

# **Chapter 27<sup>1</sup>**

## **Zoning**

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<sup>1</sup>Editor's Note: Pending adoption of the new zoning ordinance presently in process, *Ord. 995*, 4/26/1993, the "Carnegie Zoning and Planned Development Ordinance," as amended, is included here for convenience.

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### **Zoning Map Amendments**



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**Part 1****Basic Provisions****§27-101. Title.**

This Chapter may be cited as the “Carnegie Zoning and Planned Development Ordinance.”

(*Ord. 995, 4/26/1983*)

**§27-102. Defined Words.**

Words used in a special sense in this Chapter are defined in Part 6.

(*Ord. 995, 4/26/1983*)

**§27-103. Community Development Objectives.**

The community development objectives which are the basis for the provisions of this Chapter are set forth in the Comprehensive Plan as adopted and amended by the Borough Council.

(*Ord. 995, 4/26/1983*)

**§27-104. Zoning Map.**

A map entitled “Carnegie Zoning District Map” is hereby adopted as a part of this Chapter. The Zoning Map shall be kept on file for examination in the offices of the Borough Secretary.

(*Ord. 995, 4/26/1983*)

**§27-105. Compliance.**

No structure shall be located, erected, constructed, reconstructed, moved, altered, converted, or enlarged, nor shall any structure or land be altered or used, except in full compliance with all the provisions of this Chapter and after the lawful issuance of all permits and certificates required by this Chapter.

(*Ord. 995, 4/26/1983*)

**§27-106. Interpretation.**

The provisions of this Chapter shall be held to be the minimum requirements for the protection of the health, safety, morals and general welfare of Carnegie.

(*Ord. 995, 4/26/1983*)



**Part 2****District Regulations****§27-201. Zoning Districts.**

The Borough of Carnegie is divided into the districts stated on Table 27-201 as shown by the district boundaries on the Zoning Map.

(*Ord. 995, 4/26/1983; as amended by Ord. 1014, 8/21/1985, §1*)

**§27-202. District Boundaries.**

District boundaries shown on the lines of roads, streams and transportation rights-of-way shall be deemed to follow their centerlines. The vacation of roads shall not affect the location of such district boundaries. When the Zoning Officer cannot definitely determine the location of the district boundary by such centerlines, by the scale of dimensions stated on the Zoning Map, or by the fact that it clearly coincides with a property line, he shall refuse action, and the Zoning Hearing Board, upon appeal, shall interpret the location of the district boundary with reference to the scale of the Zoning Map and the purposes set forth in all relevant provisions of this Chapter.

(*Ord. 995, 4/26/1983*)

**§27-203. Permitted Uses.**

The permitted uses for each district are shown on Table 27-201.

(*Ord. 995, 4/26/1983*)

**§27-204. Conditional Uses.**

1. The Borough Council may authorize conditional uses as specified on Table 27-201 if all conditions and provisions of Part 4 are met.

2. Uses not specifically listed as permitted or conditional uses shall be prohibited.

(*Ord. 995, 4/26/1983*)

**§27-205. Height Regulations.**

No structure shall exceed the maximum height above average ground specified in Table 27-201, provided:

A. No accessory structure shall exceed a height of 15 feet.

B. No residential use except an apartment structure in the "R-4" District may exceed a height of 35 feet or three stories.

C. A structure for any permitted or conditional use in any district may exceed the maximum permitted height provided that (1) every required yard is increased by 1 foot for each additional foot of height, and (2) that the permit for such structure be reviewed and authorized as a conditional use as regulated by Part 4.

D. The height regulations of this Chapter shall not apply to television and radio towers, church spires, belfries, monuments, tanks, water or fire towers, ornamental towers, spires, chimneys, elevator bulkheads, smokestacks and

flagpoles.

E. In determination of the height of a structure in stories, a basement shall be counted as a story when more than 60 percent of its wall surface, measured between floor and ceiling, is or will be above grade as shown on construction plans.

*(Ord. 995, 4/26/1983)*



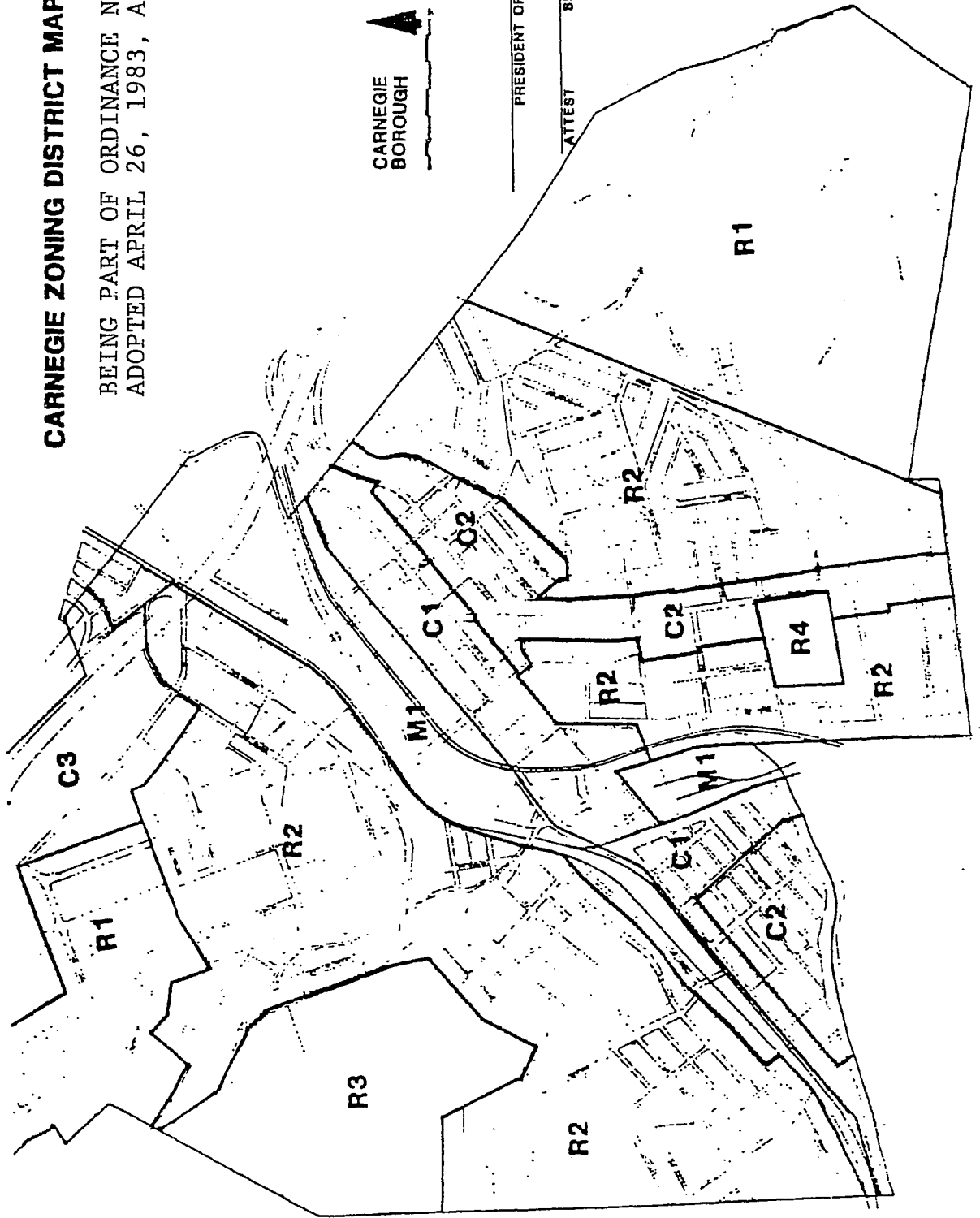
TABLE 27-201: PERMITTED USES, CONDITIONAL USES, YARD AND AREA REQUIREMENTS

| DISTRICT                      | "R-1" One-Family Residence   | "R-2" Two-Family Residence   | "R-3" Multiple Family Residence   | "R-4" Multiple Family Residence   | "C-1" Commercial  | "C-2" Transition Commercial   | "C-3" Office Commercial   | "M-1" Planned Industrial  |
|-------------------------------|--|--|---|---|---|---|---|---|
| PERMITTED USES                | One-Family House<br>Agriculture<br>Parks & Recreation<br>Community Use<br>Accessory Uses | One-Family House<br>Two-Family House<br>Agriculture<br>Community Use<br>Accessory Uses         | One-Family House<br>Two-Family House<br>Townhouses<br>Agriculture<br>Community Use<br>Accessory Uses  | One-Family House<br>Two-Family House<br>Townhouses<br>Apartments<br>Agriculture<br>Community Use<br>Accessory Uses  | Auditorium<br>Banks<br>Business College<br>Business<br>Services<br>Club<br>Department Store<br>Food Services<br>Funeral Home<br>Medical Clinic<br>Offices<br>Restaurant, Bar<br>Retail Stores<br>Shopping Center<br>Studio<br>Hotel, Motel<br>Accessory Uses<br>Public Building   | Banks<br>Business<br>Services<br>Funeral Home<br>Medical Clinic<br>Offices<br>Studio<br>One-Family House<br>Two-Family House<br>Townhouses<br>Garden<br>Apartments<br>Accessory Uses  | Banks<br>Business<br>Services<br>Medical Clinic<br>Offices<br>Hotel, Motel<br>Restaurants<br>Accessory Uses                                 | Light<br>Manufacturing<br>Research<br>Laboratory<br>Warehousing<br>Offices<br>Distribution<br>Center<br>Contractor's Yard<br>Auto Sales and<br>Repairs (Other<br>than Body Shop)<br>Printing<br>Restaurant, Bar<br>Accessory Uses |
| CONDITIONAL USES              | Recreation Club<br>Public Building<br>Dependent Dwelling                                 | Garden<br>Apartments<br>Townhouses<br>Recreation Club<br>Public Building<br>Dependent Dwelling | Garden<br>Apartments<br>Recreation Club<br>Membership Club<br>Child Care<br>Center<br>Public Building<br>Funeral Home<br>Group Residence<br>Group Care<br>Facility<br>Institutional<br>Facility<br>Conversion<br>Dwelling | Recreation Club<br>Membership Club<br>Child Care<br>Center<br>Public Building<br>Funeral Home<br>Group Residence<br>Group Care<br>Facility<br>Institutional<br>Facility<br>Conversion<br>Dwelling | Church<br>Gas Stations<br>Adult Theater<br>Utility<br>Structures<br>Vehicle Sales<br>Area<br>Group Residence<br>Group Care<br>Facility<br>Institutional<br>Facility<br>Club (Social,<br>Health or<br>Recreation)<br>Personal<br>Services<br>Residential<br>Apartments (on<br>the 3rd, 4th<br>and 5th floors<br>of structures)<br>none | Church<br>Club (Health or<br>Recreation)<br>Child Care<br>Center<br>Public Use<br>Utility<br>Structures<br>Group Residence<br>Group Care<br>Facility<br>Institutional<br>Facility<br>Conversion<br>Dwelling<br>Personal<br>Services<br>Hotel, Motel<br>Restaurant<br>Ancillary<br>Cafeteria<br>Retail Stores [Ord. 2249]<br>5,000 | Public Use<br>Ancillary<br>Cafeteria<br>Utility<br>Structures<br>Mobile Home Park<br>Club (Health or<br>Recreation)<br>Personal<br>Services | Community Use<br>Freight Terminal<br>Public Use<br>Utility<br>Structures<br>Auto Body Shop<br>Animal Care and<br>Control Service<br>Landscape-<br>Nurseries   |
| MINIMUM LOT AREA (sq. feet)   | 8,000  | 4,000  | 6,500   | 5,000   |   |   |   |   |
| MINIMUM LOT WIDTH (feet)      | 65   | 40   | 50  | 50  | none  | 40  | 80  | 50  |
| MINIMUM FRONT YARD (feet)     | 35   | 25   | 35  | 25  | - 0 -   | 20  | 30  | 10  |
| MINIMUM SIDE YARD (feet)      | 10   | 6  | 10  | 4   | - 0 -   | 5   | 12  | 5   |
| MINIMUM REAR YARD (feet)      | 25   | 20   | 25  | 15  | 10  | 20  | 30  | 20  |
| MAXIMUM HEIGHT Stories (feet) | 2.5 (30)   | 2.5 (30)   | 2.5 (35)  | 5 (60)  | 5 (60)  | 3 (45)  | 3 (45)  | 5 (75)  |

(Ord. 995, 4/26/1983; as amended by Ord. 2146, 4/11/2000, §1; and by Ord. 2249, 12/14/2006, §1)

# **CARNEGIE ZONING DISTRICT MAP**

BEING PART OF ORDINANCE NO. 995  
ADOPTED APRIL 26, 1983, AS AMENDED





**§27-206. Lot and Yard Requirements.**

The minimum lot area, minimum width of lot, minimum depth of front and rear yards, and minimum width of each side yard shall be as shown on Table 27-201.

A. Lots which abut on more than one street shall provide the required front yard along every street, except in the "R-2" Two-Family Residence District where a corner lot of record shall have a yard of not less than 10 feet on the side street.

B. One and only one principal structure, together with permitted accessory structures, may be located on any lot, except that two or more principal structures may be permitted as a planned residential development after approval and recording of the development plan as required by this Chapter.

C. No structure, whether attached to the principal structure or not, and whether open or enclosed, including porches, carports, balconies and platforms above normal grade level, shall project into any minimum front, side, or rear yard, except as provided below:

(1) Structures accessory to single-family residences may extend into required rear and side yards, but not closer than 10 feet to rear and side yard lot lines.

(2) Minor utility fixtures, unenclosed patios, and articles of decoration around a main building may be located in any required yard.

(3) A buttress, chimney, cornice, pier, or pilaster extending no more than 24 inches from the wall of the principal structure may be located in any required yard.

(4) An unenclosed porch no more than one story or 15 feet in height and 12 feet in depth may be erected in the front yard of a residential structure, but may not extend into a required side yard.

D. Trailers (utility, commercial, mobile homes, or living trailers) may not be stored in any required front or side yard.

E. Nonresidential structures or uses in any district shall not be located or conducted closer to any lot line of any lot in any "R" District than the distance specified in the following schedule:

| <b>Minimum Side or Rear<br/>Yard Abutting any Lot<br/>in any "R" District</b> | <b>Use</b>   |
|---|--|
| 8 feet  | Off-street parking spaces and access drives for nonresidential uses                                |
| 15 feet   | Churches, schools, public or semi-public structures  |
| 20 feet   | Recreation facilities, entertainment facilities, motels, all business uses and all industrial uses |

F. The Zoning Officer may authorize the projection of a principal structure into a required front yard on a lot located between two structures which may nonconforming with respect to the front yard, provided the resulting front yard shall not be less than the median front yard of the two adjacent structures.

G. Any portion of a lot once counted as a yard or as lot area per family in compliance with the area requirements of this Chapter, shall not be counted again as required yard or lot area per family for another building.

H. No required yard in any residential area shall be used for parking vehicles except on a driveway or in parking areas designated on an approved site plan. In single-family developments, not more than 30 percent of the front yard may be devoted to driveway access. In single-family attached developments, not more than 50 percent of the front yard may be devoted to driveway access. In multiple family developments, not more than 40 percent of the front yard may be devoted to driveway access.

(Ord. 995, 4/26/1983)

### **§27-207. Density of Development Limits.**

The minimum lot area for each dwelling unit for residential uses shall be in conformance with the following schedule:

| Minimum Lot<br>Area/Family | "R-1" | "R-2"<br>(square feet) | "R-3" | "R-4" | "C-2" |
|----------------------------|-------|------------------------|-------|-------|-------|
| One-Family House           | 8,000 | 4,000                  | 6,500 | 5,000 | 5,000 |
| Two-Family House           | -     | 3,000                  | 4,000 | 2,800 | 2,800 |
| Town Houses                | -     | -                      | 2,500 | 2,500 | 2,500 |
| Garden Apartments          | -     | -                      | -     | 1,200 | -     |
| Apartments                 | -     | -                      | -     | 800   | -     |

(Ord. 995, 4/26/1983)

### **§27-208. Downtown Flat Overlay District.**

1. *Purpose and Intent.* The Downtown Flat Overlay District is adopted for the following purposes:

A. Encourage housing opportunities within the downtown area by designating and regulating areas that are suitable for this purpose.

B. Provide a diversity of dwelling unit types in order to expand housing opportunities to all residents of the community.

C. Enhance the integrity, stability and character of the downtown area and the value of its land.

D. Develop a vibrant, 24-hour downtown environment by balancing the mix of commercial, office, cultural and residential uses.

E. Assure adequate parking facilities for downtown residents.

This regulation is intended to supplement, not repeal, abrogate, impair or replace any existing ordinances that relate to zoning or building construction within the Borough.

2. *Concept.* The Downtown Flat Overlay District shall be deemed to be an overlay on any existing or future zoning districts enacted to regulate the use of land in the

Borough. In those areas of the Borough located within the Downtown Flat Overlay District, the requirements of this Section shall supersede the requirements of the underlying zoning districts.

3. *Location of Downtown Flat Overlay District.* The Downtown Flat Overlay District is located and bounded as shown on a map entitled “Zoning District Map of the Borough of Carnegie,” Allegheny County, Pennsylvania dated October 12, 1999, and on file in the office of the Zoning Officer. The zoning district map as amended, with all explanatory manner, is made a part of this Section.

4. *Boundary Interpretation.* Where an interpretation is needed as to the exact location of the boundaries of the Downtown Flat Overlay District in relation to a given parcel, an initial determination shall be made by the Zoning Officer. Any person seeking such a determination may submit a boundary and topographic survey of the property and any other pertinent documentation for consideration. Beyond uncertainty with the interpretation of district boundaries, under no condition or circumstances shall areas be added or deleted from the Downtown Flat Overlay District boundary.

5. *Appeal of Boundary Interpretation.* Any person aggrieved by any such determination of the Zoning Officer under this Section may appeal to the Zoning Hearing Board. The person contesting the location of the Downtown Flat Overlay District boundary shall have the burden of proof in case of any such appeal.

6. *Definitions.* For the purpose of this Section, certain numbers, abbreviations, terms and words shall be used, interpreted as defined and set forth in this Section. Unless the context clearly indicates to the contrary, words used in the present tense include the future tense and words used in the plural includes the singular.

*Apartment*—a multiple family residential-only structure containing three or more dwelling units having a height greater than three stories.

*Downtown flat*—a dwelling unit located in the upper stories of a building and/or structure that is used principally for commercial use.

*Dwelling unit*—one or more living or sleeping rooms in a residential or commercial building which are arranged, designed, used or intended for use as living quarters for one family or individual. A dwelling unit shall have permanent sanitary facilities; permanent facilities for sleeping, cooking and eating, and be served by a heating system capable of providing 68 degrees Fahrenheit throughout the unit when the outside temperature is 0 degrees Fahrenheit.

*Garden apartment*—a multiple family residential-only structure containing three or more dwelling units having a height no greater than three stories.

*Parking commitment certificate*—a document issued by the Borough Zoning Officer and used to officially record the location of parking spaces committed for use by downtown flat residents.

*Site plan*—a map of a final develop plan to officially recorded after the approval of the Borough’s Planning Commission. The plan shall illustrate existing and proposed conditions: property boundaries and topographic contours, the location and bulk of buildings and/or structures, the location of all paving areas, the location and magnitude of landscaping; points of access and the location of committed parking spaces.

7. *Permitted Uses.* No building and/or structure shall be constructed and no

building, structure or land shall be used for any purpose or in any manner other than for one or more of the uses as outlined below:

- A. Commercial–Retail.
- B. Commercial–Service.
- C. Office.
- D. Cultural.
- E. Downtown flats.

8. *Unit Size / Density.*

A. *Minimum Requirements.*

- (1) Efficiency–minimum 450 square feet.
- (2) One bedroom–minimum 500 square feet.
- (3) Two bedroom–minimum 700 square feet.

B. Downtown flats shall not occupy more than 80 percent of a building and/or structure's gross floor area.

9. *Location of Units.* No downtown flat shall be located on either the street or basement levels of a building and/or structure.

10. *Parking Requirements.*

A. The building owner prior to receiving an occupancy permit must secure use of off-street parking spaces. Parking requirements are as follows:

- (1) Efficiency–1 space.
- (2) One bedroom–1 space.
- (3) Two bedroom–2 spaces.

B. Parking space requirements can be met by:

(1) Obtaining parking commitment certificates for existing parking spaces within the downtown area.

(a) All parking spaces must be committed to residential use 24 hours/day, 7 days/week.

(b) All committed parking spaces must be maintained throughout occupancy of the downtown flat and must be verified annually through the renewal of the parking commitment certificates.

(c) The dedication and location of all committed parking spaces shall be subject to site plan review and approval of the planning commission.

(d) Parking commitment certificates must be obtained prior to issuance of occupancy certificates.

(2) Providing new parking spaces on-site per §27-308 of this Part.

11. *Access.*

A. A building and/or structure containing (a) downtown flat(s) shall provide one common street entrance for resident access.

B. Downtown flats located 25 feet or more above the adjacent street level shall be accessed by both elevators and stairs.

12. *Unit Design.*

A. Balconies, if provided, shall be located only along the rear face of the building and/or structure. No balcony shall project more than 8 feet from the outer building wall. Balconies for downtown flats may encroach within the required rear yard wall.

B. Downtown flats shall provide an operable window sash area of 4 percent of the dwelling unit's floor area.

13. *Additional Requirements.*

A. Trash enclosures shall be required for building and/or structures containing four or more downtown flats. Trash enclosures shall be constructed of masonry units and shall not be situated within 25 feet of the common street entrance or to any downtown flat or to any adjacent dwelling unit(s). Paved access shall be provided from the building and/or structures main entrance to the trash enclosures.

