are two 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 grade to the highest point on the sign or its supporting structure.

HIGH RISE RESIDENTIAL STRUCTURE - A building containing multiple dwelling units, the height of which is four (4) stories or more.

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

HOME OCCUPATIONS - an accessory use of a nonresidential nature which is conducted within a dwelling unit by a resident of the dwelling unit, which is clearly incidental and accessory or secondary to the use of the property for residential purposes.

INDOOR ENTERTAINMENT: An establishment operated by a profit-making corporation, partnership or other business entity 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, bowling alleys, billiard parlors, virtual reality and simulation gaming parlors, video arcades, dance halls, skating rinks and similar facilities, excluding any adult business, as defined herein.

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.

such projections individually or in combination do not themselves exceed 12 feet in height.

ZONING

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

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.

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.

LIGHT MANUFACTURING - 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.

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

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

LOT LINE - a line dividing one lot from another or from a street or any public place.

LOT LINE, FRONT the line contiguous with the street right-of-way line. The length of this line is the frontage of the lot.

LOT LINE, REAR - the line generally parallel to the front lot line, which defines the rear of the lot.

LOT LINE, SIDE - any lot line which is not a front lot line or a rear lot line.

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

LOW RISE RESIDENTIAL STRUCTURES - a building containing one dwelling unit or more and whose height is three stories, or less.

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

MANUFACTURING - 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. **MASSAGE ESTABLISHMENT** - any establishment as defined in Ordinance No. 719 enacted January 11, 1988 [Chapter 13, Part 1].

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

MIXED USE BUILDING - A structure occupied as a mix of residential and business uses. The street level floor shall be occupied by any authorized business use and floors above the street level floor may be occupied by residential units.

MOTEL/ HOTEL - An establishment which offers transient overnight lodging accommodations to the general public and which also may provide additional supporting services such as restaurants, meeting rooms, recreation, facilities and living quarters for a resident manager or proprietor. **MULTIPLE-FAMILY DWELLINGS** - see "dwelling, multiple."

MUNICIPAL FACILITY - Buildings and structures owned and occupied by the Borough of Castle Shannon or any of its agencies and used to provide 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, senior centers, parks, ball fields and other recreation facilities and buildings.

MUNICIPALITIES PLANNING CODE - Act of July 31, 1968 (P.L. 805, No. 247), as reenacted and amended by Act 170 of 1988, approved December 12, 1988, as may be amended from time to time. **NO IMPACT HOME-BASED BUSINESS** - A business or commercial activity administered or conducted as an accessory use which is dearily 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.

ZONING

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. [Ord. 7971]

NURSING HOME - An institution licensed by the Commonwealth for the care of human patients requiring skilled nursing or intermediate nursing care, but not including facilities for major surgery or care and treatment of drug or alcohol addiction.

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

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

PARAPET - the extension of a false front or wall above a roof line.

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.

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

PAROCHIAL SCHOOL - a school maintained and operated by a parish or religious

body. PAVED - covered with paving.

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. PERSONAL

CARE BOARDING HOME - see "dwelling, Personal Care Boarding Home." PERSONAL

SERVICES - 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, barber shops and the like.

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.

PREMISES - a parcel 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.

PRINCIPAL BUILDING OR STRUCTURE - The building or portion thereof housing the principal *use* of the land.

PRINCIPAL USE - The primary or predominate use of the lot or structure.

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

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

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

ZONING

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

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

TRANSIT PARKING GARAGE: A principal structure or part thereof having walls with or without openings and 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

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.

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

REAR YARD - see "yard, rear."

REAR YARD LINE - see "yard

line, rear." **RECREATION** -

- A. RECREATION, COMMERCIAL - recreational facilities operated as a business and open to the general public for a fee.
- B, RECREATION, PRIVATE NONCOMMERCIAL - clubs or recreation facilities operated by a nonprofit organization and open only to members of such organization.
- C. RECREATION, PUBLIC - recreation facilities operated by the Borough of Castle Shannon or other governmental entity or nonprofit organization and open to the general public.

[Ord. 807]

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

REPAIR GARAGE - 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", as defined by this Ordinance.

REPAIR SHOP - A service 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 - any building or use which serves food to the general public and which provides tables, chairs and/or counters for the consumption of food entirely within the premises.

RESTAURANT, SIT DOWN: An establishment which, as the principal use, offers food and beverages for consumption 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 sit 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 in this Article that sells or rents commodities and/or services on the premises directly to consumers, available for immediate purchase and removal, but not including the manufacturing or processing of any products. 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. [Ord. 7971]

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_

ZONING

SERVICE STATION, AUTOMOBILE- A retail establishment which provides for one (1) or more of the following activities:

- A. The servicing of motor vehicles and operations incidental thereto and limited to one or more of the following activities: the retail sale of petroleum products; retail sales and installation of automotive accessories; automobile washing by hand; waxing and polishing of automobiles; tire changing and repairing (excluding recapping); battery service, changing and replacement, excluding repair and rebuilding; radiator cleaning and flushing, excluding steam cleaning and repair; installation of accessories; and State Inspection; and/or
- B. The following operations, if conducted within a "Completely Enclosed Building" as defined by this Ordinance: lubrication of motor vehicles; replacement of exhaust systems; brake servicing limited to servicing and replacement of brake cylinders, lines and brake shoes; wheel balancing; the testing, adjustment and replace" ientor servicing of carburetors, filters, generators, points, rotors, spark plugs, voltage regulators, water and fuel pumps, water hoses and wiring; and/or
- C. The operation of a convenience food store, provided retail ca IP of petroleum products is a part of the operation.

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.

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

SETBACK - see "building setback line."

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.

fOrd. 7971 SEXUAL EXCITEMENT - the condition of human male or female genitals when in a state of sexual stimulation or arousal. [Ord. 797]

SIDE YARD - see "yard, side."

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

SPECIALTY FOOD STORE: A retail store offering for sale as its principal commodities gourmet, imported and other distinctive food products, many of which are not customarily available in grocery stores.

1) SPECIALTY RETAIL STORE - An establishment which has a gross floor area of five thousand (5,000) square feet or less devoted exclusively to retail sales of distinctive and high quality merchandise, including one (I) or more of the following: art and photography galleries or studios, antiques, books, boutique items, candles, candy, cards and stationery, cut and dried flowers, gifts, handicrafts, interior decorator items, leather goods, mens' ladies' and children's apparel, pipes and tobacco and shops of a similar nature.

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 - any 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 non-rigid material with no enclosing framework.
- E. BILLBOARD - see "off-premises sign."
- F. CHANGEABLE COPY SIGN (AUTOMATIC) - a sign on which the copy changes automatically on a lamp bank or through mechanical means; e.g., electrical or electronic time and temperature units.
- G. CHANGEABLE COPY SIGN (MANUAL) - a sign on which a copy is changes manually in the field; e.g., reader boards 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 50% of the entire area is solid or tightly enclosed or covered.
CONSTRUCTION SIGN - a temporary sign identifying an architect, contractor, subcontractor and/or material supplier participating in construction on the property on which the sign is located.

ZONING

- 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 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 nonelectric 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.
- HI-I. OPEN SIGN - a sign in which at least 50% 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.
- B. 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.

ZONING

- PP. ROOF LINE - 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. The area of the sign shall be measured as follows if the sign is composed of one or two individual cabinets:
(a) The area around and enclosing the perimeter of each cabinet or module shall be summed and then totaled to determine total area. The perimeter of measurable area shall not include embellishments such as pole covers, framing, decorative roofing, etc., provided that there is not written advertising copy on such embellishments.
(b) If the sign is composed of more than two sign cabinets or modules, the area enclosing the entire perimeter of all cabinets and/or modules within a single, continuous geometric figure shall be the area of the sign. Pole covers and other embellishments shall not be included in the area of measurement if they do not bear advertising copy.
(2) Wall Signs. The area shall be within a single, continuous perimeter composed of any straight line geometric figure which encloses the extreme limits of the advertising message.
- TT. SNIPE SIGN - a temporary sign or poster affixed to a tree, fence, etc.
- W. SUBDIVISION IDENTIFICATION SIGN - a freestanding or wall sign identifying a recognized subdivision, condominium complex or residential development.
- VV. 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.
- WW. UNDER CANOPY SIGN - a sign suspended beneath a canopy, ceiling, roof or marquee.
- XX. 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.
- YY. WINDOW SIGN - a sign installed inside a window and intended to be viewed from the outside.

I) SITE PLAN - see §703(1) for further requirements. An accurate drawing 24 inches by 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.

SPECIAL EXCEPTION - a "special exception" deals with the special permission, granted only by the Zoning Hearing Board, to occupy land for specific purposes when such use is not permitted by right, or as a conditional use. In granting a special exception, the Board may attach such reasonable conditions and safeguards, in addition to those expressed in the ordinance, as it may deem necessary to implement the purposes of the Municipality Planning Code and this Chapter. 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 6 feet for more than 50% of the total perimeter or more than 12 feet at any point.

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

STREET CENTER LINE- a line which is usually at an equal distance from both street lines or right-of-way lines.

STREET LINE - see "lot line, front."

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

SUBDIVISION - the division or re-division 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, for 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 10 acres not involving any new street or easement of access or any residential dwelling shall be exempted.

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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 any building.

TAVERN - a business selling alcoholic beverages for consumption on the premises.

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

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 is any activity, occupation, business or operation carried on in a building or other structure or on a tract of land.

USE, ACCESSORY - a use incidental to the principal use of a building as defined or limited by the provisions of the local zoning laws.

USE GROUP - the classification of a building or structure based on the purpose for which it is used as listed in the ICC Code.

Use Group A	Assembly
Use Group B	Business
Use Group E	Educational
Use Group F	Factory and industrial
Use Group H	High hazard
Use Group I	Institutional
Use Group M	Mercantile
Use Group R	Residential
Use Group S	Storage
Use Group U	Utility and miscellaneous

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

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

VEHICLE RENTAL, SALES AND SERVICE - The rental, sales and service of automobiles, motorcycles and trucks under 26,000 pounds GVW, but not including any heavy equipment or any other vehicle or equipment which is not classified as a "motor vehicle" under the Pennsylvania Motor Vehicle Code.

1.) 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 percent (30%) of the total floor area of the retail establishment shall be excluded from this definition.

WHOLESALING - An 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.

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

YARD LINE, REAR - a "rear yard line" bounds the rear yard and is parallel to the rear lot line.

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

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

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

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

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

(Ord. 744, 6/11/1990, §102; as amended by Ord. 768, ²/₂/1993, §1; by Ord. 797,12/9/1996, §2; and by Ord. 807, 9/14/1998, §2)

PART 2
RESIDENTIAL DISTRICTS

§201. STATEMENT OF INTENT.

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

- 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 or 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.

(Ord. 744, 6/11/1990)

§202. R-1 SINGLE-FAINTLY RESIDENTIAL DISTRICT.

1. Specific Intent. In addition to the general goals listed in the preamble and statement of intent, it is the purpose of this Section to permit continued residential development which is compatible with existing types of housing and lot sizes in the predominantly single-family sections of this 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. Use Regulations.

A. Uses by Right. In any R-1 district, land, buildings or premises shall be used by right only for one or more of the following:

Single-Family Dwelling
Essential Services

B. Accessory Uses. Only the following accessory uses shall be permitted: customary residential accessory uses;

Accessory Buildings Subject to §502;
Accessory Structure Subject to §502
No Impact Home-Based Business, Subject to §505.5
Accessory Uses Subject to §502
Fence Subject to §502
Family Day Care Home, Subject to §5053
Home Occupation, Subject to §505.4
Swimming Pool, Subject to § 502
Signs, Subject to §501

C. Conditional Uses.

Cemetery, Subject to § 505.9
Churches Subject to §505.2
Municipal Facility
Personal Care Boarding Home, Subject to §505.6
Public Transit Parking Facility, Subject to §505.17
School, Public, Private or Parochial, Subject to §5053
Transit Station
Comparable Uses Not Specifically Listed, Subject to 505.11

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3. Area and Bulk Regulations. The following minimum regulations shall be observed:

SINGLE-FAMILY DETACHED RESIDENTIAL STRUCTURES

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

4. Off-Street Parking Standards and Requirements. As required by §503 of this Chapter. (Ord. 744, 6/11/1990, §201; as amended by Ord. 805⁸/₄/1998, §2)

§203. R-2 SINGLE AND TWO-FAMILY RESIDENTIAL DISTRICT.

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

2. Use Regulations.

A. Uses by Right. In any R-2 district, land, buildings or premises shall be used by right only for one or more of the following:

- (1) Single-Family Dwellings;
- Two-Family
- Essential Services

B. Accessory Uses. Only the following accessory uses shall be permitted:

- Accessory Buildings, Subject to §502
- Accessory Structures Subject to §502
- Accessory Uses, Subject to §502
- Fence Subject to §502
- Family Day Care Home, Subject to 505.3
- Home Occupation, Subject to §505.4
- No Impact Home Based Businesses, Subject to §505.5
- Sign, Subject to §501
- Swimming Pool, Subject to §502

C. Conditional Uses.

- Municipal Facilities
- Comparable Uses Not Specifically Listed, Subject to 505.11

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3. Area and Bulk Regulations.

A. The following regulations shall be observed:

SINGLE-FAMILY DETACHED, TWO-FAMILY,
RESIDENTIAL STRUCTURES

Lot size	6,250 sq. ft. per dwelling unit
Lot width	50 ft minimum
Lot coverage	35% maximum
Building setback line	20 ft. minimum (refer to definition)
Side yards (primary structure)	5 ft. minimum -15 ft. aggregate
Rear yard	30 ft. minimum
Rear Yard, Accessory Structures	5 ft. Minimum
Height of building	30 ft. or 2 1/2 stories maximum
Height of accessory structures	15 ft. maximum

B. Two-Family, Dwellings. Any such existing unit may be subdivided for any legal purpose by extending a line through the common structure wall from the front lot line to the rear lot line and eliminating the required side yard on the side with the adjoining dwelling unit.

4. Off-Street Parking Standards and Requirements. As required by §503 of this Chapter.
(Ord. 744, 6/11/1990, §202)

§204. R-3 HIGH DENSITY RESIDENTIAL DISTRICT.

