

# Appendix A1

## General Provisions

### **A100 Purpose**

The intent of this Article is to establish a precise and detailed plan for the use of land in the Borough, and it is enacted to promote and to protect the public health, safety, morals, comfort, convenience, and general welfare of the people in accordance with the Pennsylvania Municipalities Planning Code.

### **A101 Specific Purpose**

The specific purposes of this Article are as follows and the same shall be construed liberally to promote and advance such declared purposes:

1. Preserve and enhance Lansdowne's traditional town character, protect its historic resources, and revitalize its older areas.
2. Promote the general welfare by increasing the amenities of the borough and lowering the cost of living in Lansdowne through good urban design.
3. Carry out the Community Development Objectives listed in the Introduction and the vision set forth in the Borough of Lansdowne's Comprehensive Plan of 2005 known as the "Lansdowne and East Lansdowne Joint Comprehensive Plan."
4. Carry out the purpose and scope of Section 105 of the Pennsylvania Municipalities Planning Code, which authorizes the promotion and preservation of Commonwealth historic resources.
5. To protect the established character and the social and economic well-being of both private and public property.
6. To prevent overcrowding of land and buildings, and to avoid undue concentration of population.
7. To protect and strengthen the industrial, commercial, and residential tax bases of the Borough.
8. To encourage innovation and the promotion of flexibility, economy, and ingenuity in development in the Borough.

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### **A102 Interpretation and Application.**

All standards set up in this Article are to be interpreted as minimum standards required. Nothing contained herein shall be construed to prohibit or prevent the use of higher standards.

### **A103 Relationship to Other Laws**

Whenever regulations or restrictions imposed by this Article are either more or less restrictive than regulations or restrictions imposed by any governmental authority through legislation, rule, or regulation, the rules or restrictions that are more restrictive or that impose higher standards or requirements shall govern. Regardless of any other provision of this Article, no land shall be used and no structure erected or maintained in violation of any Commonwealth or Federal pollution control or environmental protection law or regulation.

### **A104 Administrative Standards**

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

# Appendix A3

## Applications

### A300 Permits Required

All zoning permits shall be issued in accordance with this Article by the Zoning Officer who shall affix his signature to such permit.

1. No person shall excavate for or store material machinery, or equipment on a lot in connection with the erection, construction, placement, reconstruction, alteration, repair, extension, replacement, restoration or conversion of any structure, building, or sign, except if specifically excluded by this Article; or change the use, area of use, or percentage of use; or extend or displace the use in part or in total of any structure, building, sign, or land without first filing an application in writing for subsequently receiving approval for a zoning permit. Regardless of whether or not said activity is in conformity with this Article, failure to obtain said permit shall constitute a violation of this Article and said failure shall subject the violator to the penalties specified herein.
2. The application for a permit shall be made by the owner or lessee of the structure, building, sign, or land, or by the agent of either. If the application is made by a person other than the owner in fee, it shall be accompanied by a duly verified affidavit of the owner or the qualified person making the application that the proposed work is authorized by the owner in fee and that the applicant is authorized to make such application; in the absence of said affidavit, affixing a signature a zoning application shall constitute the making of such affidavit. Attorneys at law and others governed by the law of agency, when acting as the agent of the owner or lessee, are excluded from this requirement. The full names and addresses of the owner, lessee, applicant, or, if the owner or lessee is a corporate body, the responsible officers of said body, shall be stated in the application.
3. A zoning permit shall be deemed to have been abandoned six months after its date of issuance unless such application has been prosecuted diligently, except that for reasonable cause the Zoning Officer may grant one or more extensions of time for additional periods not exceeding 90 days each. Such permit issued shall become invalid if the authorized work is suspended or abandoned for a period of six months after the time of commencing the work. Upon expiration or invalidation of the zoning permit, all other permits issued thereon shall become invalid.
4. No building shall be occupied or otherwise used until such time as a certificate of occupancy is approved by the Zoning Officer after determining that the building, structure, or use is in conformance with the provisions of this Article and is a safe and sound building.