B. Building owners, residents, tenants or others shall not display or hang banners, flags, garments, lights and signs from balconies, windows or appurtenances anchored to or supported by the building and/or structure containing the downtown flats.

C. Building owners, residents, tenants or others shall not locate air conditioning or heating units, fire escapes or other appurtenances on the front face of a building and/or structure. Buildings and/or structures located on corner lots are permitted to locate said items on the building face fronting the secondary street but will be subject to site plan review and approval by Planning Commission.

(Ord. 995, 4/26/1983; as added by Ord. 2135, 11/9/1999)





**Part 3****General Regulations****§27-301. Nonconforming Uses.**

The following provisions shall apply to all nonconforming uses:

A. A nonconforming use may be continued but shall not be extended, expanded, or changed unless to a conforming use, except as permitted by the Zoning Hearing Board in accordance with the following:

(1) The new use will more closely correspond to the uses permitted in the district.

(2) The changed use shall be in keeping with the character of the neighborhood in which it is located.

B. A zoning certificate must be obtained within 1 year by the owner of any nonconforming use as evidence that the use lawfully existed prior to the adoption of the provision which made the use nonconforming.

C. Any nonconforming structure damaged by fire, flood, explosion, or other casualty may be reconstructed and used as before if such reconstruction is performed within 12 months of such casualty, and if the restored structure has no greater coverage and contains no greater cubic content than before such casualty.

D. In the event that a nonconforming use, conducted in a structure or otherwise, ceases, for whatever reason, for a period of 1 year, or is abandoned for any period, such nonconforming use shall not be resumed.

E. Where a nonconforming use is conducted inside a structure, the floor area of the structure and the nonconforming use within it may be enlarged to an extent not greater than 20 percent of the floor area existing at the time of adoption of this Chapter, when permitted by the Zoning Hearing Board in accordance with the following:

(1) There shall be no increase in noncompliance, if any, with lot and yard requirements.

(2) Off-street parking, as required by §27-307 shall be provided as to the enlarged portion.

(Ord. 995, 4/26/1983)

**§27-302. Nonconforming Structures.**

A nonconforming structure used or occupied by a permitted use may be enlarged or expanded if the expansion, considered independently of the original structure, complies with the off-street parking of this Chapter, and such expansion does not otherwise increase the extent of nonconformity in any respect.

A. Any nonconforming lot of record existing on the effective date of this Chapter and then held in separate ownership different from the ownership of adjoining lots shall be exempt from the minimum lot area, depth and width requirements provided they are used in accordance with minimum yard requirements, and that uses other than a one-family house conform to minimum

lot area per family and floor area ratio requirements of this Chapter.  
(Ord. 995, 4/26/1983)

**§27-303. Nonconforming Signs.**

Any nonconforming permanent sign legally existing on the effective date of this Chapter may continue to exist, provided that signs which are 50 percent or more structurally deteriorated shall be removed.

(Ord. 995, 4/26/1983)

**§27-304. Special Exceptions.**

The Zoning Hearing Board may permit the following special exceptions in accordance with the standards stated and in compliance with Part 4 of this Chapter. The Zoning Hearing Board may also attach such conditions as they may deem appropriate:

A. Living quarters in an accessory structure as an accessory use to a one-family house to accommodate domestic employees of the residents of the principal structure.

B. The accommodation of not more than two non-transient roomers as an accessory use to a one-family dwelling, provided that no sign is displayed.

C. Temporary structures and trailers used in conjunction with construction work, may be permitted only during the period that the construction work is in progress. Permits for temporary structures shall be issued for a 6-month period.

D. Outside storage areas in Commercial and Industrial Districts, provided that they are buffed by fencing, planting or topography so as to obviate adverse effect on neighboring property.

(Ord. 995, 4/26/1983)

**§27-305. Accessory Uses.**

The following provisions shall apply to accessory uses:

A. The pursuit of vocational or avocational interests by a resident shall be deemed an accessory use to a dwelling, provided that such activity is clearly subordinate to the dwelling, that no equipment or facilities be involved which are dangerous or incompatible with the residential environment, and that there be no external evidence of any nonresidential activity.

B. The exterior storage any motor vehicle which does not have a current inspection sticker shall constitute an auto salvage business and shall not be permitted as an accessory use.

(Ord. 995, 4/26/1983)

**§27-306. Site Plan Review.**

No zoning certificate, building permit or occupancy permit shall be issued for any principal use upon any lot except a one-family home until a site development plan has been submitted, reviewed and approved in accordance with the following provisions:

A. The application for approval of a proposed site development plan shall be

submitted in the office of the Zoning Officer and shall be accompanied by a fee established by resolution of Council to cover the cost of review. The Zoning Officer shall set a reasonable time schedule to be followed prior to the presentation of the application to the Council.

B. The application shall consist of not less than two copies of the letter of application together with not less than five prints of each drawing submitted as part of the proposed site development plan. The proposed site development plan shall be drawn in accordance with standard architectural and engineering practices to clearly indicate the following:

- (1) Property lines and total acreage of parcel proposed for development.
- (2) All existing streets, rights-of-way, and easements related to the development.
- (3) The location of existing driveways on adjacent properties.
- (4) The location of relevant natural features, including, but not limited to, streams or other natural water courses and adjacent lands which are subject to flooding, and significant stands of existing trees.
- (5) The location of existing structures, including structures located on abutting property if within 30 feet of the common property line.
- (6) Required front, side and rear yard lines.
- (7) Contour lines at 2-foot intervals where average slope is 10 percent or less, and 5-foot intervals where the average slope exceeds 10 percent.
- (8) Location of proposed structures, walkways, driveways, entrances, parking facilities, loading spaces, landscaping, signs, lighting facilities, fences or walls and other site improvements or amenities.
- (9) Contours and sufficient elevations to show proposed grading and data to show gradient of access drives and parking facilities.
- (10) Location and approximate size of utilities to serve the development.

C. Action shall be taken by the Council, either approving or disapproving, within 65 days from the date of the regular Council meeting at which the site plan first appears as an agenda item. Failure of the Council to so act shall be considered approval of the plan as submitted. Council may grant such conditions as they deem appropriate to approval. Approval may be conditioned upon the grant of a variance or of a special exception by the Zoning Hearing Board where such variance or special exception is required, but such conditional approval by Council shall not be binding on Zoning Hearing Board, and the conditional approval shall be canceled if the requested variance or special exception is denied by the Board.

D. Council shall not approve a site development plan unless the following standards are met:

- (1) *Screening.* A planted visual barrier, or landscape screen shall be provided and maintained by the owner or lessee of a property located between any commercial or industrial district and contiguous Residential Districts, except where natural or physical man-made barriers exist. This screen shall be composed of plants and trees arranged to form both a low level and a high level screen. The high level screen shall consist of trees planted with specimens

no younger than 3 years in age, and planted at intervals of not more than 10 feet. The low level screen shall consist of shrubs or hedges planted at an initial height of not less than 2 feet, placed in alternating rows to produce a dense visual barrier. Any plant not surviving 3 years after planting, shall be replaced.

(2) No existing business affected by these regulations at the time of passage of this Chapter, shall be required to comply with the above screening requirements, except in case of enlargement or major alterations of such business. Similarly, for any zoning district boundary change after the passage of this Chapter initiated by a residential developer abutting a commercial zone property for which these regulations apply, these screening requirements shall not be imposed upon such commercial property.

(3) *Storage.* Any article or material stored temporarily outside an enclosed building as an incidental part of the primary commercial or industrial operation, shall be so screened by opaque ornamental fencing, walls or evergreen planting, that it cannot be seen from adjoining public streets or adjacent lots, when viewed by a person standing on ground level. All organic rubbish or storage shall be contained in air-tight, vermin-proof containers which shall also be screened from public view.

(4) *Landscaping.* Any part or portion of the site which is not used for buildings, other structures, loading or parking spaces and aisles, sidewalks and designated storage areas, shall be planted with an all-season ground cover and shall be landscaped with trees and shrubs in accordance with an overall landscape plan and shall be in keeping with natural surroundings. Any off-street parking area with five or more spaces, shall retain at least 5 percent of the area for landscaping which shall be in addition to open area requirements of the district. At least one tree per eight parking spaces, or portions thereof, shall be provided within the parking area.

(5) *Lighting.* All parking areas, driveways and loading areas, shall be provided with a lighting system which shall furnish an average minimum of .25 foot candles within such areas during hours of operation, with lighting standards in parking areas being located not more than 80 feet apart. All lighting shall be completely shielded from traffic on any public right-of-way and from any residential district.

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

(7) *Access.* Areas provided for loading and unloading of delivery trucks and other vehicles, and for the servicing of shops by refuse collection, fuel and other service vehicles, shall be adequate in size and shall be so arranged that they may be used without blockage, or interference with the use of public street or sidewalks, other accessways or automobile parking facilities.

(8) *Traffic Control.* No design shall be approved which is likely to create

substantial traffic hazards endangering the public safety. Safety requirements which may be imposed in such a review shall include traffic control devices, turning lanes, traffic and lane markings, and signs. The developer shall be responsible for the construction of any such traffic control devices.

(9) *Signs.* Every existing nonconforming sign shall be removed.

(Ord. 995, 4/26/1983)

### **§27-307. Off-Street Parking.**

Off-street parking spaces shall be provided in accordance with the specifications in this Section whenever any new use is established, or existing use is enlarged, in every district except that part of the "C-1" Commercial District which is bounded by Manfield, Kinney Street, Third Avenue, Williams Street and Broadway.

| <b>Use</b>   | <b>Parking Spaces Required</b>   |
|--|--|
| Apartments   | Two for each dwelling unit   |
| Auto Service Stations  | Two for each pump  |
| Bowling Alley  | Six for each alley   |
| Business Services, Food Services                             | One for every 330 square feet of gross floor area  |
| Church, Theater, School                                      | One for every four seats in the largest meeting room   |
| Dormitory  | One for every three beds   |
| Duplex, Town House   | Two for each dwelling unit   |
| Elderly Housing  | One for every two units  |
| Funeral Home   | Five for each replying room: 12 minimum  |
| Group Residence, Group Care Facility, Institutional Facility | One for every three residents plus one for each employee on duty                                 |
| Hospitals  | One for every 800 square feet of floor area  |
| Hotels, Motels   | One for every rental unit  |
| Manufacturing Plants   | One for every three employees; one for every 2,000 square feet of gross floor area, at a minimum |
| Medical and Dental Offices or Clinics                        | One for every 250 square feet of gross floor area  |
| One-family Dwelling  | Two for each dwelling unit   |
| Private Clubs or Lodges                                      | One for every 500 square feet of gross floor area  |
| Restaurants  | One for every 100 square feet of public floor area   |
| Retail Stores, Shops, Offices                                | One for every 250 square feet of gross floor area  |
| Tennis or Squash Courts                                      | Three for every court  |
| Vehicle Sales or Repair                                      | One for every 500 square feet of floor area  |

**Use****Parking Spaces Required**

Warehouses

One for every 500 square feet of gross floor area

In addition to the mall area, all commercial establishments or structures now in existence along West Main Street and East Main Street are exempt from any registered parking requirements until any major renovation, expansion or demolition occurs at which time those structures must provide parking according to the requirements set forth in this Section. [Ord. 1015]

A. Every off-street parking space shall have a rectangular area of not less than 9 feet by 18 feet.

B. Every off-street parking lot for more than five vehicles shall be graded for proper drainage and paved. Parking aisle separators, sidewalks and landscape plantings shall be provided as required and approved by Council. Notwithstanding the foregoing, the following exception shall be granted to the Carnegie Borough Parking Authority:

(a) The requirement to pave parking lots shall be waived if the lot is either owned, leased or managed by the Carnegie Borough Parking Authority.

(b) The lots are constructed for temporary use only.

[Ord. 2062]

C. Parking spaces suitable for the needs of the handicapped will be provided as approved on the site plan and signs, railings and ramps will be provided as appropriate to the site.

D. Any lighting used to illuminate an off-street parking lot shall be arranged so as to reflect light away from adjoining premises in any "R" District.

E. When determination of off-street parking results in a requirement of a fractional space, any fraction shall be counted as one parking space.

F. Off-street parking spaces shall be located on the same zoning lot as the principal use, except that spaces for churches and public places of assembly may be located on a different lot within 400 feet of the principal use after site plan approval.

G. All commercial establishments or structures now in existence in the "C-1" Commercial District are exempt from any registered parking requirements unless otherwise prohibited in this Chapter. [Ord. 2070]

(Ord. 995, 4/26/1983, §307; as amended by Ord. 1015, 11/12/1985, §2; by Ord. 2062, 2/12/1996, §1; and by Ord. 2070, 6/10/1996, §2)

**§27-308. Off-Street Loading.**

One off-street berth of not less than 50 feet by 10 feet shall be provided for every new business or industrial use with a floor area of more than 10,000 square feet; and one additional berth shall be required for each additional 20,000 square feet of floor area over the first 20,000 square feet of floor area. Access and space to maneuver shall be sufficient so that no truck need back onto any public street nor across any public sidewalk.

(Ord. 995, 4/26/1983)

**§27-309. Signs.** (See also Part 8, “Parkway Protection Overlay District,” especially §802, “Signs.”)

No sign shall be permitted in any district except as herein provided:

A. For purposes of this Chapter, “sign” shall be defined as any letter, work, model, poster, sign, device, or representation, used in the nature of an advertisement, announcement, or direction on and/or affixed to any surface or place and/or upon private property utilized for purposes of facilitating commercial enterprises.

B. *Permit.* No sign shall be erected, altered, painted, relocated, remodeled, expanded in any way, except a professional name plate, a temporary on-site real estate sign, a temporary on-site construction sign, or a bulletin board as provided herein, that is not in accordance with the provisions of this Chapter and all other applicable Borough Codes unless a sign permit has been issued by the Zoning Officer. Applications for a sign permit shall include the three detailed drawings of the construction and design of the sign, and shall be accompanied by a fee in an amount as established by a resolution of the Council of the Borough of Carnegie.

C. *Name Plate Sign.* One professional name plate sign not exceeding 1 square foot in surface area, not illuminated, and attached to a wall of the structure, indicating the name, address or professional activity of the occupant, permitted home occupation, or in the case of a multiple-occupancy structure, the name of the management agency and/or the name of the building.

D. *Temporary Real Estate Sign.* One temporary on-site real estate sign is permitted on any property being sold, leased or developed if it is not illuminated, not less than 15 feet from the curb, and is no larger in surface area than 16 square feet in any Residential District, or 25 square feet in any Commercial or Manufacturing District. Such sign shall be promptly removed within 15 days of the sale or lease of the premises or when the last unit of a multi-unit development is sold or leased.

E. *Temporary On-Site Construction Sign.* Construction signs advertising the development or improvement of a property by a builder, contractor or similar person, provided that not more than one such sign shall be permitted for a development or property the sign not exceed 12 square feet, and it shall be removed within 15 days of the completion of the work.

F. *Bulletin Board.* One on-site bulletin board, not illuminated except by indirect light and not exceeding 40 square feet in surface is permitted to be maintained by public, charitable, or religious institutions including, but not limited to, churches, schools, country clubs or similar public institutions.

G. Any business sign shall have a surface area not greater than ½ square foot for each foot of frontal width of the structure and shall not be located on the roof nor extend above the height of the structure. The sign may be:

- (1) A wall sign attached to a main building.
- (2) A free-standing sign.
- (3) Painted or permanently applied to the glass surface of window



openings only.

(4) An awning or canopy sign.

H. *Wall Signs.* If attached to the structure, it shall be attached to a front or side wall of the building, parallel to the facade of the building, and not projecting more than 12 inches from the wall. Wall signs shall be placed in the wall area between the lintels of the doors and windows and the parapet of a one-story building, or between the lintels and the floor level of the floor above in the case of a multi-story building. Such sign shall be erected so that no portion of the sign is less than 8 feet above entrance grade. No sign shall be painted directly on the surface of the wall.

I. *Free-Standing Signs.* A free-standing sign shall only be permitted where the business activity fronts on a public street or highway and where the main building or structure is set back at least 20 feet from the street right-of-way. The free-standing sign shall not exceed 12 feet in height (as measured from ground level at the base of the sign to its highest element), and it shall be set back and side at least 10 feet from the street right-of-way lot lines. No more than one free-standing sign shall be permitted on a zoning lot.

J. *Awning, Canopy Sign.* Where an awning or canopy sign is used, only individual cut out letters and/or symbols may be attached to, painted, stenciled or otherwise placed on the awning or canopy. Restrictions against the erection or maintenance of projecting signs over a public way is not limited to awning and canopy type signs but shall pertain to all signs. [Ord. 2030]

K. *Awnings.* No awning shall project over any public sidewalk running parallel and across the front entrance of a building or along the side of a building in a C-1, C-2 or C-3 zone by more than the lesser of two-thirds the width of the sidewalk or 48 inches. An “awning,” as contemplated by this provision, shall be any awning having the horizontal axis of the plane of its face or faces at right angles, or at any angler greater than 0 degrees up to a maximum of 45 degrees, to the wall of any building or structure and having a portion thereof extending into or above any sidewalk or other public area. Notwithstanding the foregoing, awnings shall not be permitted if the awning is to also contain the name of the business establishment unless it complies with other applicable Sections of the Carnegie Borough Code of Ordinances relating to “signs.” [Ord. 2040]

L. Additional business signs on the premises occupied by any legal business or industry shall be permitted only if:

(1) The business fronts on more than one thoroughfare.

(2) More than one business is located in one structure. In such instance, the combined total surface area of the business signs shall not exceed 2 square feet for each foot of frontal width of the structure.

(3) *Multi-Occupancy Buildings.*

(a) Where several businesses occupy a building, each business shall be entitled to a share of the building’s allowable sign area, based on building frontage, which is equal to the proportionate amount of floor area that the business occupies to total floor area of the building. Businesses that occupy upper floors or basement areas may also post a sign in a

window, or painted on a window which shall not exceed 6 square feet in area.

(b) It shall be the responsibility of the owner or management agent of a multiple-occupancy building to provide all occupants with suitable sign space that is consistent with the provisions of this Chapter. The failure of the owner to do so shall not be a basis for granting a variance to any sign requirement.

(4) *Shopping Centers.*

(1) A shopping center may have one principal identification sign which identifies the name of the center and/or major business occupants. Such sign may be free-standing, provided that:

(a) It does not exceed 150 square feet in area on each face.

(b) The height (as measured from ground level at the base of the sign to its highest element) does not exceed 25 feet.

(c) It is set back a minimum of 15 feet from the street right-of-way.

(2) In addition to the shopping center's principal identification sign, each business within the center may have a wall, awning/canopy or permanent window sign in compliance with the above subsections.

M. *Logo Sign.* In addition to a business sign, one single or double faced, free-standing sign may be erected on site occupied by any legal business or industry which as a lot area greater than ½ acre and on which all structures are set back 30 feet or more from property lines, provided:

(1) The sign displays nothing other than the logo type, trademark, or name of the company or commercial center on the premises.

(2) The sign has a height no greater than 25 feet above basic grade and is no closer than 10 feet to any property line.

(3) The sign shall have a surface area no greater than 25 square feet for each half acre of lot area of the site or 300 square feet, which ever is less.

(4) A logo sign on a site more than 3 acres in area may include bulletin space for announcements pertinent to the operation of the facility.

N. *Prohibitions.*

(1) No sign shall project over any public sidewalk or right-of-way. A "projecting sign," as contemplated by this provision, shall be any sign having the horizontal axis of the place of its face or faces at right angles, or at any angle greater than zero, to the wall of any building or structure and having any portion thereof extending into or above any street, sidewalk, or other public area.

(2) No "A-frame" collapsible type signs shall be permitted to be placed upon the sidewalks and/or any public ways in any district in the Borough of Carnegie.

(3) No "vending machines" shall be permitted to be placed upon the sidewalks and/or any public ways in any district in the Borough of Carnegie. "Vending machines" shall include, but shall not be limited to, cigarette

machines, soda pop machines and candy machines.

(4) No sign shall contain any information or advertising for any product not sold on the premises or contain obscene materials.

(5) No sign shall move, flash or emit noise.

(6) No billboard, free-standing or over-hanging signs shall be permitted in any district, except as provided for in §§27-309.L(4), 27-309.M and 27-309.R.

(7) No sign shall be constructed, located or illuminated in any manner which causes undue glare, distraction, confusion, nuisance or hazard to traffic or other properties.

(8) No individual, candidate, political organization or other entity shall place any sign supporting any political candidate, whether local candidate, County candidate, State candidate or Federal candidate, on Borough, County or State owned property situate within the Borough of Carnegie. [Ord. 2093]

(9) *Additional Requirements.* The following requirements shall apply to signs in all zoning districts:

(a) Rotating free-standing signs, swinging signs or signs projecting over a right-of-way are prohibited. Banners, pennants, search lights, twirling signs, sandwich board signs, sidewalk or curb signs, balloons or other gas figures shall not be used on a permanent basis.

(b) Signs that are animated or have flashing illumination are prohibited in all districts.

(c) Illuminated signs shall be designated and placed so as not to interfere with, distract, confuse or blind operators of motor vehicles.

(d) Floodlighting shall be placed so that it is not visible from any point off the lot and only the sign is directly illuminated.

(e) No sign shall be attached to any tree or utility pole on public or private property.

(f) No sign shall be erected upon or applied to any roof or above the gutter line of a sloped roof building. No sign shall project beyond any property line.

