

PART 5

SUPPLEMENTAL REGULATIONS

pot SIGN REGULATIONS.

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

ZONING

- 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

ZONING

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(O)).
16. **Compliance with Building and Electrical Codes.** All signs shall be constructed and inspected in accordance with the requirements of the Borough Building Code and Electrical Code.
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 an 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 any 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 clear sight triangle shall be maintained at all intersections and points of entry on a public road, so that, measured along the centerline, there shall be a clear sight triangle of 75 feet minimum from the point of intersection. No obstruction to view will be permitted in this area above the height of 21/2 feet and below 10 feet.
- 2. Swimming Pools.**
 - A. 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,

ZONING

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

- B. All swimming 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-closing, 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 Officer or his duly authorized representative, upon written application accompanied by a plan showing the size, shape and location of the swimming pool and its enclosure and such other information as may be necessary to enable the Zoning Officer to determine whether the pool complies with this Chapter.
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, tanks 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. All 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 enclosed building or structure. No such display shall be located outside the buildable area of the lot; nor shall such displays occupy and require parking stalls, aisles or driveways; nor shall such display obstruct any line of vision of any vehicular operator entering, exiting or transiting the premises or adjacent street or highway; nor shall such display obstruct any window, doorway or exit way in any manner prohibited by any building code or related code of the Borough; nor shall such display be located any farther from the face of the exterior surfaces of the building(s) which parallels a public roadway located on the premises than the marked area of those surplus (nonmandated)

ZONING

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. 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 accessways 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
1 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 <i>each</i> 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 Terminals, Light Manufacturing, Manufacturing, Warehousing and Wholesaling	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

ZONING

Convenience Store, Specialty Food Store, Specialty Retail Store, Retail Store	300 sq. ft. of gross floor area
Drive Through Facilities	Each drive-through facility shall accommodate four vehicles from the first point of stopping in such a manner as to not block any parking spaces, driving aisles or driveway
Indoor Self-Storage Facilities, Mini-Warehouse or Self Storage Facilities	One (1) designated parking space for each five (5) <u>storage units</u>
Lodge, library, museum, meeting place, etc.	50 sq. ft. of floor area used for assembly in the building
Motel (or hotel)	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 for restaurants, meeting places, etc.)
Multifamily Dwelling, High Rise Residential structure, Garden Apartments, Townhouses	2.33 parking spaces per dwelling unit
Personal Adult Bookstores, Adult Business, Adult Entertainment Center, Adult Live Theater, Adult Motion Picture theater, Public Spa or Public Hot Tub, Repair Shop,	100 sq. ft. of customer service area in addition to one for each employee
	Private recreation facilities 1.5 members
Repair Garage, Service Station, Automobile, Vehicle Rental sales and service	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
Restaurant, Tavern	3 seats or one for each 200 sq. ft of floor area, <u>whichever is greater</u>
School	15 students in elementary schools 10 classroom seats in other schools or for each 125 square feet of auditorium space provided, whichever is greater.
Service Station with Convenience Store	One space for each 250 square feet of retail sales <u>area plus one space for each employee</u>
Single-family Dwelling, Two-family Dwelling	<u>on a shift 2 parking spaces per dwelling unit</u>
Transitional Dwellings, group care facilities, <u>personal care boarding, home</u>	one space for every two (2) full time staff plus 1 <u>space for each three/31 residents</u>

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.

ZONING

(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 accessways or automobile parking facilities.

C. All accessways 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 3/4 ton payload in a⁷⁶ 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.

8. 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 total₇₇ number of spaces needed

for all uses in each time period.

ZONING

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

(Ord. 744, 6/11/1990, §503)

§504. DESIGN STANDARDS FOR COMMERCIAL AND INDUSTRIAL DISTRICTS.

1. **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	S • acin:	Comment
Groundcover			
Vinca minor	Blue Myrtle	6" • center	spring
Pachysandra terminalis	Pachysandra	4" on center	Evergreen, ideal far 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
Ilekglabra "Compacta"	Nordic Holly	Height: 4' Spread: 4'	Massing, hedges, accents; sun or partial shade
Ilex meserveae "Blue Princess"	Blue Prince Holly	Height: 5' Spread: 5'	Pollinator for Blue Princess
Ilex x meserveae "Blue Princess"	Blue Princess Holly	Height: 5' Spread: 5'	Produces heavy be set of excellent red fruit
Juniperis chinensis "Aquarius"	Aquarius juniper	Height: 3' Spread: 5'	Blue-green foliage
Juniperis virginaiiana "Burldi" .	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 grandiflorium	Grandiflorium Rhododendron	Height: 6' Spread: 6'	Rose purpose flowers in late spring
Rhododendron P.J.M.	P.J.M. Rhododendron	Height: 4' Spread: 4'	Lavendar-pink flowers in early spring; compact
Deciduous Shrubs			
Clethra alnifolia "Rosea"	Pink Summersweet Clethra	Height: 6' Spread: 5'	Aromatic pink flower spikes; does well in shade
Cotoneaster apiculata	Cranberry Cotoneaster	Height: 3' Spread: 6'	Very hardy; sun or partial shade; bright red berries through winter
Euonymus alata	Winged Euonymus	Height: 15' Spread: 12'	Picturesque corky wings in winter; scarlet autumn color; sun or med. shade
Eurioymus 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 burnalda "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 "Alpina"	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 occidentals "Nigra"	Dark Green Aborviatae	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
Acerylatanoides 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
Cornus 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
Hemerocallis	Day Lilies	Height: 15-36"	Summer blooming; variety of colors
Hosta	Plantain Lily	Height: 18-36"	Summer flowering; good in shade
Rudbeckia fulgida "Goldstrum"	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 nonsurviving 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.
 1. Should the applicant fail to obtain the necessary permits within al 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.