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

2. Use Regulations.

A. Uses by Right. In any R-3 district land, buildings or premises shall be used by right only for one or more of the following:

- Townhouses, Subject to Section 505.7
- Garden Apartments, Subject to Section 505.7
- High-Rise Residential Structures, Subject to Section 505.7
- Essential Services

B. Accessory Uses. Only the following accessory uses shall be permitted:

- Accessory Buildings,
- Accessory Structures, Subject to §502
- Accessory Uses, Subject to *502
- No Impact Home Based Business, Subject to §505.5

C. Conditional Uses.

- Churches Subject to §505.2
- Schools, Public, Private or Parochial, Subject to 505.2
- Municipal Facility
- Family day care home subject 505.3
- Group care home subject to Section 505.6
- Child group day care home subject to §505.12
- Personal care boarding home subject to 505.6
- Comparable Uses Not Specifically Listed, Subject to 505.11

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3 Area and Bulk Regulations.

A. The following regulations shall be observed:

LOW RISE RESIDENTIAL STRUCTURES (Garden Apartments, Condominium Apartments and Townhouses)	
Lot size	9,600 sq. ft. minimum
Lot width	75 ft. minimum
Building setback line	20 ft. minimum
Side yard Side Yard, Accessory Structures	10 ft. minimum total; abutting R-1 or R-2 districts, 15 ft. 5 ft. minimum
Rear yard Rear yard, Accessory Structures	20 ft. maximum 5 ft. minimum
Lot coverage	35% maximum
Building height Building Height, Accessory Structures	35 ft. or 3 stories maximum 15 Ft. Maximum
HIGH RISE RESIDENTIAL STRUCTURES (Four Stories or More)	
Lot size	19,000 sq. ft. minimum
Lot width	100 ft. minimum
Building setback line	30 ft. minimum
Side yards Side Yard, Accessory Structures	20 ft. minimum; abutting R-1 or R-2 districts, 30 ft. 5 Ft. Minimum
Rear yard Rear Yard, Accessory Structures	30 ft. minimum 5 Ft. Minimum
Lot coverage	35% maximum
Building height Building Height, Accessory Structures	98 ft. or 9 stories maximum 5 FL Minimum

4. Dwelling Unit Density. The following schedule shall be used to determine the maximum

number of dwelling units per acre of land within this district.

A. Garden Apartments and Townhouses.

16 Dwelling units Per Acre.

B. High Rise Apartment

Structures. 24 dwelling units

per acre

5. Off-Street Parking Standards and Requirements. As required by §503 of this

Chapter.

(Ord. 744, 6/11/1990, §203)

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§205. **R-P** PLANNED RESIDENTIAL DEVELOPMENT DISTRICTS.

1. Statement of Intent.

- 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 Pennsylvania Act No. 247 of 1968, as amended by Act 170 of 1988 (the Municipalities Planning Code).
- B. In order that the purpose of this Chapter be furthered in an era of increasing urbanization and of growing demands for housing of ail 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 ways and open space and is properly connected to public utilities_
 - (2) To encourage innovations in residential development which will provide housing of greater variety in type, design and site planning incorporating the conservation of maximum open space ancillary to said dwellings.
 - (3) To encourage a more efficient use of land and public services and to reflect changes in the technology of land development so that economies secured may benefit the homeowner, the developer and the community.
 - (4) To provide a procedure which can relate the type, design and layout of residential development to the particular site as well as the particular demand for housing existing at the time of development.
 - (5) To 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 Planning Commission which acts as the designated planning agency of the Borough of Castle Shannon.
 - (a) The Planning Commission shall review all planned residential developments pursuant to the provisions of this Chapter and shall make recommendations to the Borough Council for approval or disapproval, in writing.

- (b) The Planning Commission shall insure that the application conforms to all requirements, standards, controls and regulations as are set forth in this Section of this Chapter.
- (c) The 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.

2. 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.

3. 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.

A. Use Regulations.

(1) Use by Right. None.

(2) Conditional Uses. In any planned residential district, land buildings or premises shall be used only for one or more of the following, as conditional uses defined in this Chapter: one-family detached dwelling, multiple dwelling, apartments, garden apartments and townhouses; churches or similar places of worship and parish houses; public or private schools conducted primarily to serve the educational needs of the community when not conducted primarily for profit or gain; public parks, playgrounds, municipal recreation areas open space reservations; private or semiprivate recreation areas when not operated for gain or profit; public buildings; signs when erected and maintained in accordance with provisions in §501; and essential services.

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

B. Area and Bulk Regulations. The following regulations shall be observed:

(1) The average or overall density for all types of combined dwelling units shall not exceed 20 dwelling units per gross acre for the entire planned unit residential area. A minimum of 6,000 square foot lot area shall be provided for all proposed single-family detached dwelling units. A minimum 1,540 square foot lot area shall be provided for all townhouse, row or duplex dwelling units. A minimum of 900 square feet of designated lot area shall be provided for each multifamily dwelling unit. A minimum of 15% open space

land (based on gross site) shall be maintained. Building coverage shall not exceed 40% of the gross site, partial site or lot areas being developed.

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

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

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

(b) **All Dwellings Other than Single-Family.** A total of 30 feet for combined front and rear yards with a minimum front or rear yard of 10 feet each; side yards for ends of structures shall not be less than the average height of structure or in no case less than 35 feet.

(3) **Open Space.**

(a) The net difference between designated lots for building or dwelling purposes and net site acreage (gross site area less streets and rights-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, 15% of the gross site area shall be designated for public and/or private recreation and open space area.

(b) The amount, location and proposed use of all open-space land within the site must be clearly shown and in no case shall the amount of open-space land be less than 400 square feet per dwelling unit. Of the gross area of open-space land, 40% 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 10 feet of any townhouse or multifamily dwelling, shall not be considered as open-space land.

(4) Supplemental Design Standards.

- (a) 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.
- (b) Streets shall be so designed as to discourage through traffic on the site.
- (c) The Planning Commission may require such additional standards as are applicable to the proposed site and any development thereon such as grading, parking, landscaping, etc. (See Borough Grading Ordinance [Chapter ⁹]).

(^e) Buffer Areas. 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 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.

C. Height Regulations. No building shall be erected to a height in excess of 45 feet, except as provided in Part 5, §502 of this Chapter.

D. Off-Street Parking Regulations. As required by §503 of this Chapter.

E. 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 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 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 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.

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

(5) 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.

(6) Application. The planned residential development application shall consist of the following:

- (a) **Preliminary (or Tentative) Development Plan.**
 - 1) An applicant shall make formal application for the approval of a planned development to the Borough Planning Commission, a copy of which shall be forwarded to the Allegheny County Planning Commission within 10 days.
 - 2) 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.
- 3) The maps and drawings which are part of the preliminary development plan must contain the following information for both existing and proposed uses:
 - a) The existing and proposed topographic character of the land at not less than 2 foot contour intervals.
 - b) Existing and proposed land uses and the approximate location of building and other structures.
 - c) The character and approximate density of existing and proposed dwellings.
 - d) The approximate location of major thoroughfares.
 - e) 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

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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.

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 storm water management plan indicating proposed drainage patterns, storm sewers, engineering calculations of existing and developed runoff quantities and proposed detention facilities engineered to minimize the impact of increased runoff on adjacent and downstream areas.

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.

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.

Approval of Preliminary Development Plan and Public Hearing.

- 1) Within 60 days after the filing of an application for tentative approval of the preliminary development plan, a public hearing on said plan, pursuant to public notice, shall be held by the Borough Council. The Planning Commission shall first review the preliminary development plan and shall report to the Borough Council, **within** 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 60 days after the conclusion of the public hearing, the Borough Council shall, after consulting with the Planning Commission, notify the applicant, in writing, that said preliminary development plan is tentatively approved as submitted, tentatively approved subject to specified conditions not included in the development plan as submitted, or disapproved.
- 2) 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.
- 3) 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.

- 4) 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 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 Planning Commission fails to report its findings to the Borough Council within 30 days thereafter, the right of review shall be forfeited.

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

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

- (8) Fees.

- (a) 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 §704 of this Chapter, 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 10 days after final approval.

(Ord. 744, 6/11/1990, §204)

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§ 206— TOD, TRANSIT ORIENTED DEVELOPMENT DISTRICT

1. Specific Intent: 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.
2. Use Regulations
 - A. **Uses** by Right: In any TOD District, land, buildings and premises shall be used by right for one (1) or more of the following:
 - Principal Uses
 - Business Or Professional Office
 - Child Day Care Center, Subject to Section 505.12
 - Convenience Store
 - High Rise Residential Structures, Subject to §505.7
 - High Rise Structures
 - Hotel/Motel
 - Low Rise Residential Structures
 - Office Building
 - Parking Lot, Subject to §505.17
 - Personal Service
 - Public Parking Deck, Subject to §505.17
 - Public Transit Parking Facility, Subject to §505.17
 - Restaurant
 - Specialty Retail
 - Transit Station
 - Accessory usesAny other accessory use customarily incidental to and on the same lot with any use authorized in this District.
 - Fences, Subject to §502
 - No Impact Home Based Business, Subject to §505.5
 - Off-street parking and loading, Subject to §503
 - Signs, Subject to §501
 - B. Conditional Uses
 - Comparable Uses Not Specifically Listed, Subject to 505.11

3. Area and Bulk Regulations

Minimum Site Area	3 Acres
Minimum Lot Area	None
Minimum Lot Width:	None
Maximum Lot Coverage:	90%
Floor Area Ratio:	The total floor area of any building, excluding parking, may not exceed three (3) gross square feet of floor area for each one (1) square foot of lot area.
Building setback line: Principal structures: high rise structures: all other structures:	50 feet 5 10
Accessory structures: Public parking deck: All other accessory structures:	5 feet 10
Side Yards: Adjoining transit right of way: Public parking deck: All others:	0 feet 0 feet
High rise residential structures: Adjoining transit right of way: All others Rear yards: Public parking deck: All other principal structures: All other accessory structures:	3 0 feet 30 feet 20 feet 0 feet 10
Building Height High rise residential structures, Business and Professional Offices and Office Buildings: All other principal structures: Accessory structures:	feet Two stories in building height 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 3 stories, but no more than 45 feet 1 story, but no more than 20 feet

4. Buffer Zone:

A landscaped buffer zone at least five (5) feet in width shall be maintained along the entire property line adjoining a public street right of way, except for approved entrances and exits to and from the property. The buffer zone shall meet the following standards:

1. One (1) tree shall be provided for each 30 linear feet of street frontage.
2. One (1) shrub shall be planted for each 5 linear feet of street frontage.
3. Sixty percent (60%) of the plant material in the buffer zone shall be evergreen.

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

All plants in the buffer zone shall meet the maintenance requirements and specifications set forth in §504.1 of this Ordinance.

Parking Area Landscaping

Public parking garages shall be exempt from the requirement to provide landscaping based on the number of parking spaces provided.

Public parking lots containing twenty (20) or more parking spaces shall be landscaped with a minimum of one (1) tree, two and one-half inches (24/2") DBH (diameter at breast height) for every twenty (20) cars. Public parking decks containing twenty (20) or more spaces shall be landscaped in accordance with this requirement only on the level of the deck that is open to the sky.

5. Landscaping

A minimum of ten percent (10%) 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 percent (10%) landscaped area.

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 1,500 square feet or fraction thereof of landscaped area.

All plant materials shall be selected from the suggested list of plant materials in §504.1 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.

All landscaping on the site, including buffer zones, shall be installed in accordance with the requirements of §504.4 of this Ordinance.

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.

6. General Provisions

Commercial uses shall be authorized only as part of a high rise residential structure, business or professional office building, 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 percent (50%) 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.

7. Off-Sheet Parking Standards and Requirements As
required by Section 503 of this Ordinance.

8. Off-Street Loading Regulations
As required by Section 503 of this Ordinance.

9. Design and Performance Standards
As required by 004 and 505.

10. Sign Regulations
As required by Section 501 for Commercial and Industrial Zones.

PART 3

COMMERCIAL DISTRICTS

§301. STATEMENT OF INTENT.

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

- 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.

(Ord. 744, 6/11/1990)

§302. C-1 GENERAL COMMERCIAL DISTRICT.

1. Specific Intent. In addition to the general goals listed in the preamble and statement of intent, it is the purpose of this Section to provide for the orderly commercial development commonly associated with the linear business districts of Castle Shannon by concentrating the more intensive nonresidential uses in areas which are oriented to vehicular traffic.

2. Use Regulations.

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

1. Amusement Establishment, Subject to §505.10
2. Animal Hospital
3. Automobile Laundry, Subject to §505.8
4. Business or Professional Offices
5. Club and Clubhouse, Subject to §505.16
6. Convenience Store
7. Financial Institution
8. Indoor Entertainment, Subject to §505.10
9. Indoor Self Storage Facility, Subject to §505.15
10. Medical Facility
11. Office building
12. Personal Service
13. Professional Office
14. Restaurant
15. Retail Store
16. Service Station, Automobile, Subject to §505.20
17. Tavern
18. Transit Station

B. Accessory Uses. Only the following accessory uses shall be permitted:

- (1) Those accessory uses customarily incidental to the principal uses and including customary services within the building provided such services are for the patrons of the principal use of the building and there is no external evidence of such services or signs advertising the same.
- (2) Any building used for any of the allowed enumerated uses may not have more than 20% of its floor area used for purposes incidental to the primary use.
- (3) Drive through Facility
- (4) No Impact Home based Business, Subject to §505.5

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- (5) Home Occupation, Subject to §505.4
- (6) Fences, Subject to §502
- (7) Accessory Buildings, Subject to §502
- (8) Accessory Structures, Subject to §502

C. Conditional Uses.

- (1) Display but not storage or *sale* of merchandise, items or things outside the buildings located on the premises as an ancillary use related to a use permitted in the zoning district; subject to the standards and criteria *set* forth in §502.
- (2) Public and semiprivate uses and essential services.
- (3) Kennel
- (4) Child Day Care Center, Subject to §505.12
- (5) Comparable uses not specifically listed, Subject to §505.11
- (6) Vehicle Rental, Sales and Service, Subject to §505.22

3. Area and Bulk Regulations.

Lot size	4,800 sq. ft.
Lot width	48 ft. minimum
Total lot coverage	80% maximum
Building setback line	10 ft. required for buildings three floors or less in height, except for parking garages, 20 feet. For buildings four or more stories in height, 10 feet plus 15 feet for each floor over three floors.
Side yards	Minimum of 5 feet. Ten feet for third floor, plus 3 feet for each floor above three floors. When abutting <i>any</i> residential districts, 30 feet plus the height of the building over 30 feet.
Buffer zone	5 ft. wide minimum at front and sides of lot.
Building height	60 ft. or 5 stories maximum

Public and Semiprivate Uses

Lot size	5,000 sq. ft. minimum
Side yards	10 ft. minimum each
Building setback line	10 ft minimum
Rear yard	25 ft. minimum
Height of building	35 ft. or three stories

4. General Provisions.

- A. Balconies may project into the side and front yard above the first floor for a distance of 5 feet.
- B. Parking and accessory uses may be permitted in required yards below grade to within 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.
- C. No merchandise shall be displayed, sold or otherwise made available between the street right-of-way lines.