(g) No free-standing sign shall obstruct safe, clear sight distance at any street or driveway intersection. No free-standing sign shall have more than two faces; sign areas stated in this Chapter shall be the maximum for one face. All free-standing signs shall be set permanently in concrete to a depth of at least 3 feet.

(h) Every authorized sign must be constructed of durable materials and maintained in good condition and repair, including the replacement of defective parts, painting, leaning and maintenance of structural supports. Any sign over 60 square feet shall be constructed of noncombustible material.

(i) If any sign becomes dilapidated to the point that it constitutes an unsightly or hazardous condition, then the Zoning Officer shall order it repaired or removed in accordance with the provisions of this Chapter.

(j) If a use ceases for a period of 6 months, all signs, including any supporting structures, must be removed. If the signs are not removed, the Zoning Officer shall notify the building owner who shall have 15 days to remove the signs. In the event that the owner fails to comply with the order, the owner shall be considered in violation of this Chapter and subject to the penalties contained herein.

O. *Temporary Signs.* Temporary outdoor signs advertising special business promotional activities, business openings or closing, special events sponsored by a nonprofit organization, such as a church carnival or a street fair, are permitted provided that:

(1) The signs receive a permit from the Zoning Officer; the period of the permit shall not exceed 30 days.

(2) Signs do not exceed 20 square feet.

(3) Signs are not animated or flashing, and any illumination for the sign does not create an unsafe condition for motorists or glare on surrounding properties.

(4) All signs shall be removed within 1 week of the termination activity.

P. *Exemptions to Sign Requirements.* The following signs shall be exempt from the requirements of this Section:

(1) Flags or emblems of a government, philanthropic, educational or religious organization displayed on the property on which the use is located.

(2) Signs placed by a governmental body, including traffic or directional devices, legal notices and warning, instructional or regulatory signs.

(3) Signs for political candidates can be erected on private property within the Borough of Carnegie, provided that they are erected no more than 6 weeks before the election and removed within 1 week of the election. [Ord. 2093]

(4) Address numerals and other signs required to be maintained by law or governmental regulation, provided that the content and size of the sign does not exceed the requirements of such law or regulation.

(5) Small signs, not exceeding 5 square feet in area, displayed on private property for the convenience of the public, such as signs to identify entrance and exit drives, parking areas, one-way drives, rest rooms, freight entrances, no trespassing and the, like.

Q. *Variances.* The Zoning Hearing Board shall have the power to vary the provisions of Article 18 of this Chapter. A variance may be granted when the Board has determined, to its satisfaction that:

(1) The sign could not be constructed elsewhere on the property or structure in a manner complying with the requirements of this Chapter.

(2) A hardship exists, and that the hardship is unique to the instant property and not found to be commonly applied to another properties in the general area.

(3) The variance will not adversely affect adjacent properties in their right to adequate light and air.

(4) The variance would not affect the health, safety and general vehicular

traffic.

(5) The variance considered is the minimum deviation from the Chapter required to grant relief to the applicant.

R. *Off-Site Billboards*. Off-site billboards shall not be permitted in the Borough of Carnegie, Allegheny County, Pennsylvania. [Ord. 2116]

(Ord. 995, 4/26/1983; as amended by Ord. 1022, 6/9/1987, §1; by Ord. 1042, 8/9/1988, §2; by Ord. 2030, 8/8/1994, §1,2; by Ord. 2040, 3/13/1995, §1; by Ord. 2093, 9/9/1997, §§1-3; by Ord. 2116, 12/8/1998, §§1, 2; and by Ord. 2174, 9/18/2001, §1)

### **§27-310. Environmental Protection Requirements.**

The following provisions shall apply to all uses of land in all districts unless otherwise noted. Certain activities, such as highway construction and the like, may be excepted from the following requirements provided such activities are closely controlled by other governmental environment protection agencies, and that Borough reviewing agencies are satisfied that the spirit and intent of this Chapter is being met through the review processes, bonding requirements and administrative activities of the appropriate environmental protection agencies.

A. No cut or fill grade shall exceed a slope of 3:1 or 33 percent. This provision shall apply to all cuts and fills exceeding 100 square feet in exposed surface area including cuts and fills on land naturally exceeding 3:1 in slope.

B. All lands, regardless of their slope, from which structures or natural cover has been removed or otherwise destroyed, shall be appropriately graded and seeded within a reasonable time of such clearance activity. The phrase "a reasonable time" shall be interpreted to be within 2 weeks during the growing season and shall be rigidly applied to construction activities in order to accomplish the intent of keeping erosion to an absolute minimum.

C. No cutting, fill, or other disturbing of land and mature tree cover is permissible within 100 of the edge of natural drainage courses except as permitted by action of the Zoning Hearing Board. In such cases, the Board may grant permission provided special precautions are taken to insure against continuing erosion or other circumstances which may be harmful to the immediate watercourse or in any way pollute the stream or watercourse.

(Ord. 995, 4/26/1983)

### **§27-311. Residential Requirements.**

The following provisions shall apply to all uses of land in all Residential Districts:

A. In any residential development other than one-family, the developer shall provide a pedestrian circulation system which, as a minimum, shall be comprised of sidewalks not less than 4 feet in width located along public streets. The pedestrian circulation system in a planned residential development shall be a part of the development plan.

B. In any one-family attached or garden apartment development variations may be required in the setback of the structures and in their roof lines and first floor elevations in order to best adapt to the specific topography of the site.

C. In any multiple family residential development designed to accommodate

30 or more families, the developer shall provide on-site security illumination in parking areas, entry ways and along paths of pedestrian travel.

D. In every residential development, all required yards will be permanently maintained in grass planting, or in other acceptable landscape planting.

E. The minimum floor area per dwelling unit, exclusive of garage areas, unfinished basement or attic, shall not be less than 1,000 square feet for a one-family dwelling, a two-family dwelling or a one-family attached dwelling. In multiple family structures other than one-family attached units, the minimum floor area per dwelling unit shall not be less than: 750 square feet for a unit having three or more bedrooms; 600 square feet for a unit having two bedrooms; or 450 square feet for a unit having one bedroom or for an efficiency apartment.

F. The minimum floor area for a mobile home shall not be less than 840 square feet, and a mobile home shall not be permitted except in a mobile home park as provided herein.

*(Ord. 995, 4/26/1983)*



**Part 4****Conditional Uses and Planned Developments****§27-401. Conditional Uses.**

Conditional uses as specified on Table 27-201 may be allowed or denied by the Council after recommendation by the planning agency in accordance with procedures set forth in this Part. A conditional use shall be approved if, and only if, it is found to meet the following criteria:

A. The proposed use shall conform to the district and conditional use provisions and all general regulations of this Chapter.

B. The proposed use shall meet all special standards which may be applied to its class of conditional use as set forth in this Part.

C. The proposed use shall not involve any element or cause any condition that may be dangerous, injurious, or noxious to any other property or persons, and shall comply with the performance standards set forth in §27-405.

D. The proposed use shall be sited, oriented and landscaped so that the relationship of its building and grounds to adjacent buildings and properties does not impair health, safety or comfort and does not adversely affect values of adjacent property.

E. The proposed use shall produce a total environmental effect which is consistent with, and not harmful to, the environment of the neighborhood.

F. The proposed use shall organize vehicular access and parking to minimize conflicting traffic movement on adjacent streets.

G. The proposed use will not impede the normal and orderly development and improvement of surrounding property as permitted by this Chapter.

H. The proposed use will be adequately served by existing storm and sanitary drainage facilities, public water, access streets and other necessary facilities.

I. The proposed use shall promote the objectives of this Chapter and shall be consistent with the Comprehensive Plan for Carnegie.

J. Adult theaters shall not be closer than 500 feet to any Residential District nor within 1,000 feet of any other adult theater, and is not so located as to result in the establishment of a "skid row" area.

K. Child care centers shall not be located on lots of less than 8,000 square feet, and shall provide outdoor recreational facilities suitable to the age groups being served.

L. Group residences, group care facilities and institutional facilities shall not be located on lots of less than 8,000 square feet, shall have side yards of not less than 15 feet, shall not be located within ¼ of a mile from any other such facility, and shall not be approved unless plans prepared by a registered architect or engineer are submitted which clearly indicate that adequate light, ventilation and fireproofing are provided, and that the dwelling facility and its accommodations shall be functional and convenient with regard to the specific needs of the group to



be housed in the facility.

(1) A license or certification shall be obtained from the Commonwealth of Pennsylvania, County of Allegheny, or other Federal, State or local agency prior to approval; or if there be no appropriate licensing or certifying agency, the applicant shall submit evidence that the proposal satisfies a demonstrated need and will be conducted in a responsible manner without detriment to surrounding properties.

(2) The sponsor shall file annually with the Zoning Officer information that the facility continues to satisfy the conditions of original approval.

(3) The sponsoring agencies shall be notified by mail of the annual filing date 30 days prior to such date. Ten days after the filing date, an advertisement will be placed in the local newspapers for 1-day listing those agencies that have applied for recertification and requesting comments from residents and community organizations within 30 days of the advertisement. Individuals or organizations wishing to file complaints should do so in writing to the Zoning Officer.

(4) Change of ownership or of any conditions or original approval shall constitute a new use and the full procedure for obtaining approval of the conditional use shall be required.

M. Conversion dwellings shall have side yards of not less than 15 feet, and shall not be approved unless plans for such conversion prepared by a registered architect or engineer are submitted which clearly indicate that adequate light, ventilation and fireproofing are provided for, that each dwelling shall have separate kitchen and bath facilities, and that each unit shall be functional, convenient and private.

N. Recreation clubs shall not be located on lots of less than 10,000 square feet, shall have yards of not less than 25 feet.

O. Vehicle sales areas shall not be located on lots of less than 15,000 square feet, shall have yards of not less than 15 feet, and shall not have any tank for the storage of flammable or otherwise hazardous material closer than 40 feet to any property line.

P. Gas stations shall not be located on lots of less than 10,000 square feet, shall have side yards of not less than 10 feet, and shall not have any tank for the storage of flammable or otherwise hazardous material closer than 40 feet to any property line.

Q. Freight terminals shall not be located on lots of less than 2 acres, shall have side yards of not less than 25 feet, and shall not have any tank for the storage of flammable or otherwise hazardous material closer than 40 feet to any property line.

R. Garden apartments shall not have a lot area per family of less than 2,500 square feet per unit for the first four units, nor less than 1,200 square feet for the fifth and each additional unit in the R-2 and R-3 Districts.

S. Town houses shall not have a lot area per family of less than 3,000 square feet per unit for the first two units, nor less than 2,500 square feet for the third and each additional unit in the R-2 District.

(Ord. 995, 4/26/1983)

**§27-402. Planned Residential Development Plans.**

1. Planned residential developments may be allowed or denied by Council after recommendation by the planning agency in accordance with the procedures set forth in Part 5.

2. A development plan for a planned residential development shall be approved if, and only if, it is found to meet the following criteria:

A. The proposed development plan complies with all standards and conditions of this Chapter, preserves the community development objectives of this Chapter, and is consistent with the Comprehensive Plan.

B. Where the proposed development plan departs from zoning and subdivision regulations otherwise applicable to the subject property, such departures are in the public interest and promote the health, safety, and general welfare of the public.

C. The proposals for the maintenance and conservation of any proposed common open space are reliable, and the amount and extent of improvements of such open space is adequate with respect to the purpose, use, and type of development proposed.

D. The physical design of the proposed development plan adequately provides for public services, traffic facilities and parking, light, air, recreation and visual enjoyment.

E. The total environment of the proposed development plan is harmonious and consistent with the neighborhood in which it is located.

F. The proposed development plan will afford a greater degree of protection of natural watercourses, topsoil, trees, and other features of the natural environment, and prevention of erosion, landslides, siltation, and flooding than if subject property were developed in accordance with the provisions of the zoning and subdivision ordinances which otherwise apply.

G. The proposed use shall not involve any element or cause any condition that may be dangerous, injurious or noxious to any other property or persons, and shall comply with the performance standards of §27-405.

H. In the case of a development plan which proposes development over a period of years, the development plan will provide a sufficiency of the terms and conditions as required in this Part intended to protect the interests of the public and of the residents of the planned residential development in the integrity of the development plan.

(Ord. 995, 4/26/1983)

**§27-403. Planned Residential Developments Requirements.**

Planned residential developments may be approved under provisions of this Chapter if, and only if, they comply with the following standards and provisions:

A. *Ownership.* The entire site for the planned residential development shall be owned or controlled by the developer.

B. *Minimum Size.* The site shall not be less than 5 acres.

C. *Frontage.* The minimum frontage abutting on a public right-of-way shall not be less than 100 feet.

D. *Access.* The site must provide for access from arterial streets indicated in the Comprehensive Plan to assure convenient and safe access which will not cause undue congestion or hazard on local streets.

E. *Safety.* The site shall be of such a character so as to avoid danger to health or peril from fire, flood, or other hazard. Land containing or providing hazards to life, health and property, such as quarries, open ditches, land subject to flooding, subsidence, or underground fires shall not be subdivided for residential purposes until such hazards have been eliminated or adequate safeguards are provided under the development plan.

F. *Permitted Uses.* The following uses may be permitted in a planned residential development provided their design, arrangement, landscaping, relationship to adjacent properties and uses, and construction meet the requirements set forth in this Chapter:

(1) In the "R-1" One-Family Residence—one-family houses, recreation facilities and accessory uses.

(2) In the "R-2" Two-Family Residence—one-family houses, recreation facilities and accessory uses.

(3) In the "R-3" Multiple-Family Residence—one-family dwellings, townhouses, recreation facilities and accessory uses.

(4) In the "R-4" Multiple-Family Residence—one-family dwellings, townhouses, apartments, recreational facilities and accessory uses.

(5) In the "C-3" Office Commercial—mobile home parks provided the park has not less than 15 acres and provides for a lot area of not less than 4,000 square feet for each mobile home.

G. *Permitted Density.* The overall density shall not exceed average lot area per family, calculated exclusive of public or private streets, of 90 percent of the minimum lot area per family as permitted in this Chapter.

H. *Open Space Requirements.* Not less than 15 percent of the total site area shall be set aside for open space, and not less than 50 percent of such open space shall be developed to a degree commensurate with its location and probable usage. The common open space shall be so dedicated or otherwise preserved and maintained so as to always remain open and available for use by the occupants of the planned residential development. The common open space, including all improvements and facilities, shall be either:

(1) Dedicated for public use to a public body which agrees to operate and maintain the dedicated land and facilities, but no public body is obliged by this Chapter to accept such dedication.

(2) Deeded to an organization representing the property owners of the development, which organization shall covenant to operate and maintain land and facilities. Such organization may not be dissolved nor dispose of the common open space unless the maintenance of the common open space is otherwise guaranteed to the Borough's satisfaction.

I. *Common Open Space Maintenance.* If the organization established to own

and maintain common open space, or any successor organization, fails to maintain such common open space in reasonable order and condition in accordance with the development plan, the Borough may serve written notice upon such organization or upon the residents of the planned residential development setting forth the maintenance deficiencies, requiring correction of deficiencies within 30 days, and stating the date and place of a hearing thereon which shall be held within 14 days of the notice. At such hearing the Borough may modify the terms of the original notice as to the deficiencies and may give an extension of time within which they shall be corrected. If the deficiencies so set forth shall not be corrected within the specified time limit, the Borough, in order to preserve the taxable values of the properties within the planned residential development and to prevent the common open space from becoming a public nuisance, may enter upon and maintain the common open space for 1 year. This maintenance shall not constitute a taking nor vest in the public any rights to use the common open space. Before the expiration of the year, the Council shall set a public hearing where such organization or residents of the planned residential development may show cause why maintenance by the Borough should not, continue for another year. If Council determines that such organization is ready and able to maintain said common open space in reasonable condition, the Borough shall cease to maintain said common open space at the end of said year. If the Council shall determine that such organization is not ready and able to maintain said common open space in a reasonable condition, the Borough may, in its discretion, continue to maintain said common open space during the next succeeding year and, subject to a similar hearing and determination, in each year thereafter.

(1) The cost of such maintenance by the Borough shall be assessed ratably against the properties within the planned residential development that have a right of enjoyment of the common open space, and shall become a lien on said properties. The Borough at the time of entering upon said common open space for the purpose of maintenance shall file with the County a notice of lien upon properties affected.

J. *Minimum Building Setback.* No structure shall be located closer to any boundary of the site than 50 feet. Any structure exceeding 35 feet in height shall be set back one additional foot for every 2 feet of height exceeding 35 feet.

K. *Building Spacing.* The requirements determining the spacing of buildings shall be as flexible as possible so as to encourage imaginative site design. The spaces between buildings shall guarantee adequate light, air and emergency access. The minimum distance between the nearest points of any exterior building walls shall be not less than 30 feet, except that for residential buildings, exterior end walls not exceeding two stories in height with no opening therein shall be not less than 15 feet apart.

L. *Maximum Size of Structure.* No structure shall have a maximum dimension greater than 250 feet. No town house shall have a height greater than two and one-half stories, or 35 feet. No apartment shall have a height greater than three habitable stories, or 35 feet. Chimneys, spires, towers, tanks, or similar projections may exceed the prescribed height limitation by not more than 25 percent.

M. *Building Groupings.* Structures used for dwelling units shall be oriented

so as to ensure adequate light and air exposures for walls containing main window exposures or main entrances. Each structure shall be so arranged so as to avoid undue exposure to concentrated loading or parking facilities.

N. *Staging Development.* The density of development within various portions of the planned residential development may vary, provided each such area or portion of the development plan meets all requirements of this Chapter. It is further required that programs for the construction of areas of greater density concentration than permitted on the entire tract will be offset by site improvements which, because of their size or cost, are in proportion to the number of dwelling units to be constructed in each stage. As an alternative to part or all of the site improvements required to offset development densities in excess of the overall permitted density, the Borough may require the reservation of open space by grant, easement, or covenant in favor of the Borough in an amount and location necessary to balance the excess development density of each stage.

(Ord. 995, 4/26/1983)

#### **§27-404. Required Improvements.**

The following improvements shall be completed in connection with every planned residential development, and such improvements will be in conformance with such standards as may be specified and required in the Carnegie Subdivision Ordinance [Chapter 22] or other Borough, County or State law.

A. Off-street parking spaces shall be provided in accordance with the provisions of §27-307.

B. Areas should be provided for bus loading areas and bus shelters within  $\frac{1}{4}$  mile of each residential concentration. The bus loading area shall be large enough for a bus to pull out of the flow of traffic.

C. Street lights shall be provided by the developer throughout the planned residential development. The street lights shall be located to ensure adequate lumination in order to protect the safety of the residents of the planned residential development.

D. Proposed streets shall be related to street plans or parts thereof as have been officially adopted by the Borough. Proposed streets shall conform to the requirements herein as well and as to any other plans, statute, ordinance, law or regulation applicable thereto. Streets shall be logically related to the topography in order that usable lots and reasonable grades shall be produced. Minor streets shall be so laid out as to discourage through traffic, but provisions will be required for street connections into and from adjacent areas.

E. Where a planned residential development abuts or contains an existing or proposed major traffic street, the Borough Council may require marginal access streets, rear service alleys, reverse frontage lots or such other treatment as will provide protection for abutting properties, reduction in the number of intersections with major streets, and separation of local and through traffic.

F. Suitable drainage structures, culverts, storm sewers, ditches and related installations shall be provided to insure adequate drainage of all points along the streets.

G. Concrete monuments shall be set at the intersection of all lines forming angles in the boundary of the planned residential development. Iron or steel markers shall be set at the beginning and ending of all curves along street property lines, at all points where lot lines intersect curves, either front or rear, and at all angles and property lines of lots and at all other lot corners.

H. Pedestrian interior walks may be required where necessary to assist circulation or provide access to community facilities. Such crosswalks shall have a width of not less than 10 feet and a paved walk of not less than 4 feet.

I. When topsoil has been removed from the surface on a slope where erosion may cause a displacement of loose matter, the area shall be seeded or otherwise treated to prevent damage to adjacent property or streets.

J. All utilities located within a planned residential development shall be located underground.

(Ord. 995, 4/26/1983)

#### **§27-405. Performance Standards.**

All conditional uses shall comply with the requirements of this Section. In order to determine whether a proposed use will conform to the requirements of this Chapter, the Council having jurisdiction may obtain a qualified consultant to testify, whose cost for services shall be borne by the applicant.

A. *Fire Protection.* Fire prevention and firefighting equipment acceptable to the American Insurance Association shall be readily available when any activity involving the handling or storage of flammable or explosive materials is carried on.

B. *Electrical Disturbances.* No activity shall cause electrical disturbance adversely affecting radio or other equipment in the vicinity.

C. *Noise.* Noise which is determined to be objectionable because of volume, frequency, or beat shall be muffled or otherwise controlled. Fire sirens and related apparatus used solely for public purposes shall be exempt from this requirement.

D. *Vibrations.* Vibrations detectable without instruments on neighboring property in any district shall be prohibited.

E. *Odors.* No malodorous gas or matter shall be permitted which is discernible on any adjoining lot or property.

F. *Air Pollution.* No pollution of air by fly ash, dust, smoke, vapors, or other substance shall be permitted which is harmful to health, animals, vegetation or other property.

G. *Glare.* Lighting devices which produce objectionable direct or reflected glare on adjoining properties or thoroughfares shall not be permitted.

H. *Erosion.* No erosion by wind or water shall be permitted which will carry objectionable substances onto neighboring properties.

I. *Water Pollution.* Water pollution shall be subject to the standards established by the State and Federal governments.

(Ord. 995, 4/26/1983)

#### **§27-406. Erosion and Sedimentation Control.**

1. *Purpose.*

A. This Section is intended to ensure that development does not result in erosion and in flooding during the site preparation and development.