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.

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, 12/9/1996, §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.

- 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 clearly incidental and accessory or secondary to the use of the property for residential purposes, and which meets the following additional conditions:

- A. The occupation or activity including the storage of materials shall be carried on wholly within the principal building.
- B. No more than one 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 89 – Building Official in accordance with the

provisions set forth above.

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.
- L. 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.
- L. 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.

ZONING

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 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.
- H. Any outdoor facility located within two hundred (200) feet of an existing dwelling shall cease operations no later than 10:00 PM
- I. 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:

ZONING

- (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 Ordinance 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. Offstreet parking shall be provided 94 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).

50514 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.

ZONING

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

- A. The minimum 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 sufficient for 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.
- EL 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 offstreet 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 offstreet parking which adjoins residential zoning classification shall be screened by a six (6) foot dense, compact evergreen hedge.

505.17 Public or Private Peking Lot or Parking Garage, Public Transit Parking Facilities, Public Transit parking 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 that one thousand five hundred (1,500) feet from another Public transit parking facility.
- D. The public parking facility shall be screened in accordance with

ZONING

- 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.
- Fl. 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.
- I. 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 so as 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 Ordinance 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 case where there is parallel parking permitted along such sidewalk, a minimum of four (4) feet adjacent to the curb to permit the discharging of passengers shall be provided. These required unobstructed areas on the sidewalk may be combined into one area at least five (5) feet wide along the curb.
- [5] 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.
- [8] 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.

K 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 uses or structures which are proposed to be accessible to the public shall provide offstreet parking in accordance with the requirements of Section 503 for the proposed use.

- H. 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
- 1. 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 Sect:10'1702 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.
- I. 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 offstreet 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.

50523 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 U.S. 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 re-established 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.)

I. 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 basis¹⁰⁴ 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)

§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 §501. 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.]
 - 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.

ZONING

- (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 non-conforming use and shall be issued simultaneously with the required building permit or occupancy permit.
2. Application for Permits. Application for permits shall be made in writing, to the Zoning Officer or his duly authorized representative on such forms as may be furnished by the Borough. Such application shall include building and plot plans of a satisfactory nature and shall contain all information necessary for such official to ascertain whether the proposed erection, alteration, use or change in use, complies with the provisions of this Chapter_ No permit shall be considered complete or permanently effective until the Zoning Officer or his duly authorized representative has certified that the work meets all the requirements of applicable codes and ordinances.
3. Issuance of Permits. No zoning permit shall be issued unless in conformity with the regulations of this Chapter, except after written order from the Zoning Hearing Board, or the courts.
4. Expiration of Permits. Any permit issued shall become invalid if the authorized work is not commenced within 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.

ZONING

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

§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 10 Municipalities Planning Code.

(Ord. 744, 6/11/1990, §704)

PART 8

ZONING HEARING BOARD

§801. 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, conduct its 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

802.1 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

ZONING

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.

8022 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.

8024 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.

802S 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 rare 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.

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.
- 803.2 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.
- 803.3 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.
- 803.5 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)

803B 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 stormwater management insofar as the same relate to development not involving subdivision and land development or planned residential development.

804 VARIANCFS

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.

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.

§806. 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

G901. 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.
- 13. 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, 6/11/1990, §901)

§903. 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.