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D. 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.

5. Off-Street Parking Standards and Requirements. As required by §503 of this Chapter.

6. Off-Street Loading Regulations. As required by §503 of this Chapter.

7. Design and Performance Standards. As required by §504 and 505 of

this Chapter. (Ord. 744, 6/11/1990, §301)

§303. C-2 CENTRAL COMMERCIAL DISTRICT.

1. Specific Intent. In addition to the general goals listed in the preamble and statement of intent, it is the purpose of this Section to provide for the orderly commercial development commonly associated with the central business district of Castle Shannon Borough.

2. Use Regulations.

A. Uses by Right. In any C-2 district, land, buildings or premises shall be used by right for only one or more of the following:

1. Amusement Establishment, Subject to §505.10
2. Business or Professional Offices
3. Child Day Care Center, Subject to §505.12
4. Convenience Store
5. Financial Institution
6. Indoor Entertainment, Subject to §505.10
7. Medical Facility
8. Mixed Use Building
9. Motel/Hotel
10. Office Building
11. Personal Service
12. Professional Office
13. Restaurant
14. Retail Store
15. Single Family Dwelling
16. Tavern
17. Townhouses, Subject to §505.7
18. Transit Station
19. Two Family Dwelling

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B. Accessory Uses.

- (1) Only the following accessory uses may be permitted: customary accessory uses in commercial districts.
- (2) Any building used for any of the allowed enumerated uses may not have more than 20% of its floor area used for purposes incidental to the primary use.

C. Conditional Uses.

- (1) Display but not storage or sale of merchandise, items or things outside the buildings located on the premises as an ancillary use related to a use permitted in the zoning district; subject to the standards and criteria set forth in §502.
- (2) Public and semiprivate uses.
- (3) In any C-2 district, land, buildings or premises may be used for a personal care boarding home as a conditional use subject to the standards and criteria set forth in §§505.8
- (4) Any adult business, adult bookstore, adult live theater, adult motion picture theater and adult entertainment center, Subject to §505.1. [Ord. 7971]
- (5) Commercial, private noncommercial and public recreational activities and facilities, Subject to §505.10. [Ord. 8071]
- (6) Comparable Uses Not Specifically Listed, Subject to 505.11

3. Area and Bulk Regulations. The following regulations shall be observed:

Lot size	No minimum, except lots with dwelling units shall provide a minimum of 400 sq. ft per dwelling unit
Lotwidth _____	None required
Lot coverage	<u>50% maximum, primary buildings</u>
<u>Total lot coverage</u>	<u>(including primary, accessory and paved</u> are a) _____ 90%
Building setback line	5 ft. minimum plus 1.5 ft. for each floor above three floors
A. Balconies may project into the side and front yard above the first floor for a distance of 5 feet	
Side yards	5 ft. minimum each side plus 3 ft. for each floor above three floors. When abutting a residential district, 30 ft. plus the height of <u>the building over 30 ft.</u>
Rear yard	20 ft. minimum plus 1 ft. for each floor <u>above three floors only</u>
<u>Building height</u>	60 ft. or 5 stories maximum

Public or Semiprivate Uses

Lot size	5,000 sq. ft. minimum
Side yards	10 ft minimum each
Building setback line	25 ft minimum
Rear yard	25 ft minimum
Height of building	40 ft. or four stories

4. General Provisions.

- B. Parking and accessory uses may be permitted in required yards below grade to within 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.
- C. No merchandise shall be displayed, sold or otherwise made available between the street right-of-way lines.

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- D. All permitted uses (except parking areas) shall be conducted wholly within enclosed buildings.
 - 5. Off-Street **Parking Standards and Requirements.** As required by §503 of this Chapter.
 - 6 Off-Street Loading Regulations.** As required by §503 of this Chapter.
 - 7. Design and Performance Standards. As required by §504 and 505 of this Chapter.**
- (Ord. 744, 6/11/1990, §302; as amended by Ord. 768 2/11/1993, §1; by Ord. 797,12/9/1996, §3; and by Ord. 807,⁹/14/1998, §3)**

PART 4
INDUSTRIAL DISTRICTS

§40I. STATEMENT OF INTENT.

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

- A. To provide sufficient space, in appropriate locations, to meet the anticipated future needs for industrial activity.
- B. To insure that the land most suitable for industrial and related activities will be available by prohibiting the use of such land for new residential development, **and** at the same time to protect residences by separating them from such activities.
- C. To protect industry against congestion by limiting the bulk of buildings in relation to the land around them and to one another, and by providing sufficient off-street parking and loading facilities for such developments.
- D. To promote the most desirable use of land and direction of building development in accord with a well-considered plan, to promote stable industry, to strengthen the economic base, to protect the character of particular industrial areas and their peculiar suitability to particular industrial areas and their peculiar suitability to particular uses, to conserve the value of land and buildings, and to protect local tax revenues.

(Ord. 744, 6/11/1990)

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§402. I INDUSTRIAL DISTRICT.

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

2. Use Regulations.

A. Uses by Right. Any production, reproduction, manufacturing assembly, processing, cleaning, testing, repair, storage or distribution of materials, goods, foodstuffs and products not involving a retail activity on the property; a rail freight terminal or switching yard; essential services, all wholesale distribution or storage; all utilities and garages.

Contractor's Yard

Contracting Business

Light manufacturing Subject to, 505.14

Manufacturing Subject to, 505.14

Mini-warehouse or Self-Storage Facility Subject to 505.15

Professional Office

Repair Garage

Repair Shop

Wholesaling

Warehouse

Freight Terminal and Trucking Terminal

B. Accessory Uses. Only the following accessory uses shall be permitted: customary accessory uses in manufacturing or industrial districts.

C. Uses by Special Exception. The following uses shall be permitted by special exception approved by the Zoning Hearing Board and subject to prior review and approval by the Planning Commission, subject to Part 8 of this Chapter:

- (1) Any onsite retail sales or onsite distribution of products related to the above permitted uses.
- (2) High hazard uses as 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.
- (3) Restaurant or cafeteria in connection with a permitted use within the district
- (4) Detention facility.
- (5) Comparable uses not specifically listed, Subject to §505.11

3. Area and Bulk Regulations. The following regulations shall be observed:

Lot size	10,000 sq. ft minimum
Lot width	100 ft. minimum
Lot coverage	55% maximum
Setback	20 ft. minimum
Side yards	10 ft. minimum for each side
Rear yard	25 ft. minimum
Yards	Contiguous to residential district, 40 ft.
Landscaped buffer strip	5 ft. minimum along front and side yards
Maximum building height	40 ft. (see §502(4))
Tower and chimney location	100 ft. minimum from any lot line

4. Off-Street Parking Regulations. As provided in §503 of this Chapter.

5. Loading Regulations. As provided in §503 of this Chapter.

6. Storage. As provided in §502 of this Chapter. _____

7. Performance and Design Standards. The performance and design standards outlined in §504 and 505 of this Chapter shall apply to all industrial areas.

(Ord. 744, 6/11/1990, §401)

SUPPLEMENTAL REGULATIONS

On SIGN REGULATIONS_

- I. 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.
2. 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.
3. General Intent. It shall hereafter be unlawful for any person to erect, place or maintain a sign in the Borough except in accordance with the provisions of this Section. For the purposes of this 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.
4. Signs Prohibited. The following types of signs are prohibited *in all* districts:
 - A. Abandoned signs.
 - B. Animated signs.
 - C. Banners, pennants, festoons, searchlights (except as allowed in §501(10)).
 - D. Flashing signs.
 - E. Signs imitating or resembling official traffic or government signs or signals.
 - F. Snipe signs or signs attached to trees, telephone poles, public benches, streetlights or placed on any public property or public right-of-way.

- G. Signs placed on vehicles or trailers which are parked or located for the primary purpose of displaying said sign. (This does not apply to allowed portable signs or to signs or lettering on buses, taxis or vehicle operating during the normal course of business.)
 - H. Off-premises signs.
 - L. Painted wall signs.
 - J. Rotating signs.
5. **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.
6. **Signs Not Requiring Permits.** The following types of *signs* are exempted from permit requirements but must be in conformance with all other requirements of this Part:
- A. Signs used by churches, synagogues or civic organizations.
 - B. Construction signs of 12 square feet or less.
 - C. Directional/information signs of 2 square feet or less.
 - D. Nameplates of 2 square feet or less.
 - E. Political signs.
 - F. Public signs or notices, or any sign relating to an emergency.
 - G. Real estate signs of 6 square feet or less.
 - H. Window signs.**
Incidental signs.
7. **Maintenance.** All signs shall, be properly maintained. Exposed surfaces shall be clean and painted if paint is required. Defective parts shall be replaced. The Zoning Officer shall have the right to order the repair or removal of any sign which is defective, damaged or substantially deteriorated.
8. **Lights.** Unless otherwise specified by this Section, all signs may be illuminated. However:
- A. No artificial light or reflecting device shall be used as a part of a sign where such light or device interferes with, competes for attention with or may be mistaken for a traffic signal.

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- B. Flood lighting shall be arranged so that the source of light is not visible from any point off the lot and that only the sign is directly illuminated thereby.
- C. Flashing, moving or oscillating lights are expressly prohibited.
- D. No revolving beacon light shall be permitted.

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

10. Signs Permitted in All Zones. The following signs are allowed in all zones:

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

11. Signs Permitted in Residential Zones. Signs are allowed as follows in residential zones:

- A. All signs as permitted in §501(6), above.
- B. Two subdivision identification sign(s) per neighborhood, subdivision or development, not to exceed 32 square feet in sign area.
- C. One identification sign per apartment or condominium complex, not to exceed 32 square feet in sign area.
- D. For permitted nonresidential uses, including churches and synagogues, one freestanding sign, not to exceed 32 square feet in sign area, and one wall sign not to exceed 32 square feet in sign area.

- E. All allowed freestanding signs shall have a maximum height limit of 2 1/2 feet and shall have a setback of 2 feet from any public right-of-way.

12. Signs Permitted in Commercial and Industrial Zones.

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

- (1) All signs as permitted in §501(10) and (11), 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 2 square feet in sign area for each linear foot of that occupancy's building frontage up to a maximum of 60 square feet.
- (4) One awning sign per occupancy not to exceed 25% of the surface area of an awning, or one marquee sign, not to exceed 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 3 square feet in sign area.
- (6) Incidental signs not to exceed 1 square foot in aggregate sign area per occupancy.
- (7) Not more than four portable signs per lot, and each sign not to exceed 12 square feet in sign area and not to exceed 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. [Ord. 8121]
- (8) The aggregate total area of all signs on each premises (ie., parcel/lot) shall not exceed 2 square feet per linear foot of lot frontage.

- B. 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 2 feet from any vehicular

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public right-of-way, and a minimum clearance of 13 1/2 feet over any vehicular use area and 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 2 square feet per linear foot of lot frontage.**

13. Determination of Legal Nonconformity. (See §603(A)).
14. Loss of Legal Nonconforming Status. (See §603(B)).
15. Maintenance and Repair of Nonconforming Signs. (See §603(C)).
16. Compliance with Building and Electrical Codes. **MI signs** shall be constructed and inspected in **accordance with the requirements of the Borough Building Code and Electrical Code.**
17. Zoning Officer
 - A. 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.
 - B. 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.
18. 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:
 - A. Name and address of the owner of the sign.
 - B. Street address or location of the property on which the sign is to be located, along with the name and address of the property owner.
 - C. The type of sign or sign structure as defined in this Part.
 - D. **A site plan showing the proposed** location of the sign along with the locations and square footage areas of all existing signs on the same premises.
 - E. Specifications and **scale** drawings showing the materials, design, dimensions, structural supports and electrical components of the proposed sign.

19. 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.
20. Issuance and Denial.
 - A. The Zoning Officer shall issue a permit for the erection, alteration or relocation of a sign within 10 days of receipt of a valid application, provided that the sign complies with all applicable laws and regulations of the Borough. In all applications, where a matter of interpretation arises, the more specific definition or higher standard shall prevail.
 - B. 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.
21. Permit **Conditions, Refunds and Penalties.**
 - A. If a permit is denied, the permit application review fee will not be refunded to the applicant.
 - B. A permit issued by the Zoning Officer becomes null and void if work is not commenced within 180 days of issuance. If work authorized by the permit is suspended or abandoned for 180 days, the permit must be renewed with art additional payment.
 - C. 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 arty person of any other requirements or penalties prescribed in this Part

(Ord. 744, 6/11/1990, §501; as amended by Ord. 812,1/11/1999,

§2) §502. GENERAL REGULATIONS FOR ALL DISTRICTS.

1. Visibility at Intersections. A dear 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 dear sight triangle of 75 feet minimum from the point of intersection. No obstruction to view will be permitted in this area above the height of 2 1/2 feet and below 10 feet

2. Swimming Pools.

C. 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 18 inches. For the purpose of this Part,

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they are not counted as floor area in computing the lot coverage but shall not be located in any required setback area.