B. Earth disturbance activities are also regulated under existing State law and implementing regulations. This Part shall operate in coordination with those parallel requirements; the requirements of this Part shall be no less restrictive in meeting of this Chapter than State law. [Ord. 2211]

2. *Applicability.* All persons engaging in land development activities, including any earth disturbance activities, shall minimize both on and off-site erosion and sedimentation to the greatest extent practicable to achieve the following basic control objectives: [Ord. 2211]

A. *Protect Critical Areas.* Onsite areas that are subject to severe erosion and off-site areas that are particularly vulnerable to damage from erosion and/or sedimentation are to be identified and appropriate mitigative measures are to be used to protect those areas.

B. *Limit the Area Exposed.* All earth disturbance activities are to be planned and conducted in such a way as to minimize the area of land exposed to the greatest extent possible. [Ord. 2211]

C. *Limit the Time of Exposure.* All earth disturbance activities are to be planned and conducted to limit exposure of the disturbed area for the shortest feasible time. [Ord. 2211]

D. *Limit the Erosive Potential in the Area Exposed.* All earth disturbance activities is to be planned and conducted to minimize the erosive potential in exposed areas to the greatest extent possible. [Ord. 2211]

E. *Control Upgrade Surface Water.* Surface water runoff originating upgrade of exposed areas is to be controlled to reduce erosion and sediment loss during the period of exposure.

F. *Control Stormwater Runoff.* When the increase in the velocity of stormwater runoff resulting from earth disturbance activities is sufficient to cause accelerated erosion of the receiving watercourse, plans are to include measures to control the velocity at the point of discharge so as to minimize accelerated erosion.[Ord. 2211]

G. *Control Sedimentation.* All earth disturbance activities is to be planned and conducted so as to prevent off-site sedimentation damage. [Ord. 2211]

3. *Erosion and Sediment Control Measures.* An application for final approval of any land development within the Borough shall submit an erosion and sedimentation control plan in accordance with 25 Pa.Code, Chapter 102. The erosion and sedimentation control plan shall incorporate these regulations as well as the basic objectives in subsection .1 of this Section and the following standards: [Ord. 2211]

A. *Stabilization.* All slopes, channels, ditches or any other disturbed area shall be promptly stabilized after final land disturbing activities have been completed. When it is not possible to permanently stabilize a disturbed area immediately after final land disturbing activity, or where land disturbing activity ceases for more than 20 days, temporary stabilization measures shall be promptly implemented.

B. *Design and Performance of Control Measure.* Erosion and sediment control measures, structures and devices shall be planned, designed and constructed so as to provide protection from accelerated erosion and sedimentation from the calculated maximum peak rates of runoff from the 10-year frequency storm. Runoff calculations shall be in accordance with the standards set forth in the current edition of the Erosion and Sedimentation Pollution Control Manual as published by the PADEP. [Ord. 2211]

C. *Improvement Security.* The applicant shall file an improvement security in the form of an escrow account, surety bond, irrevocable letter of credit, or other form satisfactory to the Borough Solicitor, in an amount deemed sufficient by the Borough Engineer to cover all costs of protection and stabilization of the site in the event that abandonment, bankruptcy, death or some other factor prevents stabilization of exposed areas. The security shall remain in force until all planned improvements and stabilization are completed. The security shall be forfeited if more than 60 days have passed since final earth disturbance activities and temporary stabilization has not been implemented. The applicant shall provide written notice when final stabilization has been achieved and the Borough Engineer will inspect the site to verify compliance. Upon a finding of compliance, the Borough Solicitor shall release the improvement security. [Ord. 2211]

D. *Maintenance Area.* Maintenance of silt traps and other control measures is essential. All erosion and sediment control plans shall provide adequate space to, and around control measures to permit access of earthmoving equipment for maintenance and removal purposes.

4. *General Requirements.* This Section includes the following requirements:

A. No regulated earth disturbance activities within the Borough shall commence until approval by the Borough of an erosion and sediment control plan for construction activities.

B. The Pennsylvania Department of Environmental Protection (PADEP) has regulations that require an erosion and sediment control plan for any earth disturbance activity of 5,000 square feet or more, under 25 Pa.Code §102.4(b).

C. In addition, under 25 Pa.Code, Chapter 92, a PADEP “NPDES construction activities” permit is required for any earth disturbance of 1 acre or more with a point source discharge to surface waters or the Borough's storm sewer system, or 5 acres or more regardless of the planned runoff (hereinafter collectively referred to as “regulated earth disturbance activities”). This includes earth disturbance on any portion of, part of, or during any stage of, a larger common plan of development.

D. Evidence of any necessary permit(s) for regulated earth disturbance activities from the appropriate PADEP regional office or County Conservation District must be provided to the Borough. The issuance of an NPDES construction permit (or permit coverage under the Statewide General Permit (PAG-2)) satisfies the requirements of paragraph .A.

E. A copy of the erosion and sediment control plan and any required permit, as required by PADEP regulations, shall be available at the project site at all times.



[Ord. 2211]

5. *Post Construction Runoff Control Requirements for New Development and Redevelopment.*

A. No regulated earth disturbance activities within the Borough shall commence until approval by the Borough of a plan which demonstrates compliance with State water quality requirements after construction is complete. An operation and maintenance post-development stormwater plan must be submitted to the Borough prior to final approval.

B. The best management Practices (BMPs) must be designed to protect and maintain existing uses (e.g., drinking water use; cold water fishery use) and maintain the level of water quality necessary to protect those uses in all streams, and to protect and maintain water quality in “special protection” streams, as required by Statewide regulations at 25 Pa.Code, Chapter 93 (collectively referred to herein as “State water quality requirements”).

C. To control post-construction stormwater impacts from regulated earth disturbance activities, State water quality requirements can be met by BMPs, including site design, which provide for replication of pre-construction stormwater infiltration and runoff conditions, so that post-construction stormwater discharges do not degrade the physical, chemical or biological characteristics of the receiving waters. As described in the DEP Comprehensive Stormwater Management Policy (#392-0300-002, September 28, 2002), this may be achieved by the following:

(1) *Infiltration.* Replication of pre-construction stormwater infiltration conditions.

(2) *Treatment.* Use of water quality treatment BMPs to ensure filtering out of chemical and physical pollutants from the stormwater runoff.

(3) *Streambank and Streambed Protection.* Management of volume and rate of post-construction stormwater discharges to prevent physical degradation of receiving waters (e.g., from scouring and erosion).

D. PADEP has regulations that require municipalities to ensure design, implementation and maintenance of best management practices (“BMPs”) that control runoff from new development and redevelopment (hereinafter “development”) after regulated earth disturbance activities are complete. These requirements include the need to implement post-construction stormwater BMPs with assurance of long-term operations and maintenance of those BMPs.

E. Evidence of any necessary permit(s) for regulated earth disturbance activities from the appropriate DEP regional office or County Conservation District must be provided to the Borough. The issuance of an NPDES construction permit (or permit coverage under the statewide General Permit (PAG-2)) satisfies the requirements subsection .1.

[Ord. 2211]

6. *Enforcement, Suspension and Revocation of Permits and Approvals.*

A. Whenever the Borough finds that a person has violated a prohibition or failed to meet a requirement of this Part, the Borough may order compliance by written notice to the responsible person. Such notice may require without limitation:

- (1) The performance of monitoring, analyses, and reporting.
- (2) The elimination of prohibited discharges.
- (3) Cessation of any violating discharges, practices, or operations.
- (4) The abatement or remediation of storm water pollution or contamination hazards and the restoration of any affected property.
- (5) Payment of a fine to cover administrative and remediation costs.
- (6) The implementation of stormwater BMPs.
- (7) Operation and maintenance of stormwater BMPs.

B. The violation of any provision of this Chapter is hereby deemed a public nuisance.

C. Any building, land development or other permit or approval for regulated earth disturbance. Activities issued by the Borough may be suspended or revoked by the Borough Council for:

- (1) Noncompliance with or failure to implement any provision of the permit.
- (2) A violation of any provision of this Chapter.

D. The creation of any condition or the commission of any act during construction or development which constitutes or creates a hazard or nuisance, pollution or which endangers the life or property of others.

[*Ord. 2211*]

(*Ord. 995, 4/26/1983; as added by Ord. 2048, 9/11/1995, §1; and amended by Ord. 2211, 5/11/2004*)

#### **§27-407. Stormwater Management Development Standards.**

1. *Purpose.* This Section is intended to provide for the management of stormwater runoff resulting from land alteration and disturbance activities to ensure that new development does not result in greater erosion and does not exacerbate existing flood conditions or create additional flooding problems.

- A. To utilize and preserve existing natural drainage systems.
- B. To preserve the flow-carrying capacity of streams and maintain and improve the quality of streams.
- C. To encourage natural infiltration of rainfall to preserve groundwater supplies and stream flows.
- D. To provide for adequate maintenance of all stormwater management structures in the Borough.

2. *Applicability.* The stormwater management development standards shall apply to all proposed subdivision and land developments within the Borough of Carnegie that are not within a watershed with an adopted plan and regulations which are in effect.

- A. No final subdivision or land development plan shall be approved, no permit authorizing construction issued or any earth disturbance activities initiated until a final stormwater management plan for the development site has been approved.

[*Ord. 2211*]

B. A small development which will result in the creation of 5,000 or fewer square feet of impervious surface shall be exempt from the detailed stormwater management plan submission requirements of this Section, but shall be required to comply with the general and specific standards. An application for approval of a small development shall include sufficient information to enable the Borough Engineer to determine that compliance with the stormwater management standards of this Section will be achieved.

3. *General Standards.* All stormwater control measures shall comply with the following performance standards:

A. Any landowner and any person engaged in the alteration or development of land which may affect stormwater runoff characteristics shall implement such measures as are reasonably necessary to prevent injury to health, safety or other property. Such measures shall include such actions as are required:

(1) To assure that the maximum rate of stormwater runoff is no greater after development than prior to development activities.

(2) To manage the quantity, velocity and direction of resulting stormwater runoff in a manner which otherwise adequately protects health and property from possible injury.

B. The stormwater management plan for the development site must consider all the stormwater runoff flowing over the site.

C. No discharge of toxic materials into any stormwater management system shall be permitted.

4. *Specific Standards.* Stormwater management facilities shall be designed to meet the following specific standards:

A. *Design Storms.* Stormwater management facilities on all development sites shall control the peak stormwater discharge for the 2-, 10-, 25- and 100-year storm frequencies. The SCS 24-hour, Type II Rainfall Distribution models shall be used for analyzing stormwater runoff for both pre and post-development conditions. The 24-hour total rainfall for these storm frequencies in the watershed are:

| Storm Frequency | Rainfall Depth (in inches) |
|-----------------|----------------------------|
| 2-year          | 2.50                       |
| 10-year         | 3.61                       |
| 25-year         | 4.31                       |
| 100-year        | 5.71                       |

B. *Release Rate Percentage.* The release rate percentage defines the percentage of the predevelopment peak rate of runoff that can be discharged from an outfall on the site after the development.

C. *Procedure for Using Release Rate Percentages.* The steps that must be followed to utilize the release rate percentage for a particular development site are:

(1) Compute the pre- and post-development runoff hydrographs for each stormwater outfall for the site using the soil cover complex method (SCS TR-55), for the 2-, 10-, 25- and 100-year design storms, applying no onsite

detention for stormwater management but including any techniques to minimize impervious surfaces and/or increase the time of concentration for stormwater runoff flowing over the development site. If the post-development peak runoff rate is less than or additional stormwater control shall not be required at the outfall. If the post-development peak runoff rate is greater than the predevelopment value additional controls would be required.

(2) Multiply the peak discharge percentage by the predevelopment rate and runoff from the development site to determine the maximum allowable peak discharge from any detention facility for this 2-, 10-, 25- and 100-year storm events.

D. *Stage Development.* If the development is to be constructed in stages, the applicant must demonstrate that stormwater facilities will be installed to manage stormwater runoff safely during each stage of development.

5. *Ownership and Maintenance of Facilities.*

A. Unless the Council of the Borough of Carnegie expressly agrees to private ownership of stormwater management facilities, these facilities shall be dedicated to the Borough of Carnegie or to a special management district authorized to own and maintain stormwater management facilities.

B. If stormwater management facilities will be privately owned, a maintenance agreement shall be executed prior to final approval of any subdivision of land development plan.

C. The Borough of Carnegie expressly reserves the right to inspect all public and private stormwater management facilities.

6. *Prohibition Against Non-stormwater Discharges.*

A. No person in the Borough shall allow, or cause to allow, stormwater discharges into the Borough's separate storm sewer system which are not composed entirely of stormwater, except (1) as provided in paragraph .B below, and (2) discharges allowed under a State or Federal permit.

B. Discharges which may be allowed, based on a finding by the Borough that the discharge(s) do not significantly contribute to pollution to surface waters of the Commonwealth, are:

- (1) Discharges from firefighting activities.
- (2) Uncontaminated water from foundation or from footing drains.
- (3) Potable water sources including dechlorinated water line and fire hydrant flushings.
- (4) Flows from riparian habitats and wetlands.
- (5) Irrigation drainage.
- (6) Lawn watering.
- (7) Pavement washwaters where spills or leaks of toxic or hazardous materials have not occurred (unless all spill material has been removed) and where detergents are not used.
- (8) Routine external building washdown (which does not include detergents or other compounds).

- (9) Air conditioning condensate.
- (10) Water from individual residential car washing.
- (11) Dechlorinated swimming pool discharges.
- (12) Springs.
- (13) Uncontaminated groundwater.
- (14) Water from crawl space pumps.

C. In the event that the Borough determines that any of the discharges identified in paragraph .B significantly contribute to pollution of waters of the Commonwealth, or is so notified by PADEP, the Borough will notify the responsible person to cease the discharge.

D. Upon notice provided by the Borough under paragraph .C, the discharger will have a reasonable time, as determined by the Borough, to cease the discharge consistent with the degree of pollution caused by the discharge.

E. Nothing in this subsection shall affect a discharger's responsibilities under State law.

[Ord. 2211]

7. *Prohibited Connections.*

A. Any drain or conveyance, whether on the surface or subsurface, which allows any non-stormwater discharge including sewage, process wastewater, and wash water, to enter the separate storm sewer system, and any connections to the storm drain system from indoor drains and sinks.

B. Any drain or conveyance connected from a commercial or industrial land use to the separate storm sewer system which has not been documented in plans, maps, or equivalent records, and approved by the Borough.

C. No rain or surface water shall be drained directly or indirectly into the sanitary sewer system of the Borough of Carnegie which is to be used only for the drainage of sanitary sewage. [Ord. 2227]

8. *Enforcement, Suspension and Revocation of Permits and Approvals.*

A. Whenever the Borough finds that a person has violated a prohibition or failed to meet a requirement of this Part, the Borough may order compliance by written notice to the responsible person. Such notice may require without limitation:

- (1) The performance of monitoring, analyses, and reporting.
- (2) The elimination of prohibited discharges.
- (3) Cessation of any violating discharges, practices, or operations.
- (4) The abatement or remediation of storm water pollution or contamination hazards and the restoration of any affected property.
- (5) Payment of a fine to cover administrative and remediation costs.
- (6) The implementation of stormwater BMPs.
- (7) Operation and maintenance of stormwater BMPs.

B. The violation of any provision of this Chapter is hereby deemed a public nuisance.

C. Any building, land development or other permit or approval for regulated earth disturbance. Activities issued by the Borough may be suspended or revoked by the Borough Council for:

(1) Noncompliance with or failure to implement any provision of the permit.

(2) A violation of any provision of this Chapter.

D. The creation of any condition or the commission of any act during construction or development which constitutes or creates a hazard or nuisance, pollution or which endangers the life or property of others.

[Ord. 2211]

(Ord. 995, 4/26/1983; as added by Ord. 2049, 9/11/1995, §1; amended by Ord. 2211, 5/11/2004; and by Ord. 2227, 2/14/2005)

**§27-408. Steep Slope Development Standards.**

1. *Purpose.* This Section is intended to protect natural environmental and scenic resources and to ensure that development does not result in erosion and in flooding during the site preparation and development process.

2. *Applicability.* No permits shall be issued for any clearing, grading or construction proposed on any steep slope unless the Borough determines that the proposed land development conforms to the standards in this Section.

3. *Compatibility of Structures with Topography.* Structures shall be designed in a manner that requires a minimum amount of alteration to the steep slope and that otherwise complies with the grading standards in §27-406 of this Chapter. Except where a geologic hazard investigation report recommends otherwise, split levels or terracing shall be used, and structures shall be sited on existing ledges or other relatively level areas of the site.

(Ord. 995, 4/26/1983; as added by Ord. 2047, 9/11/1995, §1)



**Part 5****Administration and Enforcement****§27-501. Zoning Officer.**

The Zoning Officer, who shall be appointed by Council, shall:

A. Administer and enforce the provisions of this Chapter 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 Chapter.

B. Issue building permits, zoning certificates and zoning occupancy permits.

C. Maintain a permanent file with all zoning certificates, occupancy permits, and applications as public records.

D. The Zoning Officer shall identify and register all nonconforming uses and structures as required by law. A zoning certificate shall then be issued to the owner of said use or structure.

(Ord. 995, 4/26/1983)

**§27-502. Zoning Certificates.**

A zoning certificate shall be obtained before any person may:

A. Occupy or use any land.

B. Change the use of a structure or land for a different use.

C. Construct, reconstruct, move, alter or enlarge any structure or building.

D. Change a nonconforming use.

E. Applications for the zoning certificate shall be accompanied by a site plan showing clearly and completely the location, dimensions, and nature of any structure involved, and such other information as the Zoning Officer may require for administration of this Chapter, together with the filing fee in accordance with the schedule annually affixed by resolution of the Council.

F. Zoning certificates shall become null and void 1 year from date of issue. Prior to continuance of the activity or change for which the original certificate was issued, a new zoning certificate must be obtained.

G. Within 30 days after the receipt of an application, the Zoning Officer shall either approve or disapprove the application or submit the application to appropriate review agencies in conformance with the provisions of this Chapter. All zoning certificates shall be conditional upon the commencement of work within 120 days and substantial completion within 1½ years. One copy of the plans shall be returned to the applicant by the Zoning Officer after the Zoning Officer shall have marked such copy either as approved or disapproved and attested to same by his signature on such copy. One copy of plans, similarly marked, shall be retained by the Zoning Officer. The Zoning Officer shall issue a placard, to be posted in a conspicuous place on the property in question, attesting to the fact that the use or alteration is in conformance with the provisions of this Chapter.

(Ord. 995, 4/26/1983)



**§27-503. Zoning Occupancy Permits.**

Prior to the occupancy of land or structures for any use, for any new residential or commercial construction, for any change of occupancy in the land or structure for commercial use, a zoning occupancy permit shall be obtained stating that the premises is in full compliance with this Chapter.

(*Ord. 995, 4/26/1983; as amended by Ord. 1031, 7/14/1987, §1*)

**§27-504. Enforcement Penalties.**

Any person, partnership or corporation who or which shall violate the provisions of this Chapter shall, upon conviction thereof in a summary proceeding, be sentenced to pay a fine of not more than \$500. In default of payment of the fine, such person, the members of such partnership, or the officers of such corporation shall be liable to imprisonment for not more than 60 days. Each day that a violation is continued shall constitute a separate offense.

(*Ord. 995, 4/26/1983*)

**§27-505. Enforcement Remedies.**

In case any building, structure or land is, or is proposed to be, erected, constructed, reconstructed, altered, converted, maintained or used in violation of this Chapter, Council may, in addition to other remedies, institute in the name of the Borough any appropriate action or proceeding to prevent, restrain, correct or abate such building, structure or land, or to prevent, in or about such premises any act, conduct, business or use constituting a violation.

(*Ord. 995, 4/26/1983*)

**§27-506. Procedures for Conditional Uses.**

Applications shall be filed with the Zoning Officer and shall be accompanied by an application fee in an amount equal to that set by resolution of Council, and five copies of a site plan prepared in accordance with §27-306.

A. *Review.* The Zoning Officer shall forward copies of the application to Council and to the planning agency for review and approval.

B. The planning agency shall forward its recommendation within 30 days unless the petitioner agrees in writing to a time extension. Failure to act within the allotted time shall be deemed to be a favorable recommendation.

C. Council shall hold a public hearing within 45 working days of the filing of an application for a Planned Development and shall render their decision within 60 days of such filing date.

D. Council may attach such conditions as they deem necessary to the approval of any development plan. The approved site plan and all attached conditions shall be recorded with Allegheny County Recorder by the petitioner within 30 days of final approval. All development, construction and use shall be in accordance with the approved plan, unless a revised plan is submitted, approved, and recorded. Any development contrary to the approved plan shall constitute a violation of this Chapter.

(*Ord. 995, 4/26/1983*)

**§27-507. Procedures for Planned Residential Developments.**

Planned residential developments shall require submission, review and approval of a preliminary application and of a final application in accordance with the following procedures and requirements.

A. The preliminary application shall include a location map, site map, proposed development plan and engineering report. The application shall be submitted to the Zoning Officer with not less than seven copies, and shall be accompanied by the fee.

B. The Zoning Officer shall forward one copy each of the preliminary application to the Planning Commission, the Borough Engineer, the Health Department, and the County Planning Commission. Council shall not approve the preliminary application until reports from each of these agencies have been received, or until the expiration of 30 days from the date the copies of the application for development were forwarded to said agencies.

C. Council shall hold a public hearing within 60 days of the filing of such preliminary application. Council shall render their decision not later than 30 days after the conclusion of the public hearing.

D. Council shall give tentative approval to a proposed development plan, if and only if, it is found to meet the criteria set forth in §§27-402 and 27-403.

