

Chapter 550

ZONING

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[HISTORY: Adopted by the City Council of the City of Jeannette 10-11-2017 by Ord. No. 17-07. Amendments noted where applicable.]

ARTICLE I
Title, Purpose and Jurisdiction

§ 550-1. Title.

An ordinance of the City of Jeannette, County of Westmoreland, Commonwealth of Pennsylvania, repealing the prior ordinance and permitting, prohibiting, regulating, restricting, and determining the uses of land, watercourses, and other bodies of water; the size, height, bulk, location, erection, construction, alteration, and use of structures; the areas and dimensions of land to be occupied by uses and structures; the density of population and intensity of use; the protection of natural features; creating zoning districts and establishing the boundaries thereof; and providing for the administration, amendment and enforcement of the ordinance, including the imposition of penalties.

§ 550-2. Authority.

This chapter shall be ordained and enacted by the City Council of the City of Jeannette, County of Westmoreland, by authority of and pursuant to the provisions of the Pennsylvania Municipalities Planning Code, Act No. 247, as amended.¹

§ 550-3. Short title.

This chapter shall be known and may be cited as "The City of Jeannette Zoning Ordinance." It is also hereafter referred to as "Zoning Ordinance" and "ordinance."

1. Editor's Note: See 53 P.S. § 10101 et seq.

§ 550-4. Purpose and community development objectives.

This chapter has been prepared in accordance with the Jeannette Comprehensive Development Plan, with consideration for the character of the municipality, its various parts, and the suitability of the various parts for particular uses and structures, and is enacted for the purpose of promoting public health, safety and general welfare according to the following objectives:

- A. Allow for mixed uses where appropriate, especially residential living on the upper floors of businesses.
- B. Develop clean, attractive gateways and corridors to greet residents and visitors to the City of Jeannette.
- C. Reduce blight and spur reinvestment in the existing building stock.
- D. Strengthen the connections between downtown and the surrounding neighborhoods.
- E. Stimulate commercial development within the City.
- F. Allow for new innovative and productive uses, such as "pop-up" businesses.
- G. Guide the design of the public realm in key districts to ensure quality, visually attractive development that becomes a significant asset to the community.
- H. Require appropriate buffers and transitions between uses of greatly different intensity to protect property owners.
- I. Require best practices for the design of highway-oriented development, including access management.
- J. Encourage future redevelopment of industrial sites within the City.
- K. Ensure safe and efficient bicycle and pedestrian movement throughout the City.
- L. Protect and enhance the City's natural features, open space, and historic resources.
- M. Facilitate administration and enforcement of the City's regulations.
- N. Provide for the orderly and beneficial expansion and development of wireless communications facilities while minimizing the negative impacts to the surrounding neighborhoods and areas. [Added 3-14-2019 by Ord. No. 19-05]

§ 550-5. Interpretation.

In interpreting and applying the provisions in this chapter, they shall be held to be the minimum requirements adopted for the promotion of the health, safety and the general welfare of the City and its citizens. Where the provisions of any statute, other ordinance or regulation impose greater restrictions than this chapter, the provisions of such statute, ordinance or regulation shall be controlling. Where any typographical errors or omissions are found, the interpretation shall be in accordance with the overall intent of the requirement of that article or subsection.

§ 550-6. Severability.

It is hereby declared to be the intent of the City Council that:

- A. If a court of competent jurisdiction declares any provision, clause, sentence or word of this chapter to be invalid or ineffective, in whole or in part, such decision shall be limited to those provisions that are expressly stated to be invalid or ineffective. All other provisions of this chapter shall continue to be separately and fully effective.
- B. If a court of competent jurisdiction finds the application of any provision or provisions of this chapter to any lot, building or other structure, or tract of land to be invalid or ineffective, in whole or in part, such decision shall be limited to the person, property or situation immediately involved in the controversy. The application of any such provision to other persons, property or situations shall not be affected.

ARTICLE II
Zoning Districts

§ 550-7. Zoning districts established.

The City is hereby divided into zoning districts of different types, each type being of such number, shape, kind and area and of such common unity of purpose and adaptability of use that is deemed most suitable to carry out the objectives of this chapter and the Comprehensive Plan.

§ 550-8. Enumeration of zoning districts.

The City is hereby divided into 11 districts, as follows:

TN	Traditional Neighborhood
MR	Mixed Residential
CT	Commercial Transition
UC	Urban Center
CC	Commercial Corridor
RC	Regional Commercial
D	Downtown
IC	Institutional Campus
II	Industrial Innovation
HI	Heavy Industrial
NC	Neighborhood Commercial

§ 550-9. Zoning Map.

- A. The boundaries of districts shall be shown on the map attached to and made part of this chapter. Said map will be known as the "City of Jeannette Zoning Map, 2017." The Zoning Map shall be kept on file and available for examination at City Hall.²
- B. Boundaries. Where uncertainty exists with respect to the boundaries of the district as indicated on the Zoning Map, the following rules shall apply:
- (1) Where district boundaries are indicated as approximately coinciding with the center lines of street, highways, railroad lines or streams, such center lines shall be construed to be such boundaries.
 - (2) Where district boundaries are so indicated that they approximately coincide with lot lines, such lot lines shall be construed to be said boundaries; or where district boundaries are extensions of lot lines or connect the intersections of lot lines, such lines shall be said district boundaries.
 - (3) Where district boundaries are so indicated that they are approximately parallel to center lines of streets or highways, such district boundaries shall be construed as being parallel thereto and at such distance therefrom as indicated on the Zoning Map.
 - (4) The abandonment of streets shall not affect the location of such district boundaries.
 - (5) When the Zoning Officer cannot definitely determine the location of a district boundary by center lines, lot lines, or by the scale or dimensions stated on the Zoning Map, he or she shall interpret the location of the district boundary with reference to the scale of the Zoning Map and the intentions and purposes set forth in all relevant provisions of this chapter.
 - (6) Where one parcel of property is divided into two or more portions by reason of different zoning district classifications, each of these portions shall be used independently of the others in its respective zoning classification; and for the purpose of applying the regulations of this chapter, each portion shall be considered as if in separate and different ownership.

§ 550-10. Traditional Neighborhood District (TN).

- A. Purpose. To preserve the existing low-density single-family neighborhoods in Jeannette. Located on the periphery of the City, these neighborhoods afford the greatest protection from intrusive land uses as a result of natural or man-made barriers. Various nonresidential uses that complement a residential neighborhood, including schools, community centers, religious institutions, and parks, are permitted.
- B. Permitted land uses. See § 550-21, Permitted land uses.
- C. Special exception uses. See § 550-21, Permitted land uses.

2. Editor's Note: A copy of the Zoning Map is an attachment to this chapter.

D. Conditional uses. See § 550-21, Permitted land uses.

E. Lot provisions.

Table TN-1: Residential Structures			
		Single-Family	Duplex
Lot	Minimum width (feet)	50	70
	Minimum area/maximum density (square feet)	5,000	5,000
Minimum setbacks	Front yard (feet)	10	10
	Side yard (feet)	5	5
	Rear yard (feet)	30	30
Development	Maximum coverage (percent)	40%	50%
	Maximum height	35 feet or 3 stories	35 feet or 3 stories

Table TN-2: Nonresidential Structures		
		All Building Types
Lot	Minimum width (feet)	40
	Minimum area/maximum density	None
Minimum setbacks	Front yard (feet)	10
	Side yard (feet)	10
	Rear yard (feet)	30
Development	Maximum coverage (percent)	75%
	Maximum height	35 feet or 3 stories

F. Setbacks.

- (1) Setbacks are as shown in Table TN-1: Residential Structures and Table TN-2: Nonresidential Structures.
- (2) Fences, walls, terraces, steps or other similar features may encroach into a required setback. Such appurtenances shall not be located within access, drainage or utility easements or City rights-of-way.
- (3) HVAC mechanical units may be located no closer than five feet to a side lot line.
- (4) Off-street parking for all residential uses shall be permitted only on approved driveways and/or designated parking spaces.

- (5) All residential construction shall substantially conform in street orientation to adjacent interior lot homes.
- G. Accessory structures and uses. Customary and incidental accessory structures and uses shall be regulated as follows:
- (1) Accessory structures shall be subordinate in size to the principal structure on the lot.
 - (2) Accessory structures shall not be placed within the front setback or front yard. Such structures shall be placed to the rear of the front-most wall of the principal structure.
 - (3) The maximum height of an accessory structure shall not exceed 18 feet, except as provided in Article III, General Development and Performance Standards. In the case of accessory structures that serve as outdoor storage sheds associated with a principal residential structure, the height limit shall be measured from grade for each level of the structure.
 - (4) No accessory structures shall be permitted within a public right-of-way.
 - (5) Accessory structures shall not be located closer than five feet to the rear and side property lines nor closer than five feet to the principal structure, unless otherwise indicated in this chapter.
 - (6) On corner lots, accessory structures shall not be located between any portion of the principal structure and either street.
 - (7) Pools are subject to the accessory use provisions herein and subject to the requirements of the Uniform Construction Code.
- H. Landscaping and screening. See Article VI, Landscaping and Screening.
- I. Parking, loading and internal roadways. See Article VII, Parking, Loading and Internal Roadways.
- J. Signs. See Article VIII, Signs.
- K. Grading and drainage. See Article IX, Stormwater Management, Drainage, Grading.

§ 550-11. Mixed Residential District (MR).

- A. Purpose. To preserve the residential neighborhoods consisting of denser single-family development, including duplexes and townhomes, on smaller lots. In most cases, this district serves as a buffer between Traditional Neighborhood Districts and commercial districts. Various nonresidential uses that complement a residential neighborhood, including schools, community centers, religious institutions, and parks, are permitted.
- B. Permitted land uses. See § 550-21, Permitted land uses.
- C. Special exception uses. See § 550-21, Permitted land uses.
- D. Conditional uses. See § 550-21, Permitted land uses.

E. Lot provisions.

Table MR-1: Residential Structures					
		Single-Family	Duplex	Townhouse	Multifamily
Lot	Minimum width (feet)	30	40	16	80
	Minimum area/maximum density	4,000 square feet	4,000 square feet	16 d.u./acre	35 d.u./acre
Minimum setbacks	Front yard (feet)	10	10	10	10
	Side yard (feet)	5	5	10	10
	Rear yard (feet)	30	30	25	25
Development	Maximum coverage (percent)	40%	50%	60%	60%
	Maximum height	35 feet or 3 stories	35 feet or 3 stories	35 feet or 3 stories	45 feet or 4 stories

Table MR-2: Mixed and Nonresidential Structures		
		All Building Types
Lot	Minimum width (feet)	40
	Minimum area/maximum density	None
Minimum setbacks	Front yard (feet)	10
	Side yard (feet)	10
	Rear yard (feet)	30
Development	Maximum coverage (percent)	75%
	Maximum height	35 feet or 3 stories

F. Setbacks.

- (1) Setbacks are as shown in Table MR-1: Residential Structures and Table MR-2: Mixed and Nonresidential Structures.
- (2) Fences, walls, terraces, steps or other similar features may encroach into a required setback. Such appurtenances shall not be located within access, drainage or utility easements or City rights-of-way.
- (3) HVAC mechanical units may be located no closer than five feet to a side lot line.
- (4) Off-street parking for all residential uses shall be permitted only on approved driveways and/or designated parking spaces.
- (5) All construction shall substantially conform in street orientation to adjacent structures.

- G. Accessory structures and uses. Customary and incidental accessory structures and uses shall be regulated as follows:
- (1) Accessory structures shall be subordinate in size to the principal structure on the lot.
 - (2) Accessory structures shall not be placed within the front setback or front yard. Such structures shall be placed to the rear of the front-most wall of the principal structure.
 - (3) The maximum height of an accessory structure shall not exceed 18 feet, except as provided in Article III, General Development and Performance Standards. In the case of accessory structures that serve as outdoor storage sheds associated with a principal residential structure, the height limit shall be measured from grade for each level of the structure.
 - (4) No accessory structures shall be permitted within a public right-of-way.
 - (5) Accessory structures shall not be located closer than five feet to the rear and side property lines nor closer than five feet to the principal structure, unless otherwise indicated in this chapter.
 - (6) On corner lots, accessory structures shall not be located between any portion of the principal structure and either street.
 - (7) Pools are subject to the accessory use provisions herein and subject to the requirements of the Uniform Construction Code.
- H. Landscaping and screening. See Article VI, Landscaping and Screening.
- I. Parking, loading and internal roadways. See Article VII, Parking, Loading and Internal Roadways.
- J. Signs. See Article VIII, Signs.
- K. Grading and drainage. See Article IX, Stormwater Management, Drainage, Grading.

§ 550-12. Commercial Transition District (CT).

- A. Purpose. To foster appropriate transition areas that buffer between residential uses and higher impact land uses, which may include smaller retailers and service providers that cluster at key intersections or locate on the ground floor within more prominent multifamily buildings. This district is concentrated in areas surrounding core Downtown or Commercial Corridor Districts. Various nonresidential uses that complement a commercial transition neighborhood, including schools, community centers, religious institutions, and parks, are permitted. **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]**
- B. Permitted land uses. See § 550-21, Permitted land uses.
- C. Special exception uses. See § 550-21, Permitted land uses.
- D. Conditional uses. See § 550-21, Permitted land uses.

E. Lot provisions.

Table CT-1: Residential Structures					
		Single-Family	Duplex	Townhouse	Multifamily
Lot	Minimum width (feet)	30	40	16	80
	Minimum area/maximum density	4,000 square feet	4,000 square feet	30 d.u./acre	100 d.u./acre
Minimum setbacks	Front yard (feet)	0	0	0	10
	Side yard (feet)	5	1	5	10
	Rear yard (feet)	30	20	10	10
Development	Maximum coverage (percent)	40%	65%	70%	75%
	Maximum height	35 feet or 3 stories	35 feet or 3 stories	35 feet or 3 stories	115 feet or 10 stories

Table CT-2: Mixed and Nonresidential Structures		
		All Building Types
Lot	Minimum width (feet)	40
	Minimum area/maximum density	None
Minimum setbacks	Front yard (feet)	0
	Side yard (feet)	10
	Rear yard (feet)	30
Development	Maximum coverage (percent)	75%
	Maximum height	45 feet or 4 stories

F. Setbacks.

- (1) Setbacks are as shown in Table CT-1: Residential Structures and Table CT-2: Mixed and Nonresidential Structures.
- (2) Fences, walls, terraces, steps or other similar features may encroach into a required setback. Such appurtenances shall not be located within access, drainage or utility easements or City rights-of-way.
- (3) HVAC mechanical units may be located no closer than five feet to a side lot line.
- (4) Off-street parking for all residential uses shall be permitted only on approved driveways and/or designated parking spaces.
- (5) All construction shall substantially conform in street orientation to adjacent structures.

- G. Accessory structures and uses. Customary and incidental accessory structures and uses shall be regulated as follows:
- (1) Accessory structures shall be subordinate in size to the principal structure on the lot.
 - (2) Accessory structures shall not be placed within the front setback or front yard. Such structures shall be placed to the rear of the front-most wall of the principal structure.
 - (3) The maximum height of an accessory structure shall not exceed 18 feet, except as provided in Article III, General Development and Performance Standards. In the case of accessory structures that serve as outdoor storage sheds associated with a principal residential structure, the height limit shall be measured from grade for each level of the structure.
 - (4) No accessory structures shall be permitted within a public right-of-way.
 - (5) Accessory structures shall not be located closer than five feet to the rear and side property lines nor closer than five feet to the principal structure, unless otherwise indicated in this chapter.
 - (6) On corner lots, accessory structures shall not be located between any portion of the principal structure and either street.
- H. Landscaping and screening. See Article VI, Landscaping and Screening.
- I. Parking, loading and internal roadways. See Article VII, Parking, Loading and Internal Roadways.
- J. Signs. See Article VIII, Signs.
- K. Grading and drainage. See Article IX, Stormwater Management, Drainage, Grading.

§ 550-13. Urban Center District (UC).

- A. Purpose. To accommodate the redevelopment and reuse of part of the former Zion manufacturing site and some surrounding parcels. This district is intended to accommodate a mix of commercial, residential and public uses that together foster an active pedestrian-oriented area.
- B. Permitted land uses. See § 550-21, Permitted land uses.
- C. Special exception uses. See § 550-21, Permitted land uses.
- D. Conditional uses. See § 550-21, Permitted land uses.
- E. Site plan approval requirements. Site plan review and approval by the Planning Commission is required for all new development in this district. Prior to submitting an application for a zoning permit, the applicant must obtain site plan approval from the Planning Commission. The application to the Planning Commission shall be accompanied by plans and other materials necessary to address the general and specific requirements of this chapter. The minimum requirements shall include the following:

- (1) Seven copies of a site layout plan drawn to scale, showing the location, dimensions and height of proposed buildings, structures or uses and any existing buildings in relation to property and street lines. The site layout plan shall be prepared by and contain the seal of a professional engineer, land surveyor or landscape architect licensed in the Commonwealth of Pennsylvania.
 - (2) The following information shall be provided on the site layout plan:
 - (a) Statement as to the proposed use of the building or land. A description of proposed residential, institutional, retail, consumer uses, businesses and offices, or other uses.
 - (b) The location, dimensions and arrangements of all open spaces, yards and buffer yards, including methods to be employed for any required buffering and screening.
 - (c) The location, size and height of any proposed signs.
 - (d) The location and dimension of sidewalks and all other areas to be devoted to pedestrian use.
 - (e) Provisions to be made for treatment and disposal of wastewater, water supply and stormwater.
 - (f) The location, size, arrangement and capacity of all areas to be used for motor vehicle access, and all necessary traffic improvements for safe on-site ingress or egress, off-street parking, off-street loading and unloading, and provisions to be made for lighting such areas.
 - (g) Description of methods to be employed in controlling any noise, air pollution, smoke, fumes, water pollution, fire hazards, or other safety hazards.
 - (h) Any other data deemed necessary by the Planning Commission to enable it to determine the compliance of the proposed development with the terms of this chapter.
 - (3) The site layout plan must be accompanied by a statement describing how the development is:
 - (a) In accordance with the City's community development objectives.
 - (b) Suitable for the property and designed, constructed, operated and maintained so as to be in harmony with and appropriate in appearance to the existing or intended character of the general vicinity.
- F. Lot provisions.

Table UC-1: Residential Structures				
		Duplex	Townhouse	Multifamily
Lot	Minimum width (feet)	40	16	100
	Minimum area/maximum density	3,000 square feet	30 d.u./acre	150 d.u./acre
Minimum setbacks	Front yard (feet)	0	0	0
	Side yard (feet)	0	0	0
	Rear yard (feet)	10	10	10
Development	Maximum coverage (percent)	100%	100%	100%
	Maximum height	100 feet or 9 stories	100 feet or 9 stories	100 feet or 9 stories

Table UC-2: Mixed and Nonresidential Structures		
All Building Types		
Lot	Minimum width (feet)	40
	Minimum area/maximum density	None
Minimum setbacks	Front yard (feet)	0
	Side yard (feet)	0
	Rear yard (feet)	10
Development	Maximum coverage (percent)	100%
	Maximum height	100 feet or 9 stories

G. Setbacks.

- (1) Setbacks are as shown in Table UC-1: Residential Structures and Table UC-2: Mixed and Nonresidential Structures.
- (2) Fences, walls, terraces, steps or other similar features may encroach into a required setback. Such appurtenances shall not be located within access, drainage or utility easements or City rights-of-way.
- (3) HVAC mechanical units may be located no closer than five feet to a side lot line.
- (4) Off-street parking for all residential uses shall be permitted only on approved driveways and/or designated parking spaces.

- (5) All construction shall substantially conform in street orientation to adjacent structures.
- H. Accessory structures and uses. Customary and incidental accessory structures and uses shall be regulated as follows:
- (1) Accessory structures shall be subordinate in size to the principal structure on the lot.
 - (2) Accessory structures shall not be placed within the front setback or front yard. Such structures shall be placed to the rear of the front-most wall of the principal structure.
 - (3) The maximum height of an accessory structure shall not exceed 18 feet, except as provided in Article III, General Development and Performance Standards. In the case of accessory structures that serve as outdoor storage sheds associated with a principal residential structure, the height limit shall be measured from grade for each level of the structure.
 - (4) No accessory structures shall be permitted within a public right-of-way.
 - (5) Accessory structures shall not be located closer than five feet to the rear and side property lines nor closer than five feet to the principal structure, unless otherwise indicated in this chapter.
 - (6) On corner lots, accessory structures shall not be located between any portion of the principal structure and either street.
- I. Landscaping and screening. See Article VI, Landscaping and Screening.
- J. Parking, loading and internal roadways. See Article VII, Parking, Loading and Internal Roadways. Supplemental regulations for this district are as follows:
- (1) Off-street parking shall be located to the side and rear of buildings in order to maintain street frontage for pedestrian connections and circulation. On sites with multiple buildings, parking is allowed in front of or between buildings that are interior to the site.
 - (2) Application requests for a reduction in the number of required off-street parking spaces as the result of shared parking will be considered. The City will consider parking availability and proximity to transit during the site plan review process.
 - (3) The amount of required off-street parking shall be reduced by one space for each on-street parking space adjacent to the development.
 - (4) The number of surface parking spaces shall not exceed 125% of the minimum required, excluding dedicated residential spaces and parking structures.
- K. Signs. See Article VIII, Signs.
- L. Grading and drainage. See Article IX, Stormwater Management, Drainage, Grading.
- M. Supplemental regulations.