- B. All swirling pools, both in-ground and above-ground, shall be at **least 10** feet from any lot line and shall be enclosed by a fence, wall or other substantial barrier not less than 4 feet high, with a self-dosing, self-latching gate and of such a character as reasonable to prevent access to the pool.
 - C. No swimming pool shall be constructed in the Borough except in accordance with a permit therefore previously secured from the Zoning Office for 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.
3. A transmitting antenna or tower shall not be considered as an accessory structure in any zoning district but may be permitted in any zoning district if approved as a special exception.
4. **Exception to Height Limitations.**
- A. The height limitations of this Part shall not apply to church spires, belfries, domes, monuments, observation towers, radio and television towers, chimneys, smokestacks, flag poles, masts and aerials, elevators, equipment towers, banks and other projections neither intended nor used for human occupancy provided such features themselves do not exceed 12 feet in height.
 - B. 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 in subsection (3), above.
5. **Outdoor Storage Prohibition.**
- A. **Outdoor storage of any type shall** not be permitted unless such storage is a part of the normal operations conducted on the premises.
 - B. No merchandise shall be displayed, sold or otherwise made available between the street right-of-way lines.
 - C. All permitted uses (except parking *areas* and used car sales) shall be conducted wholly within enclosed buildings.
 - D. Any article or material stored temporarily outside an enclosed building as an incidental part of the primary operation shall be so **screened by opaque** ornamental fencing, walls or evergreen planting that it cannot be seen from adjoining public streets or adjacent lots when viewed by a person standing on the ground level. Any outside storage not now enclosed shall be permanently enclosed or screened within 3 years from the date of this Chapter.

E, All organic rubbish or storage shall be contained in air-tight vermin-proof containers on an adequately designed concrete pad behind the front face of the primary building on the lot which shall also be screened from public view.

6. Accessory Building and Structures. An accessory building may be constructed within the rear yard if entirely separated from the primary structure and if located at least 3 feet farther back from the front street line than the rear-most portion of the primary structure, or at least 5 feet from the rear property line and at least 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 20 feet in width, providing that all parts of the accessory building are at least 5 feet distant from the right-of-way line of such roadway. Accessory buildings shall not exceed 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.

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

7. 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 4 feet in height in front yards or over 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 50% 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. AU screen fences (those having more than 50% of the face area dosed) shall be located 2 feet or more from any property line.

8. 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.

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

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

A. No sales transactions shall be permitted outside an endorsed 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)

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parking stalls immediately adjacent to said building(s) or, in the absence of such immediately adjacent stalls, any further than 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.

(Ord. 744, 6/11/1990, §502)

11. 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.
12. Lighting. All parking areas, pedestrian walks, driveways and loading areas shall be provided with a lighting system which shall furnish a minimum of 3 foot candles at any point during hours of operation, with lighting standards in parking areas being located not farther than 100 feet apart. All lighting shall be completely shielded from traffic on any public right-of-way and from any residential district.

§503. OFF-STREET PARKING AND LOADING REGULATIONS.

1. Off-Street Parking Regulations.

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 9 feet by 18 feet in size for any stall parking by using standard engineering references based on the 9 foot by 18 foot, 90 degree stall. Handicapped spaces shall measure at least 12 feet by 18 feet. Parking spaces shall be adequately marked and shall have an approved paved all-weather surface to provide safe and convenient access in all seasons.
- (2) The maximum permissible slope of any parking area shall be 5%.

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 access ways in joint ownership at the property lines).

C. Multifamily Standards. Off-street parking spaces for multifamily structures shall be provided. At least 50% 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 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 rights-of-way is not endangered in any way. A separate means of ingress shall be established and clearly marked as shall be a separate means of egress from the automobile laundry facility.
- (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 dosed" sign or other means.

REQUIRED OFF-STREET PARKING	
Amusement Establishment, Club and Clubhouse, Health and Fitness Related Establishment, Indoor Entertainment	200 square feet of gross floor area
Animal Hospital, Medical Facility Medical and dental offices and clinics	Two employees plus four spaces per Doctor.
Automobile laundry	Sufficient spaces to handle 45 min. of capacity of the maximum hourly operation of auto washing facility
Business and Professional Office, Contracting Business, Financial Institution, Office building Professional Office	500 sq. ft. of gross floor area
Child day Care Center	One space for each employee plus one space for each four children
Church	200 sq. ft. of gross floor area or for each three fixed seats, whichever is greater.
Comparable Uses Not Specifically Listed and Other commercial uses	400 square feet of gross floor area
Contractor's Yard, Freight Terminals and Trucking	One (1) parking space for each employees on a peak working shift plus one (1) space for each 3,000 square feet of gross floor area
Terminals, Light Manufacturing, Manufacturing, Warehousing and Wholesaling	

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<p>Indoor Self-Storage Facilities, Mini-Warehouse or Self Storage Facilities Lodge, library, museum, meeting place, etc. Motel (or hotel) Multifamily Dwelling, High Rise Residential structure, <u>Garden Apartments, Townhouses</u> Personal Adult Bookstores, Adult Business, Adult Entertainment Center, Adult Live Theater, Adult Motion Picture theater, Public Spa or Public Hot <u>Tub, Repair Shop,</u></p>	<p>One (1) designated parking space for each five (5) <u>storage units</u> 50 sq. ft. of floor area used for assembly in the <u>building</u>. Separate sleeping unit in addition to five visitor parking spaces per 100 units or fraction thereof; and one space for each employee on the shift with the most employees. (If the motel (or hotel) also has related uses such as restaurant or public meeting facilities, additional parking shall be provided in accordance with the requirements <u>for restaurants, meeting places, etc.</u>) 2.33 parking spaces per dwelling unit</p>
<p>School Service Station with Convenience Store <u>Single-family Dwelling ,Two-family Dwelling</u> <u>Transitional Dwellings, group care facilities, personal care boarding home</u> Convenience Store, Specialty Food Store, Specialty Retail Store, Retail. Store</p>	<p>100 sq. ft. of customer service area in addition to one for each employee <u>space for each three p) residents</u> 15 students in elementary schools 10 classroom seats in other schools or for each 125 square feet of <u>auditorium space provided, whichever is greater.</u> One space for each 250 square feet of retail sales <u>area plus one space for each employee on a shift 2 parking spaces per Dwelling unit</u> one space for every two (2) full time staff plus 1 300 sq. ft. of gross floor area</p>
<p><u>Drive Through Facilities</u></p>	<p>Each drive-through facility shall accommodate four vehicles from the first point of stopping in such a manner as to not block any parking <u>spaces, driving aisles or</u></p>
<p>Private recreation facilities Repair Garage, Service Station, Automobile, Vehicle Rental sales and service</p>	<p>15 members Three parking spaces for each service bay plus one space for each employee. Vehicles for sale or rent shall be organized in compliance with Section 503.3</p>
<p>Restaurant Tavern</p>	<p>3 seats or one for each 200 sq. ft. of floor area, <u>whichever is greater</u></p>

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.

2. Off-Street Loading Regulations.

A. Standards.

- (1) Off-street loading and unloading space(s) with proper and safe access from street or alley, shall be provided on each lot where it is deemed by the Borough Engineer that such facilities are necessary to adequately serve the uses within the district Each loading and unloading space:
 - (a) Shall be at least 14 feet wide, 60 feet long and shall have at least a 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.

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- (4) No truck shall be allowed to stand in: 1) a right-of-way; 2) automobile parking area (including aisles); or, 3) in any way block the effective flow of persons or vehicles.
 - B. Requirements. At least one off-street loading space shall be provided for all commercial or industrial concerns in excess of 3,500 square feet of gross floor area. The number of loading and unloading spaces shall be such that the standards of this Section shall be maintained and the number of proposed spaces approved by the Planning Commission.
3. Interior Circulation, Access and Traffic Control.
 - A. The interior circulation of traffic shall be designed so that no driveway or street providing parking spaces shall be used as a through street. If parking spaces are indicated by lines with angles other than 90 degrees, then traffic lanes shall be restricted to one-way permitting head-in parking. No driveway or street used for interior circulation shall have traffic lanes less than 10 feet in width.
 - B. Areas provided for loading and unloading of delivery trucks and other vehicles, and for the servicing of shops by refuse collection, fuel and other service vehicles, shall be adequate in size and shall be so arranged that they may be used without blockage, or interference with the use of access ways or automobile parking facilities.
 - C. All access ways to any public street or highway shall be located at least 75 feet from the intersection of any two street lines and shall be designed in a manner conducive to safe ingress and egress as determined by the Planning Commission and the Borough Council. Where practicable, exits shall be located on minor, rather than **major**, streets or highways.
 - D. 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.
4. 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 Planning Commission for review and approval.
5. Parking and Storage of Vehicles in All Residential Districts.
 - A. 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 $\frac{3}{4}$ ton payload in a residential garage or in residential driveway shall be

permitted. Parking of any other type of truck, except for temporary loading or unloading, shall be prohibited. parking of recreational vehicles, 'campers,' boats, similar types of mobile vehicles may be temporarily permitted in residential districts provided: 1) that such vehicles may not be used for human occupancy while parked; 2) that such vehicles must be parked only behind the front building line and where possible, only in the rear of dwellings.

B. Any movable structure, trailer, automobile, truck or parts of these items or any

other items of similar nature, allowed to remain on the premises a longer time than that required to load, unload or otherwise discharge its normal functions, shall be considered subject to all regulations set forth in this Part for buildings and structures as defined herein.

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

7. Parking and Storage of Vehicles; Commercial and Industrial District. In commercial districts, the following regulations shall apply: Company vehicles operated daily in connection with a business may be parked on paved parking areas on the premises after business hours as long as such vehicles do not exceed 11,000 pounds 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.

8. Shared Parking

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.

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.

The parking requirement for shared parking shall be computed as follows:

1. Determine the minimum parking required for each Land use as though it were a separate use.
2. Using the Table below, 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 1, above, by the corresponding percentage required for each time period.
3. Calculate the total number of spaces needed for all uses in each time period.

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4. 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.

CALCULATING SHARED PARKING FOR A MIX OF LAND USES				
USE	WEEKDAY		WEEKEND	
Bank, Office	100%	10%	10%	5%
Residential	40%	100%	75%	100%
Restaurant	75% *	100%	100% *	100%
Retail/Services	60%	90%	100%	70%
	75%	100%	75 %	100%
Hotel/Motel Entertainment/ Recreation	30%	100%	100%	80%
Transit		100 / 0 / 0 / 0 / 0 / 0 / 0		
* may be reduced to 10% restaurant opens at 5 PM				

(Ord. 744, 6/1/1990, §503)

§504. DESIGN STANDARDS FOR COMMERCIAL AND INDUSTRIAL DISTRICTS.

I. Required Planting Screens.

- A. Wherever any parking lot, trash collection, outdoor storage, merchandizing or service area lies within 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. All planting screens required by this Part shall consist of plants at least 30 inches high when planted, maintained in a healthy condition and so pruned as to provide maximum opacity from the ground to a height of 5 feet. The plant materials on the following list shall be used. Seventy-five 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 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.

CASTLE SHANNON BOROUGH RECOMMENDED PLANTS LIST			
Botanical Name	Common Name	Size:	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
Hex 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 best 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'	Lavender-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 throughout 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

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

2. Required Landscaping.

A. General Requirements.

- (1) Any part or portion of the site which is not used for buildings, other structures, loading or parking spaces and aisles, sidewalks and designated storage areas, shall be planted with an all-season ground cover and shall be landscaped with trees and shrubs in accordance with an overall landscape plan and shall be in keeping with natural surroundings. A replacement program for non-surviving plants should be included.
- (2) 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.

B. Required Tree Plantings. In every district in which there is a required percentage

of lot area devoted to landscaped open space, one tree is required for each 1,500 square feet or fraction of required yard space. All the trees required by this Chapter shall be at least 12 *feet* high when planted and shall be maintained in a healthy condition. They shall not be pruned, except to remove dead wood, in such a manner as to prevent growth to a height of at least 15 feet or reduce existing height below 15 feet.. Where new tree plantings are otherwise required, existing trees having a height of at least 11 feet may be counted as required trees if not 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 15 feet in the Borough of Castle Shannon or which the Borough Engineer determines to be a nuisance vis-a-vis sanitary sewers.

C. Parking Lot Plantings. All off-street parking areas with more than 20 required parking spaces shall be landscaped with a minimum of one tree, 2 1/2 *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 20 cars will be parked in a row without the provision of a 9 foot by 18 foot landscaped island.

3. Required Buffer Zones.

A. As required in §302, 304, and 402 of this Chapter, properties in commercial zones C-

1 and C-2, and all industrial districts shall be required to provide and maintain a landscape buffer zone of at least 5 feet in width extending the length of that property line abutting the roadway right-of-way, and along the side yard boundaries, with the exception of those distances used for ingress and egress to and from the property.

- B. The buffer zone shall include plant combinations meeting the following requirements:
 - (1) One tree for each 30 linear feet along the adjacent roadway.
 - (2) One shrub for every 5 linear feet along the adjacent roadway.
 - (3) Seventy-five percent of the plant material in the buffer zone shall be evergreen.
 - (4) Any portion of the buffer zone not covered by trees and shrubs shall be planted with a seasonal ground cover.
- C. All plants in the buffer zone shall meet the maintenance requirements and specifications set forth in §505 of this Part.

4. 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 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. [A.O.]

(Ord. 744, 6/11/1990, §504; as amended by A.O.

§505. STANDARDS FOR GRANTING CONDITIONAL USE

- 1. 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.
- 2. 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.
- 3. 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:
 - A. In accordance with the Borough of Castle Shannon Comprehensive Plan, and other plans as may be adopted from time to time, and consistent with the spirit, purpose and intent of this Chapter.

- B. 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.
 - C. 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.
 - D. In conformance with all applicable requirements of this Chapter.
 - E. Suitable in terms of effects on street traffic and safety with adequate access arrangements to protect major streets from undue congestion and hazard.
4. Borough Council shall use the following criteria as a guide in evaluating a proposed conditional use.
- A. The presence of adjoining similar uses.
 - B. An adjoining district in which the use is permitted.
 - C. The need for the use in the area proposed as established by the Comprehensive Plan.
 - D. Sufficient area to effectively screen the conditional use from adjacent different uses.
 - E. The use will not detract from the permitted uses of the district.
 - F. 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.
 - G. The notification of abutting property owners.
 - H. Uses shall meet the provisions and requirements of other applicable Borough regulations.
 - I. Should the applicant fail to obtain the necessary permits within a 1 year period, or having obtained the permit should he fail to commence work thereafter or thereunder within such 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.

Ord. 744, 6/11/1990, §507; as added by A.O.

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STANDARDS FOR SPECIFIC USES

In addition to the general standards and criteria for all certain permitted uses and uses by conditional uses listed above, 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.

