

THE WEST NEWTON BOROUGH ZONING REGULATIONS

Zoning Ordinance of the Borough of West Newton

**Enacted 1976
Revised 1995**

WEST NEWTON BOROUGH OFFICIALS

MAYOR

GEORGE J. THURANSKY

PLANNING COMMISSION

GERALD BROZAK
SALLY THURANSKY
MICHAEL DONOHOE
MICHAEL SEMON
GARY FEDROW

BOROUGH COUNCIL

TOBIE KYLE
SHERMAN A. BRIZZI
MARLENE YURKOVICH
PHILIP DAVE
DEBRA BLAIR
FRANK BERDUCCI
ROBERT M. BEHANNA
ARLENE LANDER
DANIEL PALFEY

BOROUGH SOLICITOR: Charles F. Wade

TABLE OF CONTENTS

ENACTING CLAUSE _____ i

WEST NEWTON BOROUGH OFFICIALS _____ ii

ARTICLE PAGE NO.

I INTRODUCTION _____ 101

II ZONING DISTRICT MAP AND DISTRICTS _____ 201

III ENVIRONMENTAL CONTROL DISTRICT _____ 301

IV ONE FAMILY RESIDENTIAL DISTRICT _____ 401

V TWO FAMILY RESIDENTIAL DISTRICT _____ 501

VI COMMERCIAL DISTRICT _____ 601

VII INDUSTRIAL DISTRICT _____ 701

VII A COMMERCIAL / INDUSTRIAL DISTRICT _____ 701 A

VIII GENERAL REGULATIONS _____ 801

IX NON-CONFORMITIES _____ 901

X CONDITIONAL USE PERMITS _____ 1001

XI ADMINISTRATION _____ 1101

XII ZONING HEARING BOARD _____ 1201

XIII AMENDMENT PROCEDURES _____ 1301

XIV RULES AND DEFINITIONS _____ 1401

BOROUGH OF WEST NEWTON
WESTMORELAND COUNTY, PENNSYLVANIA

ORDINANCE NO. 1995 – 4

AN ORDINANCE ADOPTING THE WEST NEWTON BOROUGH ZONING REGULATIONS

AN ORDINANCE regulating, restricting, and providing for:

The location, erection, construction, razing, removal, and use of structures and land for residences, businesses, industries, and other purposed as outlined herein;

The location, bulk, size and height of structures;

The portion of a lot that may be developed; the depth, width, and size of yards and other open spaces;

Vehicle parking;

The density of population;

Conformity of land uses to adjacent uses;

The division of the Borough into zoning districts providing boundaries thereof for the purposes of carrying out these regulations;

A method of administration of this Ordinance by prescribing fees and by establishing a Zoning Hearing Board and prescribing duties and powers thereof, and prescribing penalties for violations.

WHEREAS, the Borough Council of the Borough of West Newton deems it necessary to:

Protect and encourage the most appropriate use of land;

Secure safety persons and property from fire and other dangers;

Insure the provision of adequate light, air, and amenities;

Prevent undue concentration of population and crowding of land;

Conserve the value of property;

Facilitate the provision of public and private development in harmony with the above stated purposes and;

Promote the health, safety, general welfare, morality, and convenience of the community.

NOW THEREFORE, BE IT ORDAINED AND ENACTED by the Borough Council of the Borough of West Newton, and it is hereby ordained and enacted by the authority of the same as follows:

Article I

Introduction

1.1 - Short Title

This ordinance shall be known and may be cited as the West Newton Borough Zoning Ordinance.

1.2 - Statement of Community Development Objectives

With the passage of this Ordinance, the West Newton Borough Council hopes to achieve the following Community Development Objectives:

- (1) To protect and provide for the public health, safety, and general welfare of the citizens of the Borough.
- (2) To provide guidance for the future growth and development of the Borough in accordance with the Comprehensive Plan of the Borough.
- (3) To provide protection for the steep hillside areas of the Borough.
- (4) To protect and maintain the commercial district of the Borough as a viable center for trade.
- (5) To persevere certain areas of land for light industrial use in order to attract employment opportunities to the Borough.
- (6) To regulate off-street parking and maintain the existing residential parking.
- (7) To regulate the area of a lot upon which a structure may be built.
- (8) To allow for a use mixture that will not disrupt existing neighborhoods.
- (9) To regulate the size and number of signs that may be posted in each district.
- (10) To regulate the large number of existing non-conformities currently present in the Borough.

1.3 - Interpretation

The interpretation and application of the provisions of this Ordinance shall be held to those minimum requirements which will promote public health, safety, comfort, convenience, general welfare, and Community Development Objectives. (Sec. 1.2). In their interpretation and application, the provisions of this zoning ordinance shall be held to be the minimum requirements.

This Ordinance is not intended to annul any permits issued prior to the effective date of the Ordinance nor to abrogate any easement, servitude, condition, restriction, covenant, or other private agreement provided that where the provisions of this Ordinance are more restrictive than such easements, servitudes, conditions, restrictions, covenants, or other private agreements, the requirements of this Ordinance shall govern.

1.4 - Severability

If any section, subsection, paragraph, sentence, clause, or phrase of this Ordinance should be declared invalid for any reason whatsoever, such decision shall not affect the remaining portions of this Ordinance. The remaining portions of this Ordinance shall remain in full force and for this purpose the provisions of this Ordinance are hereby declared to be severable.

1.5 - Construction

All existing zoning regulations of this Borough of West Newton, which were originally adopted in May, 1963, and all Amendments thereto, are hereby repealed. The adoption of this Ordinance, however, shall not affect nor prevent any pending or future prosecution of, or action to abate, any existing violation of the said regulations, as amended if the violation is also a violation of the provisions of this Ordinance. The provisions of this Ordinance, insofar as they are the same as those of the Zoning Ordinance in effect immediately prior to revision, amendment and supplement of the borough's Zoning Ordinance, are intended as, and shall be constructed as, a continuation of such provisions, except as to those portions specifically repealed. The provisions of this Ordinance shall not affect any Act done, contract executed, or liability incurred prior to its effective date, nor affect any suit or prosecution concluded, pending or to be instituted, to enforce any right, rule, regulation, or provision or to punish any offense under such prior provision of the Zoning Ordinance, nor shall the provisions of this Ordinance be interpreted or construed in any manner conflicting with the provisions of any Act of Assembly now or hereafter enacted.

1.6 - Relationship to and Compliance with Other Laws

When the regulations or restrictions imposed by this Ordinance are either more or less restrictive than the regulations or restrictions imposed by any governmental authority through legislation, rule, or regulation, the legislation, rule or regulation which is more restrictive or which imposes higher standards or requirements shall govern. Any permit or approval may be withheld pending the issuance of any other permit or approval required either under other ordinances of the Borough or under any other Resolution, law, rule, regulation, or standard of any other entity having jurisdiction over the proposed use, activity, construction, structure, or design.

1.7 - Administrative Standards

During the course of administration and enforcement of this Ordinance, if it becomes necessary or desirable to make any administrative decisions, then unless other standards are provided in this Ordinance, the decision shall be made so that the result will not be contrary to the spirit and purpose of this Ordinance or injurious to the surrounding neighborhood.

1.8 - Application of this Ordinance

No structure shall be constructed, erected, razed, or altered and no land use commenced or continued with the Borough except as specifically, or by necessary implication, authorized by this Ordinance. Conditional uses are allowed only by a conditional use permit granted by Borough Council, after a public hearing is held by the Planning Commission. Where a lot is devoted to a permitted principal use, customary accessory uses and structures are authorized except as prohibited specifically or by necessary implication.

1.9 - Ordinance on File for Public Records

This ordinance, including the Zoning District Map, together with any succeeding Amendments thereto, shall be on file in the office of the Zoning Officer and may be viewed by any interested person.

1.10 - Application to Public Utility Corporations

This Ordinance shall not apply to any existing or proposed building, or extension thereof, used or to be used by public utility corporations, if upon petition of the corporation, the Pennsylvania Public Utility Commission shall, after a public hearing, decide that the present or proposed situation of the building or structure in question is reasonably necessary for the convenience or welfare of the public, provided the provisions of Section 619 of the Pennsylvania Municipalities Planning Code are followed and fully complied with.

1.11 - Municipal Liability

The grant of a zoning permit in any District shall not constitute a representation, guarantee, or warranty of any kind by the Borough and cooperating agencies, or by an official or employee thereof the practicability or safety of the proposed use.

Limitation of Liability. The grant of a permit, special exception, conditional use or approval under this Ordinance shall not constitute a representation, guarantee, or warranty of any kind by the Borough or by any body, agency, official, agent, or employee thereof as to the advisability or practicability of the proposed use or activity nor shall any such issuance or approval represent any guarantee or warranty as to the accuracy of the information provided by an applicant.

1.12 - Finances

Borough Council shall have the duty, responsibility and authority to prescribe reasonable fees to be charged with respect to the administration of this Ordinances which fees shall be established by Resolution of Council.

Article II

Zoning District Map and Zoning Districts

2.1 - Zoning District Map

A map showing the zoning district boundaries of this Ordinance entitled "West Newton Borough Zoning District Map" dated 9/28/95 is hereby adopted and made an integral part of this Ordinance.

- (1) The Zoning District Map and the zoning District Map List of Amendments shall each be identified by the signature of the President of Council and Secretary, and the map shall bear the Seal of the Borough under the following words: "This is to certify that this is the Zoning District Map referred to in Article II of Ordinance Number 1995-4 of the Borough of West Newton, Westmoreland County, Pennsylvania", together with the date of adoption of this Ordinance.
- (2) When in accordance with the amendment provisions of this Ordinance, Amendments are made in District boundaries or other matter portrayed on the Zoning District Map, such Amendments shall be reflected on the Zoning District Map promptly after having been approved by the Borough Council together with an entry on the Zoning District Map List of Amendments. Each entry shall include a date and a brief description of the nature of the Amendments. Each entry shall also be signed by the Zoning Officer. Provided however, that no amendment to this Ordinance shall be rendered invalid or ineffective because of any failure by the proper officials to correctly portray the same as set forth above.
- (3) No Amendments of any nature shall be reflected on the Zoning District Map or matter shown thereon except in conformity with the procedures set forth in this Ordinance. Any unauthorized changes to the Zoning District Map, or matters shown thereon of whatever kind by any person or persons, shall be considered violation of this Ordinance.

2.2 - Final Authority of the Zoning District Map

Regardless of the existence of purported copies of the Zoning District Map (and Ordinance) which may from time to time be made in the office of the Zoning Officer, the Zoning District Map (and Ordinance) on file shall be the final authority as to the current Zoning status of land and water areas, buildings, and other structures in the Borough.