- (1) High-rise buildings (five stories). The base of high-rise buildings (equivalent to the first three floors above street grade) must be distinguished from the remainder of the building with an emphasis on providing design elements that will enhance the pedestrian environment.
- (2) First-floor retail required. In order to stimulate pedestrian activity at the street level, the first floor (street level) of any new building over 100,000 square feet must devote a minimum of 50% of the net first-floor area to retail activities which promote a visual relationship to the street and encourage movement and activity at street level. Retail activity refers to any use which encourages street-level activity in the building beyond the normal business day and is in addition to the daily work activities of the building tenants.
 - (a) Any expansion of an existing building which results in more than 100,000 square feet of new floor area must also comply with this requirement unless the new floor area is all in a vertical expansion which results in no new street-level floor area. The minimum 50% area will be computed on the new street-level floor area only.
 - (b) The term "retail" includes not only sales of merchandise at retail but will also be construed to mean personal and business services, eating, drinking and entertainment establishments, galleries, and similar uses.
 - (c) 50% of the square footage of a hotel lobby may be counted towards the required retail space.
 - (d) For the purpose of this subsection, net floor area does not include stairways, elevator shafts, elevator lobbies, restrooms, mechanical areas, security areas, or service areas. It is strongly encouraged but not mandated that all street-level retail tenants which have sidewalk frontage be furnished with direct access to the sidewalk in addition to any other access that may be provided. If individual entrances are provided to street-level retail tenants which have sidewalk frontage, the required retail floor area may be reduced by 5% of the net floor area for each separate entrance up to a maximum of five entrances.
- (3) Utility lines. All utility lines along all project street frontages must be placed underground in projects over 100,000 square feet.

§ 550-14. Commercial Corridor District (CC).

- A. Purpose. To allow for more intensive commercially heavy corridors through the neighborhoods of Jeannette. The majority of commercial land uses fall in this land use category, located primarily around the downtown area and adjacent to higher density residential neighborhoods.
- B. Permitted land uses. See § 550-21, Permitted land uses.
- C. Special exception uses. See § 550-21, Permitted land uses.
- D. Conditional uses. See § 550-21, Permitted land uses.

E. Lot provisions.

Table CC-1: Residential Structures		Multifamily
Lot	Minimum width (feet)	100
	Minimum area/maximum density	100 d.u./acre
Minimum setbacks	Front yard (feet)	10
	Side yard (feet)	10
	Rear yard (feet)	10
Development	Maximum coverage (percent)	75%
	Maximum height	65 feet or 5 stories

Table CC-2: Mixed and Nonresidential Structures		All Building Types
Lot	Minimum width (feet)	50
	Minimum area/maximum density	None
Minimum setbacks	Front yard (feet)	0
	Side yard (feet)	10
	Rear yard (feet)	20
Development	Maximum coverage (percent)	100%
	Maximum height	45 feet or 4 stories

F. Setbacks.

- (1) Setbacks are as shown in Table CC-1: Residential Structures and Table CC-2: Mixed and Nonresidential Structures.
- (2) Fences, walls, terraces, steps or other similar features may encroach into a required setback. Such appurtenances shall not be located within access, drainage or utility easements or City rights-of-way.
- (3) HVAC mechanical units may be located no closer than five feet to a side lot line.
- (4) Off-street parking for all residential uses shall be permitted only on approved driveways and/or designated parking spaces.
- (5) All construction shall substantially conform in street orientation to adjacent structures.

G. Accessory structures and uses. Customary and incidental accessory structures and uses shall be regulated as follows:

- (1) Accessory structures shall be subordinate in size to the principal structure on the lot.
 - (2) Accessory structures shall not be placed within the front setback or front yard. Such structures shall be placed to the rear of the front-most wall of the principal structure.
 - (3) The maximum height of an accessory structure shall not exceed 18 feet, except as provided in Article III, General Development and Performance Standards. In the case of accessory structures that serve as outdoor storage sheds associated with a principal residential structure, the height limit shall be measured from grade for each level of the structure.
 - (4) No accessory structures shall be permitted within a public right-of-way.
 - (5) Accessory structures shall not be located closer than five feet to the rear and side property lines nor closer than five feet to the principal structure, unless otherwise indicated in this chapter.
 - (6) On corner lots, accessory structures shall not be located between any portion of the principal structure and either street.
- H. Landscaping and screening. See Article VI, Landscaping and Screening.
- I. Parking, loading and internal roadways. See Article VII, Parking, Loading and Internal Roadways.
- J. Signs. See Article VIII, Signs.
- K. Grading and drainage. See Article IX, Stormwater Management, Drainage and Grading.

§ 550-15. Regional Commercial District (RC).

- A. Purpose. To allow for commercial development along a highway corridor to provide retail, services and other amenities to residents and visitors throughout the region. Commercial development that provides pedestrian access and facilities is encouraged, along with the use of appropriate building materials, architectural detail, massing, lighting and landscaping criteria to maintain compatibility with the character of Jeannette.
- B. Permitted land uses. See § 550-21, Permitted land uses.
- C. Special exception uses. See § 550-21, Permitted land uses.
- D. Conditional uses. See § 550-21, Permitted land uses.
- E. Lot provisions.

Table RC-1: Mixed and Nonresidential Structures		
All Building Types		
Lot	Minimum width (feet)	80
	Minimum area/maximum density	100 d.u./acre
Minimum setbacks	Front yard (feet)	0
	Side yard (feet)	5
	Rear yard (feet)	10
Development	Maximum coverage (percent)	80%
	Maximum height	65 feet or 5 stories

F. Site development standards.

- (1) Primary access to any individual commercial establishments must be from the street or sidewalk and not from inside lobbies and hallways.
- (2) Sidewalks must be installed along the perimeter of the lot. A minimum four-foot landscaped buffer shall be installed between the sidewalk and right-of-way.
- (3) A maximum of two driveway curb cuts are permitted on the longest lot line. A maximum of one driveway curb cut is permitted on all other lot lines.

G. Setbacks.

- (1) Setbacks are as shown in Table RC-1: Mixed and Nonresidential Structures.
- (2) Fences, walls, terraces, steps or other similar features may encroach into a required setback. Such appurtenances shall not be located within access, drainage or utility easements or City rights-of-way.
- (3) HVAC mechanical units may be located no closer than five feet to a side lot line.
- (4) Off-street parking for all residential uses shall be permitted only on approved driveways and/or designated parking spaces.
- (5) All construction shall substantially conform in street orientation to adjacent structures.

H. Accessory structures and uses. Customary and incidental accessory structures and uses shall be regulated as follows:

- (1) Accessory structures shall be subordinate in size to the principal structure on the lot.
- (2) Accessory structures shall not be placed within the front setback or front yard. Such structures shall be placed to the rear of the front-most wall of the principal structure.

- (3) The maximum height of an accessory structure shall not exceed 18 feet, except as provided in Article III, General Development and Performance Standards. In the case of accessory structures that serve as outdoor storage sheds associated with a principal residential structure, the height limit shall be measured from grade for each level of the structure.
 - (4) No accessory structures shall be permitted within a public right-of-way.
 - (5) Accessory structures shall not be located closer than five feet to the rear and side property lines nor closer than five feet to the principal structure, unless otherwise indicated in this chapter.
 - (6) On corner lots, accessory structures shall not be located between any portion of the principal structure and either street.
- I. Landscaping and screening. See Article VI, Landscaping and Screening.
- J. Parking, loading and internal roadways. See Article VII, Parking, Loading and Internal Roadways.
- K. Signs. See Article VIII, Signs.
- L. Grading and drainage. See Article IX, Stormwater Management, Drainage, Grading.

§ 550-16. Downtown District (D).

- A. Purpose. To stimulate an active, vibrant traditional business district in Jeannette. Larger structures with regional commercial land uses are appropriate, but big-box retail is not appropriate in this district. The boundaries of this district are meant to foster a concentrated focus for the economic revitalization of Jeannette's commercial core. A variety of retail and service uses are permitted, with mixed-use and multi-tenant buildings strongly encouraged.
- B. Permitted land uses. See § 550-21, Permitted land uses.
- C. Special exception uses. See § 550-21, Permitted land uses.
- D. Conditional uses. See § 550-21, Permitted land uses.
- E. Site plan approval requirements. Site plan review and approval by the Planning Commission is required for all new development in this district. Prior to submitting an application for a zoning permit, the applicant must obtain site plan approval from the Planning Commission. The application to the Planning Commission shall be accompanied by plans and other materials necessary to address the general and specific requirements of this chapter. The minimum requirements shall include the following:
- (1) Seven copies of a site layout plan drawn to scale, showing the location, dimensions and height of proposed buildings, structures or uses and any existing buildings in relation to property and street lines. The site layout plan shall be prepared by and contain the seal of a professional engineer, land surveyor, or landscape architect licensed in the Commonwealth of Pennsylvania.
 - (2) The following information shall be provided on the site layout plan:

- (a) Statement as to the proposed use of the building or land. A description of proposed residential, institutional, businesses and offices, retail consumer uses, or other uses.
 - (b) The location, dimensions and arrangements of all open spaces, yards, and buffer yards, including methods to be employed for any required buffering and screening.
 - (c) The location, size and height of any proposed signs.
 - (d) The location and dimension of sidewalks and all other areas to be devoted to pedestrian use.
 - (e) Provisions to be made for treatment and disposal of wastewater, water supply and stormwater.
 - (f) The location, size, arrangement and capacity of all areas to be used for motor vehicle access, and all necessary traffic improvements for safe on-site ingress or egress, off-street parking, off-street loading and unloading, and provisions to be made for lighting such areas.
 - (g) Description of methods to be employed in controlling any noise, air pollution, smoke, fumes, water pollution, fire hazards, or other safety hazards.
 - (h) Any other data deemed necessary by the Planning Commission to enable it to determine the compliance of the proposed development with the terms of this chapter.
- (3) The site layout plan must be accompanied by a statement describing how the development is:
- (a) In accordance with the City's community development objectives.
 - (b) Suitable for the property and designed, constructed, operated and maintained so as to be in harmony with and appropriate in appearance to the existing or intended character of the general vicinity.

F. Lot provisions.

Table D-1: Residential Structures		
		Multifamily
Lot	Minimum width (feet)	16
	Minimum area/maximum density	None
Minimum setbacks	Front yard (feet)	0
	Side yard (feet)	0
	Rear yard (feet)	10

Table D-1: Residential Structures		
		Multifamily
Development	Maximum coverage (percent)	100%
	Maximum height	100 feet or 9 stories

Table D-2: Mixed and Nonresidential Structures		
		All Building Types
Lot	Minimum width (feet)	16
	Minimum area/maximum density	None
Minimum setbacks	Front yard	None
	Side yard	None
	Rear yard	None
Development	Maximum coverage (percent)	100%
	Maximum height	100 feet or 9 stories

G. Setbacks.

- (1) Setbacks are as shown in Table D-1: Residential Structures and Table D-2: Mixed and Nonresidential Structures.
- (2) Fences, walls, terraces, steps or other similar features may encroach into a required setback. Such appurtenances shall not be located within access, drainage or utility easements or City rights-of-way.
- (3) HVAC mechanical units may be located no closer than five feet to a rear lot line.
- (4) Off-street parking for all residential uses shall be permitted only on approved driveways and/or designated parking spaces.
- (5) All construction shall substantially conform in street orientation to adjacent structures.

H. Accessory structures and uses. Customary and incidental accessory structures and uses shall be regulated as follows:

- (1) Accessory structures shall be subordinate in size to the principal structure on the lot.
- (2) Accessory structures shall not be placed within the front setback or front yard. Such structures shall be placed to the rear of the front-most wall of the principal structure.
- (3) The maximum height of an accessory structure shall not exceed 18 feet, except as provided in Article III, General Development and Performance Standards. In the

case of accessory structures that serve as outdoor storage sheds associated with a principal residential structure, the height limit shall be measured from grade for each level of the structure.

- (4) No accessory structures shall be permitted within a public right-of-way.
 - (5) Accessory structures shall not be located closer than five feet to the rear property lines nor closer than five feet to the principal structure, unless otherwise indicated in this chapter.
 - (6) On corner lots, accessory structures shall not be located between any portion of the principal structure and either street.
- I. Landscaping and screening. See Article VI, Landscaping and Screening.
 - J. Parking, loading and internal roadways.
 - (1) Within the Downtown District, there are no minimum off-street parking requirements. However, if off-street parking is provided, the standards included in Article VII, Parking, Loading and Internal Roadways, shall apply.
 - (2) The loading and internal roadway regulations of Article VII shall apply to all new development.
 - K. Signs. See Article VIII, Signs.
 - L. Grading and drainage. See Article IX, Stormwater Management, Drainage, Grading.

§ 550-17. Institutional Campus District (IC).

- A. Purpose. To preserve land for essential community functions, such as public education facilities, health care facilities, nursing homes and similar uses. These uses are permitted as conditional with emphasis given to mitigating the impact they create on surrounding residential neighborhoods. Daily activities within the district attract visitors from throughout the region, and consideration should be given to access and egress to limit nonlocal traffic through nearby residential areas. In addition, buffering and screening should be used to mitigate any other impacts of institutional activity, including areas dedicated to community institution operation and maintenance.
- B. Permitted land uses. See § 550-21, Permitted land uses.
- C. Special exception uses. See § 550-21, Permitted land uses.
- D. Conditional uses. See § 550-21, Permitted land uses.
- E. Lot provisions.

Table IC-1: Residential Structures				
		Duplex	Townhouse	Multifamily
Lot	Minimum width (feet)	40	16	80
	Minimum area/maximum density	4,000 square feet	16 d.u./acre	35 d.u./acre
Minimum setbacks	Front yard (feet)	10	10	10
	Side yard (feet)	5	10	10
	Rear yard (feet)	20	25	25
Development	Maximum coverage (percent)	50%	60%	60%
	Maximum height	35 feet or 3 stories	35 feet or 3 stories	45 feet or 4 stories

Table IC-2: Mixed and Nonresidential Structures		
		All Building Types
Lot	Minimum width (feet)	80
	Minimum area/maximum density	4,000 square feet
Minimum setbacks	Front yard (feet)	30
	Side yard (feet)	30
	Rear yard (feet)	30
Development	Maximum coverage (percent)	60
	Maximum height	45 feet or 4 stories

F. Setbacks.

- (1) Setbacks are as shown in Table IC-1: Accessory Residential Structures and Table IC-2: Mixed and Nonresidential Structures.
- (2) Fences, walls, terraces, steps or other similar features may encroach into a required setback. Such appurtenances shall not be located within access, drainage or utility easements or City rights-of-way.
- (3) HVAC mechanical units may be located no closer than 10 feet to a side lot line.
- (4) Off-street parking for all residential uses shall be permitted only on approved driveways and/or designated parking spaces.

- G. Accessory structures and uses. Customary and incidental accessory structures and uses shall be regulated as follows:
- (1) Accessory structures shall be subordinate in size to the principal structure on the lot.
 - (2) Accessory structures shall not be placed within the front setback or front yard. Such structures shall be placed to the rear of the front-most wall of the principal structure.
 - (3) The maximum height of an accessory structure shall not exceed 18 feet, except as provided in Table IC-1 and Article III, General Development and Performance Standards. In the case of accessory structures that serve as outdoor storage sheds associated with a principal residential structure, the height limit shall be measured from grade for each level of the structure.
 - (4) No accessory structures shall be permitted within a public right-of-way.
 - (5) Accessory structures shall not be located closer than five feet to the rear and side property lines nor closer than five feet to the principal structure, unless otherwise indicated in this chapter.
 - (6) On corner lots, accessory structures shall not be located between any portion of the principal structure and either street.
- H. Landscaping and screening. See Article VI, Landscaping and Screening.
- I. Parking, loading and internal roadways. See Article VII, Parking, Loading and Internal Roadways.
- J. Signs. See Article VIII, Signs.
- K. Grading and drainage. See Article IX, Stormwater Management, Drainage, Grading.

§ 550-18. Industrial Innovation District (II).

- A. Purpose. To preserve space for the industrial economic and employment generators that are predominantly located in enclosed structures with minimal impact to surrounding properties. Daily activities within the district attract visitors from throughout the region, and surface parking lots may be common. Consideration should be given to access management, loading and service area screening, and the use of open space and landscaping to foster a positive pedestrian environment.
- B. Permitted land uses. See § 550-21, Permitted land uses.
- C. Special exception uses. See § 550-21, Permitted land uses.
- D. Conditional uses. See § 550-21, Permitted land uses.
- E. Lot provisions.

Table II-1: Mixed and Nonresidential Structures		
All Building Types		
Lot	Minimum width (feet)	80
	Minimum area/maximum density	15,000 square feet
Minimum setbacks	Front yard (feet)	20
	Side yard (feet)	15
	Rear yard (feet)	15
Development	Maximum coverage (percent)	80%
	Maximum height	65 feet or 5 stories

F. Setbacks.

- (1) Setbacks are as shown in Table II-1: Mixed and Nonresidential Structures.
- (2) Fences, walls, terraces, steps or other similar features may encroach into a required setback. Such appurtenances shall not be located within access, drainage or utility easements or City rights-of-way.
- (3) HVAC mechanical units may be located no closer than 10 feet to a side lot line.

G. Accessory structures and uses. Customary and incidental accessory structures and uses shall be regulated as follows:

- (1) No accessory structures shall be permitted within a public right-of-way.
- (2) Accessory structures shall not be located closer than 20 feet to the rear and side property lines, unless otherwise indicated in this chapter.
- (3) Accessory structures shall not exceed 18 feet in height from grade.

H. Landscaping and screening. See Article VI, Landscaping and Screening.

I. Parking, loading and internal roadways. See Article VII, Parking, Loading and Internal Roadways.

J. Signs. See Article VIII, Signs.

K. Grading and drainage. See Article IX, Stormwater Management, Drainage, Grading.

§ 550-19. Heavy Industrial District (HI).

- A. Purpose. To preserve space for heavier industrial facilities that are more intensive than light industries and that cannot be contained indoors for the most part. The impact of this land use on surrounding properties and neighborhoods is greater than Industrial Innovation District land uses. Landscaped or naturalized areas along the perimeter of the district should be used to provide a buffer to less intense residential, commercial and employment districts, limiting impacts on property values and quality of life.

- B. Permitted land uses. See § 550-21, Permitted land uses.
- C. Special exception uses. See § 550-21, Permitted land uses.
- D. Conditional uses. See § 550-21, Permitted land uses.
- E. Lot provisions.

Table HI-1: Nonresidential Structures		
		All Building Types
Lot	Minimum width (feet)	100
	Minimum area/maximum density	30,000 square feet
Minimum setbacks	Front yard (feet)	20
	Side yard (feet)	30
	Rear yard (feet)	30
Development	Maximum coverage (percent)	80%
	Maximum height	65 feet or 5 stories

- F. Setbacks.
 - (1) Setbacks are as shown in Table HI-1: Nonresidential Structures.
 - (2) Fences, walls, terraces, steps or other similar features may encroach into a required setback. Such appurtenances shall not be located within access, drainage, or utility easements or City rights-of-way.
 - (3) HVAC mechanical units may be located no closer than 20 feet to a side lot line.
- G. Accessory structures and uses. Customary and incidental accessory structures and uses shall be regulated as follows:
 - (1) No accessory structures shall be permitted within a public right-of-way.
 - (2) Accessory structures shall not be located closer than 20 feet to the rear and side property lines, unless otherwise indicated in this chapter.
 - (3) Accessory structures shall not exceed 18 feet in height from grade.
- H. Landscaping and screening. See Article VI, Landscaping and Screening.
- I. Parking, loading and internal roadways See Article VII, Parking, Loading and Internal Roadways.
- J. Signs. See Article VIII, Signs.
- K. Grading and drainage. See Article IX, Stormwater Management, Drainage, Grading.

§ 550-20. Neighborhood Commercial District (NC). [Added 12-26-2017 by Ord. No. 17-10]

- A. Purpose. Commercial development that is well-defined within a neighborhood, providing retail, services and other amenities primarily to surrounding residents. Neighborhood Commercial Districts must be compatible with adjacent residential areas and contribute to neighborhood character, viability and attractiveness. Institutional and cultural uses, including schools, churches and community centers, as well as multifamily residential uses, may also be permitted.
- B. Permitted land uses. See § 550-21, Permitted land uses.
- C. Special exception uses. See § 550-21, Permitted land uses.
- D. Conditional uses. See § 550-21, Permitted land uses.
- E. Lot provisions.