E. The grant or denial of tentative approval shall include findings of fact related to the proposed development plan as submitted for approval, and the reasons for the decision shall be set forth with particularity in what respect the proposed development plan would or would not be in the public interest including, but not limited to, each of the cited criteria.

F. In the event a development plan is granted tentative approval, with or without conditions, Council may set forth in the official written communication the time within which an application for final approval of the development plan shall be filed or, in the case of a development plan which provides for development over a period of years, the periods of time within which applications for final approval of each part thereof shall be filed. Except upon the consent of the landowner, the time so established between grant of tentative approval and an application for final approval shall not be less than 3 months and, in the case of development over a period of years, the time between applications for final approval of each part of a plan shall be not less than 12 months.

G. The decision of Council shall be in writing and shall be given to the developer personally, or mailed to him at his last known address, not later than 5 working days following the decision.

H. Failure of Council to render decision and to communicate it to the applicant in the time and in the manner required, shall be deemed an approval of the application and terms as presented, unless the applicant has agreed in writing to an extension of time or change in the prescribed manner of presentation or of communication of the decision, in which case, failure to meet the extended time or change in manner of presentation and communication shall have like effect.

I. Council may:

(1) Grant tentative approval of the subject development plan as

submitted.

(2) Grant tentative approval subject to specified conditions not included in the development plan as submitted.

(3) Deny approval of the development plan.

J. If the developer chooses to reject any conditions attached to the grant of tentative approval, he may void such tentative approval by notifying Council within 30 days of the date of the decision.

K. The grant of tentative approval may be revoked by Council if they are notified by the developer of his intention to abandon the proposed development plan. The grant of tentative approval shall be deemed to be revoked if the developer does not submit an application for final approval within the time limits required by this Part.

L. Application for final approval of each phase shall be filed with the Zoning Officer not later than 12 months following the grant of tentative approval, unless otherwise specified by Council. The application shall comprise one reproducible copy of six prints of the development plan for the phase, including a site plan and supplementary data, and a certificate of completion of improvements or a guarantee of improvements as required by this Chapter.

(Ord. 995, 4/26/1983)

#### **§27-508. Amendments.**

The Council may amend this Chapter as proposed by a member of the Council, by the planning agency, or by a petition of a person residing or owning property within the Borough in accordance with the following provisions:

A. Petitions for amendment shall be filed with the planning agency, and the petitioner, upon such filing, shall pay an advertising deposit and a filing fee in accordance with a schedule annually affixed by resolution. The planning agency shall review the proposed amendment, and report its findings and recommendations in writing to the Council and to the petitioner. The proposed amendment shall be introduced before the Council only if a member of the Council elects to do so. If an amendment proposed by petition is not introduced, the advertising deposit shall be refunded to the petitioner; otherwise, such deposit shall be paid to the Borough.

B. Any proposed amendment introduced by a member of the Council without written findings and recommendations from the planning agency shall be referred to the planning agency for review at least 30 days prior to public hearing by the Council.

C. Before voting on the enactment of an amendment, the Council shall hold a public hearing thereon pursuant to public notice. 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, the Council shall hold another public hearing pursuant to public notice, before proceeding to vote on the amendment.

(Ord. 995, 4/26/1983)

#### **§27-509. Zoning Hearing Board.**

In accordance with law, the Council shall appoint and organize a Zoning Hearing Board, which Board shall adopt rules to govern its procedures. The Board shall hold meetings, keep minutes, and pursuant to notice, shall conduct hearings, compel the attendance of witnesses, take testimony under oath, and render decision in writing, all as required by law. A fee shall be charged in accordance with a schedule annually affixed by resolution for any appeal or proceeding filed with the Zoning Hearing Board. The Zoning Hearing Board shall have the functions, powers and obligations specifically granted by law.

A. *Variances.* The Board shall hear requests for variances where it is alleged that the provisions of this Chapter inflict unnecessary hardship upon the applicant. In granting any variance, the Board may attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes of this Chapter. The Board may grant a variance provided the following findings are made where relevant in a given case:

(1) There are unique physical circumstances or conditions, including irregularity, narrowness, or shallowness of lot size or shape, or exceptional topographical or other physical conditions peculiar to the particular property, and that the unnecessary hardship is due to such conditions, and not the circumstances or conditions generally created by the provisions of the zoning ordinance in the district in which the property is located.

(2) 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 Chapter and that the authorization of a variance is therefore necessary to enable the reasonable use of such property.

(3) Such unnecessary hardship has not been created by the appellant.

(4) The variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located, nor substantially or permanently impair the appropriate use or development of adjacent property, nor be detrimental to the public welfare.

(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.

2. *Special Exceptions.* The Board shall hear and decide requests for special exceptions enumerated in §27-304. In granting a special exception, the Board may attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes of this Chapter.

(Ord. 995, 4/26/1983)

#### **§27-510. Administrator Permit Process; Exceptions.**

The following exceptions to the provisions of the area sections of the district regulations shall be authorized by the administrator, under the procedures set forth in this Section, and further subject to all other provisions of this Chapter, unless otherwise prescribed hereunder:

A. This Section shall apply to the following accessory uses for any one or two family dwellings or rowhouse structures in respect to the construction or erection

of such accessory uses within the designated yards (setback areas) in any district:

- (1) Swimming pool and deck in rear yard.
- (2) Garage, carport or parking stalls in rear yard.
- (3) Storage shed or gazebo in rear yard.
- (4) Open deck no higher than first floor in side or rear yard.
- (5) Air conditioner/condenser in side or rear yard.
- (6) Air conditioner/condenser in front yard no closer to street than existing front porch or stoop.

B. The construction or erection of the above described accessory uses may be permitted under this Section despite the proposed use not being in compliance with certain designated setback requirements provided that the applicant can establish, by submittal of a plot plan, photograph(s) and other pertinent data such as written approval by surrounding property owners, the following:

- (1) In respect to the side yard requirements, the proposed construction or erection will not place the accessory use any closer to the neighboring property than the applicant's existing building line location.
- (2) The establishment, maintenance, location and operation of the proposed use will not be detrimental to or endanger the public health, safety, morals, comfort or general welfare.
- (3) Authorization of the proposed area exception will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes permitted, nor substantially diminish or impair property within the neighborhood.

(*Ord. 995*, 4/26/1983; as added by *Ord. 2071*, 9/9/1996, §1)

**Part 6****Definitions****§27-601. General.**

Certain words used in this Chapter are defined below. Words used in the present tense shall include the future. The singular number shall include the plural, and plural the singular. The word “shall” is mandatory and not permissive.

*Accelerated erosion*—the removal of the surface of the land through the combined action of human activities and the natural processes, at a rate greater than would occur because of the natural process alone. [Ord. 2211]

*Accessory uses*—a subordinate use which is clearly incidental and related to that of a main structure or main use of land.

*Accessory structure*—a subordinate structure, located on the same lot as the main structure, or a portion of the main structure, the use of which is clearly incidental to and customarily found in connection with the main structure or principal use of the land.

*Adult theater*—any use which presents entertainers or materials which depict, describe or relate to any of the following: acts of human masturbation, sexual intercourse or sodomy; fondling or other erotic touching of human genitals, pubic region, buttock, or female breasts; human genitals in a state of sexual stimulation or arousal; areas of the human body that are less than completely or opaquely covered limited to: human genitals, pubic region, buttock; and female breasts below a point immediately above the top of the areola; or human male genitals in a discernibly turgid state, even if completely and opaquely covered.

*Agriculture*—any use of land or structures for farming, dairying, pasturage, agriculture, horticulture, floriculture, arboriculture, or animal or poultry husbandry. Uses permitted in conjunction with an agricultural use may include barns, stables, corn cribs, silos and any other use or structure that is clearly related to an agricultural operation.

*Amusement use*—a theatre, stadium, arena, bowling alley, or related facility for the presentation of musical, theatrical or sporting events where the number of spectators normally is greater than the number of players and where such use is not accessory to a school or church.

*Ancillary cafeteria*—a restaurant which is located within an office center having a floor area of not more than 3,000 square feet, and intended primarily to serve the employees or patrons of the complex within which it is located.

*Applicant*—a landowner, developer or other person who has filed an application for approval to engage in any regulated earth disturbance activity at a project site in the Borough. [Ord. 2211]

*Basement*—a story partly below ground and having one-half or more of its height below the average level of the adjoining ground.

*Basic grade*—the average elevation of the proposed grade line of the ground at the front of the structure as shown on the construction plans; in the case of a

structure abutting the front property line, the elevation of the curb in front of the center of the structure, or if there be no curb, the elevation of the proposed grade line at the center of the front lot line; in case no grade line is established, the actual existing grade of the traveled roadway shall apply.

*BMP (best management practices)*—activities, facilities, designs, measures or procedures used to manage stormwater impacts from regulated earth disturbance activities, to meet State water quality requirements, to promote groundwater recharge and to otherwise meet the purposes of this Chapter. [Ord. 2211]

*Board*—the Zoning Hearing Board of the Borough of Carnegie.

*Borough*—the Borough of Carnegie, Allegheny County, Pennsylvania. [Ord. 2211]

*Business services*—a service shop or office providing services and sales of office supplies and equipment where the repair and maintenance of equipment is limited, and does not include manufacturing or industrial operations.

*Child care center*—any place, home or institution which cares for four or more children under the age of 16 years apart from their parents, guardians, or custodians for regular periods of time for compensation; provided, however, that the term “child care center” shall not include or apply to bona fide schools, custody fixed by a court, children related by blood or marriage within the third degree of the custodial person, or churches and other religious or public institutions caring for children within an institutional building.

*Clinic*—any establishment where human patients are not hospitalized overnight but are examined and treated by doctors or others who are duly licensed to perform medical healing arts.

*Common open space*—a parcel of land integral to a planned residential development and subject to provisions which assure the continued availability and maintenance of such open space for the use and benefit of the residents of the planned development.

*Commonwealth*—Commonwealth of Pennsylvania. [Ord. 2211]

*Community use*—a public or parochial school, playground or related recreation facility, public building or public maintenance facility.

*Conditional use*—a specific exception to the standard regulations of this Chapter which requires approval by the Borough Council under terms and procedures and with conditions prescribed herein.

*Contractor’s yard*—a commercial establishment storing or offering for sale building supplies, steel supplies, coal, heavy equipment, feed and grain, and similar goods, but not including the wrecking, salvaging, dismantling or storage of junked automobiles and similar vehicles.

*Conversion dwelling*—a dwelling unit, two or more of which have been created by the subdivision of any structure or any single-dwelling unit whether or not structural alterations or additions are entailed.

*DEP*—Pennsylvania Department of Environmental Protection. [Ord. 2211]

*Dependent dwelling*—a dwelling unit such as a garage apartment, carriage house, “granny flat” or the like which is an accessory use to the principal single-

family dwelling, installed and intended solely for the use of elderly parents, or other dependent, close relatives.

*Development plan*—a graphic and written presentation of either a planned residential development or an adoptive re-use development, including a plat of subdivision, and all provisions relating to use, location, and bulk of structures, intensity of development, streets, ways and parking facilities, common open space, and public facilities.

*Developer*—any present or prospective landowner or agent of such landowner who makes or causes to be made a development plan and an application for a planned development.

*Dwelling unit*—one or more living or sleeping rooms with cooking and sanitary facilities for one person or one family.

*Earth disturbance*—a construction or other human activity which disturbs the surface of the land, including, but not limited to, clearing and grubbing, grading, excavations, embankments, road maintenance, building construction and moving, disposing, stockpiling or storing of rock or earth materials. [Ord. 2211]

*Erosion and sedimentation control plan*—a plan for the project site which identifies BMP's to minimize accelerated erosion and sedimentation. [Ord. 2211]

*Family*—one or more persons related by blood, adoption, or marriage, occupying a dwelling unit and living and cooking together as a single housekeeping unit as distinguished from a group occupying a boarding house, lodging house, club, fraternity, or hotel. Unless all members are related by blood, marriage or adoption, no such family shall contain more than four persons.

*Floor area*—in a dwelling, the sum of the horizontal areas of all rooms used for habitation but not including cellars, attics, unheated rooms, nor rooms without either a skylight or window. In a store, shop, restaurant, club or funeral home, the sum of the horizontal areas of all space to which the customer has access and excluding storage, office, other preparation or administrative spaces. Gross floor area is the sum of the horizontal area of all floors of a structure and its accessory buildings as measured between the exterior faces of walls.

*Food services*—any preparation of food edible items prepared at the site for wholesale but not being consumed on the premises (example: bakery). [Ord. 1015]

*Front yard depth*—the prescribed minimum open space extending across the entire width of the lot between the front line of building and street right-of-way.

*Garden apartment*—a multiple family residential structure containing three or more dwelling units having a height no greater than three stories.

*Gas station*—a premises providing fuel and minor accessories and services to automobiles, but not including major overhaul, spray painting, recapping of tires, or auto wrecking.

*Governing body*—the Borough Council, Borough of Carnegie, Allegheny County, Pennsylvania.

*Group residence*—an establishment that provides room and board to persons who are residents by virtue of receiving supervised, specialized services limited to health, social and/or rehabilitative services provided by a governmental agency, their licensed or certified agents, or any other responsible nonprofit social service



corporation. These services shall be provided in a family environment and only to persons who are children under 18 years of age; physically or mentally handicapped of any age; or elderly, 62 or more years of age who are in need of supervision and specialized services. This category shall not include facilities for persons 19 or more years of age, released from or under the jurisdiction of a government bureau of corrections or similar institution. Supervision shall be provided by adults whose number shall be determined and certified by the sponsoring agency. However, one responsible adult shall be available for the residents on a 24-hour a day basis while the residents are on the premises. The residents of the facility need not be related to each other, however, the number of residents shall be limited and, in any event, shall not exceed eight residents.

*Group care facility*—an establishment that provides room and board to persons who are residents by virtue of receiving supervised, specialized services limited to health, social and/or rehabilitative services provided by a governmental agency, their licensed or certified agents or any other responsible non-profit social service corporation. Supervision shall be provided by responsible adults whose number shall be determined and certified by the sponsoring agency. However, one responsible adult shall be available for the residents on a 24-hour a day basis. The residents of the facility need not be related to each other, however, the number of residents shall not exceed eight persons.

*Height*—the vertical distance from the average contact ground level at the front wall of a structure to the highest point of the coping of a flat roof or to the deck line of a mansard roof, or to the mean height level between eaves and ridge for gable, hip or gambrel roofs.

*Hotel*—a structure or structures designed for occupancy primarily as the temporary abiding place of individuals who are lodged with or without meals, including auto courts, motels, motor hotels, motor lodges, tourist courts and the like.

*Institutional facility*—an establishment that provides room and board to persons who are residents by virtue of receiving supervised, specialized services limited to health, social and/or rehabilitative services provided by a governmental agency, their licensed or certified agents or any other responsible social service corporation. The facility shall be appropriately staffed on a 24-hour a day basis as normally prescribed by County or Commonwealth regulations. This facility shall not include business or professional offices, business activities, fraternal or social clubs, hospitals, rooming or boarding homes.

*Light manufacturing*—the processing and fabrication of certain materials and products where no process involved will produce noise, vibration, air pollution, fire hazard, or noxious emission which will disturb or endanger neighboring properties. Light manufacturing includes the production of the following goods: home appliances; electrical instruments; office machines; precision instruments; electronic devices; timepieces; jewelry, optical goods, musical instruments, novelties, wood products, printed material; lithographic plates; type composition; machine tools, dies and gauges; ceramics; apparel; lightweight non-ferrous metal castings; film processing; light sheet metal products; plastic goods; pharmaceutical goods; and food products but not animal slaughtering, curing, nor rendering of fats.

*Loading space*—an off-street space or berth on the same lot with a building, or contiguous to a group of buildings, for the temporary parking of a commercial vehicle while loading or unloading merchandise or materials.

*Local retail shop*—retail stores and personal service shops which cater to the day to day needs of nearby residents and which can be located in close proximity to residential neighborhoods without an adverse impact from undue vehicular congestion, excessive noise or other objectionable influences. Such shops and store include drug stores, beauty salons, barber shops, dry cleaning and laundry pickup facilities having a floor area of less than 3,000 square feet, and grocery stores of less than 8,000 square feet in floor area.

*Lot*—a parcel of land occupied or capable of being occupied by one or more structures.

*Lot of record*—any lot which individually or as a part of a subdivision, has been recorded in the Office of the Recorder of Deeds of the County.

*Lot, depth of*—a mean horizontal distance between the front and rear lot lines.

*Lot, area of*—the horizontally projected area of a lot computed exclusive of any portion of the right of way of any public thoroughfare.

*Lot, width of*—the mean width measured at right angles to its depth.

*Lot, zoning*—a parcel of land, fronting on a street, which is or may be occupied by a structure with accessory uses and structures and the open spaces required under this Chapter, including easement areas if any, but not including any public or private street or alley.

*Manufacturing*—the processing and fabrication of any article, substance or commodity.

*Membership club*—a chartered, nonprofit organization, the primary purpose of which is the advancement of its members of the community in education, fraternal, cultural or civic pursuits and activities.

*Mobile home*—a prefabricated dwelling unit designed for transportation on streets and highways on its own wheels or on a flat bed or other trailers, and arriving at the site where it is intended to be occupied as a dwelling complete and ready for occupancy except for minor and incidental unpacking and assembly operations, location on jacks or permanent foundation, connection to utilities and the like.

*Mobile home park*—a planned residential development which is to be occupied by two or more mobile homes.

*Multiple family structure*—a residential structure containing three or more dwelling units.

*Municipal engineer*—the appointed professional engineer of the Borough. [Ord. 2211]

*Nonconforming structure*—any structure or part of a structure legally existing at the time of enactment of this Chapter or any of its amendments which does not conform to the provisions of this Chapter.

*Nonconforming use*—any use or arrangement of land or structures legally existing at the time of enactment of this Chapter or any of its amendments which

does not conform to the provisions of this Chapter.

*Nonconforming lot*—a lot whose width, area or other dimension does not conform to the regulations of this Chapter and which was a lot of record or lawfully existed at the time the regulations with which it does not conform became effective.

*NPDES*—National Pollutant Discharge Elimination System, the Federal government's system for issuance of permits under the Clean Water Act, which is delegated to the DEP in Pennsylvania. [Ord. 2211]

*One-family house*—a detached building having accommodations for and occupied by not more than one family.

*Person*—an individual, partnership, public or private association or corporation, or a governmental unit, public utility or any other legal entity whatsoever which is recognized by law as the subject of rights and duties. [Ord. 2211]

*Personal services*—any service which individuals typically utilize in attending to their personal needs, including but not necessarily limited to, services such as barber and/or beauty shops, laundry and/or dry cleaning, health clubs and spas. [Ord. 1015]

*Planned residential development*—at least 5 acres of land, controlled by one landowner, to be developed as a single entity for a number of dwelling units, the development plan for which does not correspond in lot size, bulk or type of buildings, density, lot coverage and required open space to the regulations established in any one residential district of this Chapter.

*Planning agency*—the planning agency of the Borough of Carnegie, Allegheny County, Pennsylvania.

*Public building*—a structure owned or leased and operated by a governmental agency.

*Rear yard depth*—the prescribed minimum open space extending across the entire width of the lot between the back line of the building or accessory structure and the rear lot line.

*Recreation club*—a noncommercial facility operated by and for its members and providing recreational facilities for the use of members and their guests.

*Research laboratory*—a facility for applied research conducted within an enclosed structure where no goods are produced in quantity.

*Seat*—a fixed seat in a theatre, auditorium or meeting room, or 24 lineal inches of an installed bench or pew, or in the absence of these, 6 square feet of floor space in the seating area.

*Screening*—screening relative to this Chapter shall mean a fence, evergreen hedge or wall at least 6 feet high, provided in such a way that it will block a line of sight. The screening may consist either of one or several rows of bush or trees or of a constructed fence or wall.

*Security illumination*—level of illumination in prescribed areas of .25 foot candles.

*Sediment*—solid material, both mineral and organic, that is in suspension, is being transported or has been removed from its site or origin by air, water, gravity or ice and has come to rest on the earth's surface. [Ord. 2211]

*Side yard width*—the prescribed minimum open space extending from the side of any building or accessory structure to the side lot line throughout the entire depth of the yard. Any lot line not a rear line or a front line shall be deemed as a side line.

*Sign*—any surface, fabric or device bearing lettered pictorial or sculptured matter designed to convey information visually and exposed to public view, or any structure (including billboards, poster panels, or other graphic displays) designed to carry the above visual information.

*Site*—a lot, tract or parcel of land or a series of lots, tracts or parcels of land which are adjoining where earth disturbance activities are continuous and performed at the same time. [Ord. 2211]

*Structure*—anything constructed or erected, the use of which requires a fixed location on the ground or an attachment to something having a fixed location on the ground, including an addition to buildings, billboards, carports, porches, and other building features, but not including sidewalks, drives, fences and patios.

*Surety bond*—an agreement between a land owner or his agency or a builder or developer and the Borough of Carnegie providing for full payment to the Borough for any improvements promised by the land owner, builder or developer but not completed within the time prescribed by the promissory agreement.

*Surface waters of this Commonwealth*—any and all rivers, streams, creeks, rivulets, impoundments, ditches, watercourses, storm sewers, lakes, dammed water, wetlands, ponds, springs and other bodies or channels of conveyance of surface water or parts thereof, whether natural or artificial, within or on the boundaries of this Commonwealth. [Ord. 2211]

*Swimming pool*—a container of water used for swimming or bathing purposes, of any depth or size if wholly or partially sunk beneath adjacent ground level. If erected above ground, the same shall be covered under the terms of this Chapter only if it has at least one dimension greater than 15 feet, or is more than 36 inches in depth. As herein defined, the term “swimming pool” shall be deemed to be a structure.