005.1. Standards For Adult Businesses.

All adult businesses shall comply with the following:

- A. No adult bookstore, adult live theater, adult motion picture theater or adult entertainment center shall be operated or maintained within 150 feet of a residentially zoned district, church, school serving persons age 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 1 square foot of sign area per linear foot of lot frontage on a street.
 - (3) 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.
 - (4) Window areas shall not be covered or made opaque in any way. No signs shall be placed in any window. A 1 square foot sign may be placed on the door to state hours of operation and admittance to adults only.
- E. 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 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 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 foot candle 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 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.

(Ord. 744, 6/11/1990, §506; as added by Ord. 797, 12/9/19%, §4)

505.2 Churches, Schools, Public, Private or Parochial, subject to:

- A. The minimum lot area required for a Post Secondary School shall be ten (10) acres. The minimum lot area required for all other uses shall be one (1) acre.
- B. If a residential facility (such as a convent or monastery) is proposed as part of a church, no more than ten (10) persons shall be housed.
- C. A dwelling (such as a manse or parsonage) may be located on the same lot with a church provided all requirements of the this Ordinance for single family dwellings in the Zoning District can be met in addition to the minimum lot area, lot width and yard requirements applicable to the church.
- D. If the school includes dormitories, the dormitories shall be screened along any property line adjoining single family use or zoning classification in accordance with section 504.
- E. All schools shall be designed to provide convenient access for emergency vehicles and access to all sides of the building by fire-fighting equipment.

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- F. All outside storage shall be screened from public view from streets and adjoining properties by a six (6) foot hedge or opaque fence.
- G. The proposed use shall have direct access to a public street with sufficient capacity to accommodate the traffic generated by the proposed use.

505.3 Family Day Care Home - Subject To;

- A. A facility licensed and approved, as applicable, by the Commonwealth of Pennsylvania, County of Allegheny and/or Borough of Castle Shannon.
- B. The child care facility shall be the family residence of the resident who shall be the care giver.
- C. This facility may either be profit or nonprofit.
- D. Said services are to be provided to more than three but not more than six children in any one day and hours of operation shall be limited to 6 a.m. through and including 7 p.m., prevailing time.
- E. Care to be given to minors only.
- F. No more than one assistant may be employed. No signs are permitted.
- G. This definition excludes care provided by relatives of the minor and the care furnished *in* places of worship during religious services.
- H. No two facilities shall be located within 1,500 feet of each other, in any direction.
- I. Said facility must protect residential areas against the hazards of fire, offensive noise, traffic or vibration, smoke, odors, glare or other objectionable influences.
- J. Said facility shall be permitted or denied operation only after inspection by the Castle Shannon Fire Official and Building Inspector.
- K. When said facility is one in which care givers reside, a minimum of four off-street parking spaces are required, regardless of other conflicting regulations.
- L. Said facility must operate in compliance with all applicable regulations of the Commonwealth of Pennsylvania and have a registration certificate from the Pennsylvania Department of Public Welfare, as well as complying with any applicable regulations of Allegheny County and the Borough of Castle Shannon.
- M. Public or semipublic use lot requirements shall be met
- N. If located on a street where parking is restricted, said facility shall have safe access of an off-street area for discharging and picking up of persons to whom the service is rendered.
- O. 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

- P. An adequate outdoor play area shall be provided and shall be secured by a fence with self-latching gate. Such play area shall be screened from adjoining residential properties by a minimum four (4) foot high compact, dense evergreen hedge or opaque fence.
- Q. Outdoor play areas shall have a minimum area of six hundred (600) square

feet. **505.4 Home Occupations - Subject To:**

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

- A. The occupation or activity including the storage of materials shall be carried on wholly within the principal building.
- B. No more than one paid assistant not residing at the resident household shall be employed at the location of the home occupation. Said paid assistant may not be involved in the actual manufacturing or production of a product(s).
- C. There shall be no exterior display or sign except a nameplate not exceeding 2 square feet and attached to the principal building, no exterior storage of materials and no other exterior indication of the home occupation or variation from the residential character of the lot or of the surrounding neighborhood.
- D. No offensive odor, noise, vibration, smoke, dust, heat or glare shall be produced.
- E. The home occupation shall not generate traffic, including truck deliveries, in any greater volume than would normally be expected in a residential neighborhood.
- F. Any need for parking generated by the home occupation shall be met by off-street parking accommodations and shall be in accordance with the regulations of this Part. No more than two vehicles of a nonresident at one time are permitted to be parked off-street if associated with a home occupation.
- G. Employees or persons affiliated with said home occupation, other than the one permitted assistant and residents, shall not report to or meet at such residence.
- H. All home occupations are required to obtain a certificate of occupancy.

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

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505.5 No Impact Home based Business, subject to;

- 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 25% of the habitable floor area.
- I. The business may not involve any illegal activity.

505.6 Group Care Facility, Personal Care Boarding Home or Transitional Dwelling, subject to:

- A. The minimum area and bulk regulations for a Group Care Facility, Personal Care Boarding Home or Transitional Dwelling shall be the same as those required for a principal use in the District in which the facility is located.**
- B. In *the R-2 District*, a Group Care Facility or Personal Care Boarding Home shall have frontage on and direct vehicular access to an arterial or collector street as defined by *this Ordinance*.**
- C. No Group Care Facility, Personal Care Boarding Home or Transitional Dwelling shall be located within 1,500 feet of another existing or proposed Group Care Facility, Personal Care Boarding Home or Transitional Dwelling.**
- D. Adequate provisions shall be made for access for emergency medical and fire-fighting vehicles.**
- E. Twenty-four (24) hour supervision shall be provided by staff qualified by the sponsoring agency.**
- F. Adequate open space opportunities for recreation shall be provided on *the lot* for *the residents* consistent with their needs and *the area* shall be secured by a fence with self-latching gate.**

- G. Where applicable, licensing or certification by the sponsoring agency shall be prerequisite to obtaining a certificate of occupancy and a copy of the annual report with evidence of continuing certification shall be submitted to the Zoning Officer in January of each year.
- H. Said facility must operate in compliance with all applicable regulations of the Commonwealth of Pennsylvania and have a registration certificate from the Pennsylvania Department of Public Welfare, as well as complying with any applicable regulations of Allegheny County and the Borough of Castle Shannon.
- 1. Public or semipublic use lot requirements shall be met.
- J. If located on a street where parking is restricted, said facility shall have safe access of an off-street area for discharging and picking up of persons to whom the service is rendered.

505.7 Garden Apartments, Townhouses and High-Rise Residential Structures subject to:

- A. Apartments and High Rise Residential Structures of three or more stories (as measured from grade) shall **be** equipped with passenger elevators.
- B. Garden apartments and high-rise residential units above the first floor, may be provided with balconies with a maximum extension of 8 feet from the principal dwelling unit wall, however, no such extensions shall extend into any required side yards.
- C. A multifamily dwelling shall not exceed two dwelling units in depth unless the additional dwelling units abut a court conforming to the following requirements:
 - (1) No courts shall be, between two opposite facing walls thereof, less than 60 feet, with the other dimension being 10 feet or more.
 - (2) No court abutting an interior lot side yard shall be less than 10 feet in width.
 - (3) No wing of a multifamily dwelling shall project into a required side yard.
 - (4) The transverse dimension of a projecting wing shall not be greater than the overall dimension of two dwelling units_
 - (5) No front entrance shall open on a court that abuts a yard or on a yard, except if either the yard or both together total not less than 25 feet
 - (6) An enclosed court shall be not less than 60 feet in any dimension.

D. Required Open Space or Recreation Areas. Any residential complex with any mixture of housing types, containing twenty or more residential units shall provide a minimum of 10% of the gross site area as a designated open space or recreation area.

The designated area shall not exceed 10% grade, and shall be reasonably useful for recreation and open space purposes.

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505.8 Automobile Laundry subject to:

- A. All automated washing facilities shall be in a completely enclosed building, as defined by this Ordinance. All other car washing facilities shall be under a roofed structure which has at least two (2) walls.
- B. Drainage water from the washing operation shall be controlled so that it does not flow or drain onto berms, streets or other property.
- C. Standing spaces shall be provided in accordance with the requirements for drive through businesses.
- D. The facility shall be connected to public sanitary and storm sewers.
- E. Driveway entrances shall be located at least thirty (30) feet from the right of way line of the intersection of any public streets.
- F. Any car wash which also dispenses gasoline shall meet all applicable requirements of Section 505.26 governing service stations.
- G. Any automobile laundry located in the Borough of Castle Shannon shall require appropriate paved, off-street parking spaces with a capacity sufficient to handle a number of vehicles equal to the 45 minute capacity of the maximum hourly operation of the auto washing facility

505.9 Cemetery, subject to:

- A. A minimum site of ten (10) acres shall be required.
- B. A drainage plan shall be submitted with the application for the use showing existing and proposed runoff characteristics.
- C. A ground water study prepared by a hydrologist or registered engineer qualified to perform such studies shall be submitted with the application.
- D. Plans for ingress/egress to the site shall be referred to the Borough Police Department for comments regarding public safety.
- E. All property lines adjoining residential use or zoning classification shall be screened as defined by 504 of this Ordinance.
- F. Parking for principal structures such as chapels or mausoleums shall be provided in accordance with the requirements for places of public assembly specified in Section 503.

- G. All maintenance equipment shall be properly stored in an enclosed building when not in use.
- H. Burial sites or burial structures shall not be located within one (100) feet of any property line adjoining residential use or zoning classification.

505.10 Amusement Establishment, Indoor entertainment, Commercial Recreation, subject to:

- A. The minimum lot area required for outdoor recreation facilities shall be one (1) acre. All indoor facilities shall meet the minimum lot area required for the Zoning district in which the property is located.
- B. The property shall have frontage on and direct vehicular access to an arterial or collector street, as defined by this Ordinance.
- C. The property shall be served by public water and public sewers.
- D. Adequate sanitary facilities available to the public shall be provided.
- E. Outdoor speakers shall not be **permitted** if there are dwellings within five hundred (500) feet of the property in any direction. If outdoor speakers are allowed, the volume and direction shall be regulated to minimize impact on adjoining properties.
- F. Location of buildings and facilities, traffic circulation on the property and parking areas shall be designed to provide adequate access for emergency medical vehicles and fire-fighting equipment
- G. Any outdoor facility shall be completely enclosed by a fence which is at least six (6) feet in height with one (1) or more locking gates which shall **remain** secured when the facility is not in use.
- FL Any outdoor facility located within two hundred (200) feet of an existing dwelling shall cease operations no later than 1000 P.M.
- L Any use which includes eating or drinking facilities shall be subject to the parking requirements for that use in addition to the parking requirements for the recreational use.

505.11 Comparable Uses Not Specifically Listed, subject to:

- A. Uses of the same general character as any of the uses authorized as permitted uses by right or conditional uses in the Zoning District in which the property is located shall be allowed, if the Borough Council determines that the impact of the proposed use on the environment and adjacent streets and properties is equal to or less than any use specifically listed in the Zoning District. In making such determination, the Council shall consider the following characteristics of the proposed use:

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- (1) The number of employees;
 - (2) The floor area of the building or gross area of the lot devoted to the proposed use;
 - (3) The type of products, materials and equipment and/or processes involved in the proposed use;
 - (4) The magnitude of walk-in trade; and
 - (5) The traffic and environmental impacts and the ability of the proposed use to comply with the Performance Standards of Section 504 of this Ordinance.
- B. The proposed use shall comply with all applicable area and bulk regulations of the Zoning District in which it is located.
- C. The proposed use shall comply with any applicable express standards and criteria specified in this Article for the most nearly comparable use by conditional use listed in the Zoning District in which the comparable use is proposed.
- D. If the proposed use is determined by the Borough Council to be most nearly comparable to a permitted use or conditional use, the Council shall review the proposed use as a conditional use and shall act on the proposed development plan.
- E. The proposed use shall be consistent with the Purpose Statement for the Zoning District in which it is proposed and shall be consistent with the Community Development Objectives of this Ordinance.
- F. Buffer Areas as defined by § 504 of this Ordinance shall be applied where adjoining uses are not compatible or in another zoning district.

505.12 Child Day Care Center or Pre-School Facility, subject to:

- A. The facility shall be registered with or licensed by the Commonwealth, if applicable.
- B. In the R-1 Zoning Districts, the facility shall be permitted to be located only in a church or school.
- C. Outdoor play areas shall be provided which shall have a minimum area of 65 square feet per child and which shall be secured by a fence with self-latching gate.
- D. Outdoor play areas which adjoin residential lots shall be screened by Buffer Area as defined by § 504 of this Ordinance.
- E. The general safety of the property proposed for a day care center, nursery school or pre-school facility shall meet the needs of small children.
- F. Off street parking shall be provided in accordance with the requirements of Article 503 of this Ordinance.

505.13 Nursing Home, Subject To:

- A. The minimum lot area required for a clinic or nursing home shall be one (1) acre.
- B. All nursing homes shall be licensed by the Commonwealth.
- C. Water pressure and volume shall be adequate for fire protection.
- D. Ingress, egress and internal traffic circulation shall be designed to ensure **access** by emergency vehicles.
- E. The parking and circulation plan shall be referred to the Borough police department and volunteer fire company for comments regarding traffic safety and emergency access.
- F. Nursing homes shall have a bed capacity of at least twenty (20) beds, but no more than two hundred (200) beds.
- G. All property lines adjoining residential use or zoning classification shall be screened by as defined by §504 of this Ordinance.
- H. Disposal of medical waste shall be in accordance with all applicable permits and handling requirements of the Pennsylvania Department of Environmental Protection (PA DEP) and the US. Environmental Protection Agency (EPA).

505.14 Light Manufacturing, subject to:

- A. All activities shall comply with the Performance Standards specified in §504 of this Ordinance.
- B. All materials and equipment shall be stored within a completely enclosed building.
- C. The storage, handling, transportation and disposal of hazardous or potentially hazardous materials shall be in accordance with all applicable permits and requirements of the Pennsylvania Department of Environmental Protection (PA DEP) and the U.S. Environmental Protection Agency (EPA).
- D. Adequate public utilities shall be available to meet the requirements of the proposed manufacturing processes.
- E. Adjacent public streets shall be adequate to accommodate the traffic volumes and weight limits associated with truck traffic to and from the site.