Table NC-1: Residential Structures				
		Duplex	Townhouse	Multifamily
Lot	Minimum width (feet)	40	16	80
	Minimum area/maximum density	4,000 square feet	16 d.u./acre	100 d.u./acre
Minimum setbacks	Front yard (feet)	10	10	10
	Side yard (feet)	5	10	10
	Rear yard (feet)	20	25	10
Development	Maximum coverage (percent)	50%	60%	70%
	Maximum height	35 feet or 3 stories	35 feet or 3 stories	45 feet or 4 stories

Table NC-2: Mixed and Nonresidential Structures		
		All Uses
Lot	Minimum width (feet)	40
	Minimum area/maximum density	None
Minimum setbacks	Front yard	None
	Side yard	None
	Rear yard (feet)	20

Table NC-2: Mixed and Nonresidential Structures		
		All Uses
Development	Maximum coverage (percent)	100%
	Maximum height	45 feet or 4 stories

F. Setbacks.

- (1) Setbacks are as shown in Table NC-1: Residential Structures and Table NC-2: Mixed and Nonresidential Structures.
- (2) Fences, walls, terraces, steps or other similar features may encroach into a required setback. Such appurtenances shall not be located within access, drainage or utility easements or City rights-of-way.
- (3) HVAC mechanical units may be located no closer than five feet to a side lot line.
- (4) Off-street parking for all residential uses shall be permitted only on approved driveways and/or designated parking spaces.
- (5) All construction shall substantially conform in street orientation to adjacent structures.

G. Accessory structures and uses. Customary and incidental accessory structures and uses shall be regulated as follows:

- (1) Accessory structures shall be subordinate in size to the principal structure on the lot.
- (2) Accessory structures shall not be placed within the front setback or front yard. Such structures shall be placed to the rear of the front-most wall of the principal structure.
- (3) The maximum height of an accessory structure shall not exceed 18 feet, except as provided in Article III, General Development and Performance Standards. In the case of accessory structures that serve as outdoor storage sheds associated with a principal residential structure, the height limit shall be measured from grade for each level of the structure.
- (4) No accessory structures shall be permitted within a public right-of-way.
- (5) Accessory structures shall not be located closer than five feet to the rear and side property lines nor closer than five feet to the principal structure, unless otherwise indicated in this chapter.
- (6) On corner lots, accessory structures shall not be located between any portion of the principal structure and either street.
- (7) Pools are subject to the accessory use provisions herein and subject to the requirements of the Uniform Construction Code.

- H. Parking, loading and internal roadways. See Article VII, Parking, Loading and Internal Roadways.
- I. Landscaping and screening. See Article VI, Landscaping and Screening.
- J. Signs. See Article VIII, Signs.
- K. Grading and drainage. See Article IX, Stormwater Management, Drainage, Grading.

§ 550-21. Permitted land uses.

The permitted land uses table is included as an attachment to this chapter.

ARTICLE III

General Development and Performance Standards

§ 550-22. Purpose.

The conditions, standards, requirements and notes set forth in Article II, Zoning Districts, and otherwise prescribed by this chapter are established as the basic height, bulk, area, lot coverage, and density regulations for the City. Except as provided in this chapter, no building or structure shall be erected, enlarged, altered, changed or otherwise modified on a lot unless such building, structure or modification conforms to the regulations of the district in which it is located. This article outlines other requirements not specified elsewhere in this chapter and exceptions to certain standards already established.

§ 550-23. General exceptions.

- A. Height exceptions. In all districts, spires, church steeples, chimneys, cooling towers, flag poles, elevator bulkheads, fire towers, scenery lofts, transmission lines or towers and distribution poles and lines, radio and television aerials, and essential mechanical appurtenances may be erected to any height not prohibited by other laws or ordinances.
- B. Setback exceptions.
 - (1) All new construction will conform to the clearly prevailing setback pattern of developed lots within the block fronting on the same street, even when the prevailing front-yard setbacks differ from those required in the zoning district. When an unimproved lot is situated between two lots with existing front-yard setbacks that differ from those required in the zoning district, then the front-yard setback may be adjusted to a depth equal to whichever of the front-yard setbacks is closest to meeting the district requirement.
 - (2) Lots abutting more than one street shall provide the required front yards along every street, except where the applicant proves to the satisfaction of the Code Enforcement Officer that the provision of a smaller setback will conform with the clearly prevailing yard pattern on existing developed lots fronting on the same street. Corner lots shall have two front yards and two side yards; provided, however, that if the corner lot has only three sides, it shall have two front yards

and one side yard. Where the lot abuts an alley, it shall not be required to provide a front yard along such alley.

- (3) An accessory structure less than 150 square feet in area and under 10 feet in height can be placed in the rear yard a minimum of five feet from any side or rear lot line, provided the accessory structure is at least 10 feet from a principal structure.

C. Projections into required setbacks.

- (1) Fire escapes and uncovered ramps designed in accordance with the American with Disabilities Act (ADA) standards may extend or project into a required setback.
- (2) Patios and uncovered decks less than 30 inches in height above grade at any point may extend no closer than five feet to any adjacent property line in rear and side yards.

- D. Yard, building setbacks, and open space exceptions. No yard, open space, or lot area required for a building or structure shall, during its life, be occupied by or counted as open space for any other building or structure.

§ 550-24. General requirements.

- A. Licensing. All facilities requiring local, state or federal licenses and/or permits to operate must present proof of such licenses and/or permits in order to receive zoning approval.
- B. Structures on a lot. In TN, MR and CT Districts, only one principal building and its accessory structures may be located on a lot.
- C. Storage of recreational vehicles and similar equipment. The outdoor storage or parking of any recreational vehicle or similar equipment shall be prohibited for a period of greater than 48 hours in the TN, MR and CT Districts, except where expressly permitted by other provisions of this chapter, unless the following minimum conditions are met:
 - (1) All such vehicles or equipment shall be placed within a completely enclosed building or carport or located behind the front face of the principal structure, but no closer than five feet to any side or rear lot line.
 - (2) Storage or parking shall be limited to a lot or parcel of land upon which is located an inhabited dwelling unit, and the vehicle or equipment is owned or leased by the occupant.
 - (3) Trailer coaches and other vehicles or equipment intended or adaptable for sleeping purposes shall remain unoccupied and shall not be connected to sanitary sewer facilities or have a fixed connection to electricity, water or gas.
- D. Junk and junk vehicles. Junk and junk vehicles must be stored within a garage or other enclosed structure or otherwise fully screened from public view. This provision does not apply to a vehicle under active repair parked upon the driveway of a residentially

zoned property not having a garage, provided the owner has notified the Zoning Officer in writing of the owner's intent to actively repair the vehicle and the repairs are completed within 30 days of the notification.

- E. Temporary business.
- (1) A permit shall be required for the operation of any temporary business.
 - (2) Vehicles and pedestrians must be able to safely enter and exit the location where the temporary business will be located.
 - (3) Nothing in the proposal will violate any provisions of this article or any other City law or ordinance.
- F. Sewage systems. Any occupied residential or commercial building intended for continuous or periodic habitation must be connected to the public sewage system or have an on-lot private sewage system.

§ 550-25. Performance standards.

All uses shall comply with the requirements of this article. In order to determine whether a proposed use will conform to the requirements of this article, the City Council, Zoning Officer or Zoning Hearing Board may require the opinion of a qualified consultant, whose costs for services shall be borne by the applicant.

- A. Air and water quality.
- (1) Discharges of substances into the air shall be subject to the standards established by the Pennsylvania Department of Environmental Protection and the United States Environmental Protection Agency.
 - (2) Water discharges shall be subject to the standards established by the Pennsylvania Department of Environmental Protection, the United States Environmental Protection Agency, and the Pennsylvania Fish and Boat Commission. No land development shall be approved by the Planning Commission or City Council until the necessary permits from the Pennsylvania Department of Environmental Protection's State Water Pollution Control Program have been applied for.
 - (3) Upon notification by an individual or party of a possible air- or water-pollution discharge, the Code Enforcement Officer will contact the DEP. DEP will conduct all necessary testing and will make recommendations.
 - (4) No use in any zoning district may discharge any waste contrary to the provisions of the state law governing discharges of radiological, chemical or biological wastes into the air or surface or subsurface waters.
 - (5) No use in any zoning district may discharge into the sanitary sewage treatment facilities any waste that cannot be adequately treated by biological means.
- B. Electrical disturbances and radioactivity. No activities which permit radioactivity beyond the property line shall be permitted. No activity shall cause electrical disturbance adversely affecting radio or television equipment in the vicinity.

C. Flammable and explosive materials.

- (1) Fire-protection and firefighting equipment acceptable to the Board of Fire Underwriters shall be readily available when any activity involving the handling or storage of flammable or explosive materials is conducted.
- (2) All activities involving and all storage of flammable and explosive material shall be provided with adequate safety devices against the hazards of fire and explosion and adequate firefighting and fire-suppression equipment and devices as detailed and specified by the Department of Labor and Industry and the laws of the Commonwealth of Pennsylvania. All buildings, structures and activities within such buildings and structures shall conform to the fire protection regulations of the City.

D. Glare.

- (1) Lighting devices which produce objectionable direct or reflected glare on adjoining properties or thoroughfares shall not be permitted.
- (2) No excessive direct or sky-reflected glare shall be permitted, whether from floodlights or other sources, which shall be visible from adjoining public rights-of-way or adjacent lots when viewed by a person standing on ground-level or driving a motor vehicle.

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

F. Odors. No malodorous gas or matter shall be permitted which shall be obnoxious, toxic or offensive to a nonallergenic person of ordinary sensitivity on any adjoining lot or property.

G. Vibrations. Vibrations detectable without instruments on neighboring property in any district shall not be permitted.

H. Lighting.

- (1) Light fixtures shall be compatible with the style of building and may include: attached or detached, soffit, up light or down light, and tree lighting.
- (2) The light source shall be concealed and shall not be visible from any street right-of-way.
- (3) Except for architectural and interior-lit signs, all exterior site lighting shall be downcast and shall be directed or shielded to eliminate light trespass onto any street or abutting property and to eliminate direct or reflected glare perceptible to persons on any street or abutting property and sufficient to reduce a viewer's ability to see.
- (4) Lighting fixtures shall not exceed 20 feet in height above parking areas.
- (5) Lighting fixtures shall not be less than nine feet or more than 15 feet in height above the sidewalk in pedestrian areas.

- (6) All entrances and exits to buildings used for nonresidential or mixed-use purposes and open to the general public, and all entrances in multifamily residential buildings shall be adequately lighted to ensure the safety of persons and the security of the building.

§ 550-26. Accessory uses and structures.

The following regulations shall apply to accessory structures in all zoning districts.

A. Private swimming pools.

- (1) Any aboveground swimming pool that is 24 inches or more in depth must comply with the Uniform Construction Code.
- (2) Swimming pools accessory to a dwelling and all structures appurtenant thereto shall be located at least 10 feet from any property line. Swimming pools shall not be permitted in the front yard.
- (3) Swimming pools shall be fully enclosed with a fence at least six feet high. Any gate shall be locked and self-latching.

B. Fences.

- (1) The finished side of the fence shall face the street or adjacent property.
- (2) Fences in residential and commercial districts must be no greater than six feet unless otherwise excepted in this chapter (see Article IV, Supplemental Regulations).
- (3) Fences in industrial districts must be no greater than 10 feet.
- (4) Fences in the front yard of residential districts must be no greater than four feet.

§ 550-27. Safety and vision.

- A. Streets. At street intersections, any obstruction (including vegetation) to sight lines at elevations above three feet of the crown of the adjacent roadway shall not be placed or maintained within a fifteen-foot clear vision triangle from the street right-of-way or from the edge of paving.
- B. Curb cuts, lanes and driveways. At curb cuts, lanes and driveways, any obstruction (including vegetation) to sight lines at elevations above three feet of the crown of the adjacent roadway shall not be placed or maintained within a fifteen-foot clear vision triangle from the street right-of-way or from the edge of paving.

§ 550-28. Outdoor storage.

- A. Outdoor storage and merchandising permitted. Outdoor storage is not permitted by any commercial or industrial establishment existing in conformance with this chapter, except where explicitly specified (see Article IV, Supplemental

Regulations). [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]

- B. Outdoor storage enclosures. Outside storage is permitted in storage enclosures designed and located in accordance with standards set forth in this subsection. The enclosure:
- (1) Must obscure stored items from public view;
 - (2) Must be located at the side or rear of the premises it serves;
 - (3) Must be constructed on a permanent surface designed and equipped to facilitate proper drainage;
 - (4) May not be constructed in areas reserved for off-street parking or landscaping;
 - (5) May not obstruct the vision of drivers of vehicles entering or exiting the premises it serves; and
 - (6) May not encroach on a public right-of-way or adjacent private property.
- C. Permanent outdoor displays. Permanent outdoor displays for outdoor merchandising shall conform to the following standards:
- (1) The display must be located within a permanent enclosure placed on a permanent surface designed and equipped to facilitate proper drainage;
 - (2) The enclosure must be in a location that will not obstruct the vision of drivers of vehicles entering or exiting the business for which it is constructed. Permanent outdoor display enclosures may be of such a design as to permit maximum visibility of their contents but shall be constructed in accordance with applicable provisions of the City's building code within the setback area;
 - (3) The display enclosure may not be located in areas reserved for off-street parking or landscaping; and
 - (4) The display enclosure may not encroach upon a public right-of-way or on adjacent private property.
- D. Temporary outdoor displays. Merchandise may be displayed temporarily or on a seasonal basis if in compliance with the following requirements:
- (1) Businesses which display merchandise during business hours but store the merchandise in their premises or in a permitted outdoor storage enclosure after business hours need not construct a permanent enclosure for outdoor display. The merchandise may also be displayed within the front-yard setback area of the business premises.
 - (2) Not more than two portable merchandising racks or pallets may be located beyond four feet of the building.
 - (3) All portable display racks or pallets shall be stored within the building in which the business is located or within a permitted outdoor storage enclosure after business hours.

- (4) Display racks prohibited in certain areas. Portable display racks or pallets may not be placed in areas reserved for off-street parking or landscaping or placed in such a manner as to encroach upon a public right-of-way or adjacent private property. The displays shall not obstruct the vision of drivers entering or exiting the premises served.

§ 550-29. Wireless communications facilities. [Added 3-14-2019 by Ord. No. 19-05]

A. General and specific requirements for non-tower wireless communications facilities.

- (1) The following regulations shall apply to all non-tower wireless communications facilities, including, without limitation, all non-tower wireless communications facilities located within a public right-of-way:
 - (a) Permitted as an accessory use in certain zones subject to regulations. Non-tower wireless communications facilities are permitted as an accessory use in certain zones, as provided in § 550-21, subject to the restrictions and conditions prescribed below and subject to applicable permitting by the City.
 - (b) Nonconforming wireless support structures. Non-tower wireless communications facilities shall be permitted to co-locate upon nonconforming tower-based wireless communications facilities and other nonconforming structures. Co-location of wireless communications facilities upon existing tower-based wireless communications facilities is encouraged even if the tower-based wireless communications facilities are nonconforming as to use within a zoning district.
 - (c) Standard of care. Any non-tower wireless communications facilities shall be designed, constructed, operated, maintained, repaired, modified and removed in strict compliance with all current applicable technical, safety and safety-related codes, including but not limited to the most recent editions of the American National Standards Institute (ANSI) Code, National Electrical Safety Code, and National Electrical Code. Any wireless communications facilities shall at all times be kept and maintained in good condition, order and repair by qualified maintenance and construction personnel, so that the same shall not endanger the life of any person or any property in the City.
 - (d) Wind and ice. All non-tower wireless communications facilities structures shall be designed to withstand the effects of wind gusts of at least 100 miles per hour in addition to industry standards.
 - (e) Aviation safety. Non-tower wireless communications facilities shall comply with all federal and state laws and regulations concerning aviation safety.
 - (f) Interference. Non-tower wireless communications facilities shall not interfere with public safety communications or the reception of broadband, television, radio or other communication services enjoyed by occupants of nearby properties.

- (g) Radio frequency emissions. Non-tower wireless communications facilities shall not, by itself or in conjunction with other wireless communications facilities, generate radio frequency emissions in excess of the standards and regulations of the FCC, including but not limited to the FCC Office of Engineering Technology Bulletin 65, entitled "Evaluating Compliance with FCC Guidelines for Human Exposure to Radio Frequency Electromagnetic Fields," as amended.
- (h) Removal. In the event that the use of non-tower wireless communications facilities is discontinued, the owner shall provide written notice to the City of its intent to discontinue use and the date when the use shall be discontinued. Unused or abandoned wireless communications facilities, or portions of wireless communications facilities, shall be removed as follows:
- [1] All abandoned or unused wireless communications facilities and accessory equipment shall be removed within 180 calendar days of the cessation of operations at the site unless a time extension is approved by the City.
 - [2] If the wireless communications facilities or accessory facility are not removed within 180 calendar days of the cessation of operations at a site, or within any longer period approved by the City, the wireless communications facilities and/or associated facilities and equipment may be removed by the City and the cost of removal assessed against the owner of the wireless communications facilities.
- (i) Insurance. Each person that owns or operates non-tower wireless communications facilities shall provide the City with a certificate of insurance evidencing general liability coverage in the minimum amount of \$1,000,000 per occurrence and property damage coverage in the minimum amount of \$1,000,000 per occurrence covering the non-tower wireless communications facilities.
- (j) Indemnification. Each person that owns or operates non-tower wireless communications facilities shall, at its sole cost and expense, indemnify, defend and hold harmless the City, its elected and appointed officials, employees and agents at all times against any and all claims for personal injury, including death, and property damage arising in whole or in part from, caused by or connected with any act or omission of the person, its officers, agents, employees or contractors arising out of, but not limited to, the construction, installation, operation, maintenance or removal of the non-tower wireless communications facilities. Each person that owns or operates non-tower wireless communications facilities shall defend any actions or proceedings against the City in which it is claimed that personal injury, including death, or property damage was caused by the construction, installation, operation, maintenance or removal of non-tower wireless communications facilities. The obligation to indemnify, hold harmless and defend shall include, but not be limited to, the obligation to pay judgments, injuries, liabilities, damages, reasonable attorneys' fees, reasonable expert fees, court costs and all other costs of indemnification.

- (k) Maintenance. To the extent permitted by law, the following maintenance requirements shall apply:
- [1] Non-tower wireless communications facilities shall be fully automated and unattended on a daily basis and shall be visited only for maintenance or emergency repair.
 - [2] Such maintenance shall be performed to ensure the upkeep of the facility in order to promote the safety and security of the City's residents.
 - [3] All maintenance activities shall utilize nothing less than the best available technology for preventing failures and accidents.
- (2) The following regulations shall apply to all co-located non-tower wireless communications facilities that do not substantially change the physical dimensions of the wireless support structure to which they are attached and/or fall under the Pennsylvania Wireless Broadband Collocation Act³ (WBCA), including, without limitation, all such co-located non-tower wireless communications facilities located within a public right-of-way:
- (a) Building permit required. Wireless communications facilities applicants proposing the modification of existing tower-based wireless communications facilities shall obtain a building permit from the City. In order to be considered for such permit, the wireless communications facilities applicant must submit a permit application to the City in accordance with applicable permit policies and procedures.
 - (b) Timing of approval for applications that fall under the Pennsylvania Wireless Broadband Collocation Act. Within 30 calendar days of the date that an application for non-tower wireless communications facilities is filed with the City, the City shall notify the wireless communications facilities applicant in writing of any information that may be required to complete such application. Within 60 calendar days of receipt of a complete application, the City shall make its final decision on whether to approve the application and shall advise the wireless communications facilities applicant in writing of such decision. If additional information was requested by the City to complete an application, the time required by the wireless communications facilities applicant to provide the information shall not be counted toward the City's 60-calendar-day review period. The timing requirements in this section shall only apply to proposed facilities that fall under the Pennsylvania Wireless Broadband Collocation Act.
 - (c) Accessory equipment. Ground-mounted accessory equipment greater than three cubic feet shall not be located within 50 feet of a lot in residential use.
 - (d) Permit fees. The City may assess appropriate and reasonable permit fees directly related to the City's actual costs in reviewing and processing the

3. Editor's Note: See 53 P.S. § 11702.1 et seq.

application and inspections related thereto for approval of non-tower wireless communications facilities or \$500, whichever is greater, up the maximum amount of \$1,000. Such permit fees shall not include and shall be in addition to any public right-of-way access fee, attachment fee, inspection and monitoring fee, or any other recurring fee assessed by the City.