*Town house*—row of three or more attached, one-family dwellings, separated by vertical party or lot-line walls, and each having private entrances.

*Two-family house*—a detached structure having accommodations for and occupied by not more than two families.

*Use*—the purpose for which land or a building is arranged, designed or intended, or for which land or a building is or may be occupied or maintained.

*Variance*—an authorization to vary slightly from the strict interpretation of the standards of this Chapter which may be granted by the Zoning Hearing Board in accordance with law.

*Vehicle sales area*—the sale or leasing of automobiles, mobile homes, trucks, or farm equipment in a building or on an open lot where no repair work except that which is minor and incidental to the principal use.

*Yard*—an open space on a lot, other than a court, unoccupied and unobstructed from the ground to the sky, not occupied by structure or used for parking or storage, except as otherwise provided, and not including any portion of a street or

alley.

*Zoning certificate*—a document issued to an applicant by the Zoning Officer certifying that the proposed use of land and structures, the characteristics of the uses, and the approved site plan are in conformance with all pertinent provisions of this Chapter, and authorizing the applicant to proceed with the preparation and development of such land and structure.

*Zoning occupancy permit*—a document issued by the Zoning Officer upon completion of the construction of a structure, or change in use of a structure or parcel of land, or change of occupancy of structure, and indicating that the use and structure is in compliance with this Chapter, that all conditions attached to the granting of the zoning certificate have been met, and that the structure and land may be occupied and used for the purposes set forth in the zoning certificate.

(*Ord. 995*, 4/26/1983, §601; as amended by *Ord. 1015*, 11/12/1985, §1; and by *Ord. 2211*, 5/11/2004, §1)

**Part 7****Regulations for Fences and Walls in Residential Districts****§27-701. General Regulations.**

1. All fences shall be kept and maintained in a good state of repair and in harmony with the general beauty of the surrounding neighborhood.

2. A permit for the erection of all fencing, walls, or screens shall be obtained from the Building Inspector prior to the start of any such erection. An application fee of \$5 shall accompany any permit application(s). A drawing showing the proposed location, height, and type of material of any fence, wall or screen shall also be submitted with such application. The Building Inspector shall approve or deny such application within 30 days of its submission. Said decision shall be communicated to the applicant in writing.

The decision of the Building Inspector may be appealed to the Council of the Borough of Carnegie. The applicant need merely file a written letter with the Borough Secretary requesting that Council review the decision of the Building Inspector. The Council of the Borough of Carnegie shall approve or deny said appeal(s) within 30 days from the date of said written letter. The decision of the Council of the Borough of Carnegie shall be final and shall be communicated to the applicant in writing.

3. The fee for the issuance of a permit for the erection of a fence, wall or screen shall be \$25 payable to the Borough of Carnegie. The Building Inspector shall receive, from the Borough of Carnegie, a commission of 50 percent of the application and/or permit fees.

4. Fencing or screening may be constructed of wood, masonry, metal, wire mesh or similar materials, including fences of interwoven material construction, such as the basket-weave type. No fence, wall or screen constructed of concrete block shall be erected, nor shall any fence be erected which is constructed of dangerous materials or which has sharp points or edges protruding therefrom.

(*Ord. 995, 4/26/1983; as added by Ord. 1009, 6/11/1985, §1*)

**§27-702. Residential Fencing.**

1. In Residential Districts, fences may be erected in side and rear yards but they shall not exceed the height of 6 feet. Fences, walls or screens may be erected in a front yard provided it is an ornamental (see through and open) fence, wall or screen which shall not exceed the height of 4 feet. Such ornamental fence shall not be erected closer to the street than the front building setback line.

2. In the case of corner lots, authorized fences shall be erected in side yards, abutting a street only in accordance with the following criteria:

A. A fence, wall or screen shall be located behind the building line shown on the recorded plot.

B. In the event paragraph .A does not apply, a fence shall be located no closer to the street right-of-way line than the side of the dwelling abutting the said street.

C. In the event paragraphs .A and .B do not apply, a fence shall be located a

distance from the street right-of-way line at least equal to the front yard of the rear abutting lot which fronts on that street.

D. In the event paragraphs .A, .B and .C do not apply, a fence shall be located a distance from the street right-of-way line equal to the depth of the front yard of the same lot.

(*Ord. 995, 4/26/1983; as added by Ord. 1009, 6/11/1985, §2*)

#### **§27-703. Security Fencing.**

1. Security fencing provided for a business establishment, school, playground, park, public right-of-way or other public use, shall be an open fence and shall not exceed the height of 10 feet.

2. No security fences shall be permitted and/or provided for business establishments located within the C-1 or C-2 Zoning District of the Borough of Carnegie.

(*Ord. 995, 4/26/1983; as added by Ord. 1009, 6/11/1985, §3*)

#### **§27-704. Clear Sight Triangles.**

1. No fence, wall, screen, tree, shrub or other planting authorized by this Chapter, including front yard fences, screens, walls, trees, shrubs and other plantings are permitted if they block a clear view or vision for vehicular traffic. Clear-sight-triangles shall be maintained as follows:

A. Street intersections—shall be the entire triangular area as measured 75 feet from the intersection of the center lines of the streets.

B. Residential driveway with a public street—15 feet on the drive by the safe stopping distance for the public street which shall be determined by the Building Inspector.

C. Public street with public street—150 feet on arterial streets and 75 feet on collector and local streets.

D. Commercial, industrial driveway with a public street—150 feet on arterials, 75 feet on collector or local streets.

E. Any specified standard may be modified if determined necessary by the Council of the Borough of Carnegie.

F. Any tree, shrub, hedge or other plant material planted in areas applicable to the clear-sight-triangle shall not exceed a height of 30 inches.

(*Ord. 995, 4/26/1983; as added by Ord. 1009, 6/11/1985, §4*)

#### **§27-705. Additional Regulations.**

1. The following regulations shall be applicable to fences permitted under this Chapter:

A. Security fence for business establishment, school, playground, park, public right-of-way or other public use—open fence with a ratio of open to solid portion of 6:1.

B. Residential fencing—open fence with a ratio of 1:1.

2. No fence, wall, or planted screen, consisting of trees, shrubs or other plant material, shall be erected in a dedicated street right-of-way.

3. Any person, firm or corporation who shall violate or refuse to comply with the provisions of this Chapter shall, upon conviction thereof before an Justice of the Peace or Magistrate, be sentenced to pay a fine of not more than \$300 and costs of prosecution, provided, that each day's violation of any provision of this Chapter shall constitute a separate offense.

(*Ord. 995*, 4/26/1983; as added by *Ord. 1009*, 6/11/1985, §5)





**Part 8****Parkway Protection Overlay District****§27-801. Basic Provisions.**

1. *Title.* The official title of this Part is “Carnegie Parkway Protection Overlay District Ordinance.”

2. *Interpretation.* In the event of conflicts between the provisions of this Part and any other ordinance or regulation, the more restrictive provisions shall apply.

3. *Purposes and Objectives.* This Part is adopted to achieve the following objectives:

A. To promote economic development.

B. To promote the public health, safety and welfare of the residents of the Borough.

C. To encourage high-quality development and orderly community growth.

D. To protect and preserve natural resources and the environment.

E. To conserve and stabilize property values.

4. *District Boundaries.* The boundaries of the district shall be as depicted on the attached map, which is hereby made an official part of this Part.

5. *Compliance.* No structure shall be located, erected, constructed, reconstructed, moved, altered, converted or enlarged; nor shall any structure or land be used or be designed to be used, except in full compliance with all the provisions of this Part and after the lawful issuance of all permits and certificates required by this Part and any other regulations of the Borough of Carnegie.

(Ord. 995, 4/26/1983; as added by Ord. 2027, 4/13/1994, Art. I)

**§27-802. Signs.**

1. *Off-Premises Signs.*

A. Pursuant to §27-309.N of this Chapter, no new construction or other permits shall be issued for any off-premises sign within the Parkway Protection Overlay District.

B. *Primary Use.* An off-premises sign shall constitute a primary use of any lot upon which it is located. Only one primary use shall be permitted on any lot within the Parkway Protection Overlay District.

C. *Illumination.* Whenever external illumination is used for an existing off-premises sign within the district, the source of the light shall be screened or shielded in such a manner that the source is not visible. No sign shall be illuminated between the hours of 10 p.m. and 6 a.m. No signs shall have internal illumination within the district, and any sign located adjacent to a dwelling unit or lot zoned for residential use shall be located, shielded and screened to prevent direct light or glare onto a dwelling unit or residential lot.

2. *On-Premises Signs.*

A. *Ground Signs.* Except as provided below, all on-premises signs located in the Parkway Protection Overlay District shall be freestanding ground signs of the types depicted in the accompanying illustration.

(1) *Maximum Height.* Five feet, including any base; provided, that special logo identification features may be constructed to the height of 7 feet. The total square footage of the logo shall not exceed 9 square feet on each face.

(2) *Maximum Length.* Twenty feet for the sign face and 30 feet for the overall length, including the base structure.

(3) *Maximum Surface Area.* No on-premises sign face shall exceed 60 square feet on each face. No on-premises sign shall have more than two faces.

(4) *Maximum Number.* No more than one free-standing sign shall be allowed on any lot. However, where an establishment is part of a larger retail, commercial or industrial development, shopping center or similar land use with multiple occupants or tenants, the total number of freestanding on-premises signs shall be limited to two signs per lot that identify the development or center, not individual occupants or businesses therein; provided, that a uniform sign plan has been submitted and approved for the entire development. No freestanding on-premises signs shall be allowed for individual establishments within a larger shopping center, commercial or industrial development, or similar land use with multiple occupants or tenants.

(5) *Illumination.* Whenever external illumination is used for a sign, the source of the light shall be screened or shielded in such a manner that the source is not visible. No sign shall be illuminated between the hours of 10 p.m. and 6 a.m. except during the time the establishment displaying the sign is open for business. No sign shall have internal illumination within the district, and any sign located adjacent to a dwelling unit or lot zoned for residential use shall be located, shielded and screened to prevent direct light or glare onto a dwelling unit or residential lot.

(6) *Landscaping.* The sign base shall be planted with a mixture of evergreen and deciduous shrubs to equal a minimum of five with a requirement of one plant per 2 linear feet of the sign base.

(7) *Minimum Setback.* All signs must be set back at least 5 feet from the property line, except that 100 feet of the parkway. However, if the lot upon which the sign is to be erected is less than 100 feet in depth, then the sign may be erected at a minimum distance of one-half the maximum depth of the lot. Furthermore, if the sign is constructed in a uniform parkway style as depicted in the accompanying illustration, then the sign may be placed at a minimum distance of 50 feet of the parkway within the landscaped buffer yard required in Part 3 herein.

(8) *Minimum Spacing Between On-Premises Ground Signs.* One hundred feet between the closest freestanding sign edges.

(9) *Color/Materials.* All on-premises signs shall be constructed of brick or stone and shall be of predominantly natural earth-tone colors.

B. *Special Sign Standards for Automobile Service Stations.* In addition to

other signs allowed by this Part, automobile service stations may erect changeable copy signs advertising the prices of different grades of gasoline or other fuels; provided, that:

- (1) Such signs are permanently mounted either on fuel pumps or on the supports of a canopy covering the fuel pumps.
- (2) Such signs shall not be erected higher than 12 feet above the ground.
- (3) There shall be no more than four sign faces per pump island, none of which shall exceed 9 square feet.
- (4) In addition to the size limits for on-premises signs contained in §27-802.2.A of this Part, the combined surface area of all such signs at each pump island shall not exceed 16 square feet.
- (5) Such signs shall not be internally illuminated.

C. *Additional Standards for Wall/Building Signs.* In addition to the on-premises signs permitted according to the regulation in this Part, there shall be allowed one additional sign for each lot, principal structure on each lot, or each business in a multi-occupancy or tenant development affixed to the wall of the principal structure, subject to the following requirements.

- (1) The sign shall identify the principal user of the building, lot or space.
- (2) The sign shall extend no further than 12 inches from the wall to which it is attached.
- (3) The sign shall be attached to the wall so that the face of the sign is substantially parallel to the wall.
- (4) The maximum vertical dimension of the sign shall be no greater than 4 feet and shall not extend beyond any wall or parapet of the building.
- (5) The maximum horizontal dimension shall be 1 foot for every front foot of a building, to a maximum of 15 feet.
- (6) Wall signs shall have no more than one color.

D. *Additional Standards for Window Signs.* In addition to the regulations contained in this Part, all window signs shall comply with the following requirements. The total area of all window signs on display at any one time, including temporary window promotional signs, shall not exceed 25 percent of the total area of the window in which they are located. A series of windows that are separated by frames less than 6 inches in width shall be considered as a single window for the purposes of this computation.

E. *Additional Standards for Canopy and Awning Signs.* In addition to the regulations contained in this Chapter, all canopy and awning signs shall comply with the following requirements. The characters or letters of the sign shall not exceed 6 inches in height and shall appear only on the apron of the canopy or awning.

F. *Additional Standards for Temporary Signs.* In addition to the standards contained in §27-309.O of this Chapter, all temporary signs within the Parkway Protection District shall conform to the standards:

- (1) *Maximum Height.* Eight feet, including base, provided that the Borough Council shall have the authority to permit taller signs upon finding

unusual topographic conditions, due to which placement of the sign on property below the level of the parkway would render such sign ineffective for conveying information to the public. In providing relief from such conditions, the Borough Council shall restrict the maximum height of the sign to the shortest height possible that will still enable the sign message to be conveyed to the public. However, in no instance shall any sign exceed 15 feet in height from base to the highest point on the sign.

(2) *Maximum Number.* No more than one temporary sign shall be allowed on any lot in addition to any other sign allowed by district regulation.

(3) *Sign Base.* All temporary signs must be affixed to the ground. No portable temporary signs are allowed in the district.

(4) *Minimum Setback.* All temporary signs must be set back at least 10 feet from the property line of the lot within which it is located, except that no sign shall be erected within 100 feet of the parkway. However, if the lot upon which the sign is to be erected is less than 100 feet in depth, then the sign may be erected at a minimum distance of one-half the depth of the lot from the parkway.

(5) *Color/Materials.* The frame and all structural elements of any temporary sign shall be painted a natural earth-tone color to blend in with the surrounding landscape. Only wood, metal, stone or brick materials may be used for the frame and structural elements.

(6) *Landscaping.* No landscaping is required for temporary signs.

3. *Prohibited Signs.*

A. In addition to the signs prohibited in §27-309.N(8) of this Chapter, the following signs shall be prohibited in the Parkway Overlay District:

(1) Portable signs.

(2) Attention-getting devices, flags, pennants and banners, except on a temporary basis in connection with the opening of a business for a period of not longer than 30 days.

(3) Signs, other than official traffic signs, using the words “stop,” “look,” “listen,” “slow,” “danger” or any other word, phrase, symbol or character that imitates official traffic signs and that may be misleading or confusing to motorists.

B. The following display devices shall not be defined as signs and shall be exempt from the requirements of these district regulations, except as they may interfere with traffic safety or in any other way become a public safety hazard:

(1) Holiday displays or decorations displayed for recognized holidays.

(2) Memorial plaques or historic markers or other similar displays.

(3) Official government displays and notice boards owned and maintained by a governmental entity including, but not limited to, traffic control devices, public notices, government flags and other displays warning of hazardous or dangerous conditions.

(4) Street numerals indicating the address of a building or establishment.

(5) Vehicle displays attached to any operative vehicle that is related to the

purpose or use of the vehicle, such as taxi signs and delivery vehicle signs. Displays affixed to vehicles that are not related to the function of the vehicle shall be subject to the off-premises sign regulations contained herein.

4. *Sign Placement.* In addition to all placement requirements contained herein, no sign shall be placed in such a position that it will obstruct the view of motorists or cause any other danger to motorists or pedestrians within a public right-of-way or on adjoining lots. Nor shall any sign be placed within the clear sight triangle required to be maintained at all street intersections, driveway and accessway entrances onto public streets. (See definition Section for definition of “clear sight triangle”).

5. *Nonconforming Signs.*

A. Any sign within the Parkway Protection Overlay District that was lawful at the time of the enactment of these regulations, or at the time of enactment of any amendment hereto, that renders the sign nonconforming, shall be deemed a legal nonconforming sign and may be continued only as provided in this Section. However, before a property owner receives subdivision approval, a certificate of occupancy, or building permit to develop his or her property or develop another primary use on a lot, all nonconforming signs must be removed.

B. Normal maintenance of a nonconforming sign may occur, including any necessary repairs and alterations that do not enlarge, extend or intensify the nonconformity.

C. No structural alterations, enlargement or extension shall be made of a nonconforming sign, except when the alteration is required by law or will eliminate the nonconforming condition.

D. No conforming sign shall be erected on the same premises as an existing nonconforming sign until the nonconforming sign has been removed or changed to a conforming sign. However, in shopping center or similar retail, commercial or industrial development with multiple occupants or tenants, the fact that one particular establishment therein has a nonconforming sign will not prohibit a different establishment therein from erecting a conforming sign on the premises.

E. A nonconforming sign shall be made to conform with the requirements of this district whenever there is a change in the use or occupancy of the building which the sign services, or whenever the building or structure which the sign serves is externally expanded or remodeled.

F. Whenever the use of a nonconforming sign, or the use that the sign serves, has been discontinued for a period of 6 consecutive months, or whenever it is evident that there is a clear intent on the part of the owner to abandon the use of a nonconforming sign, or the use that the sign serves, then the sign thereafter shall be removed or made to conform with the provisions of this Section.

G. If a nonconforming sign is damaged or destroyed by any means to the extent of 50 percent or more of its replacement value at the time of the damage or destruction (based on the then-prevailing costs), then the sign shall be made to conform to the provisions of the Parkway Protection Overlay District. However, if the damage or destruction is less than 50 percent of the replacement value, then the sign may be restored to its original condition. In either event, restoration or repair of the sign must begin within 3 months after the date of damage or destruction and diligently pursued to completion, and the repaired or reconstructed

sign shall be made to conform to the building code and electrical code of the Borough of Carnegie in force at the time of the repair or reconstruction.

(Ord. 995, 4/26/1983; as added by Ord. 2027, 4/13/1994, Art. II)

**§27-803. Buffers; Setbacks; Landscaping.**

1. *Setbacks.*

A. *Buildings.* All buildings shall be set back a minimum of two times the maximum height of the building, but in no case less than 100 feet from the parkway right-of-way, except where the maximum depth of the lot upon which the building is located is less than 200 feet, in which case the setback may be reduced to a minimum of 50 percent of the maximum depth of the lot. However, in no case shall the setback be reduced to less than 25 feet.

B. *Accessory Uses; Parking Lots; Signs.* All accessory uses, parking lots and signs shall be set back at least 100 feet from the parkway right-of-way, except where the maximum depth of the lot upon which the building is located is less than 200 feet, in which case the setback may be reduced to a minimum of 50 percent of the maximum depth of the lot. However, in no case shall the setback be reduced to less than 25 feet.

C. *Retaining Walls.* Retaining walls shall be set back a minimum of 35 feet from the parkway right-of-way.

2. *Landscape Buffers.*

A. *Landscaping.* All setbacks and buffer yards required by this Part shall be landscaped as depicted in the accompanying illustration. Planting requirements per 100 feet of length for buffer yards are as follows:

(1) *Forty-Foot to 100-Foot Wide Buffer Yards.*

- (a) Six canopy trees.
- (b) Nine understory trees.
- (c) Forty shrubs.
- (d) Twenty evergreen trees.

(2) *Twenty-five-Foot to 40-Foot Wide Buffer Yards.*

- (a) Five canopy trees.
- (b) Six understory trees.
- (c) Twenty shrubs.
- (d) Ten evergreen trees.

(3) The exact placement of required plants shall be the decision of each user except that the following requirements shall be satisfied:

(a) Evergreen (or conifer) plant materials shall be used in clusters, rather than singly.

(b) Planting schemes shall be based on a four season plan and materials selected that highlight each season: spring-flowering plants; summer-shade; fall-leaf color; winter-branch form, texture, windbreak capability.

(c) All buffered areas shall be seeded with grass unless other natural ground cover is to be established and maintained.

B. *View of Buildings.* To permit views of buildings on lots adjacent to the parkway, openings may be defined in the landscaping.

C. *Maintenance.* Buffer yards shall be maintained by the owner of the property. Debris and litter shall be cleaned on a semiannual basis. Damage to 15 percent or more of the plant material for any reason, including disease, wind or fire, shall require replacement of all such damaged plant materials.

D. *Ownership.* Buffer yards may remain in the ownership of the original developer of a land use, or they may be transferred to any consenting grantees, such as adjoining landowners, a park or forest preserve district, a municipality, or an open-space conservation group; provided, that the Borough Council determines any such conveyance adequately guarantees the protection and maintenance of the buffer yards for the purposes of this Chapter.

E. *Existing Trees and Vegetation.* All existing trees and vegetation within buffers shall be protected in accordance with provisions set forth in Part 6. Existing vegetation and trees may be used to meet buffer yard landscaping requirements to the extent they satisfy all other provisions of this Part. Additionally, up to 20 percent of existing vegetation and trees in the buffer area may be removed in a contiguous area to provide views of buildings on the lot from the parkway.

3. *Parking Lot Screening/Interior Landscaping.* All parking lots constructed or expanded by 5 percent in area or in number of spaces after the effective date of this Chapter shall be screened around their entire perimeter (except on the sides directly adjacent to the buildings they serve) with a landscaped buffer meeting the following requirements as depicted in the accompanying illustration.