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5. The Zoning Officer may revoke a permit or approval issued under the provisions of this Article in case of any false statement or misrepresentation of fact in the application or on the plans on which the permit or approval was based. Any such revocation shall make null and void any other permit issued on the strength of zoning approval.
6. Any permit issued in conflict with the provisions of this Article shall be null and void and may not be construed as waiving any provisions of this Article.
7. Exclusion. This Section shall not apply to repairs or improvements required to meet Borough codes when said repairs or improvements do not create a change, intensification, or expansion of use.

### **A300.1 Site Plan Approval Requirements**

1. No person shall commence any use or erect any structure without first obtaining the approval by the Zoning Officer of a site plan as set forth in these sections, and no use shall be carried on, no structure erected or enlarged and no other improvement or construction undertaken except as shown upon an approved site plan.
2. No certificate of occupancy shall be granted until all improvements shown on an approved site plan have been completed in accordance therewith. However, upon a finding by the Zoning Officer that certain improvements cannot be completed due to seasonal or other factors beyond the control of the developer, and that temporary occupancy prior to completion will involve no health or safety hazard, he may authorize a temporary certificate of occupancy bearing an expiration date. The expiration date shall allow reasonable time for completion. It will require posting of a cash bond in double the sum estimated by the Zoning Officer to be needed to complete all required improvements, and it will be conditioned on completion of all required improvements prior to the date of expiration of the temporary certificate of occupancy.
3. Acceptance of a temporary certificate implies consent to application of the bond money to completion of any required improvements not completed prior to the expiration date of the temporary certificate of occupancy and forfeiture of any portion thereof not so applied. However, no action or inaction by the Borough of Lansdowne in respect to any required improvement shall serve to extend the time of validity of any temporary certificate of occupancy or excuse any violation of this Article. A temporary certificate of occupancy may be extended in time, however, and from time to time, for good cause shown. Any such extension shall operate to extend, for the same period, the time for completion under the terms of the bond.

# Appendix A4

## Districts

### A400 Establishment of Districts

The Borough of Lansdowne is divided hereby into zoning districts. The boundaries of said zoning districts are established hereby as shown on the map in the Lansdowne Borough Hall:

DISTRICTS		
Neighborhood Conservation	NR	Neighborhood Residential District
	TN	Traditional Neighborhood District
	NB	Neighborhood Business District
Downtown	CBD	Central Business District
	BAM	Baltimore Avenue Mixed Use District
General Business	GB	General Business District
Special Overlay	TOD	Transit Oriented Development Overlay District
Conservation Overlays	FP	Floodplain Overlay District
	SS	Steep Slopes Overlay District

### A401 Zoning Map

The official map on file in the Lansdowne Borough Hall is declared hereby to be a part of this Article and shall be known and may be cited as the "Lansdowne Borough Zoning Map."

#### A401.1 Interpretation of the Zoning Map

1. Where, due to the scale, lack of detail or illegibility of the zoning map, there is any uncertainty, contradiction or conflict as to the intended location of any zoning district boundary, as shown thereon, the Zoning Officer shall make an interpretation of said map upon request of any person. Any person aggrieved by any such interpretation may appeal such interpretation to the Zoning Hearing Board. The Zoning Officer and the Zoning Hearing Board in interpreting the zoning map or deciding any appeal shall abide by the following standards:
  - (a) The zoning district boundary lines are intended to follow lot lines or be parallel or perpendicular thereto, or to be along the centerlines of alleys, streets, rights-of-way or water courses unless such boundary lines are fixed by dimensions as shown on the zoning map.

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- (b) Where zoning district boundary lines are so indicated that they approximately follow lot lines such lot lines shall be construed to be such boundary lines.
- (c) Where a zoning district boundary line divides a lot, the location of any such zoning district boundary line, unless indicated by dimensions shown on the zoning map, shall be determined by the use of the map scale shown thereon.
- (d) If, after the application of the foregoing rules, uncertainty still exists as to the exact location of the zoning district boundary line, the boundary line shall be determined in a reasonable manner considering the history of uses of property and the history of zoning ordinances and amendments in the Borough of Lansdowne as well as all other relevant facts.
- (e) The floodplain and steep slopes districts are overlay districts, the maps of which are available for inspection in the office of the Zoning Officer.