- (3) The following regulations shall apply to all non-tower wireless communications facilities that do substantially change the wireless support structure to which they are attached and/or do not fall under the Pennsylvania Wireless Broadband Collocation Act, including, without limitation, all such non-tower wireless communications facilities located within a public right-of-way:
- (a) Noncommercial usage exemption. City residents utilizing satellite dishes, citizen and/or band radios, and antennas for the purpose of maintaining television, phone and/or Internet connections at their respective residences shall be exempt from the regulations enumerated in this section.
 - (b) Prohibited on certain structures. No non-tower wireless communications facilities shall be located on single-family detached residences, single-family attached residences, twin-homes, duplexes, or any residential accessory structure.
 - (c) Historic buildings. No non-tower wireless communications facilities may be located upon any property or on a building or structure that is listed on either the National or Pennsylvania Registers of Historic Places.
 - (d) Timing of approval for applications that do not fall under the Pennsylvania Wireless Broadband Collocation Act. Within 30 calendar days of the date that an application for non-tower wireless communications facilities is filed with the City, the City shall notify the wireless communications facilities applicant in writing of any information that may be required to complete such application. Within 60 calendar days for small wireless communications facilities, or 90 calendar days for non-small wireless communications facilities, of receipt of a complete application, the City shall make its final decision on whether to approve the application and shall advise the wireless communications facilities applicant in writing of such decision. If additional information was requested by the City to complete an application, the time required by the wireless communications facilities applicant to provide the information shall not be counted toward the City's 60-calendar-day review period.
 - (e) Retention of experts. The City may hire any consultant(s) and/or expert(s) necessary to assist the City in reviewing and evaluating the application for approval of the wireless communications facilities and, once approved, in reviewing and evaluating any potential violations of the terms and conditions of these wireless communications facilities provisions. The wireless communications facilities applicant and/or owner of the wireless communications facilities shall reimburse the City for all costs of the City's consultant(s) in providing expert evaluation and consultation in connection with these activities.

- (f) Permit fees. The City may assess appropriate and reasonable permit fees directly related to the City's actual costs in reviewing and processing the application and inspections related thereto for approval of non-tower wireless communications facilities or \$500, whichever is greater. Such permit fees shall not include and shall be in addition to any public right-of-way access fee, attachment fee, inspection and monitoring fee, or any other recurring fee assessed by the City.
- (g) Development regulations. Non-tower wireless communications facilities shall be located or co-located on existing wireless support structures, such as existing buildings or tower-based wireless communications facilities, subject to the following conditions:
 - [1] The total height of any wireless support structure and mounted wireless communications facilities shall not exceed 20 feet above the maximum height permitted in the underlying zoning district.
 - [2] In accordance with industry standards, all non-tower wireless communications facilities applicants must submit documentation to the City justifying the total height of the non-tower wireless communications facilities. Such documentation shall be analyzed on an individual basis.
 - [3] If the wireless communications facilities applicant proposes to locate the accessory equipment in a separate building, the building shall comply with the minimum requirements for the applicable zoning district.
 - [4] A security fence of eight feet shall surround any separate communications equipment building. Vehicular access to the communications equipment building shall not interfere with the parking or vehicular circulations on the site for the principal use.
- (h) Design regulations. Non-tower wireless communications facilities shall employ stealth technology and be treated to match the wireless support structure in order to minimize aesthetic impact. The application of the stealth technology chosen by the wireless communications facilities applicant shall be subject to the approval of the City.
- (i) Removal, replacement and modification.
 - [1] The removal and replacement of non-tower wireless communications facilities and/or accessory equipment for the purpose of upgrading or repairing the wireless communications facilities is permitted, so long as such repair or upgrade does not substantially change the overall size of the wireless communications facilities or the number of antennas.
 - [2] Any material modification to a wireless communications facility shall require notice to be provided to the City and possible supplemental permit approval to the original permit or authorization.

- (j) Inspection. The City reserves the right to inspect any wireless communications facilities to ensure compliance with the provisions of this chapter and any other provisions found within the Third Class City Code or state or federal law. The City and/or its agents shall have the authority to enter the property upon which a wireless communications facilities is located at any time, upon reasonable notice to the operator, to ensure such compliance.

~~B. General and specific requirements for all tower-based wireless communications facilities.~~

- (1) The following regulations shall apply to all tower-based wireless communications facilities, including, without limitation, all non-tower wireless communications facilities located within a public right-of-way:

- (a) Standard of care. Any tower-based wireless communications facilities shall be designed, constructed, operated, maintained, repaired, modified and removed in strict compliance with all current applicable technical, safety and safety-related codes, including but not limited to the most recent editions of the American National Standards Institute (ANSI) Code, National Electrical Safety Code, National Electrical Code, as well as the accepted and responsible workmanlike industry practices of the National Association of Tower Erectors. Any tower-based wireless communications facilities shall at all times be kept and maintained in good condition, order and repair by qualified maintenance and construction personnel, so that the same shall not endanger the life of any person or any property in the City.
- (b) Conditional use authorization required. Tower-based wireless communications facilities are permitted in certain zoning districts by conditional use and at a height necessary to satisfy their function in the wireless communications facilities applicant's wireless communications system. No wireless communications facilities applicant shall have the right under these regulations to erect a tower to the maximum height specified in this section unless it proves the necessity for such height. The wireless communications facilities applicant shall demonstrate that the antenna/tower/pole for the tower-based wireless communications facilities is the minimum height necessary for the service area.

[1] Prior to the City's approval of a conditional use authorizing the construction and installation of tower-based wireless communications facilities, it shall be incumbent upon the wireless communications facilities applicant for such conditional use approval to prove to the reasonable satisfaction of the City that the wireless communications facilities applicant cannot adequately extend or infill its communications system by the use of equipment installed on existing structures, such as utility poles or their appurtenances, and other available structures. The wireless communications facilities applicant shall further demonstrate that the proposed tower-based wireless communications facilities must be located where it is proposed in order to serve the wireless communications facilities applicant's

service area and that no other viable, less-intrusive alternative location exists.

- [2] The conditional use application shall be accompanied by a propagation study evidencing the need for the proposed tower or other communication facilities and equipment, a description of the type and manufacturer of the proposed transmission/radio equipment, the frequency range (megahertz band) assigned to the wireless communications facilities applicant, the power in watts at which the wireless communications facilities applicant transmits, and any relevant related tests conducted by the wireless communications facilities applicant in determining the need for the proposed site and installation.
- [3] The conditional use application shall also be accompanied by documentation demonstrating that the proposed tower-based wireless communications facilities comply with all state and federal laws and regulations concerning aviation safety.
- [4] Where the tower-based wireless communications facilities are located on a property with another principal use, the wireless communications facilities applicant shall present documentation to the City that the owner of the property has granted an easement for the proposed wireless communications facilities and that vehicular access will be provided to the facility.
- [5] The conditional use application shall also be accompanied by documentation demonstrating that the proposed tower-based wireless communications facility complies with all applicable provisions of the chapter.
- (c) Notice. Upon submission of an application for tower-based wireless communications facilities and the scheduling of the public hearing upon the application, the wireless communications facilities applicant shall mail notice to all owners of every property within 1,000 feet of the proposed facility. The wireless communications facilities applicant shall provide proof of the notification to the City.
- (d) Engineer inspection. Prior to the City's issuance of a permit authorizing construction and erection of tower-based wireless communications facilities, a structural engineer registered in Pennsylvania shall issue to the City a written certification of the proposed wireless communications facilities' ability to meet the structural standards offered by either the Electronic Industries Association or the Telecommunications Industry Association and certify the proper construction of the foundation and the erection of the structure. This certification shall be provided during the conditional hearings or, at a minimum, be made as a condition attached to any approval given such that the certification be provided prior to issuance of any building permits.

- (e) Visual appearance and land use compatibility. Tower-based wireless communications facilities shall employ stealth technology which may include the tower portion to be painted silver or another color approved by the City or shall have a galvanized finish. All tower-based wireless communications facilities and accessory equipment shall be aesthetically and architecturally compatible with the surrounding environment and shall maximize the use of a like facade to blend with the existing surroundings and neighboring buildings to the greatest extent possible. The City shall consider whether its decision upon the subject application will promote the harmonious and orderly development of the zoning district involved; encourage compatibility with the character and type of development existing in the area; benefit neighboring properties by preventing a negative impact on the aesthetic character of the community; preserve woodlands and trees existing at the site to the greatest possible extent; and encourage sound engineering and land development design and construction principles, practices and techniques.
- (f) Co-location and siting. An application for new tower-based wireless communications facilities shall demonstrate that the proposed tower-based wireless communications facilities cannot be accommodated on an existing or approved structure or building or sited on land owned and maintained by the City. The City may deny an application to construct new tower-based wireless communications facilities if the wireless communications facilities applicant has not made a good faith effort to mount the commercial communications antenna(s) on an existing structure. The wireless communications facilities applicant shall demonstrate that it contacted the owners of tall structures, buildings and towers within a 1/4-mile radius of the site proposed, sought permission to install an antenna on those structures, buildings and towers and was denied for one of the following reasons:
- [1] The proposed antenna and accessory equipment would exceed the structural capacity of the existing building, structure or tower, and its reinforcement cannot be accomplished at a reasonable cost.
 - [2] The proposed antenna and accessory equipment would cause radio frequency interference with other existing equipment for that existing building, structure or tower, and the interference cannot be prevented at a reasonable cost.
 - [3] Such existing buildings, structures or towers do not have adequate location, space, access or height to accommodate the proposed equipment or to allow it to perform its intended function.
 - [4] A commercially reasonable agreement could not be reached with the owner of such building, structure or tower.
- (g) Permit required for modifications. To the extent permissible under applicable state and federal law, any wireless communications facilities applicant proposing the modification of existing tower-based wireless communications facilities which increases the overall height of such

wireless communications facilities shall first obtain a permit from the City. To the extent permissible under law, nonroutine modifications shall be prohibited without a permit.

- (h) Gap in coverage. A wireless communications facilities applicant for a tower-based wireless communications facilities must demonstrate that a significant gap in wireless coverage or capacity exists in the applicable area and that the type of wireless communications facilities being proposed is the least intrusive means by which to fill that gap in wireless coverage. The existence or nonexistence of a gap in wireless coverage or capacity shall be a factor in the City's decision on an application for approval of tower-based wireless communications facilities.
- (i) Additional antennas. As a condition of approval for all tower-based wireless communications facilities, the wireless communications facilities applicant shall provide the City with a written commitment that it will allow other service providers to co-locate antennas on tower-based wireless communications facilities where technically and economically feasible. To the extent permissible under state and federal law, the owner of a tower-based wireless communications facilities shall not install any additional antennas without obtaining the prior written approval of the City.
- (j) Wind and ice. Any tower-based wireless communications facilities structures shall be designed to withstand the effects of wind gusts of at least 100 miles per hour in addition to industry standards.
- (k) Height. Any tower-based wireless communications facilities shall be designed at the minimum functional height. The maximum total height of a tower-based wireless communications facilities which is not located in the public right-of-way shall not exceed 100 feet, as measured vertically from the ground level to the highest point on the structure, including antennas and subsequent alteration. Tower-based wireless communications facilities in excess of 100 feet shall be permitted, provided that the applicant demonstrates to the satisfaction of the City that the tower-based wireless communications facilities are the minimum height required to provide an acceptable signal. Minimum setbacks shall be increased 50 feet for each additional 25 feet in height or fraction thereof over 100 feet. Under no circumstance shall a tower-based wireless communications facilities structure be higher than 200 feet, as measured vertically from the ground level to the highest point.
- (l) Accessory equipment. Either a one single-story wireless communications equipment building not exceeding 500 square feet in area or up to five metal boxes placed on a concrete pad not exceeding 10 feet by 20 feet in area housing the receiving and transmitting equipment may be located on the site for each unrelated company sharing commercial communications antenna(s) space on the tower-based wireless communications facility greater than 40 feet in height.
- (m) Interference. No tower-based wireless communications facilities shall interfere with public safety communications or the reception of broadband,

television, radio or other communications services enjoyed by occupants of nearby properties.

- (n) Maintenance. The following maintenance requirements shall apply:
- [1] Tower-based wireless communications facilities shall be fully automated and unattended on a daily basis and shall be visited only for maintenance or emergency repair.
 - [2] Such maintenance shall be performed to ensure the upkeep of the wireless communications facilities in order to promote the safety and security of the City's residents and utilize the best available technology for preventing failures and accidents.
- (o) Radio frequency emissions. Tower-based wireless communications facilities shall not, by themselves or in conjunction with other wireless communications facilities, generate radio frequency emissions in excess of the standards and regulations of the FCC, including but not limited to the FCC Office of Engineering Technology Bulletin 65 entitled "Evaluating Compliance with FCC Guidelines for Human Exposure to Radio Frequency Electromagnetic Fields," as amended.
- (p) Historic buildings or districts. Tower-based wireless communications facilities shall not be located upon a property and/or on a building or structure that is listed on either the National or Pennsylvania Register of Historic Places.
- (q) Signs. Tower-based wireless communications facilities shall post a sign in a readily visible location identifying the name and phone number of a party to contact in the event of an emergency. The only other signage permitted on the wireless communications facilities shall be those required by the FCC or any other federal or state agency.
- (r) Lighting. No tower-based wireless communications facilities shall be artificially lighted, except as required by law. If lighting is required, the wireless communications facilities applicant shall provide a detailed plan for sufficient lighting, demonstrating as unobtrusive and inoffensive an effect as is permissible under state and federal regulations. The wireless communications facilities applicant shall promptly report any outage or malfunction of FAA-mandated lighting to the appropriate governmental authorities and to the City Clerk.
- (s) Noise. Tower-based wireless communications facilities shall be operated and maintained so as not to produce noise in excess of applicable noise standards under state law and the Third Class City Code, except in emergency situations requiring the use of a backup generator, where such noise standards may be exceeded on a temporary basis only.
- (t) Aviation safety. Tower-based wireless communications facilities shall comply with all federal and state laws and regulations concerning aviation safety.

- (u) Retention of experts. The City may hire any consultant and/or expert necessary to assist the City in reviewing and evaluating the application for approval of tower-based wireless communications facilities and, once approved, in reviewing and evaluating any potential violations of the terms and conditions of these provisions. The wireless communications facilities applicant and/or owner of the wireless communications facilities shall reimburse the City for all costs of the City's consultant(s) in providing expert evaluation and consultation regarding these activities.
- (v) Timing of approval. Within 30 calendar days of the date that an application for tower-based wireless communications facilities is filed with the City, the City shall notify the wireless communications facilities applicant in writing of any information that may be required to complete such application. All applications for tower-based wireless communications facilities shall be acted upon within 90 calendar days for small wireless communications facilities, or 150 calendar days for non-small wireless communications facilities, of the receipt of a fully completed application for the approval of such tower-based wireless communications facilities, and the City shall advise the wireless communications facilities applicant in writing of its decision. If additional information was requested by the City to complete an application, the time required by the wireless communications facilities applicant to provide the information shall not be counted toward the 90- or 150-calendar-day review period.
- (w) Nonconforming uses. Nonconforming tower-based wireless communications facilities which are hereafter damaged or destroyed due to any reason or cause may be repaired and restored at their former location but must otherwise comply with the terms and conditions of this section.
- (x) Removal. In the event that use of tower-based wireless communications facilities is planned to be discontinued, the owner shall provide written notice to the City of its intent to discontinue use and the date when the use shall be discontinued. Unused or abandoned wireless communications facilities or portions of wireless communications facilities shall be removed as follows:
 - [1] All unused or abandoned tower-based wireless communications facilities and accessory facilities shall be removed within 180 calendar days of the cessation of operations at the site unless a time extension is approved by the City.
 - [2] If the wireless communications facilities and/or accessory facility is not removed within 180 calendar days of the cessation of operations at a site, or within any longer period approved by the City, the wireless communications facilities and accessory equipment may be removed by the City and the cost of removal assessed against the owner of the wireless communications facilities.
 - [3] Any unused portions of tower-based wireless communications facilities, including antennas, shall be removed within 180 calendar days of the time of cessation of operations. The City must approve all

replacements of portions of tower-based wireless communications facilities previously removed.

- (y) Permit fees. The City may assess appropriate and reasonable permit fees directly related to the City's actual costs in reviewing and processing the application and inspections related thereto for approval of tower-based wireless communications facilities or \$500, whichever is greater. Such permit fees shall not include and shall be in addition to any public right-of-way access fee, attachment fee, inspection and monitoring fee, or any other recurring fee assessed by the City.
- (z) FCC license. Each person that owns or operates tower-based wireless communications facilities over 40 feet in height shall submit a copy of its current FCC license, including the name, address and emergency telephone number for the operator of the facility.
- (aa) Insurance. Each person that owns or operates tower-based wireless communications facilities greater than 40 feet in height shall provide the City with a certificate of insurance evidencing general liability coverage in the minimum amount of \$5,000,000 per occurrence and property damage coverage in the minimum amount of \$5,000,000 per occurrence covering the tower-based wireless communications facilities. Each person that owns or operates tower-based wireless communications facilities 40 feet or less in height shall provide the City with a certificate of insurance evidencing general liability coverage in the minimum amount of \$1,000,000 per occurrence and property damage coverage in the minimum amount of \$1,000,000 per occurrence covering tower-based wireless communications facilities.
- (bb) Indemnification. Each person that owns or operates tower-based wireless communications facilities shall, at its sole cost and expense, indemnify, defend and hold harmless the City, its elected and appointed officials, employees and agents, at all times against any and all claims for personal injury, including death, and property damage arising in whole or in part from, caused by or connected with any act or omission of the person, its officers, agents, employees or contractors arising out of, but not limited to, the construction, installation, operation, maintenance or removal of the tower-based wireless communications facilities. Each person that owns or operates tower-based wireless communications facilities shall defend any actions or proceedings against the City in which it is claimed that personal injury, including death, or property damage was caused by the construction, installation, operation, maintenance or removal of tower-based wireless communications facilities. The obligation to indemnify, hold harmless and defend shall include, but not be limited to, the obligation to pay judgments, injuries, liabilities, damages, reasonable attorneys' fees, reasonable expert fees, court costs and all other costs of indemnification.
- (cc) Engineer signature. All plans and drawings for tower-based wireless communications facilities shall contain a seal and signature of a

professional structural engineer, licensed in the Commonwealth of Pennsylvania.

- (dd) Financial security. Prior to receipt of a zoning permit for the construction or placement of tower-based wireless communications facilities, the wireless communications facilities applicant shall provide to the City a performance bond in the amount of \$20,000 to guarantee the removal of the tower-based wireless communications facilities. Said financial security shall remain in place until the tower-based wireless communications facilities are removed.
- (2) The following regulations shall additionally apply to tower-based wireless communications facilities located outside any public right-of-way:
 - (a) Development regulations.
 - [1] Tower-based wireless communications facilities shall not be located in, or within 50 feet of, an area in which utilities are primarily located underground.
 - [2] Tower-based wireless communications facilities are permitted outside any public right-of-way in certain zoning districts, as provided in § 550-21.
 - [3] Sole use on a lot. Tower-based wireless communications facilities shall be permitted as a sole use on a lot, provided that the underlying lot meets the minimum size requirements of this section. Contiguous properties can be combined to meet the minimum acreage requirements if the properties being combined are under the same ownership.
 - [4] Combined with another use. Tower-based wireless communications facilities may be permitted on a property with an existing use, or on a vacant parcel in combination with another use, except residential, subject to the following conditions:
 - [a] The existing use of the property may be any permitted use in the applicable district and need not be affiliated with the wireless communications facilities.
 - [b] Minimum lot area. The minimum lot shall comply with the requirements for the applicable district and shall be the area needed to accommodate the tower-based wireless communications facilities and guy wires, the equipment building, security fence, and buffer planting if the proposed wireless communications facilities is greater than 40 feet in height.
 - [c] Minimum setbacks. The minimum distance between the base of tower-based wireless communications facilities and any adjoining property line or street right-of-way line shall equal 110% of the proposed height of the tower-based wireless communications facilities unless it is demonstrated to the

reasonable satisfaction of the City that in the event of failure the wireless communications facilities are designed to collapse upon themselves within a setback area less than the required minimum setback without endangering such adjoining uses and their occupants. All tower-based wireless communications facilities shall be set back from any residential property line or public right-of-way a minimum distance of 200 feet.

(b) Design regulations.

- [1] The wireless communications facilities shall employ the most current stealth technology available in an effort to appropriately blend into the surrounding environment and minimize aesthetic impact. Application of the stealth technology chosen by the wireless communications facilities applicant shall be subject to the approval of the City.
- [2] To the extent permissible by law, any height extensions to an existing tower-based wireless communications facilities shall require prior approval of the City.
- [3] Any proposed tower-based wireless communications facilities shall be designed structurally, electrically and in all respects to accommodate both the wireless communications facilities applicant's antennas and comparable antennas for future users.
- [4] Any tower-based wireless communications facilities over 40 feet in height shall be equipped with an anticlimbing device, as approved by the manufacturer.

(c) Surrounding environs.

- [1] The wireless communications facilities applicant shall ensure that the existing vegetation, trees and shrubs located within proximity to the wireless communications facilities structure shall be preserved to the maximum extent possible.
- [2] The wireless communications facilities applicant shall submit a soil report to the City complying with the standards of Appendix I: Geotechnical Investigations, ANSI/TIA-222, as amended, to document and verify the design specifications of the foundation of the tower-based wireless communications facilities and anchors for guy wires, if used.