A. *Perimeter Landscaping.* The minimum width on any landscaped parking lot buffer shall be 10 feet. The buffer yard shall include either of the following:

(1) Canopy trees at 30 feet on center with continuous evergreen shrubbery at 3 feet on center and 2 feet, 6 inches in height at time of planting in between.

(2) Flowering ornamental trees at 30 feet on center with a continuous strip of evergreen shrubbery at 3 feet on center at a height of 2 feet, 6 inches at the time of planting in between.

B. *Interior Landscaping.* All off-street parking areas with more than five parking spaces must be landscaped in accordance with §27-306.D(4) of this Chapter.

(Ord. 995, 4/26/1983; as added by Ord. 2027, 4/13/1994, Art. III)

#### **§27-804. Steep Slopes.**

##### *1. General.*

A. On land within the Parkway Protection Overlay District, the following standards shall apply to all grading and development of steep slopes as defined below:

(1) Twelve to less than 15 percent slope—no more than 70 percent of such areas shall be developed and/or regraded or stripped of vegetation.



(2) Fifteen to less than 25 percent slope—no more than 4 percent of such areas shall be developed and/or regraded or stripped of vegetation.

(3) Twenty-five to less than 30 percent slope—no more than 15 percent of such areas shall be developed and or regraded or stripped of vegetation.

(4) More than 30 percent slope—no development shall be allowed except upon submission of a report by a certified soil or geotechnical engineer indicating that the steep slope may be safely developed. If development is allowed to proceed under this subsection, no more than 15 percent of such areas shall be developed and/or regraded or stripped of vegetation.

(5) All applications for subdivisions or development on slopes in excess of 12 percent shall be accompanied by a slope map prepared by a qualified professional such as a landscape architect, planner or engineer indicating the contours and percent of slope throughout the property and a soils map indicating the locations, character and extent of all areas determined by the Soil Survey of Allegheny County.

(6) All applicants shall utilize the Soil Survey of Allegheny County to identify landslide prone soils on the development site. If any landslide prone soils are indicated, then the applicant shall have further studies conducted by a qualified professional soils or geotechnical engineer to determine the exact dimensions and location of the landslide prone area. No such landslide prone area may be disturbed or developed.

(7) No development shall take place within 20 feet of any area determined to be landslide prone by a geotechnical study performed pursuant to this Part.

(8) In any area that is cut and filled or regraded, the resulting slope shall not exceed 33 percent (3:1).

B. *Graded and Filled Slopes.* In addition to standards set forth in the above paragraph, the standards set forth in §27-310.A of this Chapter shall apply.

(Ord. 995, 4/26/1983; as added by Ord. 2027, 4/13/1994, Art. IV)

#### **§27-805. Stream Corridors and Drainageways.**

All development along perennial streams (as depicted in blue on relevant topographical maps of the United State Geological Survey) within the district shall comply with the setback requirements set forth in §27-310.D of this Chapter in addition to the standards set forth below:

A. All existing vegetation within the 100-foot setback area provided in §27-310.D of this Chapter shall be preserved and, where necessary to provide adequate screening, supplemented with additional landscaping.

(Ord. 995, 4/26/1983; as added by Ord. 2027, 4/13/1994, Art. V)

#### **§27-806. Tree and Vegetation Protection.**

1. *Survey.* All plans for subdivision or development approval shall identify the location of all trees greater than 12 inches in diameter at breast height, their species, diameter and canopy drip lines.

2. *Individual Tree Protection.*

A. All healthy trees in excess of 12 inches in diameter at breast height, wherever located on a site, shall be protected and preserved to the maximum extent feasible.

B. All trees in excess of 12 inches in diameter at breast height (dbh) that are removed during site preparation or development shall be replaced with trees of the same size as follows:

(1) Twelve inches in diameter, replace six trees of similar species 4 inches dbh for every one removed.

(2) From 12 inches to 19 inches in diameter, replace nine trees of similar species 45 inches dbh for every one removed.

(3) Greater than 18 inches in diameter, replace 12 trees of similar species 4 inches dbh for every one removed.

(Ord. 995, 4/26/1983; as added by Ord. 2027, 4/13/1994, Art. VI)

**§27-807. Building and Site Design.**

1. *Building Design.*

A. *Roof Structure.* Rooftops should contribute to the visual continuity of the corridor and should be considered as a design element that will be seen from view points at ground level, from other buildings and from the parkway. The following standards shall apply:

(1) Buildings having up to and including two stories shall have fully enclosed roofs. No visible roof-mounted mechanical equipment shall be allowed.

(2) Buildings of three stories or more shall also have fully enclosed roofs of articulated roof forms that express the building and at the same time shield exposed roof-mounted mechanical systems from view.

B. *Screening of Accessory Uses and Technical Equipment.*

(1) In addition to the screening requirements contained in §§27-304.D and 27-306.D(1) of this Chapter, all mechanical equipment and trash collection areas shall be screened from public view and designed so as to be integral to the site and primary architecture.

(2) Loading docks, trash collection areas, service entrances and similar uses shall be oriented away from the parkway whenever possible.

(c) The visual impact of utilities, data transmission dishes, and related services should be minimized in all developments. Utility lines shall be installed underground and all transmitters, switching boxes and other utility cabinets shall be screened from view of the parkway.

C. *Public Works and Utilities.* When it is necessary to construct public works and utilities such as water towers, high tension electric lines, microwave relay towers and similar facilities on hillsides, they should be located so as not to be visible from the parkway or to reduce their visual impact to the maximum extent possible by locating off the tops or brows of hills and ridgelines and being constructed of materials whose color blends in with the surrounding landscape.

(Ord. 995, 4/26/1983; as added by Ord. 2027, 4/13/1994, Art. VIII)

**§27-808. Definitions.**

*Clear sight triangle*—the triangular area formed by a diagonal line connecting two points located on intersecting right-of-way lines (or right-of-way line and the curb of a driveway), each point being that distance from the intersection, and the two intersecting right-of-way lines) (or right-of-way line and a driveway) specified in the accompanying illustration.

*Maximum extent feasible*—no feasible and prudent alternative exists, and all possible planning to minimize potential harm has been undertaken.

*Off-premises sign*—a sign that identifies or communicates a commercial or noncommercial message related to an activity conducted, a service rendered or a commodity sold at a location other than on the premises or lot where the sign is located.

*Sign surface area*—the smallest rectangle or other regular shape which encompasses all of the letters, symbols and accompanying designs, together with background on which they are displayed, but not including any supporting structures. In computing the area of a double-faced sign, only one side shall be considered. If a sign is comprised of more than two sides, the area of each side shall be considered in calculating sign area.

(*Ord. 995*, 4/26/1983; as added by *Ord. 2027*, 4/13/1994, Art. IX)

**Part 9****Airport Hazard District Overlay Ordinance****§27-901. Purpose.**

The purpose of this Part is to create an Airport District Overlay that considers safety issues around the Pittsburgh International Airport, regulates and restricts the heights of constructed structures and objects of natural growth, creates appropriate zones, establishing the boundaries thereof and providing for changes in the restrictions and boundaries of such zones, creates the permitting process for use within said zones and provides for enforcement, assessment of violation penalties, an appeals process, and judicial review.

(*Ord. 995, 4/26/1983; as added by Ord. 2369, 12/12/2011, §1*)

**§27-902. Relation to Other Zone Districts.**

The Airport District Overlay shall not modify the boundaries of any underlying zoning district. Where identified, the Airport District Overlay shall impose certain requirements on land use and construction in addition to those contained in the underlying zoning district.

(*Ord. 995, 4/26/1983; as added by Ord. 2369, 12/12/2011, §2*)

**§27-903. Definitions.**

The following words and phrases when used in this Part shall have the meaning given to them in this Section unless the context clearly indicates otherwise:

*Airport elevation*—the highest point of an airport's useable landing area measured in feet above sea level. The airport elevation of the Pittsburgh International Airport is 1,204 feet above mean sea level.

*Airport hazard*—any structure or object, natural or manmade, or use of land which obstructs the airspace required for flight or aircraft in landing or taking off at an airport or is otherwise hazardous as defined in 14 CFR, Part 77, and 74 Pa.C.S.A. §5102.

*Airport hazard area*—any area of land or water upon which an airport hazard might be established if not prevented as provided for in this Part and the Act 164 of 1984 (Pennsylvania Laws Relating to Aviation), 74 Pa.C.S.A. §5911 *et seq.*

*Approach surface (zone)*—an imaginary surface longitudinally centered on the extended runway centerline and extending outward and upward from each end of the primary surface. An approach surface is applied to each end of the runway based on the planned approach. The inner edge of the approach surface is the same width as the primary surface and expands uniformly depending on the planned approach. The approach surface zone, as shown on Figure 27-9-1, is derived from the approach surface.

*Conical surface (zone)*—an imaginary surface extending outward and upward from the periphery of the horizontal surface at a slope of 20 feet horizontally to 1 foot vertically for a horizontal distance of 4,000 feet. The conical surface zone, as

shown on Figure 27-9-1, is based on the conical surface.

*Department*—Pennsylvania Department of Transportation.

*FAA*—Federal Aviation Administration of the United States Department of Transportation.

*Height*—for the purpose of determining the height limits in all zones set forth in this Part and shown on the zoning map, the datum shall be mean sea level elevation unless otherwise specified.

*Horizontal surface (zone)*—an imaginary plane 150 feet above the established airport elevation that is constructed by swinging arcs of various radii from the center of the end of the primary surface and then connecting the adjacent arc by tangent lines. The radius of each arc is based on the planned approach. The horizontal surface zone, as shown on Figure 27-9-1, is derived from the horizontal surface.

*Larger than utility runway*—a runway that is constructed for and intended to be used by propeller driven aircraft of greater than 12,500 pounds maximum gross weight and jet powered aircraft.

*Nonconforming use*—any pre-existing structure, object of natural growth, or use of land which is inconsistent with the provisions of this Part or an amendment thereto.

*Non-precision instrument runway*—a runway having an existing instrument approach procedure utilizing air navigation facilities with only horizontal guidance, or area type navigation equipment, for which a straight-in non-precision instrument approach procedure has been approved or planned.

*Obstruction*—any structure, growth, or other object, including a mobile object, which exceeds a limiting height set forth by this Part.

*Precision instrument runway*—a runway having an existing instrument approach procedure utilizing an instrument landing system (ILS) or a precision approach radar (PAR). It also means a runway for which a precision approach system is planned and is so indicated on an approved airport layout plan or any other planning document.

*Primary surface (zone)*—an imaginary surface longitudinally centered on the runway, extending 200 feet beyond the end of paved runways or ending at each end of turf runways. The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway centerline. The primary surface zone, as shown on Figure 27-9-1, is derived from the primary surface.

*Runway*—a defined area of an airport prepared for landing and takeoff of aircraft along its length.

*Structure*—an object, including a mobile object, constructed or installed by man, including, but without limitation, buildings, towers, cranes, smokestacks, earth formation and overhead transmission lines.

*Transitional surface (zone)*—an imaginary surface that extends outward and upward from the edge of the primary surface to the horizontal surface at a slope of 7 feet horizontally to 1 foot vertically (7:1). The transitional surface zone, as shown on Figure 27-9-1, is derived from the transitional surface.

*Tree*—any object of natural growth.

*Utility runway*—a runway that is constructed for and intended to be used by propeller driven aircraft of 12,500 pounds maximum gross weight or less.

*Visual runway*—a runway intended solely for the operation of aircraft using visual approach procedures.

(*Ord. 995, 4/26/1983; as added by Ord. 2369, 12/12/2011, §3*)

#### **§27-904. Establishment of Airport Zones.**

There are hereby created and established certain zones within the Airport District Overlay, defined in §27-903 and depicted on Figure 27-9-1 and illustrated on the Pittsburgh International Airport (PIT) Airspace Plan (Drawings 7a, 7b, & 7c of 19 of the PIT Airport Master Plan, as amended), hereby adopted as part of this Part, which include:

- A. Approach Surface Zone.
- B. Conical Surface Zone.
- C. Horizontal Surface Zone.
- D. Primary Surface Zone.
- E. Transitional Surface Zone.

(*Ord. 995, 4/26/1983; as added by Ord. 2369, 12/12/2011, §4*)

#### **§27-905. Permit Applications.**

1. As regulated by Act 164 and defined by 14 CFR, Part 77.13(a) (as amended or replaced), any person who plans to erect a new structure, to add to an existing structure, or to erect and maintain any object (natural or manmade), in the vicinity of the airport, shall first notify the Department's Bureau of Aviation (BOA) by submitting PENNDOT Form AV-57 to obtain an obstruction review of the proposal at least 30 days prior to commencement thereof. the Department's BOA response must be included with this permit application for it to be considered complete. If the Department's BOA returns a determination of no penetration of airspace, the permit request should be considered in compliance with the intent of this Part. If the Department's BOA returns a determination of a penetration of airspace, the permit shall be denied, and the project sponsor may seek a variance from such regulations as outlined in §27-906.

2. No permit is required to make maintenance repairs to or to replace parts of existing structures which do not enlarge or increase the height of an existing structure.

(*Ord. 995, 4/26/1983; as added by Ord. 2369, 12/12/2011, §5*)

#### **§27-906. Variance.**

Any request for a variance shall include documentation in compliance with 14 CFR, Part 77, Subpart B (FAA Form 7460-1 as amended or replaced). Determinations of whether to grant a variance will depend on the determinations made by the FAA and the Department's BOA as to the effect of the proposal on the operation of air navigation facilities and the safe, efficient use of navigable air space. In particular, the request for a variance shall consider which of the following categories the FAA has placed the proposed construction in:

A. *No Objection.* The subject construction is determined to not exceed obstruction standards and marking/lighting is not required to mitigate potential hazard. Under this determination a variance shall be granted.

B. *Conditional Determination.* The proposed construction/alteration is determined to create some level of encroachment into an airport hazard area which can be effectively mitigated. Under this determination, a variance shall be granted contingent upon implementation of mitigating measures as described in §27-909, "Obstruction Marking and Lighting."

C. *Objectionable.* The proposed construction/alteration is determined to be a hazard and is thus objectionable. A variance shall be denied and the reasons for this determination shall be outlined to the applicant.

Such requests for variances shall be granted where it is duly found that a literal application or enforcement of the regulations will result in unnecessary hardship and that relief granted will not be contrary to the public interest, will not create a hazard to air navigation, will do substantial justice, and will be in accordance with the intent of this Part.

(Ord. 995, 4/26/1983; as added by Ord. 2369, 12/12/2011, §6)

#### **§27-907. Use Restrictions.**

Notwithstanding any other provision of this Part, no use shall be made of land or water within the Airport District Overlay in such a manner as to create electrical interference with navigational signals or radio communications between the airport and aircraft, make it difficult for pilots to distinguish between airport lights and others, impair visibility in the vicinity of the airport, create bird strike hazards or otherwise endanger or interfere with the landing, takeoff or maneuvering of aircraft utilizing the Pittsburgh International Airport.

(Ord. 995, 4/26/1983; as added by Ord. 2369, 12/12/2011, §7)

#### **§27-908. Pre-Existing Nonconforming Uses.**

The regulations prescribed by this Part shall not be construed to require the removal, lowering, or other change or alteration of any structure or tree not conforming to the regulations as of the effective date of this Part, or otherwise interfere with the continuance of a nonconforming use. No nonconforming use shall be structurally altered or permitted to grow higher, so as to increase the nonconformity, and a nonconforming use, once substantially abated (subject to the underlying zoning ordinance), may only be reestablished consistent with the provisions herein.

(Ord. 995, 4/26/1983; as added by Ord. 2369, 12/12/2011, §8)

#### **§27-909. Obstruction Marking and Lighting.**

Any permit or variance granted pursuant to the provisions of this Part may be conditioned according to the process described in §27-906 to require the owner of the structure or object of natural growth in question to permit the municipality, at its own expense, or require the person requesting the permit or variance, to install, operate, and maintain such marking or lighting as deemed necessary to assure both ground and air safety.

(*Ord. 995, 4/26/1983; as added by Ord. 2369, 12/12/2011, §9*)

**§27-910. Violations and Penalties.**

Any person, partnership or corporation who or which shall violate the provisions of this Part shall, upon conviction thereof, be subject to fines, penalties and/or imprisonment, as appropriate, subject to the provisions of §27-504 of this Chapter, hereby incorporated by reference.

(*Ord. 995, 4/26/1983; as added by Ord. 2369, 12/12/2011, §10*)

**§27-911. Appeals.**

1. Applications for zoning certificates under this Section shall be in accordance with §27-502 of this Chapter.

2. Applications for zoning occupancy permits under this Part shall be in accordance with §27-504 of this Chapter.

3. Appeals from administrative decisions made by the Carnegie Borough Zoning Officer pursuant to this Part shall be made to the Carnegie Borough Zoning Hearing Board in accordance with §27-509 of this Chapter.

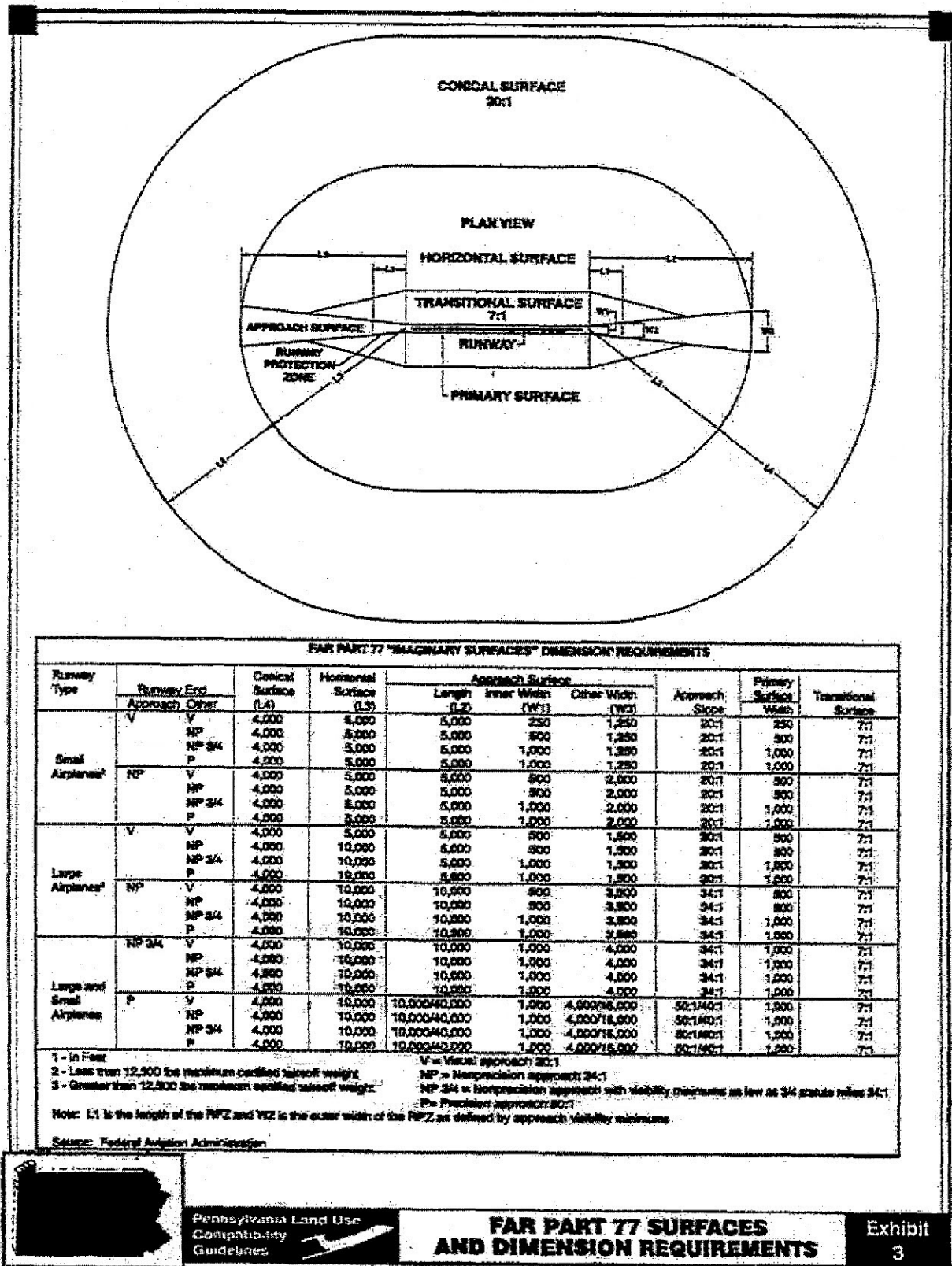
4. Decisions of the Carnegie Borough Zoning Hearing Board made pursuant to this Section may be appealed to the Carnegie Borough Council if filed within 30 days of the date of the mailing of any decision of the Carnegie Borough Zoning Hearing Board.