2.3 - Establishment of Districts

All land area within the Borough of West Newton is hereby divided into Districts of different types. Each type of District shall be of such number, shape, kind, and area, and of such common unity of purpose and adaptability of use, that are is deemed most suitable to carry out the objectives of this Ordinance.

2.4 - Boundaries of District

Where uncertainty exists with respect to the boundaries of the various districts, shown on the Zoning District Map, the following rules shall apply:

- (1) Center Lines as Boundaries - Where district boundaries appear within the lines of streets, alleys, easements, railroads, waterways, and the like, they shall be constructed as following their center lines.

- (2) Property and Other Lines as Boundaries - Where district boundaries appear to follow street, lot, property, or other lines, they shall be construed as following such lines, provided however, that in the event of the closure or vacation of a street or alley, the district boundary shall be construed as the center lines of such street or alley unless specific amendment is made otherwise.
- (3) Boundaries Other than as Above - Where a full course of boundaries extending into bodies of water is not shown, such boundaries shall be construed as continuing in a straight line to intersection with another zoning boundary or to Borough limits if no such intersection with another zoning boundary occurs first.
- (4) Dimensions - Where dimensions are not otherwise indicated on the official zoning map, the scale of the map shall govern.

2.5 - Boundary Change with Changes in Jurisdiction Area

If territory is removed from the limits of the Borough, district boundaries shall be construed as moving with Borough limits. If Territory is annexed to the Borough, it shall be construed as being in the E (Environmental Control) District, until formally rezoned by Borough Council.

2.6 - Zoning Affects all Lands and Structures

No land or structures shall hereafter be used or occupied and no structure or part hereof shall hereafter be located, constructed, reconstructed, erected, razed, moved, converted, enlarged, or altered, except in full compliance with the provisions of this Ordinance, the regulations for the district in which it is located, and after the lawful issuance of all permits and approvals required.

In particular:

- (1) Zoning Affects Height, Population Density, Lot Coverage, Yards and Other Open Spaces, Off Street Parking, and Space, Signs, and Other Matters - No structure shall hereafter be located, constructed, reconstructed, erected, razed, moved converted, enlarged, or altered (A) to exceed the height, (B) to accommodate or house a greater number of families, persons (C) to occupy a greater part of lot area, (D) to leave narrower or smaller yards or other open spaces or (E) to provide less off-street parking or loading space herein provided, or in any other manner contrary to the provisions of this Ordinance.
- (2) Yard, Area, Open Space, Off-Street Parking or Loading Space for One Structure or Use not to Be Used to Meet Requirements for Another - No part of a yard, area, open space or parking or loading space required for one structure or use shall be included as meeting requirements for another, except as specifically permitted by provisions of the Ordinance.
- (3) Reduction of Lot or Yard Area Below Minimum Prohibited - No yard or lot existing at time of passage or regulations shall be reduced in dimension or area by private action below the minimums set forth herein. Yards or lots created after effective date of regulations shall meet minimum requirements set herein for the concerned district.
- (4) Reduction of Required Off-Street Parking or Loading Space - No existing off-street parking or loading space, and no off-street parking or loading space hereafter provided, which meets all or part of the requirements for off-street parking or loading space set forth in these regulations, shall be reduced or eliminated unless no longer required by these regulations or unless alternative parking or loading space meeting the requirements of these regulations is provided.

2.7 - Types of Districts

Districts are established and designated as follows: R-1 – One Family Residential; R-2 – Two Family Residential; C – Commercial; I – Industrial; C/I – Commercial/Industrial; and E – Environmental Control.

2.8 - Applicability of Regulations

No building, structure or land shall be used or occupied and no structure or part hereof shall hereafter be located, constructed, reconstructed, erected, razed, moved, converted, enlarged, or altered, except in strict conformity with and for the purposes set forth in each zoning district as specified in this Ordinance.

2.9 - Use by Right, Conditional Uses and Unlisted Uses

- (1) Permitted uses in the zoning districts shall be according to the common meaning. Uses not specifically listed or defined as included in the district shall not be permitted. This is specifically intended to prevent the encroachment of higher uses.
- (2) In each zoning district, a use listed as a “conditional use” may be permitted provided the Borough Council issues a conditional use permit. Before borough Council issues a permit for any conditional use, the Planning Commission shall first hold a public hearing on the use, pursuant to public notice. The Commission shall then submit a recommendation concerning the conditional use to Borough Council within thirty (30) days of the Commission’s public hearing.
- (3) Whenever in any district established under this Ordinance a use is neither specifically permitted nor denied and an application is made to the Zoning Officer for such use, the zoning Officer shall refer the application to the Zoning Hearing Board which shall have the authority to permit or deny the use if it is similar to and compatible with permitted uses in the district, meets the standards and criteria set forth in this Ordinance for Special Exceptions, and in no way is in conflict with the general purpose and intent of this Ordinance.

2.10 - Uses Subject to Other regulations

Uses permitted by right or as conditional uses shall be subject, (in addition to use regulations) to such regulations or yard, lot size, lot width, building area, off-street parking, and loading and to such other provisions as are specified in other Articles hereof.

All uses regarding water supply and waste disposal shall adhere to the laws of the Commonwealth and the regulations of the Department of Environmental Resources. Further, no zoning permit shall be issued until approval from the proper agencies is obtained for water supply and sewage.

2.11 - Sewage Disposal Approvals and Development Plans

All uses must have Department of Environmental Resources approval for sewage disposal if a public system is not available. Uses which do not require sewage disposal, such as parking lots and tree growing are exempt from this requirement. Further, all developments in excess of five (5) acres must be reviewed by the Westmoreland County Conservation District Office for review. Developments of five (5) lots or more shall comply with provisions for underground electric utilities in accordance with an order by the Pennsylvania Public Utilities Commission dated July 8, 1970. The developer shall also submit the proposed development plan to the local electric utilities company for review.

2.12 - One Principal Structure Per Lot

On each individual lot only one principal structure is allowed. If a lot is sub-divided to meet this requirement, the lot must meet the minimum lot size as specified in this Ordinance. Commercial and Industrial districts are exempt from this requirement when used for non-residential purposes, provided all other provisions of this Ordinance and the Subdivision and Land Development Ordinance of the Borough are met and complied with.

Article III

E. Environmental Control District

3.1

The Environmental Control District is intended to encourage the conservation of steep hillside lands within the Borough where the economics of building and supplying public services and facilities prevent the more usual type of building development and where only huge expenditures for grading the land will permit a change of zone, and make building development feasible. Another aim of the Environmental Control District is to preserve an area of "green space." Proper conservation of such space can permit the Borough to retain the delicate balance between development and natural areas. Green vegetation can convert the sun's rays into food for wildlife and man, and produce our life-giving oxygen while cleaning the air of dangerous contaminants. Plant growth of the type found in this District cools the air, protects the soil from erosion, helps to collect and retain essential stores of underground water, and provides shelter for birds and animals. Commercial and industrial uses will be prohibited in this District. Residential use will be limited when it creates unique requirements and costs for public service, such as police and fire protection, water supply, and sewage, substantially in excess of such requirements and costs in areas of less steep topography.

3.2 - Permitted Uses

- (1) General gardening and growing of trees and nursery stock. This use does not include roadside displays or commercial signs.
- (2) One-family dwellings, when located on a street improved to Borough's standards provided the dwelling is connected to the public sewage system.
- (3) Recreation area, when operated by a non-profit organization. Recreation areas operated by non-profit organizations.
- (4) Parks and nature trails.

3.3 - Uses and Structures by Conditional Use

- (1) A temporary structure or use which is used in connection with an authorized use.
- (2) Greenhouses - other than a commercial greenhouse.
- (3) Cemeteries.
- (4) Public utility and public buildings, structures, facilities, and installations.
- (5) A double family home in compliance with the same conditions applicable to single family homes.

3.4 - Permitted Accessory Uses and Structures

- (1) Uses and structures which are customarily incidental and subordinate to permitted principal uses including garages, garden sheds, and the like, subject to the following limitation: There shall be no home business allowed in this District.

3.5 - Engineering Study

Before any of the conditional uses may be permitted, the person requesting the conditional use approval shall present to the Planning Commission an engineering study, prepared at his expense. This study must show that the conditional use will not:

- (1) Impose any additional hazard upon surrounding uses or upon the intended conditional use.
- (2) Increase the likelihood of flooding to downstream or neighboring land or structures.
- (3) Create a danger of soil slippage, sliding or subsidence, or
- (4) Result in any unsafe or overcrowded traffic conditions.

In this District the Council may approve or deny the intended conditional use based upon this engineering study, any other pertinent studies or information obtained by the Council, and compliance or lack thereof of the proposed development with other regulations or Ordinances.

Article IV

R-1 - One Family Residential District

4.1

The R-1 One family Residential District is composed of certain quiet, low-density, residential areas of the Borough, plus other open areas where similar residential development is likely to occur. The regulations for this district are designed to stabilize and protect the essentials characteristics of the district; to protect the amenities of certain areas of the Borough where patterns have already been established with single-family development on relatively large lots; and to promote and encourage a suitable environment for the family life. To these ends, development is limited to a relatively low concentration with relatively large lot size, and permitted uses are limited basically to single family dwellings, providing homes for the residents, plus certain additional uses such as schools, parks, churches, and apartments. Other multiple-family dwellings with corresponding proportions of open space may also be developed with prescribed standards of density and open space.

4.2 - Permitted Uses

- (1) One family detached dwellings.
- (2) Churches (except rescue missions and temporary revival establishments).
- (3) Public schools, private schools, and colleges (other than trade schools).
- (4) Parks, playgrounds, community centers, sports fields.
- (5) Nurseries and greenhouses are permitted, but only on five (5) acres or more.
- (6) Structures required for operation of a public utility or performance of a governmental function, except uses requiring extensive storage.
- (7) Railroad rights-of-way and tracks. But this use does not permit railroad yards, storage or shops.

4.3 - Uses and Structures by Conditional Use

- (1) Fairgrounds (permanent)
- (2) Hospitals, sanatoriums, convalescent or nursing homes, homes for the ages, orphans homes and institutions for the handicapped.
- (3) Television or frequency modulation radio stations.
- (4) Day nurseries and kindergartens with minimum lot area of 6,000 square feet.
- (5) Swimming clubs and outdoor pools other than as an accessory to a one-family dwelling.
- (6) Two-Family dwellings.
- (7) Multiple dwellings with no commercial use.
- (8) Office buildings for physicians, optometrists, surgeons, and dentists which shall not exceed four (4) offices in any one building.
- (9) Grocery stores with a maximum of 2,000 square feet floor space.
- (10) Home occupations.
- (11) Funeral homes.

(12) Marinas.