(d) Fence/screen.

- [1] A security fence of eight feet in height shall completely surround any tower-based wireless communications facilities greater than 40 feet in height, as well as guy wires, or any building housing wireless communications facilities equipment.
- [2] The landscaping shall consist of a screen of evergreen trees planted eight feet on center, each at least four feet in height, and staggered in

two rows, located along the perimeter of the security fence. Existing vegetation shall be preserved to the maximum extent possible.

- (e) Accessory equipment.
 - [1] Ground-mounted accessory equipment associated or connected with tower-based wireless communications facilities shall be placed underground or screened from public view using stealth technologies, as described above.
 - [2] All accessory equipment, utility buildings and accessory structures shall be architecturally designed to blend into the environment in which they are situated and shall meet the minimum setback requirements of the underlying zoning district.
- (f) Access road. An access road, turnaround space and parking shall be provided to ensure adequate emergency and service access to tower-based wireless communications facilities. Maximum use of existing roads, whether public or private, shall be made to the extent practicable. Road grades shall closely follow natural contours to assure minimal visual disturbance and minimize soil erosion. Where applicable, the wireless communications facilities owner shall present documentation to the City that the property owner has granted an easement for the proposed facility.
- (g) Parking. For each tower-based wireless communications facilities greater than 40 feet in height, there shall be two off-street parking spaces.
- (h) Inspection. The City reserves the right to inspect any tower-based wireless communications facilities to ensure compliance with this chapter and any other provisions found within the Third Class City Code or state or federal law. The City and/or its agents shall have the authority to enter the property upon which wireless communications facilities are located at any time, upon reasonable notice to the operator, to ensure such compliance.

ARTICLE IV

Supplemental Regulations

§ 550-30. Purpose.

The purpose of this article is to provide a process for allowing certain authorized uses in the City that require a higher level of scrutiny before they are permitted. Conditional uses and special exceptions shall meet specific criteria and standards to ensure they are compatible with and do not adversely impact surrounding areas.

§ 550-31. Procedure for use by conditional use or special exception.

See Article XII, Conditional Uses and Special Exceptions.

§ 550-32. General requirements and standards for all conditional uses and special exceptions.

The City Council or Zoning Hearing Board, as applicable, shall grant a conditional (C) use or special exception (SE) only if it finds adequate evidence that any proposed development will meet all of the following general requirements, as well as any specific requirements and standards listed in this article. Any proposed use and location must be:

- A. In accordance with the Comprehensive Plan and consistent with the spirit, purposes and intent of this article.
- B. In the best interests of the City and the public welfare.
- C. Suitable for the property in question and designed, constructed, operated and maintained so as to be in harmony with and appropriate in appearance to the existing or intended character of the general vicinity.
- D. Designed to minimize impacts to street traffic and safety by providing adequate access and egress to protect streets from undue congestion and hazard.
- E. In conformance with all applicable requirements of this article.
- F. The City Council or Zoning Hearing Board may attach such other reasonable conditions and safeguards, in addition to those expressed in this article, as it may deem necessary to implement the purpose of this chapter.

§ 550-33. Specific standards for conditional uses and special exceptions.

- A. The criteria for conditional uses and special exceptions are listed below.

- (1) Alcohol sales.

Use Category	Districts
Conditional	NC, CC, D

- (a) Applicants shall be licensed by the Pennsylvania Liquor Control Board and must comply with all state and federal regulations.
 - (b) Operating hours shall be limited to 9:00 a.m. to 9:00 p.m. Where Pennsylvania Liquor Control board regulations concerning operating hours differ from the ones in this chapter, the more restrictive regulations shall be followed.
 - (c) Applicant shall provide a written description explaining the measures, including security, which will be implemented to ensure that adjacent properties will be adequately protected from any negative impacts, including, but not limited to, litter, loitering and noise.
 - (d) Ingress and egress shall be adequate to minimize congestion on adjacent highways and local streets during peak-use periods.
- (2) Assisted living facility.

Use Category	Districts
Conditional	CC, D

- (a) Any applicant for an assisted living facility or personal care home must provide the following prior to receiving approval:
 - [1] A parking plan acceptable to the City that meets all parking requirements, including number of spaces, layout, landscaping, and buffering. The parking plan shall demonstrate that sufficient parking is available to accommodate overlapping shifts of employees.
 - [2] A traffic study acceptable to the City evaluating traffic impacts to surrounding streets and intersections as well as proposed mitigation of impacts that cause an unacceptable decline in levels of service.
 - [3] Copies of all licenses or permits required by local, state and federal agencies.
- (b) An outdoor landscaped sitting area shall be provided. The sitting area shall not be located on slopes of 5% or greater nor shall it be adjacent to parking lots, detention basins, or collector or arterial streets unless adequate screening is provided.
- (3) Automotive repair.

Use Category	Districts
Special exception	NC

- (a) May be permitted as a special exception use if there is no feasible alternative location where the facility is an allowed use or would have less impact on residential character or environmental resources. Proof of a location-specific need must include a broad review of other similar or nearby areas to show that those areas cannot reasonably accommodate the proposed use.
- (b) All repair work shall be conducted indoors.
- (c) All vehicles stored outdoors must have current insurance and registration.
- (d) Any vehicles stored outdoors shall be kept on an improved paved or gravel surface.
- (e) Vehicles may be stored outdoors for no longer than 90 days, unless available for sale.
- (f) All automotive parts and tools shall be stored indoors.
- (g) An automotive repair use abutting any nonresidential or commercial use must provide one of the following screening methods along each side and rear yard that abuts a nonresidential or commercial use:

- [1] A landscape buffer 10 feet wide, planted with eight large shade trees and 10 shrubs per 100 lineal feet of transitional yard; or
- [2] A masonry wall or similar solid wall with a minimum height of six feet; or
- [3] A wooden privacy fence with a minimum height of six feet.

(h) Applicant shall provide a written description explaining the measures, including security, which will be implemented to ensure that adjacent properties will be adequately protected from any negative impacts, including, but not limited to, litter, loitering, noise and glare.

(4) Automotive sales.

Use Category	Districts
Special exception	CT

- (a) May be permitted as a special exception use if there is no feasible alternative location where the facility is an allowed use or would have less impact on residential character or environmental resources. Proof of a location-specific need must include a broad review of other similar or nearby areas to show that those areas cannot reasonably accommodate the proposed use.
- (b) Any vehicles stored outdoors shall be operational and shall be kept on an improved paved or gravel surface.
- (c) Vehicles may be stored outdoors for no longer than 90 days, unless available for sale.
- (d) All automotive parts shall be stored indoors.
- (e) An automotive sales use abutting any nonresidential or commercial use must provide one of the following screening methods along each side and rear yard that abuts a nonresidential or commercial use:
 - [1] A landscape buffer 10 feet wide, planted with eight large shade trees and 10 shrubs per 100 lineal feet of transitional yard; or
 - [2] A masonry wall or similar solid wall with a minimum height of six feet; or
 - [3] A wooden privacy fence with a minimum height of six feet.
- (f) Applicant shall provide a written description explaining the measures, including security, which will be implemented to ensure that adjacent properties will be adequately protected from any negative impacts, including, but not limited to, litter, loitering, noise and glare.

(5) Automotive washing.

Use Category	Districts
Special exception	NC

- (a) May be permitted as a special exception use if there is no feasible alternative location where the facility is an allowed use or would have less impact on residential character or environmental resources. Proof of a location-specific need must include a broad review of other similar or nearby areas to show that those areas cannot reasonably accommodate the proposed use.
 - (b) An automotive sales use abutting any nonresidential or commercial use must provide one of the following screening methods along each side and rear yard that abuts a nonresidential or commercial use:
 - [1] A landscape buffer 10 feet wide, planted with eight large shade trees and 10 shrubs per 100 lineal feet of transitional yard; or
 - [2] A masonry wall or similar solid wall with a minimum height of six feet; or
 - [3] A wooden privacy fence with a minimum height of six feet.
 - (c) Applicant shall provide a written description explaining the measures, including security, which will be implemented to ensure that adjacent properties will be adequately protected from any negative impacts, including, but not limited to, litter, loitering, noise and glare.
- (6) Bail bond.

Use Category	Districts
Special exception	NC

- (a) May be permitted as a special exception use if there is no feasible alternative location where the facility is an allowed use or would have less impact on residential character or environmental resources. Proof of a location-specific need must include a broad review of other similar or nearby areas to show that those areas cannot reasonably accommodate the proposed use.
- (7) Bar/lounge.

Use Category	Districts
Conditional	CC
Special exception	CT

- (a) Applicant shall provide a written description explaining the measures, including security, which will be implemented to ensure that adjacent

properties will be adequately protected from any negative impacts, including, but not limited to, litter, loitering and noise.

- (b) Operations shall be discontinued between 2:30 a.m. and 6:00 a.m.
 - (c) All lighting shall be shielded and reflected away from streets and adjoining properties.
 - (d) The applicant shall demonstrate that the granting of the proposed use shall not materially increase traffic congestion on adjacent roads and highways.
 - (e) Ingress, egress and internal traffic circulation on the site shall be designed to ensure safety and minimize congestion.
- (8) Bed-and-breakfast.

Use Category	Districts
Special exception	TN, MR, CT, UC, D

- (a) Bed-and-breakfasts shall be allowed only in single-family detached residential dwellings. No modification to the external appearance of the building (except for fire and safety requirements), which would alter its residential character, shall be permitted.
 - (b) Accommodations for overnight lodging at a bed-and-breakfast shall be limited to no more than five guest rooms. The guest rooms shall be rented to overnight guests on a daily basis.
 - (c) Accommodations at a bed-and-breakfast may include breakfast or brunch prepared on the premises for guests and included in the charge for the room.
 - (d) Special occasion functions may be conducted on the grounds surrounding the home and in buildings accessory to a residential home.
 - (e) Catered food service from a licensed facility is permitted without additional licensing requirements.
 - (f) No cooking facilities shall be provided or permitted in individual guests rooms.
 - (g) Bed-and-breakfasts shall comply with the rules and regulations of the Pennsylvania Department of Labor and Industry and shall retain proof of certification of occupancy from the Department and all other applicable building, safety and fire codes of the federal, state or local government.
- (9) Community garden.

Use Category	Districts
Special exception	D

- (a) A minimum four-foot-wide, clearly marked, entrance path shall be provided from the public right-of-way to the garden.
 - (b) A permanent sign, including but not limited to the name and contact information of the party responsible for the garden, shall be posted at the primary entry path adjacent to the public right-of-way. The sign shall comply with the requirements of Article VIII, Signs.
 - (c) The site shall be designed and maintained to effectively handle all drainage on site.
 - (d) Refuse storage areas shall be provided and screened to enclose all refuse generated from the garden. Refuse storage areas shall be set back at least 10 feet from the front lot line and five feet from side lot lines. Refuse shall be removed from the site at least once a week.
 - (e) Any fences shall not exceed six feet in height, shall be at least 50% open if they are taller than four feet, and shall be constructed of wood or ornamental metal.
- (10) Tower-based wireless communications facilities and communications equipment buildings. **[Amended 3-14-2019 by Ord. No. 19-05]**

Use Category	Districts
Conditional	II, HI

- (a) All tower-based wireless communications facilities and communications equipment buildings shall comply with the requirements of § 550-29, Wireless communications facilities, and such other requirements of this chapter as may be applicable.
- (11) Convenience storage.

Use Category	Districts
Special exception	TN, MR, CT, UC, D

- (a) May be permitted as a special exception use if there is no feasible alternative location where the facility is an allowed use or would have less impact on the character of the area or environmental resources. Proof of a location-specific need must include a broad review of other similar or nearby areas to show that those areas cannot reasonably accommodate the proposed use.
- (12) Detention facility.

Use Category	Districts
Conditional	II

- (a) Detention facilities must not be located within 1,000 feet from an educational facility. This does not prohibit the provision of on-site education programs and activities for inmates.
- (b) Detention facilities must be set back a minimum of 50 feet from all lot lines.
- (c) An applicant for an educational facility is required to submit the following:
 - [1] A parking and access plan demonstrating that parking, ingress and egress shall be adequate to minimize congestion on adjacent highways and local streets during peak-use periods.
 - [2] A traffic study. Evaluation factors include street designations and capacity; level of service and other performance measures; access to arterials; truck impacts; connectivity; on-street parking impacts; access restrictions; neighborhood impacts; transit circulation; and safety.
 - [3] A lighting plan demonstrating that adequate exterior lighting and other security measures will be provided.
 - [4] A written description explaining the site design and security measures which will be implemented to ensure that the peace and safety of the surrounding area shall not be disturbed or impaired.

(13) Drive-through facility.

Use Category	Districts
Special exception	CT, D

- (a) The applicant shall demonstrate that the granting of the proposed use shall not materially increase traffic congestion on adjacent roads and highways.
- (b) Ingress, egress and internal traffic circulation on the site shall be designed to ensure safety and minimize congestion.

(14) Dwelling, duplex.

Use Category	Districts
Special exception	TN

- (a) Based on the characteristics of the proposed use and its development, the proposal is consistent with the character of the area.
- (b) The proposed use will not significantly alter the overall character of the area.

(15) Educational facilities (all).

Use	Use Category	Districts
Educational facilities, college/university	Conditional	UC, CC, RC, D, IC, II
Educational facilities, primary/secondary	Conditional	TN, MR, CT, UC, NC, CC
Educational facilities, vocational	Conditional	CC, D, IC, II, HI

- (a) In TN, MR and CT Districts, the educational facility shall be set back 25 feet from all lot lines.
- (b) Passenger dropoff and pickup areas shall be provided and arranged so that traffic queuing does not occur on local streets and students do not have to cross traffic lanes on or adjacent to the site.
- (c) All off-street parking lots shall be located to the side or rear of the educational facility, shall be paved, and shall be screened from adjoining residential properties.
- (d) An applicant for an educational facility is required to submit the following:
 - [1] A parking and access plan demonstrating that parking, ingress and egress shall be adequate to minimize congestion on adjacent highways and local streets during peak-use periods.
 - [2] A traffic study. Evaluation factors include street designations and capacity; level of service and other performance measures; access to arterials; truck impacts; connectivity; on-street parking impacts; access restrictions; neighborhood impacts; transit circulation; and safety.
 - [3] A lighting plan demonstrating that adequate exterior lighting and other security measures will be provided.
 - [4] A written description explaining the measures, including security, which will be implemented to ensure that adjacent properties will be adequately protected from any negative impacts, including, but not limited to, litter, loitering, noise and glare.

(16) Entertainment, outdoor.

Use Category	Districts
Special exception	D

- (a) Hours of operation shall be limited to 9:00 a.m. to 11:00 p.m.
- (b) The applicant shall demonstrate that the granting of the proposed use shall not materially increase traffic congestion on adjacent roads and highways.

- (c) Applicant shall provide a written description and lighting plan demonstrating that adequate exterior lighting and other security measures will be provided.
- (d) Applicant shall provide a written description explaining the measures, including security, which will be implemented to ensure that adjacent properties will be adequately protected from any negative impacts, including, but not limited to, litter, loitering, noise, glare and other visual impacts.

(17) Equipment repair.

Use Category	Districts
Special exception	II

- (a) All operations shall be conducted within an enclosed building, and doors and windows shall remain closed during hours of normal operation if there are residences within 500 feet of the use.
- (b) All repair work shall be conducted indoors.
- (c) All equipment stored outdoors must have current insurance and registration, if applicable.
- (d) Any equipment stored outdoors shall be kept on an improved paved or gravel surface.
- (e) Equipment may be stored outdoors for no longer than 90 days, unless available for sale.
- (f) All equipment parts and tools shall be stored indoors.
- (g) An equipment repair use abutting any nonresidential or commercial use must provide one of the following screening methods along each side and rear yard that abuts a nonresidential or commercial use:
 - [1] A landscape buffer 10 feet wide, planted with eight large shade trees and 10 shrubs per 100 lineal feet of transitional yard; or
 - [2] A masonry wall or similar solid wall with a minimum height of six feet; or
 - [3] A wooden privacy fence with a minimum height of six feet.
- (h) Applicant shall provide a written description explaining the measures, including security, which will be implemented to ensure that adjacent properties will be adequately protected from any negative impacts, including, but not limited to, litter, loitering, noise and glare.
- (i) Ingress, egress and internal traffic circulation shall be designed to ensure safety and minimize congestion.

- (j) The applicant shall demonstrate that the granting of the proposed use shall not materially increase traffic congestion on adjacent roads and highways.

(18) Equipment sales.

Use Category	Districts
Special exception	II

- (a) Any equipment stored outdoors shall be operational and shall be kept on an improved paved or gravel surface.
- (b) Equipment may be stored outdoors for no longer than 90 days, unless available for sale.
- (c) All equipment parts shall be stored indoors.
- (d) An equipment sales use abutting any nonresidential or commercial use must provide one of the following screening methods along each side and rear yard that abuts a nonresidential or commercial use:
 - [1] A landscape buffer 10 feet wide, planted with eight large shade trees and 10 shrubs per 100 lineal feet of transitional yard; or
 - [2] A masonry wall or similar solid wall with a minimum height of eight feet; or
 - [3] A wooden privacy fence with a minimum height of eight feet.
- (e) Applicant shall provide a written description explaining the measures, including security, which will be implemented to ensure that adjacent properties will be adequately protected from any negative impacts, including, but not limited to, litter, loitering, noise and glare.
- (f) Ingress, egress and internal traffic circulation shall be designed to ensure safety and minimize congestion.
- (g) The applicant shall demonstrate that the granting of the proposed use shall not materially increase traffic congestion on adjacent roads and highways.

(19) Food preparation, general.

Use Category	Districts
Conditional	NC, CC

- (a) The proposed use shall not have nuisance impacts from noise, odor and vibrations greater than usually generated by uses allowed by right in the zone.
- (b) The proposed use shall not significantly alter the overall character of the area.

- (c) The transportation system must be capable of supporting the proposed use in addition to the existing uses in the area. Evaluation factors include street designations and capacity; level of service and other performance measures; access to arterials; truck impacts; connectivity; on-street parking impacts; access restrictions; neighborhood impacts; transit circulation; and safety.

(20) Food preparation, limited.

Use Category	Districts
Special exception	D

- (a) May be permitted as a special exception use if there is no feasible alternative location where the facility is an allowed use or would have less impact on the character of the area or environmental resources. Proof of a location-specific need must include a broad review of other similar or nearby areas to show that those areas cannot reasonably accommodate the proposed use.
- (b) The proposed use shall not have nuisance impacts from noise, odor and vibrations greater than usually generated by uses allowed by right in the zone.
- (c) The proposed use shall not significantly alter the overall character of the area.
- (d) The transportation system must be capable of supporting the proposed use in addition to the existing uses in the area. Evaluation factors include street designations and capacity; level of service and other performance measures; access to arterials; truck impacts; connectivity; on-street parking impacts; access restrictions; neighborhood impacts; transit circulation; and safety.

(21) Government offices.

Use Category	Districts
Conditional	IC

- (a) An applicant for a government facility in the IC District is required to submit the following:
 - [1] A traffic study. Evaluation factors include street designations and capacity; level of service and other performance measures; access to arterials; truck impacts; connectivity; on-street parking impacts; access restrictions; neighborhood impacts; transit circulation; and safety.
 - [2] A parking and access plan based on the results of the traffic study demonstrating that parking, ingress and egress shall be adequate to minimize congestion on adjacent highways and local streets during peak-use periods.

(22) Hospital services.

Use Category	Districts
Conditional	UC, CC, RC, D, IC, II

- (a) Hospital services must be licensed by the appropriate state agency.
- (b) Patient dropoff and pickup areas shall be provided and arranged so that traffic queuing does not occur on local streets and patients do not have to cross traffic lanes on or adjacent to the site.
- (c) All off-street parking lots shall be located to the side or rear of the facility, shall be paved, and shall be screened from adjoining residential properties.
- (d) An applicant for a hospital services facility is required to submit the following with the conditional-use permit application:
 - [1] A traffic study. Evaluation factors include street designations and capacity; level of service and other performance measures; access to arterials; truck impacts; connectivity; on-street parking impacts; access restrictions; neighborhood impacts; transit circulation; and safety.
 - [2] A parking and access plan based on the results of the traffic study, demonstrating that parking, ingress and egress shall be adequate to minimize congestion on adjacent highways and local streets during peak-use periods.

(23) Kennels.

Use Category	Districts
Special exception	CC, HI

- (a) The operator or owner of any kennel shall hold all current state and local licenses and permits for the location, activity and number of animals so specified.
- (b) Applicants shall provide a written description explaining how the facility will comply with all requirements in Chapter 188, Animals, Article II, Possession and Control, as amended, of the Code of the City of Jeannette.
- (c) Any exterior area where animals exercise or are otherwise exposed shall be enclosed by a solid fence at least eight feet in height. The fenced area must meet all setbacks and be located a minimum of 50 feet from all property lines.
- (d) No kennel may be established within 1/2 mile of an existing kennel.
- (e) A plan for management of animal wastes shall be submitted with the special exception use application.