# Appendix A6

## General Regulations

### A607 Performance Standards

All uses allowed in the Neighborhood Conservation, Downtown and General Business Districts shall be managed as follows:

A. **Air Pollution Control.** All uses shall comply with the standards of the Air Pollution Control Act, 35 P.S. 4001-4015 as amended, and the following standards:

1. Smoke. Visible air contaminants shall not be emitted in such a manner that the opacity of the emissions is equal to or greater than 10 percent for a period or periods aggregating more than 3 minutes in any one hour; or equal to or greater than 30 percent at any time, and shall comply with PA Code Title 25, Chapter 127.A, or its most recent update.

(a) Particulate, Vaporous, and Gaseous Emissions.

i. No emission shall be made which can cause any damage to health, to animals or vegetation or other forms of property, or which can cause any excessive soiling at any point.

ii. No emission of particulate matter shall exceed 0.0115 grams per dry standard cubic foot, corrected to 7 percent oxygen. Provisions must be made to reduce dew point cycling and resulting damage to particulate control devices.

iii. For measurement of the amount of particles in gases resulting from combustion, standards correction shall be applied to a stack temperature of 500 degrees Fahrenheit and 50 percent excess air.

2. Hazardous Air Emission. All emissions shall comply with National Emissions Standards for Hazardous Air Pollutants promulgated by the United States Environmental Protection Agency under the Federal Clean Air Act (42 U.S.C.S., Section 7412) as promulgated in 40 CFR Part 61, or its most recent update.

B. **Noise Control.** The proposed development shall not increase noise levels to the extent that abutting or nearby properties are adversely affected. In order to comply with this, the development must meet the following requirements.

1. The maximum permissible sound level of any continuous, regular, frequent, or intermittent source of sound produced by any activity shall be limited according to the time of day and land use which abuts it as listed below.

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ABUTTING USE	SOUND LEVEL LIMITS dBA	
	7:00 AM – 7:00 PM	7:00 PM – 7:00 AM
Residential	55	45
Commercial	65	55
Industrial	70	60
All other uses	55	45

2. Where abutting property is undeveloped, the sound level shall be equal to or less than the most restrictive other abutting use. Where there are no uses on abutting properties, the sound level at the property line shall be equal to or less than the least stringent use allowed by zoning.

(a) Sound levels shall be measured at least 4 feet above the ground at the property line of the development. Sound levels shall be measured by a meter set on the A-weighted response scale, fast response. The meter shall meet the latest version of American National Standards Institute (ANSI S1.4.) “American Standard Specification for General Purpose Sound Level Meters” and shall have been calibrated at a recognized laboratory within the past year.

### C. Odor Control.

1. No person shall cause, suffer, or permit the emission into the outdoor atmosphere of any malodorous air contaminants from any source in such a manner that the malodors are detectable outside the property of the person where the source is being generated.
2. Any process which causes an odor emission shall be operated in a manner such that escaping odors are eliminated. Backup odor reduction equipment shall be maintained to support primary odor reduction equipment.

D. **Glare or Heat Control.** Any operation producing intense glare or heat shall be performed within an enclosed building as to be completely imperceptible from any point beyond the lot lines.

E. **Vibration Control.** No vibration, which is discernable to the human sense of feeling, shall be perceptible without instruments at any point beyond the lot line.

F. **Control of Radioactivity or Electrical Disturbance.** There shall be no activities, which emit dangerous or harmful radioactivity. There shall be no electrical disturbance (except from domestic household appliances) adversely affecting the operation of any equipment located beyond the property boundary of the creator of such disturbance.

**G. Fire and Explosive Hazards.** Flammable and explosive materials shall be stored, used, and transported in accordance with the applicable state and federal regulations regarding such materials and associated storage vessels.

**H. Waste Disposal.**

1. No wastes shall be deposited upon a lot in such form or manner that they may be transferred off the lot by natural causes or forces.
2. Whenever possible, outdoor refuse areas shall be setback 50 feet from abutting properties that have residential or institutional uses or zoning and 20 feet from all other abutting properties.
3. No use shall be conducted in such a way as to discharge any treated or untreated sewage except as shall be approved by the Department of Environmental Protection and/or
4. County Health Department, as appropriate; nor shall industrial wastes be stored, discharged, incinerated, or otherwise disposed of except in conformance with the applicable state and federal regulations regarding solid and hazardous wastes.