4.4 - Permitted Accessory Uses and Structures

(1) Uses and structures which are customarily incidental and subordinate to permitted principal uses including garages and garden sheds.

Article IV-A

R/R - Residential/Recreational District

4A.1

The Residential/Recreational District provides for a variety of businesses that would be related to recreation and the offering of retail services to accommodate the users of the facilities located within this zone. All activities would be operated in such a manner as to minimize any undesirable impact to the surrounding residential properties. This district is designed to enhance the use of recreation derived from surrounding residential properties. This district is designed to enhance the use of recreation derived from the Yough River and adjacent trail, while maintaining reasonable stability to the residential designation.

4A.2 - Permitted Uses

- (1) Same as R-1
- (2) Bed and Breakfasts
- (3) Rentals - Bicycles, boats, fishing equipment and similar outdoor water and trail related activities
- (4) Eateries - Diners, Restaurants
- (5) Boat Docks
- (6) Souvenir Shops - River and trail related clothing and accessories
- (7) Primitive camp sites - No motorized, wheeled or trailer type vehicles permitted
- (8) Garage and/or storage buildings to house vehicles and materials related to principal use of lot

4A.3 - Uses and Structures by Conditional Use

- (1) Same as R-1
- (2) Uses and structures which are customarily accessory and clearly incidental and subordinate to the permitted uses and structures situated on the same lot as the principal structure
- (3) Fences, walls and screening barriers
- (4) Signs as described in residential areas

4A.5 - Hours of Operation

Hours of operation for recreational related businesses shall be from 6:00 a.m. to 10:00 p.m.

4A.6 - Noise

Noise and/or lighting from the businesses will be conducted at a level that does not disrupt the serenity and character of the residential area. No flashing lights or outside sound system permitted.

4A.7 - Screening

When the rear or side of a structure faces a residential area, screening shall be provided in the form of a solid screen of evergreen trees or like shrubbery not less than six (6) feet in height or a solid fence not less than six (6) feet in height.

NOTE: Boundary lines for Residential/Recreational Area will extent from the Rostraver line at the northern end of Collinsburg Road south to the Commercial area, from Yough River to east side of Walnut Lane and from the Commercial area south to the Rostraver line at Buddtwon, from west boundary of Yough River trail to Yough River.

Must add to Section 8.20:

Height, yards, lot area and lot width standards

Must add to Section 8.16:

Off Street Parking:

Bed and Breakfast - 1 space per bedroom

Rentals - 1 space per each 2-rental units

Article V

R-2 - Two Family Residential District

5.1

The R-2 Two-Family Residential District is composed of certain medium-density residential areas of the Borough, representing a compatible mingling of single-unit and double-unit dwellings, plus certain open areas where similar residential development appears likely to occur. The regulations for this District are designed to stabilize and protect the essential characteristics of this District; to promote and encourage a suitable environment for family life, and to prohibit all activities of a commercial nature except those having also some aspects of residential use, such as home offices of doctors or ministers, funeral homes, rooming houses, and tourist houses. To these ends, development is limited to a relatively medium concentration, and permitted uses consist of single and two-unit dwellings, which provide homes for the residents in this choice of dwelling types. In addition, uses such as schools, parks, churches, hospitals, and certain public facilities which serve the residents of the district are permitted. However, high-rise apartments and other multiple-family dwellings with corresponding proportions of open space may also be developed under prescribed standards of density and open space.

5.2 - Permitted Uses

- (1) Same as R-1
- (2) Two family dwellings
- (3) Office buildings for physicians, optometrists, surgeons, and dentists which shall not exceed four (4) offices in any one building.

5.3 - Uses and Structures by Conditional Use

- (1) Same as R-1, excluding two family dwellings and office buildings for physicians, optometrists and surgeons, and dentists which shall not exceed four (4) such offices in any one building, which are listed permitted uses in this district.

5.4 - Permitted Accessory Uses and Structures

- (1) Same as R-1
- (2) Pharmaceutical or apothecary facilities accessory to professional office buildings permitted under principal uses, provided:
 - (A) All public entrances to such facilities shall be from inside such office building.
 - (B) No show windows or matter advertising such facilities shall be visible from outside such building.

Article VI

C - Commercial

6.1

The aim of this District is to establish and preserve areas for those commercial facilities which are especially useful and are in proximity to residential areas, while also minimizing the undesirable impact of such uses on the neighborhoods which they serve. Residential uses are permitted in this District in that such residential uses are in the form of walk-up apartments or where single or double family homes meet the required yard, height and use provisions as a residence in the applicable R-2 District. Light manufacturing operations such as bakeries, watchmakers, shoe repair shops, and optometrists are also permitted in this District.

6.2 - Permitted Uses

- | | |
|---|---|
| (1) Advertising signs and structures | (19) Laundromats |
| (2) Amusement centers (indoor only) | (20) Mortuaries |
| (3) Auto sales, service, storage, rental | (21) Children's nurseries |
| (4) Bakeries or bakery goods shops | (22) Plant nursery |
| (5) Banks, Savings and Loans | (23) Offices |
| (6) Barber, beauty shops | (24) Parking lot, facility or garage |
| (7) Business colleges, trade schools | (25) Photography studio |
| (8) Cabinet shop | (26) Prescription pharmacy, optician |
| (9) Commercial cleaning shops | (27) Printing and blueprinting |
| (10) Social clubs | (28) Reducing salon, masseur, fitness and health salons |
| (11) Studios for instruction in dance, music, and voice | (29) Restaurant, bar |
| (12) Drive-in restaurants – food stands | (30) Retail stores and services |
| (13) Floral shops | (31) Service stations |
| (14) Food store, delicatessen | (32) Shop for building contractor |
| (15) Furniture refinishing shops | (33) Sign shop |
| (16) Furniture store | (34) Theaters, live or film |
| (17) Hotels | (35) Tire shops |
| (18) Medical, dental, and optical laboratories | (36) Apartments, other than first floor |

6.3 - Uses and Structures by Conditional Use

- (1) Same as R-1 and R-2 permitted uses.
- (2) Multi-family dwellings.
- (3) Marinas, and boat clubs having at least three hundred (300) feet of water frontage.

6.4 - Permitted accessory Uses and Structures

- (1) Uses and structures which are customarily accessory and clearly incidental and subordinate to permitted principal uses and structures.

Article VII

I - Industrial

7.1

This District is established with the understanding that prime industrial land is a scarce commodity which should be identified and preserved. Too often, the only areas thought to need protection are those in residential use, but land for industrial use needs just as much protection from encroachment. Just as it is detrimental to a residential District to introduce industry into its midst, it is also far more detrimental for isolated residences to be situated in the middle of an industrial District. Industry can play a large role in the future of West Newton by creating jobs, tax revenues, population, and the increased development that accompanies these things. Provisions are also made in this District for certain commercial uses, which are most appropriately located as neighbors of industrial uses or which are necessary to service the immediate needs of people in these areas.

7.2 - Permitted Uses

- (1) Manufacturing.
- (2) Wholesaling.
- (3) Warehousing.
- (4) Bulk Storage.
- (5) Laundries.
- (6) Cleaning Plants.
- (7) General Repair and service of automobiles, trucks and construction equipment.
- (8) The following commercial uses are also permitted:
 - (a) Gas Stations.
 - (b) Sales of new and used motor vehicles and construction equipment.
 - (c) Motor vehicle rental.
 - (d) Sale of campers, mobile homes and recreational vehicles.
 - (e) Lumber Yard – retail. Retail lumber yards

7.3 - Permitted Accessory Uses and Structures

- (1) Uses and structures which are customarily accessory and clearly incidental and subordinate to permitted principal uses and structures, provided however, that no residential facilities shall be permitted in the district except for watchmen or caretaker(s) whose work requires residence on the premises or for employees who will be temporarily quartered on the premises.

7.4 – Qualifications

The aforementioned use authorizations do not include any of such uses which emit any excessive fumes, vibrations, smoke, or noise, except the noise of vehicles coming and going, which are detectable from off the premises by the senses of normal human beings.

7.5 – Screening

Any industrial use which abuts a residential use or a residential district shall be screened by the use of dense shade trees such as lindens or maples. A solid fence may be temporarily erected until the shade trees have reached sufficient mass and height.

Article VIIA

C/I - Commercial/Industrial Zoning District

7A.1 – Definition of Commercial/Industrial Zoning District

This zone provides for a wide range of businesses, professional and manufacturing uses, all of which shall be able to meet comparatively rigid specifications designed and intended to eliminate or minimize any undesirable impact such uses may have on the surrounding properties' conditions and uses. These districts are intended to be created in situations where the area is particularly suited and useful for economic development purposes, and yet is in such close proximity to existing residential uses that additional controls are deemed necessary in order to make these uses compatible with existing residential uses.

7A-2 - Permitted Uses

- | | |
|---|---|
| (1) Agencies: real estate, travel, and insurance | (21) Injection molding of metals and plastics |
| (2) Art and antique shops | (22) Jewelry store |
| (3) Bakery | (23) Laundromat |
| (4) Bakery, non-retail | (24) Laundry, dry cleaning, and dyeing agency |
| (5) Book and stationary store | (25) Light warehousing |
| (6) Barber or beauty shop | (26) Machine shop: nonforge and nonfoundry |
| (7) Bottling works | (27) Manufacture and assembly from prepared materials |
| (8) Canvas products: fabrication and sales | (28) Medical clinic |
| (9) Car wash | (29) Metal fabrication, light and sheet metal |
| (10) Carpenter or woodworking shop | (30) Offices, businesses and professional |
| (11) Ceramic, china, porcelain, and pottery manufacture | (31) Optical and jewelry manufacturing |
| (12) Convenience store | (32) Paint stores |
| (13) Department store | (33) Pharmaceutical store |
| (14) Feed or lawn and garden store | (34) Photography studio or camera shop |
| (15) Florist | (35) Printing: commercial and photo processing |
| (16) Food store | (36) Radio and television stations |
| (17) Furniture store | |
| (18) Glass fabrication and installation | |
| (19) Health spa | |
| (20) Hardware or electrical appliance store | |

- (37) Residential building component center
- (38) Restaurants, taverns, and cafes
- (39) Retail gasoline stations excluding service and repair of motor vehicles
- (40) Retail sales of wearing apparel

- (41) Sign shop
- (42) Shoe repair
- (43) Shop for building contractor
- (44) Tailor, dressmaker, and milliner
- (45) Wearing apparel manufacturing, fabrication, and processing
- (46) Wholesale distributor

7A.3 - Permitted Accessory uses and Structures

7A.3 - Uses and structures which are customarily accessory and clearly incidental and subordinate to the permitted principle uses and structures, situated on the same lot as the principal building or use served provided, however, that no residential facilities shall be permitted in the district except for watchmen or caretakers whose work requires residence on the premises or for employees who will be temporarily quartered on the premises.