(24) Live/work unit.

Use Category	Districts
Special exception	D, HI

- (a) The proposed use shall not have nuisance impacts from noise, odor and vibrations greater than usually generated by uses allowed by right in the zone.
- (b) The proposed use shall not significantly alter the overall character of the area.
- (c) The transportation system must be capable of supporting the proposed use in addition to the existing uses in the area. Evaluation factors include street designations and capacity; level of service and other performance measures; access to arterials; truck impacts; connectivity; on-street parking impacts; access restrictions; neighborhood impacts; transit circulation; and safety.

(25) Maintenance and service facilities.

Use Category	Districts
Conditional	II

- (a) All operations shall be conducted within an enclosed building, and doors and windows shall remain closed during hours of normal operation if there are residences within 500 feet of the use.

(26) Manufacturing, heavy. [Added 5-10-2018 by Ord. No. 18-08]

Use Category	Districts
Conditional	UC

- (a) All production, manufacturing, fabrication, assembly, processing, packaging and testing activities must be in a fully enclosed facility.
- (b) All buildings, parking lots, tanks and accessory uses abutting any residential property or use must provide one of the following screening methods along each side, rear or front of the transitional yard or street that abuts such residential property or use or along any abutting street on which a residential property or use is located.
 - [1] A landscape buffer 30 feet wide, planted with 10 large shade trees and five perennial shrubs per 50 lineal feet of the transitional yard.
 - [2] A decorative masonry wall or similar solid wall with a minimum height of six feet.
 - [3] A privacy fence constructed of vinyl or other similar nondestructive decorative materials with a minimum height of six feet.

- (c) No exterior storage of product or material shall be permitted unless it is in a fully-screened area with a gate and complies with one of the following methods.
 - [1] A decorative masonry or similar solid wall with a height to shield the sight of the product or material from view from the street level of adjoining property.
 - [2] A privacy fence with a height to shield the sight of the product or material from view from the street level of adjoining property.
 - (d) All lighting shall be shielded and directed away from streets and adjoining properties.
 - (e) Ingress, egress and internal traffic circulation shall be designed to ensure safety and minimize congestion. No parking, stacking, staging of delivery and supply trucks shall be allowed on public streets.
 - (f) Refuse storage and dumpsters areas shall be provided and screened to enclose all refuse and containers and shall be set back at least 10 feet from any property line.
 - (g) All towers, stacks and antennas shall be located so the height shall not be greater than the minimum distance between the base and the edge of the parcel of land on which it is located.
 - (h) Applicant shall provide a written description explaining the measures, including security, which will be implemented to ensure that adjacent properties will be adequately protected from any negative impacts, including, but not limited to, litter, loitering, noise, glare and other visual impacts.
 - (i) The transportation supply system must be capable of supporting the proposed use in addition to the existing uses in the area. Evaluation factors shall include street designations, access to arterials, truck impacts, connectivity, on-street parking impacts, access restrictions, neighborhood impacts, transit circulation and safety.
 - (j) Applicant shall provide copies of all licenses or permits required by local, state and federal agencies.
- (27) Manufacturing, light.

Use Category	Districts
Conditional	UC

- (a) The proposed use shall not have nuisance impacts from noise, odor and vibrations greater than usually generated by uses allowed by right in the zone.

- (b) All operations shall be conducted within an enclosed building, and doors and windows shall remain closed during hours of normal operation if there are residences within 500 feet of the use.
 - (c) No outdoor storage is permitted.
 - (d) Applicant shall provide a written description explaining the measures, including security, which will be implemented to ensure that adjacent properties will be adequately protected from any negative impacts, including, but not limited to, litter, loitering, noise and glare.
 - (e) Based on the characteristics of the proposed use and its design, the proposal is consistent with the character of the area.
 - (f) The proposed use will not significantly alter the overall character of the area.
 - (g) The transportation system is capable of supporting the proposed use in addition to the existing uses in the area. Evaluation factors include street designations and capacity; level of service and other performance measures; access to arterials; truck impacts; connectivity; on-street parking impacts; access restrictions; neighborhood impacts; transit circulation; and safety.
- (28) Nursing facility, skilled. See requirements for assisted living facilities.

Use Category	Districts
Special exception	CT, UC, IC

- (29) Oil and gas extraction.

Use Category	Districts
Conditional	HI

- (a) All oil and gas extraction must comply with any applicable local, state and federal laws.
- (b) The applicant shall submit evidence that all required application materials have been submitted to the Pennsylvania Department of Environmental Protection.
- (c) The applicant shall submit cross sections of the proposed access where it meets City streets.
- (d) The applicant shall submit site distance measurements for access, whether proposed or existing.
- (e) The applicant shall submit a plan showing the access route (of City or state roads) over which heavy equipment will travel to the site.

- (f) The applicant shall meet all current minimum driveway site distance standards and shall demonstrate that the point of access to any City street will not cause the erosion of mud or debris onto said street.
- (g) The applicant shall post all necessary street bonding as approved by the City Engineer.

(30) Place of worship.

Use Category	Districts
Conditional	UC, D

- (a) In TN, MR and CT Districts, the place of worship shall be set back 10 feet from all lot lines.
- (b) An applicant for a place of worship shall be required to submit the following:
 - [1] A traffic study for places of worship seating 25 people or more. Evaluation factors include street designations and capacity; level of service and other performance measures; access to arterials; truck impacts; connectivity; on-street parking impacts; access restrictions; neighborhood impacts; transit circulation; and safety.
 - [2] A parking and access plan based on the results of the traffic study, demonstrating that parking, ingress and egress shall be adequate to minimize congestion on adjacent highways and local streets during peak-use periods.
- (c) All off-street parking lots shall be located to the side or rear of the place of worship, paved and screened from adjoining residential properties.

(31) Personal services.

Use Category	Districts
Special exception	D, IC

- (a) In the Institutional Campus District, the business shall be operated only between the hours of 8:00 a.m. and 10:00 p.m. No deliveries shall occur before 7:00 a.m. or after 10:00 p.m.
- (b) The proposed use shall not significantly alter the overall character of the area.
- (c) The transportation system must be capable of supporting the proposed use in addition to the existing uses in the area. Evaluation factors include street designations and capacity; level of service and other performance measures; access to arterials; truck impacts; connectivity; on-street parking impacts; access restrictions; neighborhood impacts; transit circulation; and safety.

(32) Postal facility.

Use Category	Districts
Conditional	D

- (a) Buildings shall be similar to existing buildings in the area in architectural design, features and construction materials.

(33) Public safety facility.

Use Category	Districts
Conditional	CT, UC, NC, IC

- (a) An applicant for a public safety facility shall be required to demonstrate that parking, ingress and egress shall be adequate to minimize congestion on adjacent highways and local streets during peak-use periods.
- (b) An applicant for a public safety facility must provide a written description explaining the measures, including security, which will be implemented to ensure that adjacent properties will be adequately protected from any negative impacts, including, but not limited to, litter, loitering, noise and glare.

(34) Railroad facilities.

Use Category	Districts
Conditional	HI

- (a) Access drives to the facilities shall be improved with a dust-free, all-weather surface for its entire length.
- (b) All railroad rights-of-way and facilities must be maintained per Chapter 372, Property Maintenance, Article I, of the Code of the City of Jeannette.
- (c) Property owners must provide a list of facility maintenance, property and emergency management contacts to the City on an annual basis.
- (d) In TN, MR and CT Districts, public utility vehicles shall not be parked on public streets or driveways visible from the right-of-way.
- (e) An applicant for a railroad facility shall be required to submit the following:
 - [1] A parking and access plan demonstrating that parking, ingress and egress shall be adequate to minimize congestion on adjacent highways and local streets during peak-use periods.
 - [2] A lighting plan demonstrating that adequate exterior lighting and other security measures will be provided.

- [3] A written description explaining the measures, including security, which will be implemented to ensure that adjacent properties will be adequately protected from any negative impacts, including, but not limited to, litter, loitering, noise and glare.

(35) Recreation, indoor (private).

Use Category	Districts
Special exception	IC, II

- (a) Applicant shall provide a written description and lighting plan demonstrating that adequate exterior lighting and other security measures will be provided.
- (b) Applicant shall provide a written description explaining the measures, including security, which will be implemented to ensure that adjacent properties will be adequately protected from any negative impacts, including, but not limited to, litter, loitering and noise.

(36) Recreation, indoor (public).

Use Category	Districts
Conditional	CC, D
Special exception	II

- (a) Applicant shall provide a written description and lighting plan demonstrating that adequate exterior lighting and other security measures will be provided.
- (b) Applicant shall provide a written description explaining the measures, including security, which will be implemented to ensure that adjacent properties will be adequately protected from any negative impacts, including, but not limited to, litter, loitering, noise and glare.

(37) Recreation, outdoor (private).

Use Category	Districts
Conditional	BRC
Special exception	UC, RC, IC

- (a) Applicant shall provide a written description and lighting plan demonstrating that adequate exterior lighting and other security measures will be provided.
- (b) Applicant shall provide a written description explaining the measures, including security, which will be implemented to ensure that adjacent

properties will be adequately protected from any negative impacts, including, but not limited to, litter, loitering and noise.

- (c) Operating hours shall be from 9:00 a.m. to 10:00 p.m.

(38) Recreation, outdoor (public).

Use Category	Districts
Conditional	CC
Special exception	IC

- (a) Applicant shall provide a written description and lighting plan demonstrating that adequate exterior lighting and other security measures will be provided.
- (b) Applicant shall provide a written description explaining the measures, including security, which will be implemented to ensure that adjacent properties will be adequately protected from any negative impacts, including, but not limited to, litter, loitering, noise, and glare.
- (c) Operating hours shall be restricted to 9:00 a.m. to 10:00 p.m.

(39) Residential treatment.

Use Category	Districts
Conditional	CC

- (a) Facilities shall comply with the provisions of Section 621 of the Pennsylvania Municipalities Planning Code.⁴
- (b) The appearance of the facility must be consistent with the character of the surrounding uses and development.
- (c) The facility and its operations must not pose an unreasonable safety threat to nearby uses and residents.
- (d) Applicant shall provide a written description and lighting plan demonstrating that adequate exterior lighting and other security measures will be provided.
- (e) Applicant shall provide a written description explaining the measures, including security, which will be implemented to ensure that adjacent properties will be adequately protected from any negative impacts, including, but not limited to, noise.
- (f) The transportation system must be capable of supporting the proposed use in addition to the existing uses in the area. Evaluation factors include street designations and capacity; level of service and other performance measures;

4. Editor's Note: See 53 P.S. § 10621, Prohibiting the Location of Methadone Treatment Facilities in Certain Locations.

access to arterials; truck impacts; connectivity; on-street parking impacts; access restrictions; neighborhood impacts; transit circulation; and safety.

(40) Service station. [Added 4-12-2018 by Ord. No. 18-05]

Use Category	Districts
Conditional	RC

- (a) All fuel-dispensing units or service stations abutting any residential property or use must provide one of the following screening methods along each side, rear or front yard:
 - [1] A landscape buffer 10 feet wide, planted with four large shade trees and five perennial shrubs per 50 feet of the transitional yard.
 - [2] A decorative masonry wall or similar solid wall with a minimum height of six feet.
 - [3] A privacy fence constructed of vinyl or other similar nondestructive decorative materials with a minimum height of six feet.
- (b) No exterior product displays or sales will be allowed; this will include but not be limited to food, drink dispensing, oils, lubricants, auto accessories, plant or gardening items; all products shall be stored and sold indoors. No product installation or repair is permitted.
- (c) The exterior sale and display of portable propane tanks is allowable in appropriate secured cabinets.
- (d) All lighting shall be shielded and reflected away from streets and adjoining properties.
- (e) Ingress, egress and internal traffic circulation shall be designed to ensure safety and minimize congestion.
- (f) Refuse storage and dumpster areas shall be provided and screened to enclose all refuse and containers. This area shall be set back 10 feet from any property line.
- (g) The proposed use shall not significantly alter the overall character of the area. Buildings, canopies and signage shall be similar to existing residential buildings of the area in architectural design, features and construction material.
- (h) Applicant shall provide a written description explaining the measures, including security, which will be implemented to ensure that adjacent properties will be adequately protected from any negative impacts, including, but not limited to, litter, loitering, noise, lighting, glare and other visual impacts.
- (i) Applicant shall provide copies of all licenses or permits required by local, state and federal agencies.

- (41) Transportation terminal. An applicant for a transportation terminal shall be required to submit the following:

Use Category	Districts
Conditional	CC, RC, D, II

- (a) A parking and access plan, demonstrating that parking, ingress and egress shall be adequate to minimize congestion on adjacent highways and local streets during peak-use periods.
- (b) A traffic study. Evaluation factors include street designations and capacity; level of service and other performance measures; access to arterials; truck impacts; connectivity; on-street parking impacts; access restrictions; neighborhood impacts; transit circulation; and safety.
- (c) A lighting plan demonstrating that adequate exterior lighting and other security measures will be provided.
- (d) A written description explaining the measures, including security, which will be implemented to ensure that adjacent properties will be adequately protected from any negative impacts, including, but not limited to, litter, loitering and noise.

- (42) Utilities, major.

Use Category	Districts
Conditional	II

- (a) The structure(s) shall be screened from view by fencing and shrubs or evergreens planted around the exterior of the fence.
- (b) Access drives to the structure shall be improved with a dust-free, all-weather surface for its entire length.
- (c) Property owners must provide a list of facility maintenance, property and emergency management contacts to the City on an annual basis.
- (d) In TN, MR and CT Districts, public utility vehicles shall not be parked on public streets or driveways visible from the right-of-way.
- (e) Applicant shall provide a written description and lighting plan, demonstrating that adequate exterior lighting and other security measures will be provided.
- (f) Applicant shall provide a written description explaining the measures, including security, which will be implemented to ensure that adjacent properties will be adequately protected from any negative impacts, including, but not limited to, litter, loitering and noise.

ARTICLE V

Nonconforming Uses**§ 550-34. Purpose.**

It is the intent of this chapter to permit legal nonconforming lots, structures or uses to continue until they are removed but not to encourage their expansion or an increase in the degree of nonconformity. This article details special regulations pertaining to existing nonconforming uses, lots, structures and signs.

§ 550-35. Nonconforming use limitations.

- A. It is recognized that there may exist within the districts established by this chapter and subsequent amendments lots, structures, signs and uses of land and structures which were lawful before this chapter was passed or amended which would be prohibited, regulated or restricted under the terms of this chapter or future amendments. In many cases such uses are declared by this chapter to be incompatible with permitted uses in the districts involved.
- B. Nothing in this chapter shall be deemed to require a change in the plans, construction or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption of this chapter and upon which actual building construction has been diligently conducted.

§ 550-36. Nonconforming lots.

- A. In any district in which single-family dwellings are permitted, notwithstanding limitations imposed by other provisions of this chapter, a single-family dwelling and customary accessory buildings may be erected on any existing single lot of record at the effective date of this chapter or any subsequent amendment. This provision shall apply even though such lot fails to meet the requirements for area or width, or both, that are generally applicable in the district, provided that yard dimensions and other requirements not involving area or width, or both, of the lot shall conform to the regulations for the district in which such lot is located.
- B. Where such a nonconforming lot does not meet the minimum area or width requirements, or both, the front setback shall conform to the clearly prevailing setback pattern of developed lots within the same block fronting the same street. When an unimproved lot is situated between two lots with existing principal buildings that each have front-yard setbacks that do not meet the setback required in that district, then the front-yard setback may be set at a depth equal to whichever lot is closest to meeting the district requirement, provided that in no case shall a front yard be reduced by more than 50% of the required front yard for that district.

§ 550-37. Nonconforming structure used for permitted use.

A lawfully existing structure, which contains a permitted use but does not comply with the other requirements of this chapter for the zoning district in which it is located, may be

continued but shall be subject to the regulations below. In such cases, however, the failure to meet landscaping or screening requirements shall not be considered a nonconformity.

- A. Enlargement, repair, alteration. A nonconforming structure may be enlarged, maintained, repaired or structurally altered, provided no such enlargement, maintenance, repair or structural alteration shall create any additional nonconformity or increase the degree of the existing nonconformity of such structure.
- B. Reconstruction. In the event a nonconforming structure is destroyed by any means to an extent of less than 60% of its replacement costs, exclusive of the foundation, the structure may be reconstructed on the same foundation, provided the reconstruction is begun within 365 days of the date it was destroyed.
- C. Relocation. Should a nonconforming structure be moved for any distance for any reason, it shall thereafter conform to the regulations for the district in which it is located after it is moved.

§ 550-38. Nonconforming use of structure or land.

A nonconforming use of a structure or land may be continued so long as otherwise lawful but shall be subject to the regulations below.

- A. Expansion. Nonconforming uses or structures shall not be expanded or extended except as permitted by the Zoning Hearing Board. Consideration shall be given to the deleterious effect on neighboring properties within the district in addition to the effect of the expansion on the City as a whole. The Zoning Hearing Board may allow limited enlargement and extension of the use and structure based on normal growth characteristics and the City's community development objectives.
- B. Ordinary repair and maintenance. Ordinary maintenance and repairs, or repair or replacement of nonbearing walls, fixtures, wiring or plumbing, shall be permitted, provided these actions shall not be deemed to authorize any violation of the other parts of this article. Nothing in this chapter shall be deemed to prevent the strengthening of a structure or the restoration of a structure to a safe condition, except for a damaged or destroyed structure subject to the reconstruction provision of this article, in accordance with an order of the Code Enforcement Officer.
- C. Structural alteration. No structural alteration shall be made unless the entire structure and the use shall thereafter conform to the regulations for the district in which they are located. However, nothing in this chapter shall be construed to prevent owners of nonconforming residential structures the right to perform structural alterations which do not increase the number of dwelling units within the nonconforming residential structure or enlarge its exterior dimension.
- D. Damage or destruction. In the event a structure that is devoted in whole or in part to a nonconforming use is damaged or destroyed to an extent of less than 60% of the replacement cost of the entire structure, exclusive of foundation, it shall be reconstructed only in conformity with the regulations for the district in which it is located. Moreover, no repairs or restoration shall be permitted unless a building permit is obtained and restoration actually begun within one year of the date of such destruction and is diligently pursued to completion.

- E. Moving. Should a nonconforming use of land or structure be moved, in whole or in part, for any reason for any distance, it shall thereafter conform to the regulations for the district in which it is located after being moved.
- F. Change. A nonconforming use shall not be changed to any use other than the same use or a use permitted in the district in which the land is located. When a nonconforming use has been changed to a permitted use, it shall not thereafter be changed to a nonconforming use.
- G. Discontinuance. A nonconforming use which is hereafter discontinued for any reason, and remains such for a continuous period of one year, shall not thereafter be reestablished. Such location shall thereafter be occupied by a use which conforms to the regulations for the district in which it is located.
- H. Nonconforming accessory use. A nonconforming accessory use shall not continue to remain after the principal use to which it is accessory has been destroyed, relocated or abandoned.

§ 550-39. Nonconforming signs.

Nonconforming signs shall be regulated by the provisions of Article VIII, Signs.

§ 550-40. Burden of establishing nonconforming status.

The burden of establishing legal, preexisting nonconforming use status rests on: the property owner or party seeking to continue the nonconforming use or occupancy; any person applying for a building permit or zoning permit; or any other person asserting such status. Such persons shall provide sufficient proof in a form acceptable to the Code Enforcement Officer of the following:

- A. The date of construction of the building or structure or the date the use was established;
- B. The continuous operation of the nonconforming use; and
- C. Such other proof as may be deemed necessary by the Code Enforcement Officer to verify legal, nonconforming status.

ARTICLE VI
Landscaping and Screening

§ 550-41. Purpose.

It is the intent of this article to encourage the preservation of existing trees and vegetation; to identify landscape standards and plant classifications; to reduce radiant heat from surfaces and conserve energy; to provide shade; to reduce wind and air turbulence; to minimize potential nuisances such as the transmission of noise, dust, odor, litter and glare of automobile headlights; to provide visual buffering and the separation of spaces; to enhance the beautification of the City; to reduce the amount of impervious surface; to reduce

stormwater runoff; to safeguard and enhance property values and protect public and private investment; and to protect the public health, safety and general welfare.

§ 550-42. Applicability.

These landscape regulations shall apply to all new multifamily developments consisting of more than two residential units, all new commercial, and all new industrial development. Previously approved development need not comply unless new site development approval is being sought.

§ 550-43. Preservation of existing vegetation.

Existing vegetation shall be retained and maintained whenever possible so as to permit such vegetation to contribute to landscaping requirements. Such retained vegetation may receive partial or total credit towards planting requirements within the buffer. This requirement does not preclude vegetation lost in the construction of those improvements shown on a subdivision or site plan.

§ 550-44. General landscape design standards.