5. Decisions of the Carnegie Borough Council shall be considered final decisions.  
(*Ord. 995, 4/26/1983; as added by Ord. 2369, 12/12/2011, §11*)





Figure 27-9-1: Part 77 Surface Areas

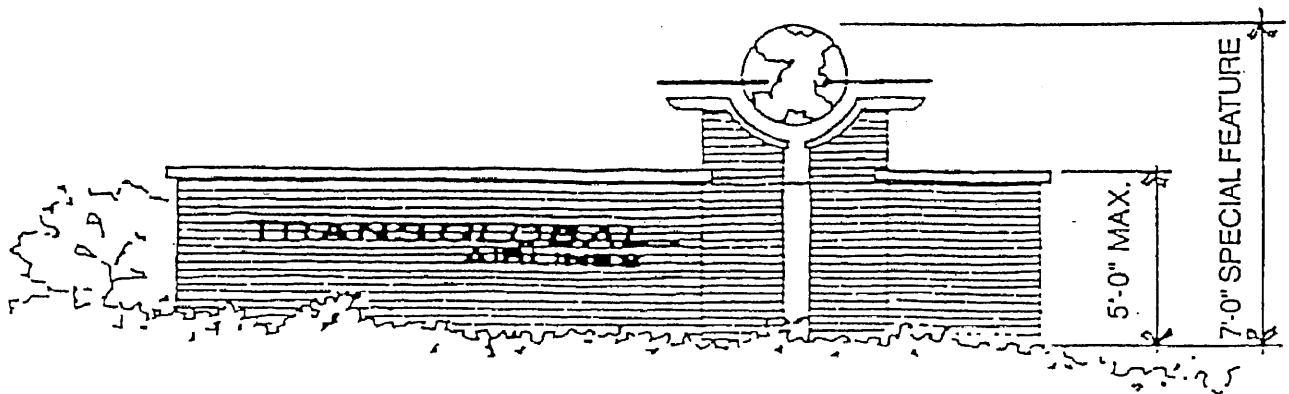
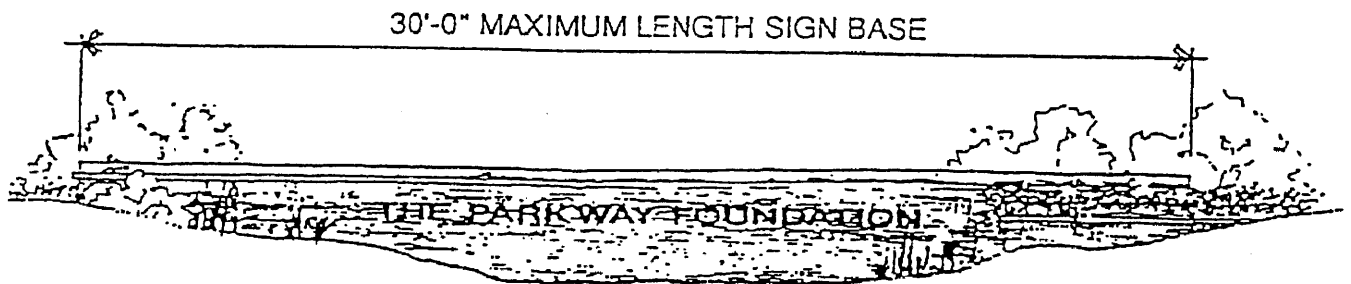
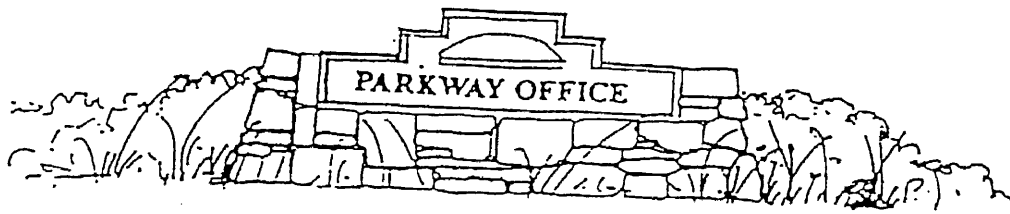




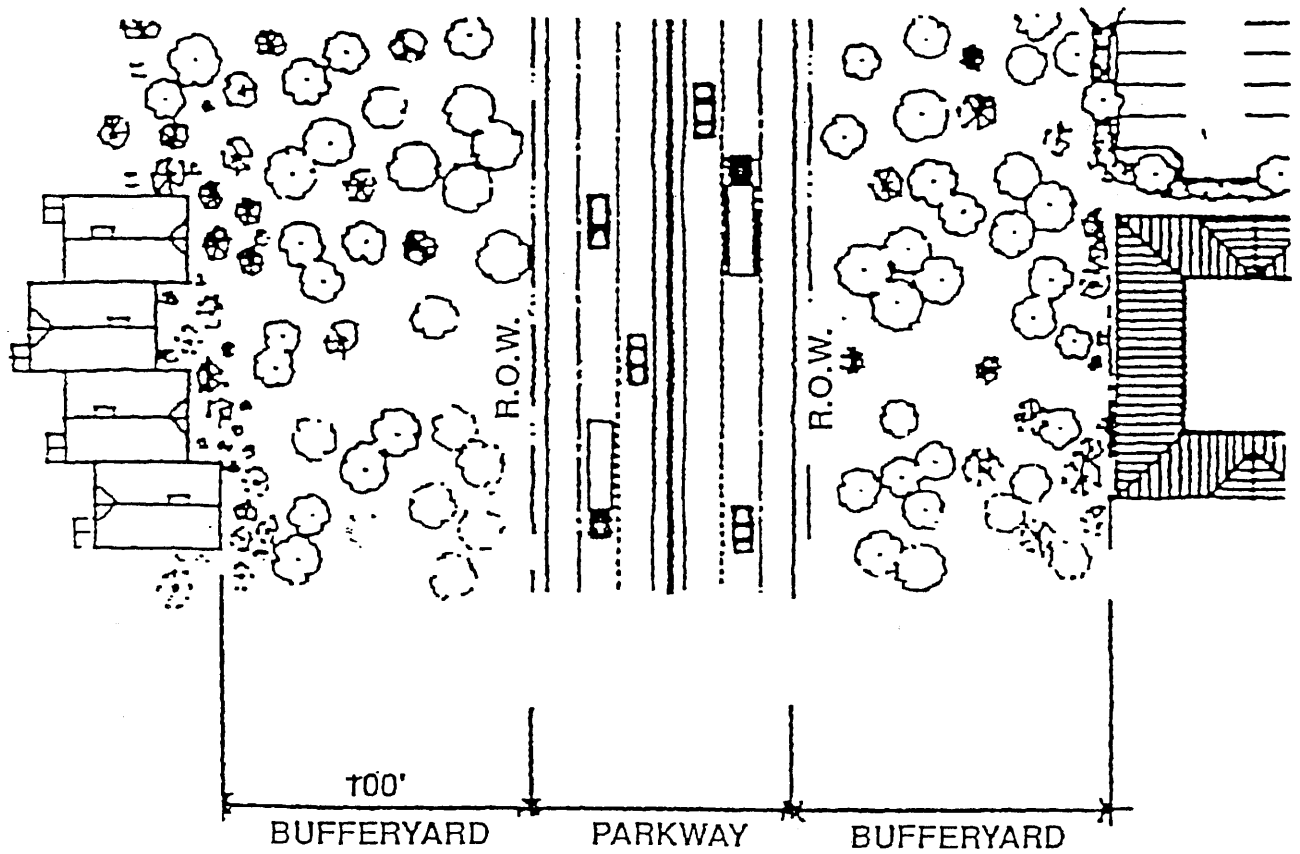
## **Zoning Map Amendments**

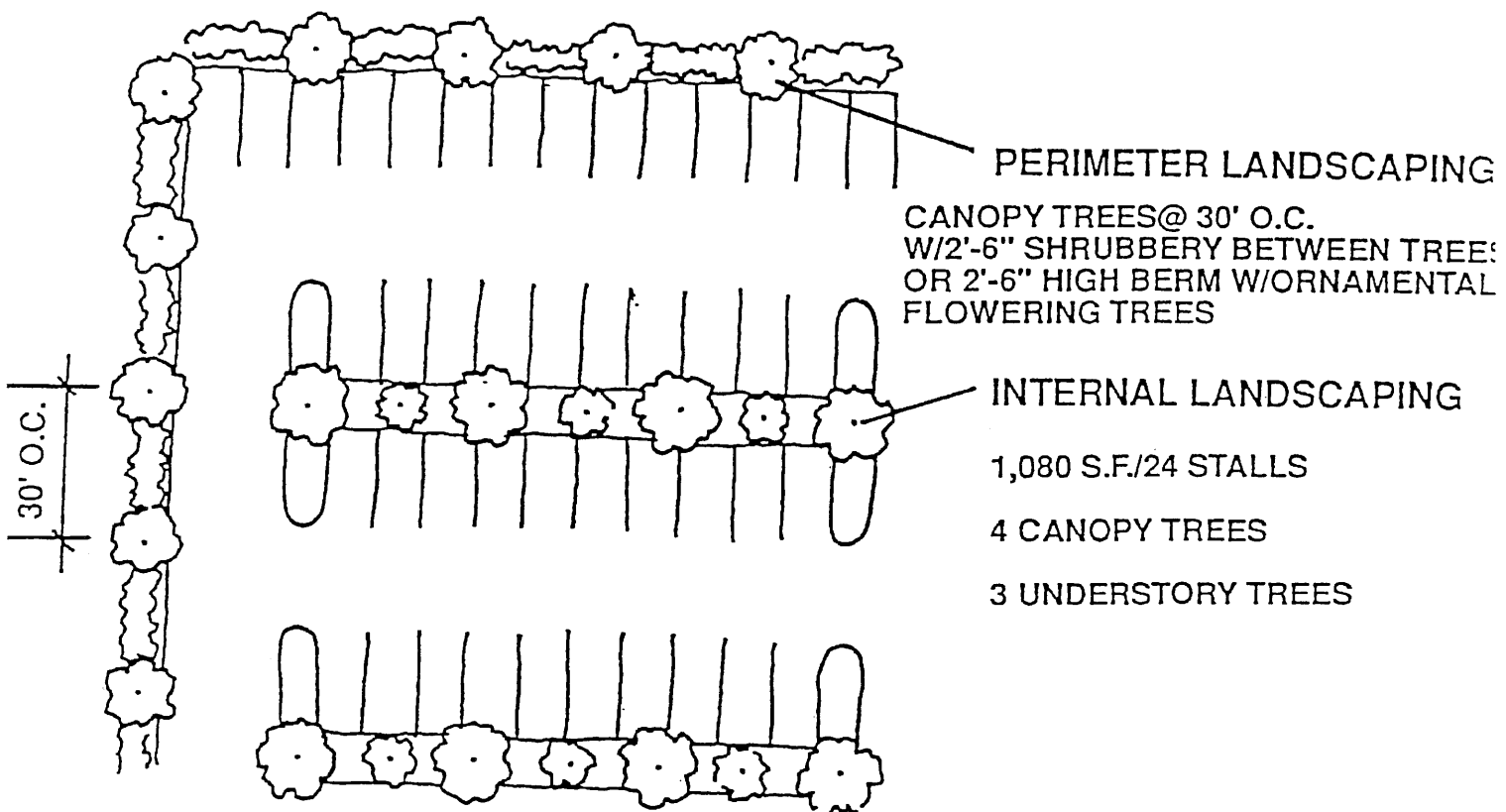
| <b>Ord./Res.</b> | <b>Date</b> | <b>Description</b>   |
|------------------|-------------|--|
| Ord. 879         | 12/28/1972  | Providing for a new Zoning District called "Planned Unit Development" and to change a section of the Zoning Map, as outlined in Exhibit 1 attached to the ordinance.   |
| Ord. 953         | 11/13/1979  | Changing classification of an area on the Zoning Map from Residential (RD) to Restricted Commercial District (RCD).  |
| Ord. 2142        | 1/11/2000   | Changing the classification of an area bounded by Campbells Run Road, Logan Street, West Main Street and Cabbage Street from M-1 to C-1 and lot and block number 103-M-130 from R-2 to C-1.  |
| Ord. 2298        | 12/8/2008   | Changing the classification of an area being the former lots 172, 174, 176 and 180 of Block 66-E, located in the Borough of Carnegie, Pennsylvania, consolidated into one lot pursuant to Borough approval on June 9, 2008 and recorded in Allegheny County are, effective this date, hereby rezoned from C-2 "Transition Commercial" District to C-1 "Commercial" District and the zoning map of the Borough is hereby amended to reflect the same. |
| Ord. 2355        | 6/13/2011   | Granting the conditional use application of Attawheed Islamic Center to utilize the property located at 401 Washington Avenue, block and lot 103-H-362 as a Church and parking lot located at block and lot 103-M-4 as parking.  |
| Ord. 2357        | 8/8/2011    | Re-zoning the following streets in the Borough from "R-2" to "R-1": Home Street, Beechwood Street, Library Avenue, Park Lane, Lee Street, Kennedy Street, Osage Way, Marshall Avenue, Boden Avenue (North side only), Elizabeth Street   |
| Ord. 2370        | 1/9/2012    | Granting the conditional use application of Precious Angels Child Care Center to utilize the property located at 321 Third Avenue, block and lot 102-B-118 as a child care center.   |
| Ord. 2392        | 2/10/2014   | Granting the conditional use application of Echo Real Estate Services to utilize the properties located at 356 E. Main Street, a/k/a Block and Lot Numbers 103-H-356 and 66-E-126 and 360 E. Main Street, a/k/a Block and Lot 66-E-124 as a Gas Station.   |
| Ord. 2395        | 2/10/2014   | Rezoning certain streets in the Borough from "C-2" to "C-1," as follows: Chestnut Street between Lydia Street and William Street and extending to Sansbury Street.   |
| Ord. 2400        | 8/11/2014   | Granting the conditional use application of Excel USA Trading & Services Co., to utilize the properties located at 39 West Main Street, a/k/a Block and Lot 103-R-140 as a personal service business.  |





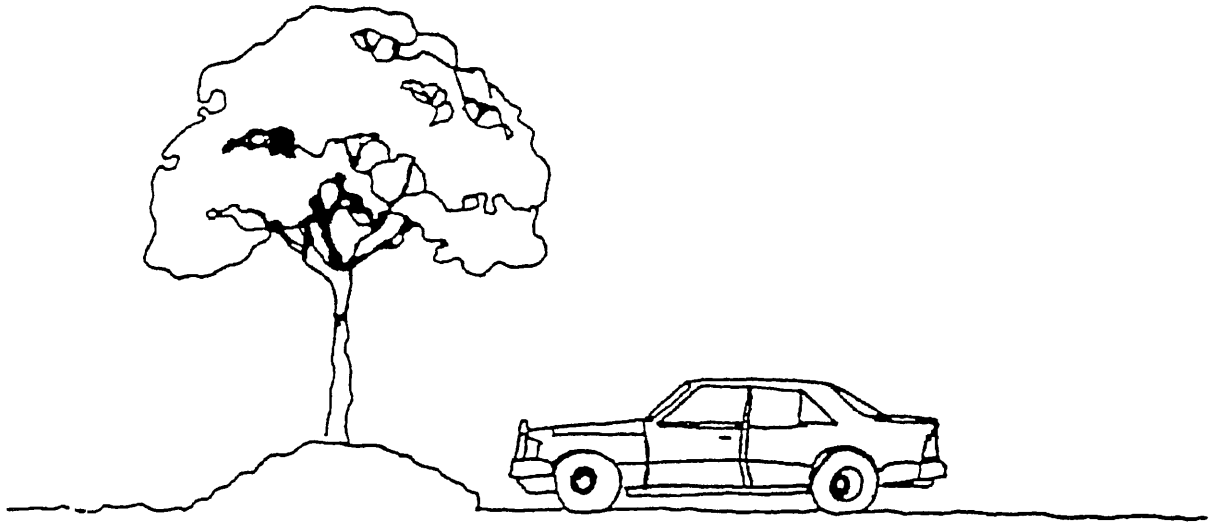
## GROUND SIGNS



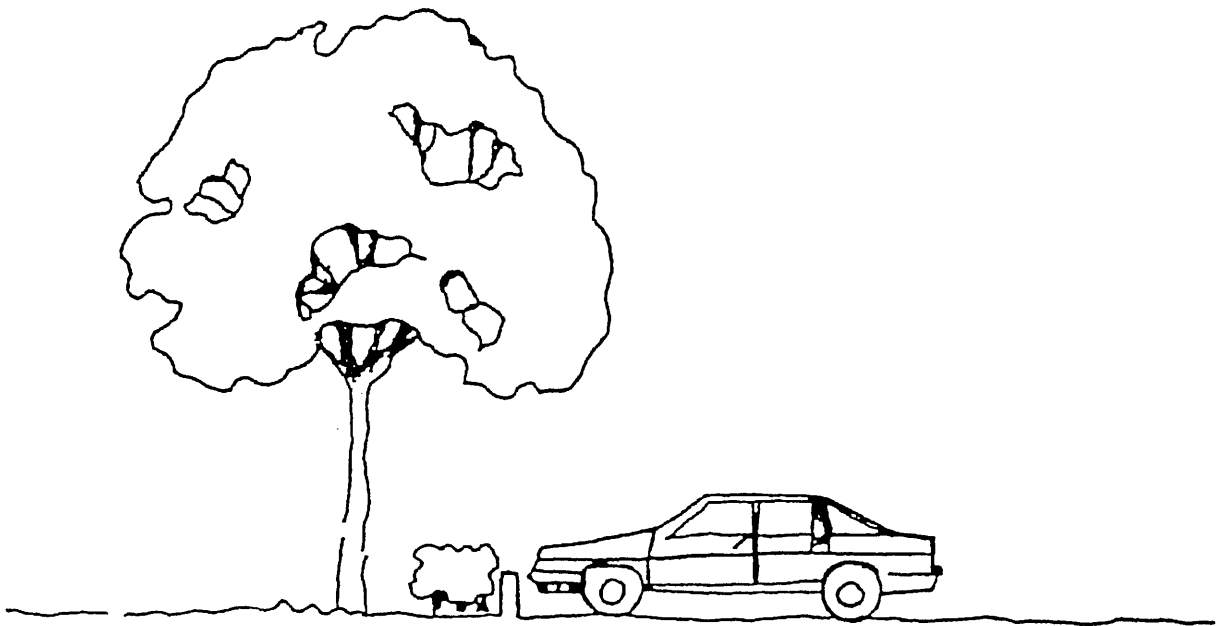


INTERIOR LANDSCAPING



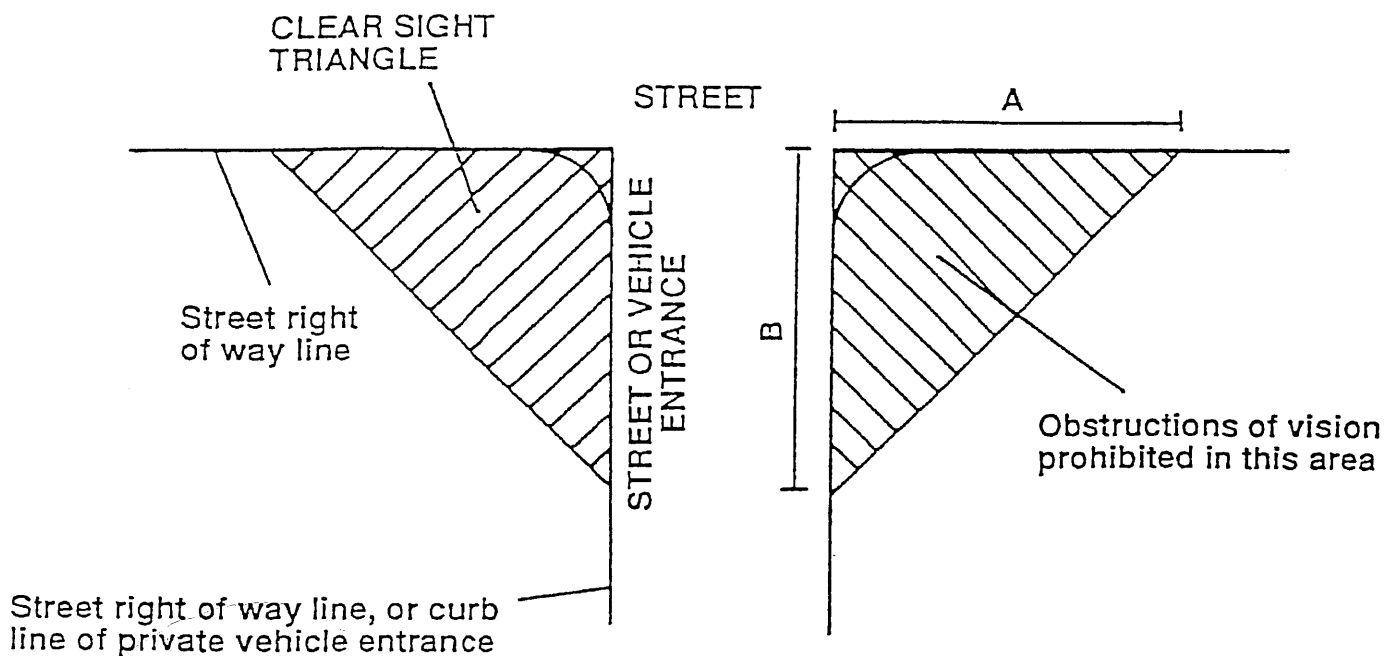


EARTH BERM



CANOPY TREES WITH SHRUBS

PARKING LOT SCREENING/  
INTERIOR LANDSCAPING



| "A" (DISTANCE IN FEET) |                               | "B" (DISTANCE IN FEET) |     |     |         |
|------------------------|-------------------------------|------------------------|-----|-----|---------|
|                        |                               | RA                     | RS  | RC  | A       |
| 30                     | RESIDENTIAL ACCESS (RA)       | 30                     | 100 | 120 | 130-150 |
| 100                    | RESIDENTIAL SUBCOLLECTOR (RS) | 30                     | 100 | 120 | 130-150 |
| 120                    | RESIDENTIAL COLLECTOR (RC)    | 30                     | 100 | 120 | 130-150 |
| 130-150                | ARTERIAL (A)                  | 30                     | 100 | 120 | 130-150 |

## SIGHT TRIANGLE