The following are specifically identified accessory uses or structures, if customarily accessory and clearly incidental and subordinate to the permitted principal uses and structures:

- (1) Off-street parking facilities.
- (2) Fences, walls, and screening barriers.
- (3) Loading docks or loading areas.
- (4) Garages to house delivery trucks or other vehicles used in conjunction with the principal use of the lot.
- (5) Signs.

7A.3.2 - A Zoning certificate is required for every accessory use or structure. Any accessory use or structure not specifically listed above may be permitted upon submission of an application to the Zoning Hearing Board if the request meets the criteria set forth in Section 7A.3.1.

7A.3.3 - Temporary structures and trailers used in conjunction with construction work may be permitted only during the period that the construction work is in progress for a period not to exceed six (6) months and must have a permit issued. Permits for other temporary structures may be issued for a sixty (60) day period, but such permits shall not be renewed except as a special exception when approved by the West Newton Zoning Hearing Board.

7A.4 - Qualifications and Requirements

7A.4.1 - Minimum setback from property line is twenty-five (25) feet. Such setback areas must be appropriately landscaped, and may contain a cartway or driveway for ingress and egress purposes.

7A.4.2 - When a side or rear property line of property in a Commercial/Industrial District abuts a side or rear yard of property in a residential district, such Commercial/Industrial District property shall be screened from such residential district property by a solid screening barrier consisting of material or evergreen plantings of a minimum height of six (6) feet set back and a minimum of twenty-five (25) feet from such residential property and extending along said setback the entire width of the area abutting the residential district. Said screening barrier shall be constructed, erected and maintained so as to provide a visual screen between the Commercial/Industrial property and the residential property. Such evergreens shall be maintained and cultivated to a minimum height of six (6) feet.

7A.4.3 - A traffic barrier shall be provided and properly maintained when a proposed street or driveway parallels an existing road for more than one hundred (100) feet. Such traffic barrier shall consist of trees, walls, fences or landscaping to provide an effective barrier between headlights and vehicles along the adjacent cartways and shall not pose a vision obstruction for the traffic from the proposed street or drive to the public road.

7A.4.4 - On any corner lot, no structure, fence, wall, planting, vegetation, or fill shall be placed, located, maintained, exist or be permitted to grow at a height in excess of three (3) feet measured vertically above the mean ground elevation of a triangle formed by the center lines of side roads and a straight line connecting said center lines at a point located as follows:

- (1) For all intersections of roads where both roads have a right-of-way of fifty (50) feet, a distance of seventy-five (75) feet from the intersection point of said center lines.

7A.4.5 - The maximum building height is forty-five (45) feet.

7A.4.6 - Site Plans shall be approved by the West Newton Planning Commission for proposed uses of all property in the Commercial/Industrial District, based upon the standards hereinafter set forth and all other standards set forth in this ordinance and other applicable ordinances of the Borough of West Newton. The site plan shall show, in addition to any other requirements of this ordinance, the following:

- (1) Adequate storm sewer drainage facilities, means for preventing soil erosion and methods proposed for making excessive land cuts and fills in other environmental conditions peculiar to the land. An erosion and sedimentation plan approved by the Westmoreland County Soil Conservation District must accompany the approved site plan.
- (2) The location of principal and accessory buildings, existing and planned, and the topography.
- (3) Traffic circulation features within the site.
- (4) The location of vehicular access onto the site.
- (5) The height and bulk of structures.
- (6) The provision of off-street parking and loading facilities.
- (7) The provision of open spaces.
- (8) The landscaping, paving, fencing, walls, and signs on the site.
- (9) All necessary utilities, particularly sewage and water systems, and percolation test results, where applicable, and letters of tentative approval to connect to existing sewage or water systems from the appropriate municipal Sewer or Water Authority, as well as Department of Environmental Resources concurrence with the proposed method of providing sewers and water.

7A.4.7 - No building shall be closer than eight (8) feet to the side-lot line.

7A.4.8 - No buildings on the same lot shall be located closer than twenty-five (25) feet of each other.

7A.4.9 - When the rear of any building or structure faces a public road or river, a solid screen barrier of evergreen trees of not less than six (6) feet in height at initial planting shall be provided and properly maintained between the rear of the building or structure and the public road or river. Such evergreens shall be maintained and cultivated to a minimum height of six (6) feet.

7A.4.10 - There are no specific setback requirements for internally developed public or private roads. Specific setbacks shall be determined by the West Newton Planning Commission when the site plan is

reviewed. The minimum setback requirement being a five-foot landscaped area or sidewalk between any internally developed road and any proposed or existing building.

7A.4.11 - Site plans as per West Newton Borough subdivision Ordinance shall be submitted for all new developments and/or changes requiring a building permit.

7A.4.12 - Proposed developments must comply with the Subdivision and Land Development Regulations of West Newton Borough as a prerequisite to the issuance of new zoning approval.

7A.4.13 - All roads shall be per West Newton Borough Subdivision Ordinance.

7A.4.14 - Upon review by the West Newton Planning Commission, the requirement to use evergreen for screening purposes may be changed if another plant or tree can be shown to effectively accomplish the same.

In considering any plan hereunder, the West Newton Planning commission will endeavor to assure safety and convenience of traffic movement, harmonious and beneficial relationship of buildings and uses on the site, as well as to contiguous properties, and overall development in a manner not detrimental to the public at large. The West Newton Planning Commission must act upon all proposed site plans files pursuant to this section within ninety (90) days after receipt of such plans if all required documentation from all required agencies is submitted at that time. Otherwise, the lack of action on such plans shall be deemed an approval by the West Newton Planning Commission. Incomplete applications will not be accepted for review and recommendations and approval or disapproval. All disapprovals must be in writing and state the reason for such action.

7A.5 - Parking and Off-Street Requirements

7A.5.1 - All parking spaces shall comply with West Newton Zoning Regulations section 8.15.2 – Design Standards.

7A.5.2 - Off-street loading spaces accessory to uses allowed shall be provided in accordance with the regulations set forth in West Newton Zoning Regulations sections 8.15.1 – Loading Space.

Article VIII

General Regulations

8.1 - Application

The following regulations shall apply in every District unless district regulations specifically provide to the contrary.

8.2 - General Requirements

In addition to the minimum yard requirements specified for individual districts, the following regulations shall apply.

8.3 - Access

All buildings and other structures shall be so located and arranged on lots as to provide safe and convenient access for fire protection and servicing, as well as off-street parking located on the premises.

8.4 - Height - Excluded Portions of Structure

The height limitations of this Ordinance shall not apply to penthouses or roof structures specifically designed for the use of elevators, stairways, tanks, ventilating fans or similar equipment required to aerate and maintain the building. Nor shall these height limitations apply to church spires, belfries, cupolas, flag poles, chimneys, smoke stacks, radio or television towers, silos, or similar structures which may be erected above the eight feet limit. The foregoing provisions shall not be interpreted to permit a fire wall or parapet wall to extend more than four feet above the roof.

8.5 - Fire Protection

Any portion of any building exceeding sixty (60) feet in height shall be so designed and located that adequate fire protection is feasible. Prior approval by the fire department is required.

8.6 - Projections Permitted into Required Yards and Courts

Covered porches open on the three sides except for necessary supporting columns and customary architectural features shall be permitted in required side or rear yards provided that no such structure shall project closer than three feet to any side lot line. No structure shall project into any yard required adjacent to a street, and no such structure shall be more than one story in height or more than twenty-four (24) feet in length. No such structure shall project more than eight (8) feet into any required rear yard. Unenclosed porches, landings, terraces, patios, or platforms which are not covered by a roof or canopy and do not exceed above the level of the first floor of the building may project into any required front, side, or rear yard not to exceed eight (8) feet. No porch covered by a roof shall project into any required front yard, except a minor entry porch, which shall not be more than six (6) feet in width and shall not project more than five (5) feet into such yard. Open, unenclosed fire escapes may project not more than four (4) feet into any required yard, but shall not project any closer than three feet into any side lot line. Open, unenclosed stairways or balconies, not covered by a roof or canopy, may extend or project into a required rear yard only, not more than four (4) feet, but shall not be within three (3) feet of any property line.

8.7 - Signs Which Advertise a Property Shall Not Mislead as to the Zoning Status

No signs advertising the property on which it is located for sale, rent, or lease shall in any manner convey or create the impression that such property may be used for any purpose for which it is not zoned, or that any building may be used for purposes not permitted by zoning or other Borough regulations.

8.8 - Lighting of Signs and Property

No signs or premises shall be lighted with flashing, flickering, or intermittent lighting, or any other lighting which is likely to be confused with traffic signals, lights on emergency vehicles, or likely because of the intensity or direction, to be hazardous to traffic. All lighting for signals or premises shall be so shielded and directed so as to minimize discomfort in rooms used for sleeping purposes or any residential use.

8.9 - Razing of Structure

The owner of any property upon which a structure is razed shall be required to remove all debris, backfill and grade the property within sixty (60) days of the completion of the razing.

8.10 - Determination

All permitted and conditional uses shall comply with the requirements of the following sections. In order to determine whether a proposed use will conform to the requirements of this Ordinance, the Planning Commission may require a plan of the construction or development and a description of machinery or techniques to be used during the operation of the proposed use.

- (1) Electrical Disturbances – No activity shall cause repetitive or continuous electrical disturbance adversely affecting the operation of other electrical equipment.
- (2) Noise – Noise from commercial or industrial uses which interferes with the peaceful use and enjoyment of adjacent property because of volume, frequency, sound pressure, intermittence, shrillness or beat shall be muffled or otherwise controlled. Fire sirens and related apparatus used solely for public purposes shall be exempt from this requirement. Noise shall not be such as to create a nuisance.
- (3) Air Pollution – No pollution of air by fly ash, dust, vapors, or other substance shall be permitted which is harmful to health, animals, vegetation, or other property. No pollution of air by fly ash, dust, vapors or other substances which are harmful to health, animals, vegetation, or to other property shall be permitted.
- (4) Heat – No use shall carry on any operations that would produce heat perceptible from any property line of the lot on which the operation is located. No use shall be permitted that produces heat that can be felt from any property line of the lot on which the operation is located.
- (5) Glare – Uses, signs, or lighting devices which produce either continuous or intermittent, objectionable, direct or reflected glare on adjoining properties or public thoroughfares shall not be permitted.
- (6) Vibration – Any use or portion thereof creating intense earthshaking vibrations shall be set back from the lot lines on all sides to a distance which will insure that in no case shall any such vibration create a nuisance or hazard beyond said lot lines.
 - (A) Vibrations detectable without instruments on neighboring property shall be prohibited in residential zoning districts.
 - (B) Vibrations detectable without instruments on neighboring property in any industrial district within the Borough shall be permitted, provided that such vibrations do not endanger or in any way damage persons or properties on neighboring lots and do not interfere with any activity on such neighboring lots.