- A. The spacing and placement of plants shall be adequate and appropriate for the typical size, shape and habit of the plant species at maturity.
- B. Proposed trees and understory trees shall be centered horizontally and minimally:
 - (1) Two feet from walkways, curbing and other impervious pavements when planted in a tree well or continuous planter.
 - (2) Three feet from walkways, curbing and other impervious pavements when planted in a continuous swale.
 - (3) Five feet from streetlights, underground utilities, utility meters and service lines, fences, walls and other ground-level obstructions.
 - (4) Six feet from porch eaves and awnings and similar overhead obstructions associated with the ground level of buildings.
 - (5) Eight feet from balconies, verandas, building eaves and cornices, and similar overhead obstructions associated with the upper stories of buildings.
- C. Proposed trees shall be a minimum height of 10 feet and/or three inches in caliper.
- D. Proposed understory trees shall be a minimum of eight feet in height and/or 2.5 inches in caliper.
- E. Proposed shrubs shall be of a five-gallon container minimum. Shrubs shall be 18 inches to 24 inches minimum clearance from any sidewalk or pavement edge at the lot line.
- F. Bare and exposed ground on the site and/or in landscaped areas shall be covered with live plant materials and/or mulch, except for naturally occurring landscape features typically lacking in vegetation, such as rock outcroppings.

- G. Artificial plants or turf are prohibited.
- H. Any constructed water features, such as fountains, streams and ponds, that operate with water recirculation systems shall be designed to prevent seepage and leaks.
- I. Buffers and screening elements shall be used to screen parking areas from public view, to screen service yards and other places that are unsightly.

§ 550-45. Landscape construction standards.

- A. All plant materials shall meet with the minimum container size, class and other requirements outlined in American Standard for Nursery Stock (ANSI Z60.1-2014) published by the American Nursery and Landscape Association (ANLA) or other local nursery association standards.
- B. The soil structure of planting strips shall be protected from compaction with a temporary construction fence. Standards of access, excavation, movement, storage and backfilling of soils in relation to the construction and maintenance of deep utilities and manholes shall be specified.
- C. The topsoil within the construction area's limits of disturbance shall be removed, stored and amended as recommended by a landscape soils test.
- D. Wind erosion shall be mitigated and controlled through dust abatement and similar practices during the period of site work and construction.
- E. Landscape soils that have been compacted during construction activities shall be loosened and aerated to a depth of at least six inches before planting.
- F. Plants shall have normal, well-developed branches and vigorous root systems.
- G. Temporary spray irrigation systems may be used to establish seeded areas for grass and ground cover.

§ 550-46. Maintenance of landscaping and screening.

- A. All grass and vegetation shall be lightly fertilized to avoid fertilizer pollution to groundwater, streams and ponds.
- B. No disturbed ground shall be left exposed. Turfgrass and other approved and appropriate ground covers or mulch shall cover all nonpaved and nonbuilt developed areas.
- C. It shall be the responsibility of the property owner(s) or his/her assigned agent(s) to:
 - (1) Maintain and keep all screening and fencing in good condition at all times;
 - (2) Maintain landscaping by keeping turfgrass lawns properly mowed and edged, plants properly pruned and disease-free, and planting beds mulched, groomed and weeded, except in areas of naturally occurring vegetation and undergrowth; and

- (3) Replace any required planting(s) which are significantly damaged, removed, infested, disease-ridden or dead within one year or the next planting season, whichever occurs first.

§ 550-47. Buffering and screening requirements.

- A. Any new nonresidential building that abuts a residential property shall provide either:
 - (1) A landscape buffer 10 feet wide, planted with eight large shade trees and 10 shrubs per 100 lineal feet of transitional yard between the nonresidential and residential uses; or
 - (2) A masonry wall or similar solid wall with a minimum height of six feet between the nonresidential and residential uses; or
 - (3) A wooden privacy fence with a minimum height of six feet between the nonresidential and residential uses.
- B. Exposed storage areas, machinery, garbage dumpsters, service areas, truck loading areas, utility buildings, and structures shall be screened from view of abutting properties and streets using plantings, fences and other methods. Shared use and designated areas for clustered garbage dumpsters shall be required.
- C. Garbage dumpsters shall be fully screened on three sides with solid walls a minimum of six feet high with a solid front gate six feet high, which shall be kept closed. Trash compactors shall be enclosed to minimize noise.

§ 550-48. Parking lot landscaping standards.

The following landscape requirements applied to parking lots are intended to screen parking areas from the street, prevent large expanses of unbroken paving, and provide shade to cool paved areas during the hot summer months.

- A. General provisions.
 - (1) Parking lots with four spaces or less are exempt from the requirements of this article. If only four spaces are required per this chapter and the applicant chooses to provide more parking, then the requirements of this article shall apply.
 - (2) All remaining unpaved areas of the parking lot shall be grassed or planted in ground cover, unless otherwise specified.
- B. Design standards for interior landscaping for all new multifamily and nonresidential developments.
 - (1) All rows of parking spaces, when a lot contains 20 or more parking spaces, shall be provided a terminal island with concrete curbs and at least 130 square feet of area to protect parked vehicles, provide visibility, confine moving traffic to aisles and driveways, and provide space for landscaping.
 - (2) At least one tree planting is required for every 5,000 square feet of paved parking area.

- (3) Landscaped islands with concrete curbs and at least 130 square feet of area shall be provided every 15 spaces or less within a row of spaces for nonresidential developments. Planting islands should be evenly spaced throughout the parking lot to consistently shade paved areas. Islands shall be utilized where needed to control vehicular circulation and define major drives.
- (4) To prevent cars from parking too close to trees or damaging shrubs, an extended curb or wheel stop must be provided. Planting islands parallel to parking spaces must be a minimum of five feet wide to allow car doors to swing open.

§ 550-49. Maintenance of sewer line rights-of-way.

In order to preserve and protect the sewer line rights-of-way throughout the City, the following regulations shall apply to any and all landscaping proposed within the boundaries of such rights-of-way.

- A. No trees of any type shall be permitted within a sewer line right-of-way in the City. Furthermore, once a sewer line right-of-way has been cleared of roots and other intrusion caused by previously planted trees and landscaping, it shall be the responsibility of the property owner to pay for any future corrective action required by the City to preserve the integrity of the sewer line.
- B. No structures shall be constructed within the sewer line right-of-way.
- C. Grass, flower gardens, bushes with a height of no greater than three feet and fences with a height of no greater than three feet may be placed within the sewer line right-of-way. The property owner shall be responsible for any costs associated with the removal of such items should the need for removal become necessary as determined by the City.
- D. All vegetation planted within a sewer line right-of-way, with the exception of grass, shall be maintained a distance of at least 10 feet away from manholes and lampholes.
- E. No manhole, lamphole, or discharge pipe shall be intentionally covered with any material, including but not limited to grass, leaves, branches, dirt, gravel, asphalt or concrete. The property owner shall be responsible for the cost of removal of these items.

ARTICLE VII

Parking, Loading and Internal Roadways

§ 550-50. Purpose.

The purpose of this article is to provide standards for parking, loading and internal roadways to accommodate permitted land uses and promote the safe and efficient movement of vehicular traffic.

§ 550-51. General provisions.

- A. Requirements.

- (1) No more than two driveways are permitted on any residential lot.
 - (2) Parking on residential properties is permitted in the side and rear yards only. In the event that a portion of a driveway located in the front yard leads to a garage located in a side or rear yard, parking is also permitted in said portion of the driveway.
 - (3) The maximum curb cut width is 36 feet.
 - (4) For all new development, off-street parking shall be provided for all uses of land and structures, as well as for any expansion or change of such uses in accordance with the requirements of this article, unless otherwise indicated in this chapter.
 - (5) For all new development, off-street loading space shall be provided for all commercial and industrial uses as well as for any expansion of such uses or change in use requiring the regular delivery or shipping of goods, merchandise or equipment to the site by trucks, in accordance with the requirements of this article.
 - (6) Required parking areas shall be available for the parking of operable vehicles of residents, customers and employees and shall not be used for the storage of vehicles or materials, or for the parking of vehicles used for loading or unloading, or in conducting the use.
 - (7) Required loading spaces shall be available for the loading and unloading of vehicles and shall not be used for the storage of vehicles or materials, or to meet off-street parking requirements, or in conducting the use.
- B. Methods of providing required parking and loading spaces.
- (1) All required parking or loading space shall be located on the same zoning lot as the principal use(s) it serves, except as provided below.
 - (2) In lieu of actual construction of required on-site parking spaces, all or any portion of the off-street parking required in this article may be provided by satellite parking. Required parking for use(s) on a zoning lot may be located on another zoning lot, either by itself or combined with parking for other uses, subject to certification by the City Council, if the following requirements have been met:
 - (a) The use being served by the off-site parking shall be a permitted principal use, as provided for in this chapter, in the zoning district within which the zoning lot containing such parking is located; and
 - (b) The off-site parking spaces shall be located within 300 feet walking distance of a public entrance to the structure or zoning lot containing the use for which such spaces are required. A safe, direct, attractive, lighted and convenient pedestrian route shall exist or be provided between the off-site parking and the use being served; and
 - (c) The continued availability of off-site parking spaces necessary to meet the requirements of this article shall be ensured by an appropriate condition that the continued validity of the zoning permit shall be dependent upon the

permit holder's continued ability to provide the requisite number of parking spaces.

- C. Combined parking. Up to 1/2 of the parking spaces required for one use may be used to satisfy the parking requirements for a second use on the same zoning lot, subject to certification by the City Council, provided that the peak usage of the parking facility by one use will be at different times than the peak usage of the second use.

§ 550-52. Parking design standards.

A. Design requirements.

- (1) For all new development, all parking spaces and associated vehicle accommodation areas shall meet the following minimum design requirements:
 - (a) All parking spaces and vehicle accommodation areas shall be surfaced with asphalt, concrete, stone, bricks or permeable pavers, which shall be maintained in a safe, sanitary and neat condition. The following situations are exempted from this requirement:
 - [1] A parking lot used only for occasional use. "Occasional use" is a use that occurs on two or fewer days per week.
 - [2] When a proposed development is temporary in nature, the City Council may exempt the development from the paved parking requirements. The duration of the exception shall not exceed 180 calendar days and shall be included as a condition of the approved zoning permit.
- (2) In the Regional Commercial District, parking spaces shall be located in the side or rear yard, under the principal building, or interior to the block.
- (3) Except for single-family and two-family dwellings or for attendant parking, each parking space shall be arranged so that any vehicle may be parked and removed without moving another vehicle.
- (4) Except for single-family and two-family dwellings, parking spaces shall be provided with adequate aisles or turnaround areas so that all vehicles may enter adjacent streets in a forward manner.
- (5) No off-street parking space or vehicle accommodation area shall be located within a public right-of-way.
- (6) Parked vehicles in off-street parking spaces shall be prevented from intruding on travel lanes, walkways, public streets, sidewalks or adjacent properties by means of walls, curbs, wheelstops or other appropriate means.
- (7) No stacking lane required for vehicles awaiting service shall be located such that it creates interference with the use of the abutting street(s) or with travel lanes or aisles of the vehicle accommodation area.

- (8) The size of vehicle accommodation areas shall be provided so that parking and backing up can be accomplished in one continuous maneuver.
 - (9) Parking facilities shall be designed to connect with similar facilities on adjacent zoning lots, where appropriate, to eliminate the need to use abutting street(s) for cross movements.
 - (10) Except for single-family dwellings and two-family dwellings, all parking spaces shall be delineated with painted lines.
 - (11) Parking lots shall be sloped not less than 0.5% nor more than 6% toward a storm drain if the lot is paved. When the slope extends downhill from the edge of a parking lot, the edge shall be protected by a curb or stop bar. Stormwater on a paved lot shall be collected in the lot and directed to a storm inlet or a recognized drainageway or watercourse.
 - (12) Parking lots shall be set back from side and rear property lines at least two feet and from front lot lines at least five feet.
 - (13) Where a parking lot designed for more than eight vehicles abuts residential properties, the parking lot shall be screened along the common property line by a hedge, fence or wall of not less than five feet in height. In lieu of the hedge, fence or wall screen, the City Council may approve a natural change in grade along property lines as the required screening.
 - (14) See Article VI, Landscaping and Screening, for additional parking lot landscaping standards.
- B. Parking lot surface standards.
- (1) Where parking is provided for 10 or fewer vehicles on a lot, the parking area surface shall not be less than 4.5 inches of well-choked and compacted crushed limestone or slag base course.
 - (2) Where parking is provided for more than 10 vehicles on a lot, the parking area surface shall consist of a one- or two-layer bituminous course of not less than two inches in depth provided and placed in accordance with PennDOT specifications or equivalent concrete surfacing. This requirement shall not apply to parking surfaces in industrial districts.
 - (3) If a parking pad located on a residential lot is paved with an impervious surface, the area of the parking pad shall be counted in the maximum lot coverage calculation.
- C. Design standards for handicapped parking spaces. Where parking is provided, accessible parking spaces shall be provided in compliance with the Pennsylvania Uniform Construction Code. Single-family dwellings and two-family dwellings are exempt from these requirements.

§ 550-53. Minimum off-street parking requirements.

- A. Off-street parking.

- (1) Off-street parking spaces required for all land uses identified in this chapter are included in Tables 1 and 2, Off-Street Parking Requirements, in this section.
- (2) When calculating the number of required off-street parking spaces, fractions shall be rounded up to the nearest whole number.
- (3) For purposes of this article, the number of employees shall be the number of persons employed on the largest shift.
- (4) In the case of a land use classification not listed in Table 1: Off-Street Parking Requirements, Nonresidential, the minimum parking space requirement shall be determined by the City Council. In making such determinations, the City Council shall be guided by the requirements for similar uses, the number and kind of vehicles likely to be attracted to the use, and studies of minimum parking space requirements for such use in other jurisdictions.
- (5) A reduction of up to 20% of the minimum number of required parking spaces may be permitted through the granting of a variance by the Zoning Hearing Board, if, based on substantial evidence in the record of its proceedings, the Board finds that compliance with the full minimum off-street parking space requirements of this article would not be warranted for the particular use(s) and site.

Table 1: Off-Street Parking Requirements, Nonresidential [Amended 3-14-2019 by Ord. No. 19-05]

Land Use	Minimum Off-Street Parking Requirement
AGRICULTURE	
Community garden	None
Indoor crop production	1 space per employee
CIVIC	
Cemetery	None
Communications equipment building	1 space
Detention facility	1 per 2,000 square feet
Educational facilities, college/ university	1 space per 50 square feet of classroom space, plus 1 space per each 300 square feet of office space
Educational facilities, primary/ secondary	K-8: 1 space per employee plus 1 space per 4 students; 9-12: 1 space per employee plus 1 space per 3 students
Educational facilities, vocational	1 space per 50 square feet of classroom space plus 1 space per each 300 square feet of office space

Table 1: Off-Street Parking Requirements, Nonresidential [Amended 3-14-2019 by Ord. No. 19-05]	
Land Use	Minimum Off-Street Parking Requirement
Essential services	None
Government offices	3 spaces per 1,000 square feet of GFA plus 1 per employee
Hospital services	3 spaces per bed
Library	1 space per each 250 square feet of GFA
Maintenance and service facilities	1 space per 300 square feet of GFA
Military installations	1 per 500 square feet of GFA
Museum	1 space per each 250 square feet of GFA
Non-tower wireless communications facilities	None
Place of worship	1 space per 4 fixed seats plus 1 space per 60 square feet of the main assembly where no fixed seats are used
Postal facilities	3 spaces per 1,000 square feet of GFA
Public safety facility	1 space per 500 square feet of GFA plus 1 space per emergency vehicle
Railroad facilities	1 space per employee
Recreation, indoor (public)	1 space per 1,000 square feet of indoor area
Recreation, open space	None
Recreation, outdoor (public)	15 spaces per acre of outdoor area
Tower-based wireless communications facilities	None
Transitional housing	1 space per every 4 beds plus 1 space per employee
Transportation terminal	1 space per each 600 square feet of GFA
Utilities, major	1 space per employee
COMMERCIAL	
Adult business	3 spaces per 1,000 square feet of GFA

Table 1: Off-Street Parking Requirements, Nonresidential [Amended 3-14-2019 by Ord. No. 19-05]

Land Use	Minimum Off-Street Parking Requirement
Alcohol sales	3 spaces per 1,000 square feet of GFA
Alternative financial services	3 spaces per 1,000 square feet of GFA
Art gallery	3 spaces per 1,000 square feet of GFA
Assisted living facility	1 space per 4 beds and 1 space per employee
Automotive, rentals	1 space per rental vehicle plus 1 space per employee
Automotive, repair	2 spaces per bay plus 1 space per each employee
Automotive, sales	1 space per 150 square feet of indoor display area plus 1 space per each 1,500 square feet of outdoor display area plus 1 space per employee
Automotive, washing	1 space per employee plus 4 spaces per stall
Bail bond services	3 spaces per 1,000 square feet of GFA
Bar/lounge	1 space per 100 square feet of GFA
Bed-and-breakfast	2 spaces plus 1 space per guest room
Blood plasma center	1 space per 300 square feet of GFA
Building maintenance services	1 space per 300 square feet
Clinic, medical or dental	1 space per exam room plus 1 space per employee
Clinic, veterinary	1 space for every exam room plus 1 space per employee
Club or lodge	1 space for each 4 persons at maximum capacity
Communications services	None
Consumer repair services	1 space per 300 square feet
Convenience storage	1 space per 2,000 square feet
Day-care services, general	1 space per employee plus 1 space per 5 clients

Table 1: Off-Street Parking Requirements, Nonresidential [Amended 3-14-2019 by Ord. No. 19-05]	
Land Use	Minimum Off-Street Parking Requirement
Day-care services, limited	1 space per employee plus 1 space per 5 clients
Drive-through facility	1 space per employee
Employee recreation, lunch, health care	No additional off-street parking permitted
Entertainment, indoor	1 space per 300 square feet of indoor area
Entertainment, outdoor	1 space per 2,000 square feet of gross site area
Equipment repair	2 spaces per bay plus 1 space per employee
Equipment sales	2 spaces per 1,000 square feet of GFA and 1 space per employee
Family day care home	None
Food preparation, general	1 space per 300 square feet
Food preparation, limited	1 space per 250 square feet
Food sales	3 spaces per 1,000 square feet of GFA
Food truck	None
Forestry	None
Funeral services	1 space per 3 persons at maximum capacity
Home-based business, no-impact	No additional off-street parking permitted
Home occupation	No additional off-street parking permitted
Hotel	1 space per guest room plus 1 space for each 100 square feet of banquet, assembly meeting, or restaurant seating area
Kennels	1 space per 250 square feet
Laundry services	3 spaces per 1,000 square feet of GFA
Live/work unit	2 spaces

Table 1: Off-Street Parking Requirements, Nonresidential [Amended 3-14-2019 by Ord. No. 19-05]

Land Use	Minimum Off-Street Parking Requirement
Mixed-use structure	Sum of all uses, computed separately
Motel	1 space per guest room plus 1 space for each 100 square feet of banquet, assembly meeting, or restaurant seating area
Nursing facility, skilled	1 space per 4 beds and 1 space per employee
Pawnshop	3 spaces per 1,000 square feet of GFA
Personal services	1 space per 250 square feet of GFA
Pet services	1 space per 250 square feet of GFA
Plant nursery	1 space per 400 square feet of sales and display area
Printing and publishing	1 space per employee
Professional offices	3 spaces per 1,000 square feet of GFA plus 1 per employee
Recreation, indoor (private)	1 space per 1,000 square feet of indoor area
Recreation, outdoor (private)	15 spaces per acre of outdoor area
Residential treatment	1 space per employee plus 1 space per 4 residents
Restaurant, general	1 space per 3 seats plus 1 space per 2 employees
Restaurant, limited	1 space per 3 seats plus 1 space per 2 employees
Retail sales, convenience	3 spaces per 1,000 square feet of GFA
Retail sales, general	3 spaces per 1,000 square feet of GFA
Salvage yard	1 space per employee
Service station	1 space per 4 pumps
Sidewalk dining	None
Solar energy production	1 space per employee
Substance abuse treatment facility	1 space per employee plus 1 space per 4 residents

Table 1: Off-Street Parking Requirements, Nonresidential [Amended 3-14-2019 by Ord. No. 19-05]

Land Use	Minimum Off-Street Parking Requirement
Wind energy production	1 space per employee
INDUSTRIAL	
Industrial park	1 space per employee plus 1 space per vehicle used in the operation of the industry plus 10 customer/visitor spaces
Manufacturing, custom	1 space per employee
Manufacturing, heavy	1 space per employee plus 1 space per vehicle used in the operation of the industry plus 5 customer/visitor spaces
Manufacturing, light	1 space per employee plus 1 space per vehicle used in the operation of the industry plus 5 customer/visitor spaces
Mineral, extraction	1 space per employee
Oil and gas extraction	1 space per employee
Warehousing and distribution, general	1 space per employee
Warehousing and distribution, limited	1 space per employee

Table 2: Off-Street Parking Requirements, Residential

Land Use/District	Minimum Off-Street Parking Requirement
RESIDENTIAL	
Dwelling, accessory	
All districts	No additional off-street parking required
Dwelling, duplex	
Traditional Neighborhood	1 space per dwelling unit
Mixed Residential	1 space per dwelling unit
Commercial Transition	1 space per dwelling unit
Neighborhood Commercial	1 space per dwelling unit
Dwelling, multifamily	

Table 2: Off-Street Parking Requirements, Residential	
Land Use/District	Minimum Off-Street Parking Requirement
Mixed Residential	0.5 space per dwelling unit
Commercial Transition	0.5 space per dwelling unit
Urban Center	0.5 space per dwelling unit
Neighborhood Commercial	0.5 space per dwelling unit
Commercial Corridor	1 space per dwelling unit
Downtown	No additional off-street parking required for multifamily uses in mixed-use structures. For new residential-only structures, 0.5 space per dwelling unit
Institutional Campus	0.5 space per dwelling unit
Dwelling, single-family	
Traditional Neighborhood	2 spaces per dwelling unit
Mixed Residential	1 space per dwelling unit
Commercial Transition	1 space per dwelling unit
Dwelling, Townhouse	
Mixed Residential	1 space per dwelling unit
Commercial Transition	1 space per dwelling unit
Neighborhood Commercial	1 space per dwelling unit
Institutional Campus	1 space per dwelling unit
Garage, private	
All districts	Not applicable
Group Home	
All districts	No additional off-street parking required
Halfway House	
All districts	1 space per 3 bedrooms plus 1 space per employee
Outdoor storage shed, private	
All districts	No additional off-street parking required
Outdoor storage shed, temporary	

Land Use/District	Minimum Off-Street Parking Requirement
All districts	No additional off-street parking required
Swimming pool, private	
All districts	No additional off-street parking required

B. Parking space dimensions.

- (1) An off-street parking space shall include a rectangular area with a length of 20 feet and a width of nine feet, exclusive of access drives, aisles, ramps, columns or outdoor work areas. Such space shall have a minimum vertical clearance of eight feet.
- (2) A motorcycle parking space shall include a rectangular area with a length of eight feet and a width of four feet. Such space shall have a minimum vertical clearance of eight feet.
- (3) Parking aisles between parking spaces shall be required to comply with the standards contained in Table 3: Dimensions and Angles of Parking Spaces, below.