I. 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.

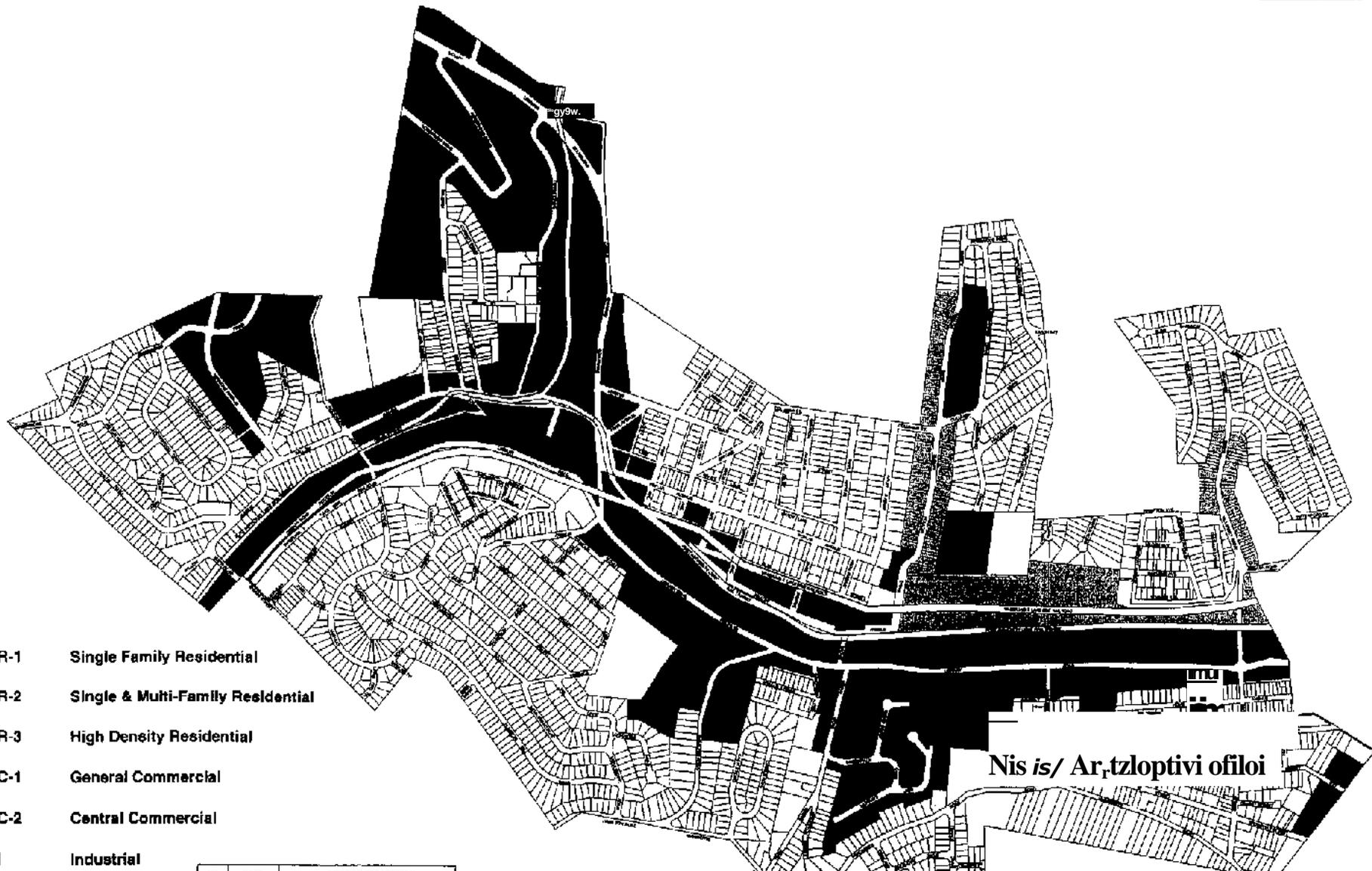
903.3 In the performance of its powers and duties, any act or recommendation of the Planning Commission which involves engineering considerations shall be subject to review and comments of the Borough Engineer, which shall be incorporated and separately set forth in any report, written act or recommendation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

903.4 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.

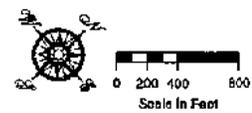
PART 10

ZONING MAP AMENDMENTS

<u>Ordinance</u>	Date	<u>Subject</u>
767	2/8/1993	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 C4 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	4/01	Adopted Zoning Map Ordinance 2000-01 on Borough Council and Digital File provided by Castle Shannon Borough.
2	4/01	Revisions in April 2000 Zoning Map (Plate 5.5) made based on Borough of Castle Shannon.
3	4/02	Revisions in April 2002 Zoning Map for May 2002 Town Council.



ZONING MAP
 REVISED SEPTEMBER 2005
 BOROUGH OF CASTLE SHANNON
 3310 McROBERTS ROAD
 CASTLE SHANNON, PA 15234-2711

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

Industrial



Ni sou' bunn h' n'vican I um ros en
 Nononumwacpif
 Out. avoy, sraugh

REVISION DESCRIPTION

DATE

Revised 141 EWA eki, Yap kr byry on
 16/11/11

App EY Azaxl P11. 5.5) nibs bow
 E04114220

ZONING MAP
 REVISED SEPTEMBER 21305
 EIRO111311 CIF CASTLE SHANNON
 MB 1 G Man] mmmmm ROAD
 CASTLE SHANNON, PA 1,234.2711