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505.15 Mini-Warehouses or Self-Storage Buildings, subject to:

- A. The rain intun site area required shall be two (2) acres.
 - B. The site shall have frontage on and direct vehicular access to an arterial or collector street, as defined by this Ordinance.
 - C. Vehicular access to the site shall be limited to one (1) two-way or two (2) one-way driveways from each arterial or collector street on which the site has frontage.
 - D. All interior driveways shall be paved with an asphalt or similar surface sufficientfor the loads the driveways are expected to bear.
 - E Parking shall be provided in accordance with the following:
 - (1) Two (2) spaces for manager's quarters, if any;
 - (2) One (1) space for each twenty-five (25) storage units which spaces shall be located near the manager's quarters or office to be used by prospective customers;
 - (3) One (1) space for each ten (10) storage units equally distributed throughout the storage area to *be* used by the customers.
 - F. Buffer Areas shall be provided in accordance with the requirements of §504 of this Ordinance along all property lines which adjoin residential use or zoning classification.
 - G. The perimeter of the site **shall** be fenced with a minimum eight foot high chain link fence with self-latching gate. If an outside storage area is proposed, the fence around the outside storage area shall be supplemented with screening material which creates a visual barrier that is at least 80% opaque.
- FL Maximum building height shall be twenty (20) feet.**
- I. The maximum length of any storage building shall be two hundred (200) feet.
 - J. The minimum distance between storage buildings shall be twenty (20) feet.
 - K. Maximum lot coverage by all buildings shall be forty percent (40%).
 - L Office space may be provided which shall not exceed five percent (5%) of the total area devoted to storage.
 - M. Storage units shall not be equipped with water or sanitary sewer service.

- N. No business activity other than rental of storage units shall be conducted on the premises.
- O. Operations shall be regulated so that nuisances such as visual blight, glare, noise, blowing debris or dust shall not be created.
- P. Exterior finishes of the storage units shall be compatible with the character of development on adjoining properties.
- Q. No sign shall be placed on the buildings or on their rooftops.
- R. Both the landlord and the tenants shall be responsible for prevention of the storage of hazardous materials or substances in the storage buildings.
- S. A minimum of one (1) fire hydrant shall be provided on the site, subject to approval by the Borough. The facility shall comply with the Borough Fire Code.

505.16 Private Club and Clubhouses, subject to:

- A. Any establishment which includes a restaurant or tavern shall be subject to the off street parking requirements of Section 503 for the portion of the building devoted to the restaurant or tavern use, in addition to the parking required for the private club.
- B. Any rental of the facility to non-members shall require on-site management and/or security personnel during the event
- C. Activities **on** the site and within the building shall comply with the noise standards specified in Section 504 of this Ordinance.
- D. All off street parking which adjoins residential zoning classification shall be screened by a six (6) foot dense, compact evergreen hedge.

505.17 Public or Private Parking Lot or Parking Garage, Public Transit Parking Facilities,

Public Transit marking Garages subject to:

- A. Public transit parking facility must be located within seven-hundred and fifty (750) feet of a public transit stop.
- B. In the R-1 residential District, A public transit parking facility shall be limited to one-hundred and fifty (150) parking spaces.
- C. A Public transit parking lot shall be no closer than one thousand five hundred (1,500) feet from another Public transit parking facility.
- D. The public parking facility shall be screened in accordance with

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- E. All public or private parking lots or parking garages shall be designed to have direct vehicular access to an arterial or collector street, as defined by this Ordinance.
- F. All public or private parking lots or parking garages shall be designed to minimize traffic congestion on the site or within the garage and for traffic entering or leaving the site or parking structure.
- G. The design of any parking garage proposed to be located on property which adjoins a residential zoning district shall take into account the height, visual, light and air impacts on adjoining residences and shall utilize architectural materials for the exterior walls facing those residential areas which are compatible with the residential character of adjoining properties.
- H. Any parking garage structure, whether proposed as a principal structure or an accessory structure, shall comply with the yard requirements for a principal structure.

505.18 Public Utility Installation or Structure, subject **to:**

- A. The minimum lot area required shall be 20,000 square feet.
- B. Maintenance vehicles shall be stored within a completely enclosed building.
- C. Outdoor storage of materials or equipment, other than maintenance *vehicles* shall be permitted only if the storage area is completely enclosed by a minimum six (6) foot fence with locking gate and is screened by 100% opaque screening material placed in the fencing or by a six (6) foot dense, compact evergreen hedge.
- D. Any area of the building which is used for business offices shall comply with the parking requirements of Section 503 of this Ordinance for that use. Any area of the building which is used for storage of material, vehicles or other equipment shall provide one (1) parking space for each 1,500 square feet of gross floor area devoted to that use.

505.19 Junk Yard, **subject to:**

- A. The minimum site required shall be twenty (20) acres.
- B. The premises shall be maintained so as to not constitute a nuisance or menace to public health and safety.
- C. No garbage, hazardous materials or hazardous waste as defined by Federal statute, or other organic **waste** shall be stored on the premises.

D. The handling and disposal of motor oil, battery acid and other substances regulated by Federal statute and the Pennsylvania Department of Environmental Protection (PA DEP) shall be in accordance with all permits and requirements of that agency. Any suspension, revocation or violation of the PA DEP permits shall be a violation of this Ordinance and shall be subject to the enforcement provisions of Part 7 of this Ordinance.

E. The manner of storage of junk or other materials or equipment on the site shall facilitate access for

fire-fighting*, shall prevent hazards from fire or explosion and shall prevent the accumulation of stagnant water.

F. The salvage yard operation shall comply with the Performance Standards of Section 504 of this Ordinance.

G. No junk shall be stored or accumulated and no structure shall be located within one hundred (100) feet of any dwelling or within forty (40) feet of any property line or public street

H. 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 on the inside of the Buffer Area required by Subparagraph (j), below.

L. The fence shall be supplemented with screening material which creates a visual barrier that is at least 80% opaque.

J. Buffer Area as defined by § 504 of this Ordinance, shall be provided along all property lines adjoining residential use or zoning classification.

K. The site shall be designed utilizing natural topography and/or constructed earthen mounds to obstruct visibility from adjacent public streets.

L. The operator shall obtain a license from the Borough prior to initiating operations which shall be renewable annually upon payment of the required license fee established from time to time by Resolution of the Borough Council and subject to inspection by the Zoning Officer to determine continuing compliance with these standards.

505.20 Service Station, Automobile, subject to:

A. All minor repair work, vehicle washing, waxing, detailing, lubrication and installation of parts and accessories shall be performed within an enclosed building.

B. All car washing areas shall discharge into public sanitary sewers.

- C. All vehicle parts, dismantled vehicles and similar materials shall be stored within an enclosed building or totally screened from view by a solid or privacy fence.
- D. All vehicles awaiting repair shall be stored on the lot in an approved storage area and, in no case, shall said vehicles be stored on or obstruct access to a public right of way.
- E. Canopies over gasoline pumps shall be subject to the requirements of this Ordinance.
- F. Gasoline pumps shall be located at least thirty (30) feet from the edge of the right of way of a public street.
- G. All fuel, oil and similar substances shall be stored at least twenty-five (25) feet from any property line.
- H. The handling and disposal of motor oil, battery acid and any other substance regulated by Federal Statute and the Pennsylvania Department of Environmental Protection (PA DEP) shall be in accordance with all permits and requirements of that agency or its successor agency. Any suspension, revocation or violation of the PA DEP permits shall be a violation of this Ordinance and shall be subject to the enforcement provisions of Section 1601 of this Ordinance.
- I. Buffer Area as defined by § 504 of this Ordinance shall be provided along all property lines adjoining residential use or zoning classification.

505.21 Temporary Uses or Structures, *other than Construction Trailers*, subject to:

- A. 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.
- B. 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.
- C. A transient merchant license as required by Borough Ordinance shall be obtained.
- D. 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
 - [1] 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 505.

- [2] Evidence of an approved permit from the PA DEP or its successor agency.
- [3] 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.
- [4] 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 ease 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.
- 151 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.
- [6] The area used for preparing and serving food shall not eliminate the availability of any existing parking spaces on the site.
- [7] The activity shall comply with all applicable requirements of the Borough Fire Code. [8j
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.
- [9] 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.
- E. 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.
- F. 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.
- G. All temporary use of structures which are proposed to be accessible to the public shall provide off street parking in accordance with the requirements of Section 503 for the proposed use.

IL 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.

I. 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.

J. 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.

K. 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

505.22 Vehicle Rental, Sales and Service, subject to:

A. New and used vehicle sales and service establishments shall be limited to those establishments which are factory authorized dealerships or which have obtained a license from the Commonwealth of Pennsylvania to operate a used car dealership.

B. The minimum lot area required shall be one (1) acre.

C. The property shall have frontage on and direct vehicular access to an arterial or collector street.

D. The area used for display of merchandise offered for sale and the area used for parking of customer and employee vehicles shall be continuously paved and maintained in either concrete over a base of crushed stone compacted to not less than six (6) inches in depth or other surfacing of equivalent or superior character as approved by the Borough Engineer.

E. The handling and disposal of motor oil, battery acid and any other substance regulated by Federal Statute and the Pennsylvania Department of Environmental Protection (PA DEP) shall be in accordance with all permits and requirements of that agency or its successor agency. Any suspension, revocation or violation of the PA DEP permits shall be a violation of this Ordinance and shall be subject to the enforcement provisions of Section 702 of this Ordinance.

F. All lots used for the outdoor display of vehicles shall have a completely enclosed building on the same lot which has not less than two thousand (2,000) square feet of gross floor area where all repair, servicing, sales and customer car washing shall be performed.

G. Customer car washing areas shall discharge into public sanitary sewers.

FL No vehicle or other merchandise displayed outdoors shall be less than five (5) feet from any property line. No vehicle shall be parked on adjacent property or in any public street right of way.

1. No vehicle shall be displayed or offered for sale which does not have a current registration and inspection sticker and all of the mechanical and body components necessary for the safe and lawful operation thereof on the streets and highways of the Commonwealth of Pennsylvania.

- J. All lights and light poles shall be located at least ten (10) feet from any street right of way or property line and all lighting shall be shielded and reflected away from adjacent streets and properties.
- K. No oscillating or flashing lights shall be permitted on the lot, on any of the structures or poles on the lot or on any merchandise displayed outdoors.
- L. All required off street parking spaces shall be reserved exclusively for the parking of customer and employee vehicles and shall not be used for the display of merchandise.
- M. Customer vehicles with external damage awaiting repairs shall be located either inside a building or in an outdoor area which is screened by a six (6) foot dense, compact evergreen hedge or opaque fence.
- N. Buffer Area as defined by § 504 of this Ordinance shall be provided along all property lines adjoining residential use or zoning classification.

505.23 Repair Garage, subject to:

- A. Such use shall not be located within twenty-five (25) feet of any property line adjoining residential use or zoning classification.
- B. Buffer Area as defined by §504 of this Ordinance shall be provided along all property lines adjoining residential use or zoning classification.
- C. Storage of parts, dismantled vehicles and vehicles awaiting repair shall be kept in an enclosed building or in an outdoor area which is screened by a six (6) foot high dense, compact evergreen hedge or opaque fence.
- D. There shall be no more than four (4) vehicles displayed for sale on the premises at any one (1) time.
- E. All repair work shall be performed within an enclosed building which has adequate ventilation and fire protection provisions in accordance with the Borough Building Code.
- F. All towed vehicles shall be stored on the premises and no vehicle shall be stored or dismantled on any public street.
- G. The premises shall be kept clean and shall be maintained so as to not constitute a nuisance or menace to public health or safety.
- H. Storage, handling and disposal of hazardous materials, as defined by Federal or State statute, shall comply with the current requirements of the Pennsylvania Department of Environmental Protection (PA DEP) and the US. Environmental Protection Agency (EPA).

PART 6

NONCONFORMING USES, PREMISES, STRUCTURES AND

LOTS §601. STATEMENT OF INTENT.

1. The zoning districts established by this Chapter are designed to guide future use of land in the Borough by encouraging the development of desirable residential and commercial areas, with appropriate groupings of compatible and related uses, to the end of promoting and protecting the public health, safety, comfort, prosperity and other aspects of the general welfare.
2. To achieve this end, lawful existing uses which would be prohibited or restricted under the terms of this Chapter, or future amendments, and which do not conform to the character and regulations of the zoning district in which they are located, shall be subject to certain limitations. The regulations set forth below are intended to provide a gradual remedy for the undesirable conditions resulting from indiscriminate mixing of uses, and to afford a means whereby nonconforming uses can be gradually eliminated and reestablished in more suitable locations within the Borough.
3. Similarly, buildings or other structures which do not comply with one or more of the applicable district requirements as to lot width, minimum lot area and yard spaces, off-street parking, lot coverages or building height, are deemed to be nonconforming.
4. Nonconforming uses and structures will generally be permitted to remain; the purpose of regulating them is to restrict further investment in uses or structures which are inappropriate to their location.
5. To avoid undue hardship, nothing in this Part shall be deemed to require a change in plans, construction or intended use of any building on which actual construction was lawfully begun prior to the effective date, or amendment of this Part and on which actual building construction has been diligently carried on

(Ord. 744, ⁶/₁/1990)

§602. NONCONFORMING USE, STRUCTURE, SIGN AND/OR LOT REGULATIONS. (See definitions of "nonconforming lot," "nonconforming sign," "nonconforming structure" and "nonconforming use" in §102 of this Chapter.)

1. Continuation.
 - A. Lawful uses located either within a building or other structure, or part thereof, or on the land, or in combination of both, which, at the effective date of this Chapter, or subsequent amendment thereto, become nonconforming, may be continued so long as they remain otherwise lawful, including subsequent sales of the property.
 - B. No new nonconforming uses can be added to the premises. Only the specific principal use in existence at the effective date of this Chapter has such nonconforming use status. A nonconforming secondary use cannot become the basis for a nonconforming principal use.

