

ORDINANCE NO. 1992-2

AN ORDINANCE OF THE BOROUGH OF WEST NEWTON, COUNTY OF WESTMORELAND AND COMMONWEALTH OF PENNSYLVANIA, AMENDING THE ZONING ORDINANCE AND ZONING MAP OF THE BOROUGH OF WEST NEWTON, PROVIDING FOR A COMMERCIAL/INDUSTRIAL ZONING DISTRICT; PERMITTED USES, ACCESSORY USES AND STRUCTURES THEREIN; AND FURTHER PROVIDING ADDITIONAL REGULATIONS CONCERNING USES AND STRUCTURES WITHIN SAID ZONE.

BE IT ORDAINED AND ENACTED, and it is hereby ordained and enacted by the Borough Council of the Borough of West Newton, County of Westmoreland and Commonwealth of Pennsylvania, as follows:

SECTION I: The Zoning Ordinance and Zoning Map of the Borough of West Newton are hereby supplemented and amended as follows:

Article VIIA

C/I - Commercial/Industrial District

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

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

7A.2 - Permitted Uses

1. Agencies: real estate, travel, and insurance
2. Art and antique shops
3. Bakery
4. Bakery, non retail
5. Book and stationary store
6. Barber or beauty shop
7. Bottling works
8. Canvas products: fabrication and sales
9. Car wash
10. Carpenter or woodworking shop
11. Ceramic, china, porcelain, and pottery manufacture
12. Convenience store
13. Department store
14. Feed or lawn and garden store

15. Florist
16. Food store
17. Furniture store
18. Glass fabrication and installation
19. Health spa
20. Hardware or electrical appliance store
21. Injection molding of metals and plastics
22. Jewelry store
23. Laundromat
24. Laundry, dry cleaning and dyeing agency
25. Light warehousing
26. Machine shop: nonforge and and nonfoundry
27. Manufacture and assembly from prepared materials
28. Medical clinic
29. Metal fabrication, light and sheet metal
30. Offices, business and professional
31. Optical and jewelry manufacturing
32. Paint stores
33. Pharmaceutical store
34. Photography studio or camera shop
35. Printing: commercial and photoprocessing
36. Radio and television stations
37. Residential building component center
38. Restaurants, taverns, and cafes
39. Retail gasoline station excluding service and repair of motor vehicles
40. Retail sales of wearing apparel
41. Sign shop
42. Shoe repair
43. Shop for building contractor
44. Tailor, dressmaker and milliner
45. Wearing apparel manufacturing, fabrication and processing
46. Wholesale distributor

7A.3 - Permitted Accessory Uses and Structures

7A.3.1 -- Uses and structures which are customarily accessory and clearly incidental and subordinate to the permitted principal uses and structures, situated on the same lot as the principal building or use served provided however, that no residential facilities shall be permitted in the district except for watchmen or caretakers whose work requires residence on the premises or for employees who will be temporarily quartered on the premises.

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

1. Off-street parking facilities.
2. Fences, walls, and screening barriers.

3. Loading docks, or loading areas.

4. Garages to house delivery trucks or other vehicles used in conjunction with the principal use of the lot.

5. Signs.

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

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

7A.4 - Qualifications and Requirements

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

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

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

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

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

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

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

1. Adequate storm sewer drainage facilities, means for preventing soil erosion and methods proposed for making excessive land cuts and fills and other environmental conditions peculiar to the land. An erosion and sedimentation plan approved by the Westmoreland County Soil Conservation District must accompany the approved site plan.

2. The location of principal and accessory buildings, existing and planned, and the topography.

3. Traffic circulation features within the site.

4. The location of vehicular access onto the site.

5. The height and bulk of structures.

6. The provision of off-street parking and loading facilities.

7. The provision of open spaces.

8. The landscaping, paving, fencing, walls and signs on the site.

9. All necessary utilities, particularly sewage and water systems, and percolation test results, where applicable, and letters of tentative approval to connect to existing sewage or water systems from the appropriate municipal

Sewer or Water Authority, as well as Department of Environmental Resources concurrence with the proposed method of providing sewers and water.

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

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

7A.4.8 -- Any and all outside storage, including refuse, shall be concealed within a structure.

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

7A.4.10 - There are no specific setback requirements for internally developed public or private roads. Specific setbacks shall be determined by the West Newton Planning Commission when the site plan is reviewed. The minimum setback requirement being a five-foot landscaped area or sidewalk between any internally developed road and any proposed or existing building.

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

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

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

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

In considering any plan hereunder, the West Newton Planning Commission will endeavor to assure safety and convenience of traffic movement, harmonious and beneficial relationship of buildings and uses on the site, as well as to contiguous properties, and overall development in a manner not detrimental to the public at large. The West Newton Planning Commission must act upon all proposed site plans filed pursuant to this section within ninety (90) days after

receipt of such plans if all required documentation from all required agencies is submitted at that time. Otherwise, the lack of action on such plans shall be deemed an approval by the West Newton Planning Commission. Incomplete applications will not be accepted for review and recommendations and approval or disapproval. All disapprovals must be in writing and state the reason for such action.

7A.5 - Parking and Off-Street Requirements

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

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

SECTION II: The area shown on the attached map marked Exhibit "A" and expressly made a part hereof is hereby rezoned as the Commercial/Industrial Zoning District in the Borough of West Newton.

SECTION III: Article XIV, Section 14.2 of the Zoning Ordinance, entitled "Definitions", is hereby amended and supplemented as follows:

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

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

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

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

SECTION IV: The Secretary of the Borough of West Newton is hereby authorized and directed to mark the above rezoning upon the official Zoning Map of the Borough of West

Newton, setting forth on said map, in addition to the zoning classification, the date and number of this amending ordinance.

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

ENACTED AND ORDAINED this 28th day of MAY, 1992.

THE BOROUGH OF WEST NEWTON

By: Arnold N. Luzzi
President of Council

ATTEST:

Annella M. Fleckman
Borough Secretary

APPROVED THIS 28th day of MAY, 1992.

George Thuransky
Mayor