8.11 - Home Businesses

Home businesses, as defined in this Ordinance, shall be permitted conditionally in residential districts subject to the regulations listed below:

- (1) The home business shall be carried on by a member of the family residing in the unit but may not employ more than one non-resident family employee.
- (2) The home business shall be carried on wholly within the principle or accessory structure located on the residential lot.
- (3) Not more than one home business shall be permitted on the residential lot.
- (4) The home business shall be subject to all regulations of this Ordinance, including those governing noise, vibration, smoke, dust, odors, heat, glare, and off-street parking.
- (5) Any instruction or tutoring of music or other noise producing activities shall be limited to five (5) pupils at one time.
- (6) The home business must be secondary to the intended use of the property for residential purposes.
- (7) There shall be no exterior indications of the home business other than an appropriate shingle or small sign.

8.12 - Mobile Home Parks and Mobile Homes

Mobile home pages shall meet the requirements of the Westmoreland County Mobile Home Park Subdivision Regulations prior to consideration by the Planning Commission. Mobile Homes may be placed on lots, provided:

- (1) The provisions of all Borough regulations and Department of Environmental Resources regulations regarding water supply and sewage disposal are adhered to.
- (2) The lot area, dimensions, and other applicable requirements of this Ordinance for single-family dwellings shall be met.
- (3) All mobile homes shall be acceptably skirted within six (6) days of placement, subject to inspection by the Zoning Officer.

8.13 - Existing Lots of Record

Any lot of record existing at the effective date of the original statement of this Ordinance may be used for the erection of a structure even though its area and width are less than the minimum requirements of this Ordinance. The new structure, however, must conform to the building set back and height restrictions of this Ordinance.

8.14 - Parking

In R1 and R2 Districts, the following off-street requirements must be met on the same lot. In other Districts, parking requirements may be met by using another lot (See section 8.17 for details). Space used for meeting the off-street parking requirements of this Ordinance must be included in the computation of the required yards in each District, except where such off-street parking is in the form of a garage or carport, then such space must comply with the standards for accessory structures.

8.15 - Design Standards

- (1) Loading Space – Every structure or part thereof, hereafter erected for uses involving the receipt and distribution of material or merchandise shall have permanently maintained loading spaces within or on the same zoning lot with the structure at the rate of one (1) space (each not less than ten (10) feet wide and fifty (50) feet long for every twenty thousand (20,000) square feet or fraction thereof of gross floor area intended or designed for such use, providing that no loading space need be provided for use with a gross floor area not exceeding twenty four hundred (2,400) square feet.
- (2) Designs Standards – the following minimum design standards shall be observed in laying out off-street parking facilities.

Parking Angle	Stalls Width	Aisle Width	Stall Length	Curb to Curb
0 to 15°	9 ft.	12 ft.	23 ft.	30 ft.
16 to 37°	10 ft.	11 ft.	19 ft.	47 ft.
38 to 57°	10 ft.	13 ft.	19 ft.	54 ft.
58 to 74°	10 ft.	18 ft.	19 ft.	61 ft.
75 to 90°	10 ft.	24 ft.	19 ft.	63 ft.

8.16 - Off-Street Parking Requirements

The area in the downtown commercial district designated as such on the zoning map shall be exempt from all off-street parking requirements. The following off-street parking requirements shall apply to all other districts:

<u>Use</u>	<u>Spaces Required</u>
Single and two family dwellings	2 per dwelling unit
Rooming house, convalescent homes	.4 times maximum number of residents
Apartments and townhouses	2 per dwelling unit
Churches, theaters, facilities for spectator sports	.35 times the capacity
Barber shops and beauty parlors	2 plus, 1.5 per chair
Bowling alleys	3 per lane
Fast food, take out establishments and drive-in restaurants	Area in square feet
Restaurants (except drive-ins)	1.2 per 100 sq. ft. of floor area
Furniture, appliance, hardware, carpet stores, contractors showrooms, museums	2 per 800 sq. ft. or area
Funeral parlors	1 per 50 ft. of floor area
Gas stations	1 per pump, 2 per lift (in addition to stopping places adjacent to pumps)
Laundromats	.5 per washing machine

Doctors and dentist offices	1 per 100 sq. ft. of waiting room and 1 per doctor or dentist
Banks	1 per 150 sq. ft. of floor area

For uses not specifically listed above, the requirements below are applicable:

<u>Use</u>	<u>Spaces required</u>
Retail stores and services	1 per 150 sq. ft. of floor space and outdoor sales space
Other commercial and industrial uses	1 per 300 sq. ft. of floor area .75 times the maximum number of employees on premises at any one time

8.17 - Miscellaneous Off-Street Parking Rules

In R1 and R2 Districts, required off-street parking shall be provided on the lot on which is located the use to which the parking pertains. In other Districts, such parking may be provided either on the same lot or on another lot, not in a residential district, where the lot on which the parking spaces are located and the lot on which the use requiring them is located are not separated by more than five-hundred (500) feet at their closest point measured along a street or streets. Where off-street parking is located on a lot other than the lot occupied by the use which requires it, permit approval for both lots is required. The sure of any required parking space for the display of any motor vehicle for sale, or for any other purpose, other than the parking of motor vehicles is prohibited.

8.18 - Irregular Lots

- (1) Lot, Irregular – A lot so located, shaped, or oriented with respect to adjacent lots that application of general measurement methods or yard dimensional requirements of the district in which is located is not practical and serves no significant public purpose, and/or with location of yards by type – front, side, and rear – not logically determined by or related to yard patterns on nearby regular lots.
- (2) Requirements – An irregular lot, as defined above, shall be considered to meet dimensional and related requirements of the district in which it is located only if it meets the following conditions.
 - (A) Minimum lot area, computed as for regular lots, shall meet district requirements for the proposed use.
 - (B) All yards shall provide at least the same clearance from lot lines as required for side yards for the same structures and uses on regular lots in the district.
 - (C) Total area in open space on the lot shall not be less than the total area in yards and other open space required for the use on a regular rectangular lot of the required minimum width and area, giving due consideration to structural coverage (if any) permitted in rear yards in the district. Aside from the minimum requirement for separation equivalent to that provided for side yards on regular lots in the district, such open space may be located and dimensioned with regard to designations as “front” and “side” or “rear” yards, but shall be subject to limitations as for yards generally.

- (D) The buildable area on the lot shall be shaped to correspond with and shall have minimum width and area equal to or greater than, the shape and minimum width of the minimum buildable area on a regular interior lot which could be used for the proposed purpose in that district.
- (E) An irregular lot of record at the time of the original enactment of these regulations may be subdivided to create three or more additional lots provided that such additional lots are regular lots and provided further that such subdivision conforms to existing subdivision regulations.

8.19 - Signs

(1) Only the following exterior signs shall be permitted in E and R Districts:

- (A) Signs which are permitted under General Sign Provisions.
- (B) Signs which do not exceed one and one-half (1 ½) sq. ft. in area and are used to display and identify only the name of the individual, profession, organization, or institution occupying the premises.
- (C) One bulletin board for each street frontage which does not exceed thirty (3) sq. ft. in area and indicated the services of a church or institution including the church or institution name, if desired.
- (D) Signs which do not exceed twelve (12) ft. in area, are not illuminated and pertain only to the rental, lease, or sale of the property on which the sign is located.
- (E) Signs for each street frontage no exceeding twelve (12) sq. ft. in area, in connection with a hospital or sanatorium, a funeral home and used to identify only the name of the structure.

(2) Only the following exterior signs shall be permitted in the C and I Districts:

- (A) Signs which are specifically permitted in the E and R Districts.
- (B) Signs which direct attention to a business, commodity, service, or entertainment which is conducted, sold or offered upon the premises and are attached to the main wall of a main building. These signs shall project not more than two (2) feet therefrom, and no portion less than ten (10) feet above the basic grade. If the sign does not project more than three (3) inches from a wall of a building, the sign does not need to conform to the ten (10) foot height limit. The sign or signs (if more than one sign), shall not exceed more than one hundred (100) sq. ft. in area when not attached to a building but is within the buildable area of the lot, erected with no portion less than ten (10) feet or more than twenty-five (25) feet above the ground. The sign or signs, (if more than one) shall not exceed one hundred twenty (120) sq. ft. in area.
- (C) Temporary signs used to advertise special business promotions. These signs shall be used for a limited time only and may be used on a daily basis but must be removed by dark. Only one (1) temporary sign shall be permitted at any specified time per business location. Temporary signs shall not be illuminated and shall not exceed a total area of eight (8) sq. ft. with the maximum allowable size of two (2) feet wide by four (4) feet high or stand more than four (4) feet perpendicular to the ground. If a sign is double-faced, either side shall not exceed eight (8) sq. ft. or stand more than four (4) feet perpendicular to the ground. Where there are sidewalks, a temporary sign must be located at least four (4) feet away from the

edge of the road and toward the building. Placement of any sign may not create a safety hazard or block entrances, exits, or sidewalks. A zoning certificate shall be obtained at a cost of \$5.00 annually and must be renewed at the beginning of the Borough fiscal year. Failure to comply with this section of the sign ordinance shall result in the forfeiture of the current certificate.

(3) General Sign Provision (For exterior signs)

- (A) A building permit shall be secured for the establishment, major alteration, or moving of any sign (except real estate signs) which is more than one and one-half (1 ½) sq. ft. in area.
- (B) No sign lawfully established before the date of this Ordinance or Amendment shall be altered in any major respect, or moved (except when ordered by an authorized public officer as a safety measure), unless it is made to conform with the provisions of this Ordinance.
- (C) In any District, signs which are used to indicate the location or direction of a real estate development, limited to a maximum of fifty (50) sq. ft. in area and spaced so there is not more than one (1) such sign on each five hundred (500) feet of street frontage, may be erected for a period of six (6) months upon the approval of the Zoning Officer.
- (D) All signs erected after the effective date of this Ordinance shall be non-flashing, non-glaring, non-animated, non-fluorescent, and non-iridescent.
- (E) Signs which indicated that mechanics, painters, and other artisans are at work shall not exceed twelve (12) sq. ft. in area and may be erected and maintained during the period that such persons are performing work on the premises where such signs are erected, but these signs shall be promptly removed upon completion of work.
- (F) The requirements in this Article shall not be held to prohibit the erection of a marquee or canopy within the buildable area of the lot provided the marquee or canopy bears no sign other than an identification sign which does not project above or below the marquee or canopy or project more than four (4) inches horizontally from the surface of said marquee or canopy.
- (G) Where a sign is permitted by a provision of this Article, it shall be construed to permit a double-face, multiple-face, or similar sign. Each face may equal the maximum size for the particular type of sign permitted in this Article. The maximum size for a multiple face or similar sign may be the equivalent of that permitted for a double-face sign.
- (H) No sign in an S or R District shall be on the roof of a building and no sign attached to the wall of a building shall extend along the roof lines or project horizontally more than eighteen (18) inches therefrom.