2. Moving of Structure. No nonconforming building or structure shall be moved in whole or in part to another location on the lot, nor shall any structure be made unless every portion of said building or structure is made to conform to all the regulations of the district in which it is located.
3. Discontinuance. If a nonconforming use of land or building ceases operations for a continuous period of more than 6 months, then this shall be deemed to be an intent to abandon such use and any subsequent use of land shall conform to the regulations of this Part. This shall not apply to any single-family, two-family or double-family uses.
4. Change in Use.
 - A. The lawful, use of a building existing at the time of the adoption of this Chapter may be continued, although such use does not conform to the provisions hereof, and such use may be extended throughout the building, provided no structural alterations are made other than those ordered by an authorized public officer to assure safety of the building, structure or its occupants or of an abutting building, structure or its occupants, and provided further, that such extension does not displace any residence use in a residence district. If no structural alterations are made, a nonconforming use of a structure may as a special exception be changed to another nonconforming use provided that the Zoning Hearing Board shall find that the proposed use is equally appropriate or more appropriate to the district than the existing nonconforming use. If such a nonconforming use or a portion thereof is discontinued or changed to a conforming use, any future use of such building, structure, or portion thereof, shall be in conformity with the provisions of this Part
 - B. Whenever a use district shall be hereinafter changed, any existing nonconforming use in such changed districts may be continued or as a special exception be changed to another nonconforming use of the same, or higher classification provided that no structural alterations are made other than those ordered by an authorized public officer to assure the safety of the building, structure or its occupants or of an abutting building, structure or its occupants.
5. Damage or Destruction. In the event that a nonconforming building or structure in any district is destroyed or partially destroyed by fire, explosion or other cause or otherwise damaged to the extent of 50% or more of the bulk of damaged building, structure or other improvement on the lot, such nonconforming uses shall terminate and the lot shall thereafter be used only for conforming uses.

(Ord. 744, 6/11/1990, §601)

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§603. NONCONFORMING LAWFUL SIGNS.

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

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

- (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.

B. Loss of Legal Nonconforming Status. A legal nonconforming sign shall lose this designation if:

- (1) The sign is relocated or replaced or abandoned.
- (2) The structure, size or area of the sign is altered in any way except towards compliance with this Section and §50I. This does not refer to change of copy or normal maintenance.

C. Maintenance and Repair of Nonconforming Signs. A legal nonconforming sign is subject to all requirements of this Part and any other applicable ordinance or code regarding safety, maintenance and repair.

D. Moving. No nonconforming advertising sign, billboard, commercial advertising structure or statutory 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.

E. Damage or Destruction. In the event that any nonconforming advertising sign, billboard, commercial advertising structure or statutory is damaged by any means to the extent of 50% of its bulk at the time of destruction, such sign shall not be restored or replaced.

F. Discontinuance of Signs. Whenever any specific use of building or structure or land or of a combination of buildings, structures and land cases, all nonconforming signs accessory to such use shall be deemed to become unlawfully nonconforming and shall be removed within 30 days.

(Ord. 744, 6/11/1990, §602)

PART 7

ADMINISTRATIVE PROCEDURES

§701. SPECIFIC INTENT.

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.

(Ord. 744, 6/11/1990)

§702. ADMINISTRATION AND ENFORCEMENT.

1. Council. The Council shall have the power to:

- A. Adopt or amend a comprehensive plan for the Borough
- B. Enact or amend an official map, a zoning ordinance, a subdivision and land development ordinance and building code, a housing code, and a schedule of fees in accordance with this Chapter, other Borough ordinances, and the laws of the Commonwealth.
- C. Appoint a Zoning Officer, members of the Zoning Hearing Board, and members of the Planning Commission. [A.O.1
- D. Approve any plans and permits as may be required by this Part.
- E. Consider, approve and/or reject "conditional uses."
- F. Exercise any other powers delegated to them under the laws of the Commonwealth.

2. Administration. The duty of administering and enforcing the provisions of this Chapter is hereby conferred upon the Zoning Officer or his duly authorized representative who shall have such powers as are conferred on them by this Part and are reasonably implied for that purpose. The Zoning Officer shall have all the powers and duties provided for a Zoning Officer in the Municipalities Planning Code.

- A. Duties. The duties of the Zoning Officer or his duly authorized representative shall be:
 - (1) To examine all applications for permits.
 - (2) To issue permits only for construction and uses which are in accordance with the regulations of this Chapter and other applicable ordinances as may be subsequently amended.

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- (3) To record and file all applications for permits with the accompanying plans.
- (4) To issue permits for use by special exception only after such uses and buildings are approved by the Zoning Hearing Board in accordance with the regulations of this Chapter.
- (5) To receive all required fees and issue all necessary stop orders or other notices.
- (6) To provide information and interpretation as to zoning district boundaries established on the zoning district map which do not require decisions by the Zoning Hearing Board.
- (7) Upon the request of the Planning Commission or of the Zoning Hearing Board, present such body facts, records and any similar information on specific requests to assist such body in reaching its decision.
- (8) To be responsible for keeping up-to-date this Chapter and accompanying zoning district map.

B. Notification of Violation. If the Zoning Officer or his duly authorized representative shall find that any of the provisions of this Chapter are being violated, he shall notify, in writing, the person responsible for such violation, indicating the nature of the violation and order the action necessary to correct it. He shall order discontinuance of illegal use of land, building or structure; removal of illegal buildings or structures or of illegal additions, alterations or structural changes thereto; discontinuance of any illegal work being done or shall take any other action authorized by this Part or statute to insure compliance with, or prevent violation of, its provisions, all in accordance with the provisions of the Municipalities Planning Code.

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

3. Enforcement. This Chapter shall be enforced in accordance with the provisions of the Municipalities Planning Code by the designated Zoning Officer or his duly authorized representative of the Borough of Castle Shannon. No permit of any kind as provided in this Chapter shall be granted by them for any purpose except in compliance with the provisions of this Chapter, or a decision of the Zoning Hearing Board or the courts.
4. Complaints Regarding Violations. Whenever a violation of this Chapter occurs, or is alleged to have occurred, any person may file a written complaint. Such complaint stating fully the causes and basis thereof, shall be filed with the Zoning Officer or his duly authorized representative. They shall record properly such complaint, immediately investigate and take action thereon as provided in this Chapter.

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

(Ord. 744, 6/11/1990, §701; as amended by

A.O. §703. 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, ownership or occupancy of a building or land, and prior to the change or extension of nonconforming 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 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
5. Certificate of Occupancy.
 - A. 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.
 - B. Certificate of occupancy shall be granted or denied, within 10 days from the date of application.

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- C. 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 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.

6.Remedies. In case any building or structure is erected, constructed, reconstructed, altered, repaired, converted or maintained or any building, structure or land is used or occupied in violation of this Chapter or of any ordinance or other regulation made supplementing this Chapter, the proper authorities of the Borough, in addition to the other remedies, may institute any appropriate action or proceedings to prevent such unlawful election, construction, reconstruction, alterations, repairs, conversion, maintenance, occupancy or use to restrain, correct or abate such violation, or to prevent any illegal act, conduct business or *use* in or about *such* premises.

§704. SCHEDULE OF

FEES. 1. Determination.

- A. The Borough Council shall determine a schedule of fees, charges and expenses, as well as a collection procedure for special permits, variances, amendments and other matters pertaining to this Part. Said schedule of fees shall be posted in the office of the Zoning Officer.
- B. The Borough Council shall be empowered to reevaluate the fee schedule and make necessary alterations to it. Such alterations shall not be considered an amendment to this Chapter, and may be adopted at any public meeting of Council by resolution.
- C. The required fees for zoning district amendments may vary according to advertising costs and thus shall be kept up-to-date by the Borough Council and the Zoning Officer or his duly authorized representative. All such fees shall be paid into the Borough treasury.
- D. Special exceptions and variances shall be issued only after *fees* have been paid in full, and the Zoning Hearing Board shall take no action on appeals until preliminary charges have been paid in full.

(Ord. 744, 6/11/1990, §703)

§705. AMENDMENTS.

- 1. Power to Amend. The regulations, restrictions, boundaries and requirements set forth in this Chapter may, from time to time, be amended, supplemented, changed or repealed, through amendment by the Borough Council.
- 2. Procedure for Amendment. The procedure for amendment of this Chapter shall be as provided in the Municipalities Planning Code.

(Ord. 744, 6/11/1990, §704)

PART 8

ZONING HEARING BOARD

§80I. ADMINISTRATION AND PROCEDURE.

1. Creation. There is hereby created a Zoning Hearing Board which shall have all the duties,

rights and shall conduct itself and be governed by and in accordance with the provisions of the Municipalities Planning Code.

2. Membership.

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

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

3. Organization. The Zoning Hearing Board shall organize in accordance with the Municipalities Planning Code and shall hold hearings, seat alternate members, conducts proceedings and make, alter and rescind rules, forms and procedures in accordance with the Municipalities Planning Code.

4. Expenditures. The Zoning Hearing Board may make expenditures for services in accordance with the Municipalities Planning Code and member and alternate members of the Zoning Hearing Board may receive compensation, as may be fixed by the Borough Council.

(Ord. 744, 6/11/1990, §801)

§802. HEARINGS, NOTICE, FEES.

802I NOTICE AND CONDUCT OF HEARINGS

A public hearing shall be held on any appeal filed under Section 803 of this Ordinance within sixty (60) days of filing of a complete application. The public hearing shall be held pursuant to public notice, as defined by this Ordinance. In addition to the public notice, at least one (1) week prior to the public hearing, the Board shall post at least one (1) copy of the notice on the affected property. At least

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fourteen (14) days prior to the public hearing, the Board shall mail a copy of the notice to each property owner within three hundred (300) feet of the entire perimeter of the property, including those located across a street right-of-way. The cost of mailing the certified notices shall be paid by the applicant. The Board shall comply with all requirements of the Pennsylvania Municipalities Planning Code (Act 247, as amended) regarding conduct of *the* public hearing and rendering a decision.

802.1.1 PUBLIC NOTICE

Public Notice shall be notice published once each week for two successive weeks in a newspaper of general circulation in the municipality. 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 be not more than 30 days and the second publication shall not be less than seven days from the date of the hearing.

802.2 FAILURE TO RENDER A DECISION

Where the Board fails to render a decision within the required forty-five (45) day period or fails to hold the required hearing within sixty (60) days of the applicant's request for a hearing, 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 Board to meet or render a decision, the Board shall give public notice of the decision within ten (10) days from the last day it could have met to render a decision. If the Board shall fail to provide such notice, the applicant may do so. Nothing in this Section shall prejudice the right of any party opposing the application to appeal the decision to the Court of Common *Pleas*.

8023 MEDIATION OPTION

Parties to proceedings authorized in this Article may utilize mediation as an aid in completing such proceedings. In proceedings before the Zoning Hearing Board, in no case shall the Zoning Hearing Board initiate mediation or participate as a mediating party. Mediation shall *supplement*, not replace, those procedures in this Article once they have been formally initiated.. Nothing in this Subsection shall be interpreted as expanding or limiting municipal police powers or as modifying any principles of substantive law.

Participation in mediation shall be wholly voluntary. The appropriateness of mediation shall be determined by the particulars of each case and the willingness of the parties to negotiate. Any municipality offering the mediation option shall assure that in each case, the mediating parties, assisted by the mediator as appropriate, develop terms and conditions for:

- (a) Funding mediation
- (b) Selecting a mediator who, at a minimum, shall have a working knowledge of municipal zoning and subdivision procedures and demonstrated skills in mediation
- (c) Completing mediation, including time limits for such completion_
- (d) Suspending time limits otherwise authorized in this Ordinance or in the Pennsylvania Municipalities Planning Code (Act 247, as amended), provided there is written consent by the mediating parties, and by an applicant or Borough decision-making body, if either is .not a party to the mediation.
- (e) Identifying all parties and affording them the opportunity to participate.
- (f) Subject to legal restraints, determining *whether* some or all of the mediation sessions shall be open or closed to the public.

- (g) Assuring that mediated solutions are in writing and signed by the parties, and become subject to review and approval by the appropriate decision-making body pursuant to the authorized procedures set forth in this Ordinance.

No offers or statements made in the mediation sessions, excluding the final written mediated agreement, shall be admissible as evidence in any subsequent judicial or administrative proceedings.

802.4 FEES AND EXPENDITURES

- 802.4.1 Fees: The Council may prescribe reasonable fees with respect to hearings before the

Zoning Hearing Board. Fees for said hearings may include compensation for the secretary and members of the Zoning Hearing Board, notice and advertising costs and necessary administrative overhead connected with the hearing. The costs, however, shall not include legal expenses of the Zoning Hearing Board, expenses for engineering, architectural or other technical consultants or expert witness costs.

- 802.4.2 Stenographer's Appearance Fee and Transcripts: The appearance fee for a *stenographer* shall be shared equally by the applicant and the Board. The cost of the original transcript shall be paid by the Board if the transcript is ordered by the Board or hearing officer or shall be paid by the person appealing from the decision of the Board if such appeal is made, and in either event the cost of additional copies shall be paid by the person requesting *such copy* or copies. In other cases the party requesting the original transcript shall bear the cost thereof.

- 802.4.3 Expenditures: Members of the Board may receive compensation for the performance of their duties as may be fixed by the Council, but in no case shall it exceed the rate of compensation authorized to be paid to the members of the Council. Within the limits of funds appropriated by the Council, the Board may employ or contract for secretaries, clerks, legal counsel, consultants and other technical and clerical services.

8025 TIME LIMITATIONS

No person shall file any proceeding before the Zoning Hearing Board later than thirty (30) days after a preliminary or final application for development has been approved by an appropriate Borough officer, agency or body, if *such* proceeding is designed to secure reversal or to limit the approval in any manner, unless *such* person alleges and proves that he had no notice, knowledge or reason to believe that *such* approval had been given. If *such* person has succeeded to his interest after *such* approval, he shall be bound by the knowledge of his predecessor in interest.

The failure of anyone, other than the landowner, to appeal from an adverse decision on an application for tentative approval of a Planned Residential Development or from an adverse decision by a Zoning Officer on a *challenge* to the validity of an ordinance or map filed pursuant to Section 916.2 of the Pennsylvania Municipalities Planning Code shall preclude an appeal from a final approval except in the case where the final submission substantially deviates from the approved tentative approval.

All appeals from determinations adverse to the landowner shall be filed by the landowner within thirty (30) days after notice of the determination is issued.