8.20 - Height, Yards, Lot Area, and Lot Width Standards

	Height	Yards	Lot Area	Lot Width
E	30' – 1 family – 2 story 45' – other main – 3 story 15' accessory – 1 story	Front – 10% of depth Side – 15% of width each side Rear – 10% of depth Accessory – front – 20', others – 5'	10,000 sq. ft. **	50'
R1	35' – main 2 story 15' – accessory – 1 story Multiple unit – 12 per story 1	Front – 25' Side – 8' on each side 2 Rear – 30' Accessory – front 20', others – 5'	5,000 sq. ft. 8* 2 Units 6,000 3 Units 6,500 4 Units 7,000 Over 4 – 100 sq. ft. per unit	50'
R2	40' – main 2 story 15' – accessory – 1 story Multiple unit – 12' per story 1	Front – 20' Side – 8' on each side 2 Rear – 25' Accessory – front 20' Others – 5'	4,000 sq. ft. ** 3 Units 6,000 4 Units 6,500 Over 4 – 100 sq. ft. per unit	40'
C	45' – main 3 story 15' – accessory – 1 story The height of main building Building may be increased provided: 3	Front – none 4 Side – none 4 Rear – none 4 Accessory – front 20' Others – 5'	900 sq. ft.	30'
I	40' – main 2 story 20' – accessory – 1 story	Front – 15' Side – none 5-6* Rear – none 5-7 Accessory – front – 20' Other – 5'	10,000 sq. ft.	100'

1. With conditional use permit.

2. On interior lots only, structures on corner lots which abut a street shall be set back from the side property line a distance equal to the front yard setback.

3. The building or increased height portion thereof is setback from the permitted building one (1) foot for each four (4) feet of building height over 45' or 2 ¼' for each story over 3, whichever results in the greater

dimension. The cubical content of the building does not exceed the cubical content of a solid having a base equal to the buildable area of the lot and a height of 45'.

4. Except when abutting a residential district, then 10'.
5. Except when abutting a residential district, then 15'.
6. When abutting a street, not less in width than the depth of the front yard required.
7. For a through lot the required rear yard shall be the same as the required front yard.

** Main structure shall be closer than 35 feet to a street or property in another zoning district.

** All lots shall conform to the regulations set forth in the West Newton Subdivision Ordinance regarding lot area and sewer system.

Article IX

Non-conformities

9.1 - Intent

Prior to the time that this Ordinance was passed or amended, there existed lots, structures, and land uses which were lawful, but which would be prohibited or regulated under the terms of the current Ordinance or future Amendments. It is the intent of this Ordinance to permit these non-conformities to continue to exist until they are removed, but not to encourage their survival. These non-conformities may not be abolished or be required to make alterations due to the requirements of this Ordinances.

- (1) If the control of a non-conforming use or structure changes through sale or lease, the non-conforming use or structure shall continue as it had existed under the party that previously held control.
- (2) A non-conforming use or structure may be expanded beyond its size provided that the expansion does not further violate the provision of this Ordinance.
- (3) A non-conforming structure that is damaged by fire, flooding, vandalism, or other means may be restored to its previous form, provided that this restoration is commenced within twelve (12) months of the occurrence of said damages and the restoration is diligently pursued to completion.
- (4) If a non-conforming use should, for any reason, cease for a period of twelve (12) months, it shall not be permitted to recommence.
- (5) Any non-conforming use may be changed to a use that is permitted in the District where it exists. Any change in use shall be permitted only if it is in accord with applicable District regulations on off-street parking, loading and signs. Once a change has been made in a non-conforming use, no change made thereafter will permit the use to revert to a non-conforming use.
- (6) A non-conforming use may not be changed to another (different) non-conforming use.
- (7) The Zoning Officer shall identify and compile a list of non-conforming uses and structures. This list shall be kept current and maintained as a public record. The Zoning Officer shall specify in the list the reason for the non-conformance.

Article X

Conditional Use Permits

10.1 - Intent

Within the Borough generally, or within districts, certain uses specified in this Ordinance are of a nature requiring special and intensive review to determine whether they should be permitted in specific locations. Conditional use permit procedures as provided herein are intended to assure that such review is made and that appropriate conditions and safeguards are attached. Conditional use procedures shall be applied, and use permits issued, only as specified in this Ordinance.

10.2 - General Standards

Conditional use permits shall only be issued by the Council, after hearing, upon finding that in addition to conformity with any standards set in this Ordinance in the particular use or class of uses, the following general standards will be met either by the proposal made in the application or by the proposal as modified or amended by conditions and safeguards attached by the council and made part of the permit. Prior to any action by Council, however, a hearing shall be held by the Planning Commission after which the Commission shall make a written report and recommendation to the Council with respect to issuance of the permit. Said report and recommendation shall be forwarded to Council within thirty (30) days of the date of the hearing. Violations of such conditions and safeguards, when attached, shall be considered a violation of this Ordinance.

10.3 - Effect on Neighborhood

The proposal as submitted or modified will have no more adverse effects on the health, safety or comfort of persons living or working in or driving through the neighborhood, or will be no more injurious to property or improvements in the neighborhood, than would any other use generally permitted in the same district. Among matters to be considered in this connection are traffic congestion, noise, lights, dust, odor, fumes, and vibration, with due regard for timing of operation, screening, or other matters which might be regulated to mitigate adverse impact.

10.4 - Action by Council

After receiving the recommendations of the Planning Commission, the Council shall grant or deny the application for the permit, with conditions and safeguards as recommended by the Planning Commission or with such modification and safeguards as Council deems appropriate within the limitation established by general or specific standards of this Ordinance.

10.5 - Use Permit Applies to Property

When issued, a Conditional use permit shall apply, together with any conditions and safeguards attached, to the property for which it was issued so long as such property is used for the purpose requiring the use permit.

10.6 - Application

Application shall be made to the Planning Commission. Applications for permits shall be accompanied by site plans, building plans and elevations of all buildings. Such plans shall indicate, among other things: the location, dimensions, and size of buildings and the uses for which portions of the buildings are intended, exterior material and finishes, location and layout of driveways and parking and loading areas; methods for structural or vegetative screening of such parking and loading areas from the view of first floor windows of residential property in the residential district; location, extent and character of landscaping seen from off the premises; and lighting of signs on premises and methods for protection of adjoining property in the residential district from exposure to such signs and lighting. After reviewing the

application and holding the hearing, the Commission shall report its findings and recommendation to Council within thirty (30) days of the aforementioned hearing. Council shall vote on issuing the permit within sixty (60) days of receipt of this report.

10.7 - Matters for Consideration in Approval of Permits

Recommendations and action on use permits in this class shall give special consideration to the following matters, among others:

- (1) Compatibility of specific use proposed, scaled and located within the building, with adjoining uses in the district concerned, with particular regard to timing and manner of operation.
- (2) Compatibility of external activities or evidences of the specific use proposed with adjoining uses in the concerned districts, with particular regard to traffic, parking and loading on the lot, signs and lighting of signs and premises.
- (3) Architectural compatibility of proposed buildings which will be exposed to view from adjoining lots in the concerned district with adjoining uses in the district.
- (5) In addition, in the E District, section 3.5 shall be taken into consideration. Home businesses or occupations shall meet the standards set in section 8.11.
- (6) All other applicable sections of this Ordinance must also be conformed to.

Article XI

Administration

11.1 - Zoning Officer

- (1) The provisions of this Ordinance shall be administered by a Zoning Officer.
- (2) The Zoning Officer shall be appointed by Council from among the residents of West Newton, but he may not hold any elective office within the Borough while serving as the Zoning Officer.
- (3) The Zoning Officer shall administer this Ordinance in accordance with its literal terms, and shall not have the power to permit any construction or any use or change of use which does not conform to this Ordinance.
- (4) The Zoning Officer shall:
 - (A) Administer and enforce the provisions of this Ordinance.
 - (B) Collect fees and fines as provided herein to be deposited into the borough's general fund.
 - (C) Issue and revoke zoning certificates according to the provisions stated herein.
 - (D) Maintain permanent files of all zoning certificates and applications as public records.
 - (E) Attend meetings of the Council and the Board with information concerning application and site plans.
 - (F) Examine the progress of the work as stated in specific zoning applications to insure that it is proceeding according to the stated information in that application, and
 - (G) Prepare and maintain a list of nonconforming uses and structures.

11.2 - Zoning Certificates

No person shall cause to permit any building to be erected, razed or any alteration to be made thereon, which changes the outside dimensions, or the present use, upon any property owned by such person or rented by him (in cases of ground rental agreements) without first having obtained a zoning certificate.

11.3 - Application for Zoning Certificate

- (1) A zoning certificate may be obtained after the filing of an application with the Zoning Officer and approval by him of the application.
- (2) The application for a zoning certificate shall be a standard form to be provided by the Council.
- (3) The application form shall be accompanied by such information as the Zoning Officer may require for administration of the Ordinance.
- (4) An applicant for a zoning certificate shall pay a fee with his application according to a schedule to be determined and approved by Council.
- (5) Before granting approval for a zoning certificate, the Zoning Officer may require such changes in the plans as may be necessary to assure compliance with this Ordinance.

11.4 - Revoking of Zoning Certificates

The Zoning Officer shall be empowered to revoke zoning certificates if he has evidence that the erection, razing, alteration or use is not in accordance with the information provided with the application for that certificate. The revoking of a zoning certificate shall require the former certificate holder to cease and desist any activity previously allowed to occur while his certificate was in effect, or which was occurring in violation of this Ordinance and the terms under which his zoning certificate has been granted.

11.5 - Expiration of Zoning Certificate

If any work authorized by a zoning certificate shall not have been commenced within six (6) months after the issuance of such certificate, the zoning certificate shall be deemed to have expired and be invalid. Under such conditions neither the certificate fee nor any part therein shall be returned to such certificate holder, and if any future time, such certificate holder shall make application for another certificate for the same work, he shall follow the same procedure and pay the same fee as if no previous fee had been issued.

11.6 - Enforcement Penalties

Any person, firm, partnership or corporation who or which shall violate the provisions of this Ordinance shall, upon conviction thereof in a summary proceeding, be sentenced to pay a fine of not more than five-hundred (500) dollars. In default of payment of the fine, such person, the members of such firm or partnership, or the officers of such corporation shall be liable to imprisonment for not more than sixty (6) days. Each day that a violation is continued shall constitute a separate offense. All fines collected for the violation of this Ordinance shall be paid over to the Borough and shall be collected by the Zoning Officer.