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802.6 STAY OF PROCEEDINGS

Upon filing of any proceeding and during its pendency before the Board, all land development pursuant to any challenged ordinance, order or approval of the Zoning Officer or of any agency or body, and all official action thereunder shall be stayed unless the Zoning Officer or any other appropriate agency or body certifies to the Board, facts indicating that such stay would cause imminent peril to life or property, in which case the development or official action shall not be stayed otherwise than by a restraining order, which may be granted by the Board or by the Court having jurisdiction of zoning appeals on petition after notice to the Zoning Officer or other appropriate agency or body. When an application for development, preliminary or final has been duly approved and proceedings designed to reverse or limit the approval are filed with the Board by persons other than the applicant, the applicant may petition the court having jurisdiction of the zoning appeals to order such persons to post bond as a condition to continuing the proceedings before the Board. The question whether or not such petition should be granted and the amount of the bond shall be within the sound discretion of the court.

All appeals from decisions rendered by the Zoning Hearing Board shall be taken to the Allegheny County Court of Common Pleas and shall be filed within thirty (30) days after the entry of the decision or, in the case of a deemed decision, within thirty (30) days after the date upon which notice of said deemed decision is given as required by Subsection 908(9) of the Pennsylvania Municipalities Planning Code (Act 247, as amended).

§803. POWERS AND DUTIES.

The Zoning Hearing Board shall have exclusive jurisdiction to hear and render final adjudication in the following matters:

- 803.1 Substantive challenges to the validity of any land use ordinance, except curative amendments brought before the Council.
- 8032 Challenges to the validity of a land *use* ordinance raising procedural questions or alleged defects in the process of enactment or adoption which challenges shall be raised by an appeal taken within thirty (30) days after the effective date of the ordinance.
- 8033 Appeals from the determination of the Zoning Officer, including, but not limited to, the granting or denial of any permit, or failure to act on the application therefor, the issuance of any cease and desist order or the registration or refusal to register any non-conforming use, structure or lot
- 803.4 Appeals from a determination by the Borough 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.
- 8033 Applications for variances from the terms of this Ordinance and flood hazard ordinance or such provisions within a land use ordinance pursuant to Section 1803.
- 803.6 Applications for special exceptions under this Ordinance or flood plain or flood hazard ordinance or such provisions within a land use ordinance, pursuant to Section 804.

803.7 Appeals from the Zoning Officer's determination under Section 9162 of the Pennsylvania Municipalities Planning Code. (Act 247, as amended)

803.8 Appeals from the determination of the Zoning Officer or Borough 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 subdivision and land development or planned residential development

804 VAR/AWES

The Board, upon appeal, shall have the power to authorize variances from the requirements of this Ordinance, and to attach such conditions to the variance as it deems necessary to assure compliance with the purposes of this Ordinance. A variance may be granted if all of the following findings are made where relevant in a given case:

804.1 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 this Ordinance in the neighborhood or district in which the property is located.

804.2 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 this Ordinance and that the authorization of a variance is therefore necessary to enable the reasonable use of the property.

804.3 That such unnecessary hardship has not been created by the appellant

804.4 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.

804.5 That the variance, if authorized, will represent the minimum variance necessary to afford relief and will represent the least modification possible of the regulation in issue.

In granting any variance, the Board may attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes of this Ordinance and protect the public health, safety and welfare.

ZONING

805 USES BY SPECIAL EXCEPTION

The Board shall have the power to hear and decide on applications for uses by special exception as authorized by this Ordinance, in harmony with its general purpose and intent, and in accordance with the standards set forth in Article V. The Board shall approve a use by special exception only if it meets all applicable requirements of this Ordinance and the express standards and criteria set forth in Article V. In granting a use by special exception, the Board may attach such reasonable safeguards, in addition to those expressed in this Ordinance, as it may deem necessary to properly implement this Ordinance and protect the public health, safety and welfare.

006. APPEAL

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

(Ord. 744, 6/11/1990, §804)

PART 9
THE PLANNING COMMISSION

§901. SPECIFIC INTENT.

It is the purpose of this Part to cite those Sections and subsections of this Chapter that specifically refer to responsibilities of the Borough of Castle Shannon Planning Commission in the administration of this Chapter. Further, it is the purpose of this Section to establish a site plan review procedure for the Planning Commission.

(Ord.. 744, 6/11/1990)

§902. ADMINISTRATION AND PROCEDURE.

1. Appointment. The Planning Commission, consisting of nine members, shall be appointed by the Borough Council in the manner prescribed by law, as outlined in the Municipalities Planning Code.
2. Rules of Procedure. The Planning Commission shall adopt rules of procedure as are required in accordance with the provisions of other Borough ordinances, and as necessary, to provide the required reviews and recommendations relative to this Part. The rules of procedure with regard to zoning ordinance matters shall be in accordance with the provisions of the Municipalities Planning Code and any other Borough ordinances pertinent to the review functions of the Castle Shannon Borough Planning Commission.
3. Meetings. The Planning Commission shall meet monthly at a regularly prescribed date and meeting place, and at other times as the Chairman may deem necessary. All meetings of the Planning Commission shall be open to the public. The Secretary of the Planning Commission shall keep minutes of all meetings.
4. Decisions Regarding Zoning Matters. Within 30 days after any hearing regarding a zoning matter or unless a different time is required within this Chapter, the Planning Commission shall record its review, analysis and recommendation in written form, copies of which shall be forwarded to the appropriate body such as the Borough Council, the Zoning Hearing Board or, in certain cases, to the Borough Manager or Zoning Officer. The 30 day period for a decision shall be computed from the day the Planning Commission received the subject matter requiring said decision. If any public hearings are required during the course of the hearing, the 30 day period prescribed above shall be applicable only after the holding of a required public hearing in accordance with public notice required by the Municipalities Planning Code.

5. Limitations.

- A. The Planning Commission shall function as an advisory body and shall be restricted in its duties to applying the conditions, requirements, restrictions and standards imposed by the various Sections of this Chapter in keeping with its overall intent.
- B. The Planning Commission shall have no authority to consider any matter for which a fee is required if the required fee has not been paid.

6. Activities. With prior authorization of Borough Council, the Planning Commission may undertake special studies relating to the comprehensive plan and its implementation which it deems necessary. Public meetings may be undertaken for this purpose. Material may be gathered and printed. The Planning Commission may retain outside consulting assistance as it deems necessary. All appropriations of the Borough funds for planning purposes shall first be approved by the Borough Council.

(Ord. 744, 6/1/1990, §901)

p903. POWERS.

903.1 The Planning Commission shall, at the request of the Council, have the power and shall be required to:

- A. Prepare the Comprehensive Plan for the development of the Borough in accordance with the requirements and procedures set forth in the Pennsylvania Municipalities Planning Code and present it for consideration by the Council
- B. Maintain and keep on file records of its action. All records and files of the Planning Commission shall be in the possession of the Council.

903.2 The Planning Commission, at the request of the Council, may:

- A. Make recommendations to the Council concerning adoption or amendment of an official map.
- B. Prepare and present to the Council a zoning ordinance and make recommendations to the Council on proposed amendments to it.
- C. Prepare and recommend subdivision and land development and planned residential development regulations and amendments thereto and make recommendations to the Council, on applications submitted under those regulations.
- D. Prepare and present to the Council a building code and a housing code and make recommendations concerning proposed amendments thereto.
- E. Do such other acts or make such studies as may be necessary to fulfill the duties and obligations imposed by the Pennsylvania Municipalities Planning Code.
- F. Prepare and present to the Council an environmental study.

- G. Submit a recommended capital improvements program to the Council.
- H. Prepare and present to the 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 conducted in consultation with any public water supplier in the area to be surveyed.
- 1. Promote public interest in, and understanding of, the comprehensive plan and planning.
- J. Make recommendations to governmental, civic and private agencies and individuals as to the effectiveness of the proposals of such agencies and individuals.

K. Hold public hearings and meetings. L

Present testimony before any board.

M. Require from other departments and agencies of the Borough such available information as relates to the work of the Planning Commission.

N. In the performance of its functions, enter upon any land to make examinations and surveys with the consent of the landowner.

O. Prepare and present to the Council a study regarding the feasibility and practicability of using renewable energy sources in specific areas within the Borough.

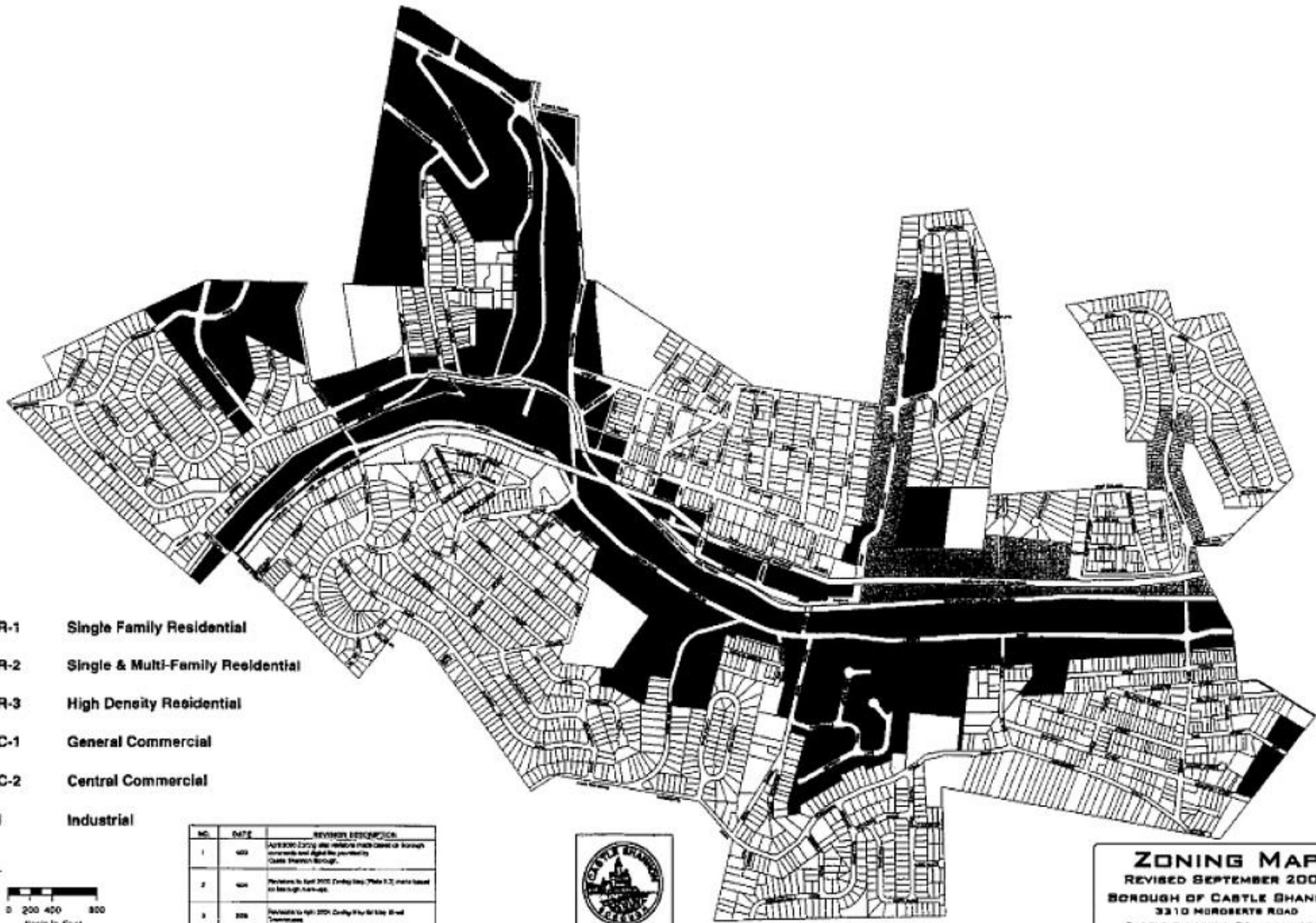
P. *Review* the zoning ordinance, subdivision and land development ordinance and such other ordinances and regulations governing the development of land no less frequently than it reviews the comprehensive plan.

903.3 In the performance of its powers and duties, any act or recommendation of the Planning Commission which involves engineering considerations shall be subject to review and comments of the Borough Engineer, which shall be incorporated and separately set forth in any report, written act or recommendation of the Planning Commission.

903A Records. The Secretary of the Planning Commission shall keep minutes of all meetings and shall maintain a file of the Commission's records which shall be the property of the Council

**PART 10
ZONING MAP AMENDMENTS**

Ordinance	Date	Subject
767	2/8/1993	
		Subject
		Rezoning certain land situate on the easterly side of Murrays Lane from R-1 district to R-3 district.
798	3/10/1997	
		Rezoning property along Sixth Street and Home Avenue from R-1 district to C-1 district.
799	3/10/1997	
		Rezoning property along Library Road and Sixth Street (also known as Killarney Drive) from I Industrial District to C-1 General Commercial district
806	9/14/1998	
		Rezoning property along Willow Avenue and Castle Shannon Boulevard and Mt. Lebanon Boulevard from C-4 districts to C-2 districts and eliminating the C-4 district.
814	4/10/2000	
		Rezoning property along Baldwin Street from R-1 to R-3.
816	7/24/2000	
		Rezoning property along Mt. Lebanon Boulevard from R-3 to C-1.
817	7/24/2000	
		Rezoning property along Bockstoce Avenue from R-3 to R-1.
818	—/—/2000	
		Rezoning property along Waverly Street from R-1 to R-3.



- R-1 Single Family Residential
- R-2 Single & Multi-Family Residential
- R-3 High Density Residential
- C-1 General Commercial
- C-2 Central Commercial
- I Industrial

NO.	DATE	REVISION DESCRIPTION
1	1993	APPROXIMATELY 2000 RESIDENTIAL MAPS OBTAINED FROM BOROUGH RECORDS AND DIGITALLY REPRODUCED BY CASTLE SHANNON BOROUGH.
2	1994	REVISIONS IN APRIL 2005 TO CORRECT ERRORS (PLOT SIZES) MADE BASED ON AERIAL PHOTOGRAPHS.
3	2006	REVISIONS TO APRIL 2005 DUE TO NEW LOT SIZES AND DIMENSIONS.



ZONING MAP
 REVISED SEPTEMBER 2005
 BOROUGH OF CASTLE SHANNON
 3310 MURDOCK ROAD
 CASTLE SHANNON, PA 15226-2711