11.7 - Enforcement Remedies:

- (1) Any person, partnership or corporation who or which has violated the provisions of this Ordinance shall, upon being found liable therefor in a civil enforcement proceeding commenced by the Borough, pay a judgment of not more than \$500 plus all court costs, including reasonable attorney fees incurred by the Borough as a result thereof.
- (2) Each day that a violation continues shall constitute a separate violation unless the district justice determining that there has been a violation, further determines that there was a good faith basis for the person, partnership, or corporation violating the Ordinance to have believed that there was no such violation, in which event there shall be deemed to have been only one such violation until the fifth day following the date of the determination of a violation by the district justice, and thereafter, each day that a violation continues shall constitute a separate violation.

11.8 - Preventive Remedies

- (1) In addition to other remedies, the Borough may institute and maintain appropriate actions by law or in equity to restrain, correct, or abate violations, to prevent unlawful construction, to recover damages and to prevent illegal occupancy of a building, structure or premises. The description by metes and bounds in the instrument of transfer or other documents used in the process of selling or transferring shall not exempt the seller or transferor from such penalties or from the remedies herein provided.
- (2) The Borough may refuse to issue any permit or grant any approval necessary to further improve or develop any real property which has been developed or which has resulted from a development or use of real property in violation of this Ordinance. This authority to deny such a permit or approval shall apply to any of the following applicants:

- (A) The owner of record at the time of such violation.
- (B) The vendee or lessees of the owner of record at the time of such violation without regard as to whether such vendee or lessee had actual or constructive knowledge of the violation.
- (C) The current owner of record who acquired the property subsequent to the time of violation without regard as to whether such current owner had actual or constructive knowledge of the violation.
- (D) The vendee or lessee of the current owner of record who acquired the property subsequent to the time of violation without regard as to whether such vendee or lessee had actual or constructive knowledge of the violation

As an additional condition for issuance of a permit or the granting of an approval to any such owner, current owner, vendee or lessee for the development of any such real property, the Borough may require compliance with the conditions that would have been applicable to the property at the time of the applicant acquired an interest in such real property.

Article XII

Zoning Hearing Board

12.1 - Creation of Board

Borough Council shall appoint and organize a Zoning Hearing Board.

12.2 - Membership

The membership of the Board shall consist of three residents of the Borough appointed by a resolution of the Council. Their terms of office shall be three years and shall be so fixed that the term of office of one member shall expire each year. The Board shall promptly notify Council of any vacancies which occur. Appointments to fill vacancies shall be only for the unexpired portion of the term. Members of the Board shall hold no other office in the municipality.

12.3 - Removal of Members

Any Board member may be removed for malfeasance, misfeasance or nonfeasance in office for other just cause by a majority vote of the Council which appointed the member, taken after the member has received fifteen 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.

12.4 - Organization of Board

Any Board shall elect from its own membership its officers, who shall serve annual terms as such and may succeed themselves. For the conduct of any hearing and the taking of any action, a quorum shall not be less than a majority of all the members of the Board, but where two members are disqualified to act in a particular matter, the remaining member may act for the Board. The Board may appoint a hearing officer from its own membership to conduct any hearing on its behalf. The Board may make, alter, and rescind rules and forms for its procedure, consistent with Borough Ordinances and the laws of the Commonwealth. The Board shall keep full public records of its business and shall submit a report of its activities to the Council as requested by Council. In addition, a report of all variances granted during the year in the designated Flood Plain District shall be included in an annual report to the Federal Insurance Administration. All records of the Board shall be the property of the Borough.

12.5 - Method of Appeal

- (a) The Zoning Hearing Board shall have exclusive jurisdiction to hear and render final adjudications in the following matters:
1. Substantive challenges to the validity of this Ordinance or the Flood Plain Ordinance of the Borough, except those brought before the Borough Council Pursuant to Sections 609.1 and 916.1(a)(2) of the Pennsylvania Municipalities Planning Code.
 2. Challenges to the validity of this Ordinance or of the Flood Plain Ordinance of the Borough 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 said Ordinance.
 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 nonconforming use, structure, or lot.

4. Appeals from a determination by the Borough's engineer or the Zoning Officer with reference to the administration of the Flood Plain Ordinance of the Borough or such provisions within this Ordinance.
 5. Applications for variances from the terms of this Ordinance and the Flood Plain Ordinance of the Borough or such provisions within this Ordinance, pursuant to Section 910.2 of the Pennsylvania Municipalities Planning Code.
 6. Applications for special exceptions under this Ordinance or the Flood Plain Ordinance of the Borough or such provisions within this Ordinance, pursuant to Section 912.1 of the Pennsylvania Municipalities Planning Code.
 7. Appeals from the Zoning Officer's determination under Section 916.2 of the Pennsylvania Municipalities Planning Code.
 8. Appeals from the determination of the Zoning Officer or Borough engineer in the administration of this Ordinance or any other Ordinance of the Borough with reference to sedimentation and erosion control and storm water management insofar as the same relate to development not involving subdivision and land development or planned residential developments.
- (b) The Borough Council shall have exclusive jurisdiction to hear and render final adjudications in the following matters:
1. Applications for a curative amendment to this Ordinance pursuant to Sections 609.1 and 916.2(a)(2) of the Pennsylvania Municipalities Planning Code.
 2. All petitions for amendments to this Ordinance or the Flood Plain Ordinance pursuant to the procedures set forth in Section 609 or the Pennsylvania Municipalities Planning Code. Any action on such petitions shall be deemed legislative acts, provided that nothing contained in this clause shall be deemed to enlarge or diminish existing law with reference to appeals to court.
 3. Applications for a special encroachment permit pursuant to Section 406 of the Pennsylvania Municipalities Planning Code.

12.6 - Variances

The Board shall hear requests for variances where it is alleged that the provisions of this Ordinance inflict unnecessary hardship upon the applicant. The Board may by rule prescribe the form of application and may require preliminary application to the Zoning Officer. The Board may grant a variance provided the following findings are made where relevant in a given case.

- (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 condition generally created by the provisions of this Ordinance in the neighborhood or district in which the property is located.
- (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.
- (3) That such unnecessary hardship has not been created by the appellant.

- (4) That the variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located, not substantially or permanently impair the appropriate use or development of adjacent property, nor be detrimental to the public welfare; and
- (5) The variance, if authorized, will represent the minimum variance that will afford relief and will represent the least modification possible of the regulation in issue. In granting any variance, the Board may attach such reasonable conditions and safeguards as it may deem necessary to implement this Ordinance.
- (6) No variance shall be granted for any construction, development, use or activity within any designated Floodway District that would cause any increase in the (100) year flood evaluation.

12.7 - Certificate of Occupancy

- (1) No person shall use or permit the use of any structure or premise or part thereof hereafter created, erected, or altered, in use or structure, until a certificate of occupancy reflecting use, extent and location shall have been issued to the owner by the Zoning Officer. Where a zoning certificate is involved, such certificate of occupancy shall be part of the zoning certificate. Such certificate shall show that the structure or use or both, to the affected part thereof, are in conformity with the provisions of the Ordinance, and it shall be the duty of the Zoning Officer to issue such certificate if he finds that all of the requirements of this Ordinance have been met, and to withhold such certificate unless all requirements of this Ordinance have been met. In effect the latter case would constitute a revocation of the original zoning certificate (see Section 11.4).
- (2) A temporary certificate of occupancy may be issued by the Zoning Officer for a period not exceeding six (6) months during alterations or partial occupancy of a building pending its completion with such additional conditions and safeguards as are necessary in the circumstances of the case to protect the safety of occupants and the general public. Such certificates may be renewed for periods not exceeding six (6) months.
- (3) Upon written application from the owner and upon inspection to determine the facts in the case, if in conformity with the requirements of this Ordinance, the Zoning Officer shall issue a certificate of occupancy for any building, premises, or use, certifying that the building, premises or use is in conformity with the provisions of the Ordinance or that legal nonconformity exists as specified in the certificate. Application for certificates of occupancy for existing uses or structures shall be accomplished by a fee of two dollars (\$2.00).
- (4) Zoning certificates or certificates of occupancy issued on the basis of plans and applications approved by the Zoning Officer authorize only the use, arrangement and construction set forth in such approved plans and applications, and no other use, arrangement, or construction at variance with that authorized shall be deemed a violation of this Ordinance.
- (5) A certificate of occupancy must be obtained before a structure is occupied or a new or changed use is commenced. The Zoning Officer must be notified by the applicant when construction is complete (in the case of a structure) and/or when all conditions are ready for the commencement of a new or changed use.

Article XIII

Amendment Procedure

13.1 - Required Procedure

The West Newton Borough Zoning Ordinance may only be amended through the procedure outlined in this Article and in accordance with the Pennsylvania Municipalities Planning Code, Act 247 as amended by Act 170.

13.2 - Enactment of Zoning Ordinance Amendments

Before voting on the enactment of an amendment, Council shall hold a public hearing thereon, pursuant to public notice. In the case of an amendment other than that prepared by the planning agency, Council shall submit each such amendment to the planning agency at least thirty (30) days prior to the hearing on such proposed amendment to provide the planning agency an opportunity to submit recommendations. If, after any public hearing held upon an amendment, the proposed amendment is revised, or further revised, to include land previously not affected by it, Council shall hold another public hearing pursuant to public notice, before proceeding to vote on the amendment. Amendments shall be submitted to the County before proceeding to vote on the amendment. Amendments shall be submitted to the County Planning Department at least thirty (30) days prior to the public hearing on that amendment.

13.3 - Curative Amendments

The landowner or his agent shall make a written request to the Board or Council that it hold a hearing on his challenge. The request shall contain a short statement reasonably informing the Board or Council of the matters that are in issue and the grounds for the challenge. The request shall be accompanied by an amendment or amendments to the Ordinance proposed by the landowner to cure the alleged defects therein. The Council or Board shall forward a copy of the proposed amendment to the Planning Commission at least thirty (30) days prior to the public hearing on said amendment, so that the Planning Commission may have an opportunity to submit recommendations if the proposed amendment has not been prepared by the Commission. Council shall also submit a copy of the proposed amendment to the County Planning Department at least thirty (30) days prior to the public hearing so that the County agency may also submit recommendations regarding the amendment.

13.4 - Public Notice

Notice of the public hearing shall be published in a newspaper of general circulation within the Borough once each week for two consecutive weeks. The first publication shall not be more than thirty (30) days or less than fourteen days from the date of the hearing. The notice shall state the time, place, and date of the public hearing. The notice shall also contain a complete reprint of the proposed amendment or a summary of the amendment accompanied by a reference to a place within the Borough where the proposed amendment may be examined free of charge.

Article XIV

Rules and Definitions

14.1 - Rules

In the context of this Ordinance, the Rules and Definitions contained in this Article shall be observed and applied except where the context clearly indicates otherwise.

The present tense includes the future tense, the singular number includes the plural and the plural the singular. The word "shall" is mandatory, the word "may" is permissive. The word "lot" includes the words "plot" or "parcel". The word "land" includes the words "water" or "marsh". The words "used" or "occupied" includes the words "intended", "designed", "or arranged" to be used or "occupied". The word "person" includes a firm, association, authority, organization, partnership, trust, company, or corporation as well as an individual.

14.2 - Definitions

For the purpose of this Ordinance, certain numbers, abbreviations, terms, and words used herein shall be used, interpreted and defined as set forth in this section.

Accessory Use or Structure - A use or structure of a nature customarily incidental and subordinate to the principal use or structure on the same lot or a contiguous lot in the same ownership. Where a building is attached to a principal building, it shall be considered a part thereof and not an accessory building.

Alteration - A major change or rearrangement in the structural parts of a structure or building including the walls, columns, beams, girders, floors, roof, or ceiling; or an enlargement whether by extending on a side or increasing in height; or the moving from one location or position to another; but not including normal maintenance or minor improvements.

Automobile Service Station - a repair garage or any structure or premises used for the repair, maintenance, rebuilding or reconditioning of motor vehicles or parts thereof, including collision service, painting and steam cleaning of vehicles.

Automobile Wrecking - The dismantling or wrecking of motor vehicles or trailers, or the storage, sale, or dumping of dismantled, partially dismantled, obsolete, or wrecked vehicles or their parts.

Borough Engineer - The duly appointed and licensed engineer of the Borough of West Newton.

Buildable Area - That portion of a zoning lot bounded by the required front, side, and rear yards. When a yard is not required, the boundary is the lot line.

Building - Any structure having a roof supported by columns, piers, or walls, including covered porches, bay windows or chimneys and intended for shelter or enclosure of persons, animals, and chattel.

Commission or Planning Commission - The Planning Commission of the Borough of West Newton, Westmoreland County, Pennsylvania

Commonwealth - The Commonwealth of Pennsylvania

Conditional Use - A use permitted in a certain district with conditions attached to approval and which requires approval and which requires approval by the Commission under the terms and procedures and with conditions prescribed herein.

Convenience Store - An establishment offering for sale a variety of frequently purchased consumer items such as food, tobacco, periodicals, and candies. As a permitted accessory use to the convenience store, such establishment may also offer the retail sale of petroleum products.

Council - The Borough Council of the Borough of West Newton.

County - Westmoreland County, Pennsylvania

Department - The Westmoreland County Department of planning

Dwelling - A structure or portion thereof which is used exclusively for human occupancy, including one-family, two-family and multiple-family dwellings, but not including apartment hotels, boarding houses, hotels, housing for the elderly, institutional facilities, motels, nursing homes, rooming houses, trailers, and the like.

Dwelling, Attached - An attached dwelling is a dwelling which is joined to another dwelling at one or more sides by a party wall or walls, or by a common floor or ceiling.

Dwelling, Detached - A "detached dwelling" is one which is entirely surrounded by open space on the same lot and shares no common wall or floor/ceiling with another dwelling.

Dwelling Unit - Any structure or a part thereof used exclusively for occupancy by one person or a single family, plus not more than three lodgers, containing living, sleeping, cooking and sanitary facilities for and under the exclusive control of the occupants.

Dwelling, One-family - A building designed for or used exclusively for occupancy by one (1) family, and may include one family detached buildings.

Dwelling, Two-family - A building designed for or occupied by two (2) families.

Dwelling, Multiple Family - A dwelling designed for and occupied exclusively by three (3) or more families.

Engineer - A professional engineer licensed by the Commonwealth of Pennsylvania.

Family - A family is: (A) a single person occupying a dwelling unit and maintaining a household, or (B) two or more persons related by blood or marriage, occupying a dwelling unit, living together and maintaining a common household, including not more than two boarders, roomers, or lodgers, and (C) not more than five unrelated persons occupying a dwelling unit living together and maintaining a common household.

Governing Body - The Borough Council of West Newton, Westmoreland County, Pennsylvania.

Governmental Attorney - The licensed attorney designated by the Governmental Body to furnish legal assistance for the administration of these regulations.

High Density - Those residential zoning districts in which the density is equal to or greater than one dwelling per 10,000 sq. ft.

Home Business (Home Occupation) - This category includes customary home occupations often carried on in dwellings in residential districts. Common examples of home businesses are physicians' and dentists' offices, beauty salons and art studios.

Light Warehousing - The storage, within a building, of non-industrial building supplies, food products, goods, appliances, small equipment, or similar items. The storage of items outside of a building is prohibited.

Living Quarters - A general term including lodging units and dwelling units.

Lot - a tract, plot, or portion of a subdivision or other parcel of land intended as a unit for the purpose, whether immediate or future, of transfer of ownership or for building development.

Lot Corner - a lot sitting at or abutting the intersection of two (2) streets, having an interior angle of intersection no greater than one hundred and thirty-five (135) degrees.

Lot Line Front - The "front lot line" shall be that boundary of a lot which is along an existing or dedicated public street, or where no public street exists, is along a public way. The front lot line of a corner lot is along the street on which the principal building faces.

Lot Line Rear - The "rear lot line" shall be that boundary of a lot which is most distant from and is most nearly parallel to the front line, except for through or corner lots which have no rear lot line.

Lot Line Side - The "side lot line" shall be any boundary of a lot which is not a front or rear lot line. A corner lot has three (3) side lot lines.

Lot of Record - Any lot which has been recorded in the office of the Recorder of Deeds of Westmoreland County.

Lot Area - The total space on a horizontal plane within the boundary line of a lot, not including any part of a street or alley.

Lot Depth - The mean horizontal distance between the front and rear lot lines.

Lot Width - The distance between the side lines of the lot measured at the shortest distance at or between the front and rear building lines as determined by the prescribed front and rear yard requirements.

Lot Double Frontage - A lot with generally opposite ends, both abutting on streets.

Lot Improvement - Any building, structure, place, work of art, or other object, or improvement of the land on which they are situated constituting a physical betterment of real property, or any part of such betterment. Certain lot improvements shall be properly bonded as provided in these regulations.

Low Density - Those residential zoning districts in which the density is equal or less than one dwelling unit per 40,000 sq. ft.

Medium Density - Those residential zoning districts in which the density is between 10,000 and 40,000 sq. ft. per dwelling unit.

Mobile Home - A transportable, single-family dwelling intended for permanent occupancy, office, or place of assembly contained in one unit, or in two units designed to be joined into one integral unit capable of again being separated for repeated towing, which arrives at a site complete and ready for occupancy except for minor and incidental unpacking and assembly operation, and constructed so that it may be used without a permanent foundation.

Mobile Home Lot - A parcel of land in a mobile home park, improved with the necessary utility connections and other appurtenances necessary for the erections thereon of a single mobile home, which is leased by the park owner to the occupants of the mobile home erected on the lot.

Mobile Home Park - A parcel of land under a single ownership which has been planned and improved for the placement of mobile homes for non-transient use, consisting of two or more mobile home lots.

Municipality (Municipal) - Refers to West Newton Borough, Westmoreland County, Pennsylvania.

Nonconformities - Existing lots, structures, and uses of land which were lawful before this Ordinance was enacted, but does not meet the necessary lot, setback, height or parking requirements.

Non-conforming Structure - Any structure which existed prior to the effective date of this Ordinance and which does not meet the necessary lot, setback, height, or parking requirements of this Ordinance.

Non-conforming Use - Any land use activity: (1) was ongoing prior to the effective date of this Ordinance, and (2) is neither a permitted nor conditional use in its existing location which does not meet some other land use restriction set forth in this Ordinance.

Permitted Use - Any use within a given zoning district that is specifically allowed as a matter of "right," and is deemed compatible with the intended purpose of this Ordinance without requiring special action or approval by the Commission.

Person - Any individual, firm, trust, partnership, public or private association or corporation or other entity.

Playground - An area provided for the public to be used for exercise and recreation as exemplified by baseball and football fields; basketball, volleyball, and tennis courts; swimming pools; horseshoe pits; track and field event area; swings; slides; climbing bars; and other children's play equipment.

Professional Office - Any office of a recognized professional, such as doctors, dentists, lawyers, architects, engineers, artists, musicians, designers, teachers, and others who through training are qualified to perform services of a professional nature.

Retail Gasoline Station - A retail station for the sale and dispensing of petroleum products to passenger vehicles and/or light commercial vehicles on either a self-service or attendant-assisted basis, excluding the repair or servicing of such vehicles.

Sign - Any device designed to inform or attract the attention of persons not on the premises on which the sign is located, provided however that the following shall not be included in the application of the regulations herein: (1) Signs not exceeding one square foot in area and bearing only property numbers, post box numbers, names of occupants of premises, (2) Flags and insignia of any government except when displayed in connection with commercial promotion, (3) Legal notice, identification, informational or directional signs erected or required by governmental bodies, (4) Integral decorative or architectural features of buildings, except letters, trademarks, moving parts, or moving lights, (5) Signs directing and guiding traffic and parking on private property, but bearing no advertising matter.

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

Through Lot - An interior lot having frontage on two (2) parallel or approximately parallel streets.

Use - The "use" of a property is the purpose or activity for which the land, or building thereon, is designated, arranged or intended, or for which it is occupied or maintained.

Wholesale Distributor - Any establishment selling or distributing goods, materials, equipment, products, or commodities to any person who is not the ultimate consumer or user of the same. (Ordinarily, the sale or distribution would be made to a person or company which is exempt from payment of sales taxes.)

Zoning Officer - Person designated by the Council to enforce this Ordinance.

Article XV

15.1 - Severability

If any word, phrase, section, sentence, clause, or part of this Ordinance is for any reason found to be unconstitutional, illegal, or invalid, such unconstitutionality, invalidity, or illegality shall not affect or impair any of the remaining words, phrases, sections, sentences, clauses, or parts of this Ordinance. It is hereby declared to be the intent of the Borough of West Newton that this Ordinance would have been adopted had such unconstitutional, illegal, or invalid word, phrase, section, sentences, clause, or part thereof not been included therein.

ENACTED AND ORDAINED this 11th day of October, 1995.

THE BOROUGH OF WEST NEWTON

By: _____

President of Council

ATTEST:

Borough Secretary

APPROVED THIS 11th day of September, 1995.

Mayor