Parking Angle (degrees)	Aisle Width (feet)	Aisle Traffic Flow
45°	13	One-way
60°	16	One-way
90° or angled parking opening onto two-way aisles	20	Two-way
Parallel	12	One-way

C. Loading space design standards.

- (1) Uses and buildings with a gross floor area of 5,000 square feet or more shall provide off-street loading spaces in accordance with Table 4: Required Loading Spaces, in this section, provided that loading spaces shall not be required for uses which do not receive or transmit goods or wares by truck delivery.
- (2) The loading and unloading area must be of sufficient size to accommodate the numbers and types of vehicles that are likely to use this area given the nature of the development.

- (3) All loading spaces and associated vehicle accommodation areas shall meet the following minimum design requirements:
 - (a) Off-street loading spaces shall be located and arranged so that a semitrailer truck shall be able to gain access to and use such spaces by means of one continuous parking maneuver beginning at a public right-of-way.
 - (b) All loading spaces and vehicle accommodation areas shall be surfaced with asphalt or concrete, which shall be maintained in a safe, sanitary and neat condition.
 - (c) No loading space shall be located so that a vehicle using such space intrudes on travel lanes, walkways, public or private streets, sidewalks or adjacent properties. The exception to this requirement is a change of use locating within an existing structure in a nonresidential district.
 - (d) Each required off-street loading space shall have a minimum width of 12 feet, a minimum length of 55 feet, and a vertical clearance of 14 feet above finished grade of the space.
- (4) In the Regional Commercial District, loading and delivery facilities must be separate from customer parking and pedestrian areas and must be oriented towards the rear of the site.
- (5) The minimum number of off-street loading spaces required by this article is specified in Table 4: Required Loading Spaces.

Land Use	Floor Area (square feet)	Number of Loading Spaces Required
Manufacturing, distribution, wholesaling, storage, and similar uses	5,000 to 25,000	1
	25,001 to 60,000	2
	60,001 to 100,000	3
	Each 50,000 above 100,000	1
Retail establishments and similar uses	5,000 to 60,000	1
	60,001 to 100,000	2
	Each 20,000 above 100,000	1

§ 550-54. Exemptions and adjustments.

The following exemptions and adjustments to the parking requirements of this article shall be reviewed by the City Council for approval or denial:

- A. Whenever there exists a lot with one or more structures on it, constructed before the effective date of this chapter, and a change in use that does not involve any enlargement of a building is proposed for such lot, and the parking requirements that would be applicable as a result of the proposed change cannot be satisfied on such lot because there is not sufficient area available on the lot that can practically be used for parking, then the developer need only comply with the requirements to the extent that parking space is practically available on the lot where the development is located.
- B. The minimum number of spaces required may be adjusted by the City Council when it has been determined that the reductions are necessary to preserve a healthy tree or trees with a twelve-inch or greater diameter from being damaged or removed and where the site plan provides for the retention of said tree or trees.

ARTICLE VIII**Signs****§ 550-55. Purpose.**

It is the intent of this article to authorize the use of signs whose types, sizes and arrangements are compatible with their surroundings; preserve the natural beauty of the area; protect existing property values in both residential and nonresidential areas; prevent endangering the public safety; express the identity of the community as a whole or individual properties or occupants; legible in the circumstances in which they are seen and appropriate to traffic safety. These regulations are designed and intended to prevent over-concentration, improper placement, and excessive height, bulk and area of signs.

§ 550-56. Permit requirements and application.

- A. It is unlawful for any person to erect, construct, enlarge, alter, move or convert any sign in the City or cause the same to be done without first obtaining a zoning permit for each sign.
- B. Applications for a sign permit shall be made in writing to the City Council and shall be accompanied by such information as may be required to assure compliance with these regulations and all other appropriate ordinances and regulations of the City.
- C. Sign permits shall be issued for the life of the sign or any shorter period, as stated on the approved permit application. However, any permit may be revoked at any time by the City Council upon finding that the sign violates any provision of this article or that the permittee made false representations in securing the permit.
- D. No person shall erect, construct or maintain any sign upon any property, structure or building without the prior written consent of the owner or person entitled to possession of the property, structure or building, or his authorized representative. The written consent must accompany the sign permit application.

- E. Every sign permit issued shall become null and void if installation is not commenced within 180 days from the date of such permit.

§ 550-57. Exemptions from permitting requirements.

The following signs shall be exempt from the permit requirements of this article, except as they may interfere with traffic safety or in any other way become a public safety hazard.

- A. Memorial plaques or historic markers or other similar signs which are engraved or a permanent component of a building, monument, tombstone or other similar structure.
- B. Public information signs.
- C. Street number signs indicating the address of a building or structure and not exceeding one square foot in area.
- D. Temporary signs, provided that a temporary sign shall be displayed for a period not to exceed 30 days per calendar year.
- E. Signs erected by the City, county or PennDOT.

§ 550-58. General standards.

- A. Prohibitions.
- (1) No sign shall be erected in such a manner or location that would obstruct vision, ingress and/or egress, or interfere with safe traffic flow.
 - (2) No sign shall be located so as to block doors, operable windows or fire escapes, or access to them, nor shall a sign be attached to a fire escape.
 - (3) No sign shall extend vertically past the roofline of the building upon which the sign is located.
 - (4) No sign shall project over a street, alley or driveway, nor be closer than two feet from the closest perpendicular edge of the curb or paved edge of any such vehicular way.
- B. Sign height. The height of a sign shall be computed as the distance from the base of the sign at normal grade to the top of the highest attached component of the sign. Normal grade shall be construed to be the lower of: 1) existing grade prior to the construction; or 2) the newly established grade after construction, exclusive of any filling, berming, mounding or excavating solely for the purpose of locating the sign. In cases in which the normal grade cannot reasonably be determined, sign height shall be computed on the assumption that the elevation of the normal grade at the base of the sign is equal to the elevation of the nearest point of the crown of a public street or the grade of land at the principal entrance to the principal structure on the lot, whichever is lower.
- C. Computation of maximum total permitted sign area. The permitted sum of the area of all individual signs shall be permitted in accordance with the Table of Permitted Sign

Types and Regulations.⁵ Lots fronting on two or more streets are allowed the permitted sign area for each street frontage. However, the total sign area that is oriented toward a particular street may not exceed the portion of the lot's total sign area allocation that is derived from the lot, building or wall area frontage on that street.

- D. Sign placement. Signs shall be subject to the placement requirements in the Table of Permitted Sign Types and Regulations⁶, but in no event shall any sign be placed in a position that 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 vision triangle required to be maintained at all street intersections, driveway and accessway entrances onto public streets. All signs shall be set back within the buildable area of the site, except as noted in the Table of Permitted Sign Types and Regulations.⁷
- E. Design, construction, and maintenance. All signs shall be designed, constructed and maintained in accordance with the Uniform Construction Code and in conformance with this chapter at all times.
- F. Prohibited signs. Unless specifically noted otherwise in this article, the following signs shall be prohibited in all zoning districts:
- (1) Signs located within or extending into any City right-of-way unless placed by a government entity.
 - (2) Signs affixed to trees, utility poles, fences or equipment.
 - (3) Illuminated signs in residential districts.
 - (4) Roof signs.
 - (5) Signs illuminated by a flashing, pulsating or intermittent source.
 - (6) Signs with moving parts.
 - (7) Signs illuminated by strings of bare bulbs or lighted in such a manner as to cause glare on adjacent streets or properties.
 - (8) Signs that obstruct sight within a clear vision triangle.
 - (9) Any sign determined to be unsafe or insecure or that is erected in violation of the provisions of this chapter.
- G. Sign lighting standards.
- (1) Signs should be illuminated externally from concealed light fixtures, and the illumination shall be directed only to the sign face to minimize light spillover beyond the edges of the sign face.

5. Editor's Note: The Table of Permitted Sign Types and Regulations is included as an attachment to this chapter.

6. Editor's Note: The Table of Permitted Sign Types and Regulations is included as an attachment to this chapter.

7. Editor's Note: The Table of Permitted Sign Types and Regulations is included as an attachment to this chapter.

- (2) No sign lighting shall be installed in a manner or of such a brightness as to create excessive glare on adjacent property or uses such that such lighting inhibits the use and enjoyment of the adjacent property or uses.
- (3) Signs with intermittent or flashing light sources are not permitted.

H. Signs permitted in individual zoning districts.

- (1) All signs shall be subject to the time, place and manner regulations found in the Table of Permitted Sign Types and Regulations.⁸
- (2) In addition to the regulations in said table, all freestanding signs, except for temporary signs, shall comply with the following limitations and requirements:
 - (a) A freestanding sign shall have no more than two sign faces; and
 - (b) The area immediately surrounding the base and support structure of the sign shall be landscaped.

§ 550-59. Types of signs.

A. Band signs.

- (1) All nonresidential uses are permitted one band sign on each first-story facade.
- (2) The following band sign construction types are permitted:
 - (a) Cut-out letters. Letters shall be individually attached to the wall or on a separate background panel and shall be externally illuminated.
 - (b) Flat panel. Letters shall be printed or etched on same surface as the background, which is then affixed to the wall and externally illuminated.
 - (c) Channel letters. Each letter shall have its own internal lighting element, individually attached to the wall or onto a separate background panel. The letter shall be translucent or solid to create a backlit halo effect.
- (3) Height and width shall be measured using the smallest rectangle that fully encompasses the entire extent of letters, logo and background.
- (4) Band signs shall not be wider than 90% of the width of the building facade or tenant space.
- (5) Band signs shall not project vertically above the roofline.
- (6) Band signs may be illuminated from dusk to dawn or during hours permitted by the Lighting Ordinance. External lights shall be shielded from direct view to reduce glare.
- (7) Neon may be permitted on band signs only with Planning Commission approval. No other internal lighting shall be permitted.

8. Editor's Note: The Table of Permitted Sign Types and Regulations is included as an attachment to this chapter.

- (8) Electrical raceways, conduits and wiring shall not be exposed. Internal lighting elements shall be contained completely within the sign assembly or inside the wall.
- (9) Band signs should be placed where the architectural features suggest the best placement for signage. They should be vertically aligned with the center of an architectural feature, such as a storefront window, entry portal, or width of a bay or overall retail space. They shall not interrupt or obscure these features or cause visual disharmony.
- (10) Where multiple band signs are present on a single building (i.e., for retail tenants in a shopping center), signage shall be coordinated in terms of scale, placement, colors and materials.

B. Canopy signs.

- (1) The following variations of awnings, with or without sign bands, are permitted:
 - (a) Fixed or retractable awnings.
 - (b) Shed awnings.
 - (c) Dome awnings.
- (2) Signage shall be limited to the valance of the awning or the vertical portion of a dome awning.
- (3) No portion of an awning shall be lower than eight-foot clearance from grade.
- (4) Awnings shall not extend beyond the width of the building or tenant space, nor encroach above the roofline or the story above.
- (5) The height of the valance shall not exceed 12 inches.
- (6) Awning signs shall not be internally illuminated or backlit.

C. Display cases.

- (1) Each outdoor display case shall not exceed six square feet. Theaters are permitted outdoor display cases up to nine square feet.
- (2) Outdoor display cases may be externally or internally illuminated.
- (3) Theaters may be permitted larger outdoor display cases with Zoning Officer approval.
- (4) Outdoor display cases shall not be attached to shopfront windows.

D. Marquee signs.

- (1) Marquees shall be located only above the principal entrance of a building.
- (2) No marquee shall be wider than the entrance it serves, plus two feet on each side thereof.
- (3) No portion of a marquee shall be lower than ten-foot clearance from grade.

- (4) Marquee signs may encroach into the public frontage up to four feet and shall clear the sidewalk by at least 10 feet.
- (5) Columns or posts may be used as supports for marquees that are eight feet deep or more.
- (6) All marquees, including anchors, bolts, supporting rods and braces, shall be constructed of noncombustible materials and shall be designed by a structural engineer and approved by the Code Enforcement Officer.
- (7) Marquee components and materials may vary. Anchors, bolts and supporting rods should be limited to the interior of the marquee.
- (8) Message boards shall be permitted as part of marquees, but only for the marquee on the front principal lot line.
- (9) A band sign shall be permitted above a marquee.

E. Monuments.

- (1) Monument signs shall be a maximum of 40 square feet per sign face with a maximum of two sign faces.
- (2) The sign face of a monument sign shall not be elevated from ground level more than two feet, measured to the bottom of the sign face, except where the sign sits on a foundation, the width of which shall be equal to or greater than the width of the sign face width, constructed of solid materials such as stone, masonry, brick or other like materials, and the bottom of the sign face shall rest on the foundation.
- (3) Changeable copy/lettering and LED signs are permitted, provided that they do not comprise more than 50% of the total sign area.
 - (a) All LED sign images, messages and graphics displayed on the sign face must be static. Animation and video displays are prohibited.
 - (b) The transition from one static display on the LED sign face to another must be instantaneous without any special effects, including but not limited to flashing, spinning, revolving transition methods, scrolling from left to right or top to bottom, slot machine, splice, mesh, radar, kaleidoscope, spin, star wipe, or any other animated transition.
- (4) Plantings shall be included around monument signs.
- (5) Monument signs shall be placed no closer than five feet to the closest property line and 18 inches from an abutting street right-of-way line.

F. Outdoor advertising structure.

- (1) Location.
 - (a) Outdoor advertising structures along primary roads are subject to the regulations at 67 Pa. Code § 445.4. Where regulations within this chapter

are more restrictive than the state regulations, the chapter regulations shall supersede such provisions.

- (b) Outdoor advertising structures are permitted only in the Regional Commercial District.
 - (c) Outdoor advertising structures shall not be erected within 500 feet of the boundary line of any TN, MR or CT District.
 - (d) Outdoor advertising structures shall maintain a lateral minimum spacing between any existing or proposed outdoor advertising structure of 1,000 feet. Required spacing shall be measured along both sides of the same roadway frontage from the center-most point of the billboard structure along a line extending from the center-most point of the outdoor advertising structure which is parallel to the center line of the roadway to which the outdoor advertising structure is oriented.
 - (e) No advertising structure shall be located closer than 10 feet to any public street right-of-way.
 - (f) The minimum side and rear yard requirements applying to a principal structure as set forth within the zoning district in which the outdoor advertising structure is to be located shall apply to each outdoor advertising structure.
 - (g) No outdoor advertising structure shall be erected in such a manner as to block the view from the road or street of any existing business identification sign or residential or nonresidential structure or limit or reduce the light and ventilation requirements.
 - (h) No outdoor advertising structure shall be erected over any sidewalk or public right-of-way.
 - (i) Outdoor advertising structures shall not be part of a roof or wall, nor shall they be mounted on the roof, wall or other part of a building or any other structure.
- (2) Size and height.
- (a) An outdoor advertising structure shall have no more than two sign faces per outdoor advertising structure, which may be placed back-to-back or in a V-shaped configuration having an interior angle of 90° or less.
 - (b) The dimensions of the gross surface area of the outdoor advertising structure sign face shall not exceed 20 feet in total height or 25 feet in total length, provided that the total allowable gross surface area for the sign face is not exceeded.
 - (c) An outdoor advertising structure shall have a maximum height above the surface of the roadway from which it is intended to be viewed of 40 feet.
- (3) Construction methods.

- (a) An outdoor advertising structure shall have a maximum of one vertical support, being a maximum of three feet in diameter or width and without additional bracing or vertical supports.
- (b) An outdoor advertising structure sign face shall be independently supported and shall have vertical supports of metal which are galvanized or constructed of approved corrosive-resistant, noncombustible materials. Outdoor advertising structures constructed with galvanized metal shall not be painted.
- (c) The one vertical support shall be capable of enabling the entire sign face to be able to withstand a minimum one-hundred-mile-per-hour wind load. Structural design computations shall be made and certified by a registered engineer and shall be submitted to the City with the application for a conditional use.
- (d) The base shall be installed using a foundation and footings approved by the City Engineer for the type of construction proposed.
- (e) The entire base of the outdoor advertising structure parallel to the sign face shall be permanently landscaped with suitable shrubbery and/or bushes of a minimum height of three feet, placed in such a manner as to screen the foundation of the structure.
- (f) Landscaping shall be maintained by the sign owner in an attractive and healthy manner in accordance with accepted conservation practices.
- (g) No bare cuts shall be permitted on a hillside.
- (h) All cuts or fills shall be permanently seeded or planted.
- (i) An outdoor advertising structure with display lighting shall be constructed so that it does not glare upon adjoining property and shall not exceed a maximum footcandle of 1.5 upon the adjoining property.
- (j) Display lighting shall not operate between 12:00 midnight and 5:00 a.m., prevailing local time.
- (k) No outdoor advertising structure, sign face or display lighting shall move, flash or emit noise. No display lighting shall cause distractions, confusion, nuisance or hazards to traffic, aircraft or other properties.
- (l) The use of colored lighting shall not be permitted.

G. Projecting signs.

- (1) Projecting signs may be double-sided.
- (2) Projecting signs shall be permitted only for uses that have a principal entrance on the first story.
- (3) Nonresidential uses shall be permitted one projecting sign where its principal frontage line is no more than five feet from the facade. Nonresidential uses that

have a secondary frontage line that is no more than two feet from the facade shall be permitted one additional projecting sign on that facade.

- (4) Projecting signs may encroach into the public frontage up to four feet and shall clear the sidewalk by at least eight feet.
- (5) Projecting signs shall not encroach above the roofline nor above the bottom of the second-story window.
- (6) Mounting hardware, such as supports and brackets, may be simple and unobtrusive or highly decorative, but shall complement the design of the sign, the building, or both.
- (7) For buildings with multiple signs, mounting hardware or sign shapes, sizes and colors shall be coordinated.


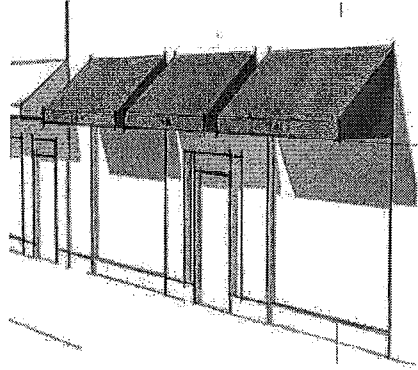
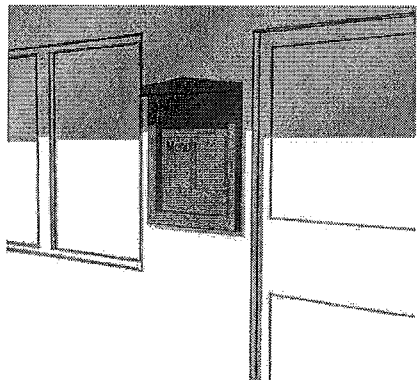
H. Sandwich boards.


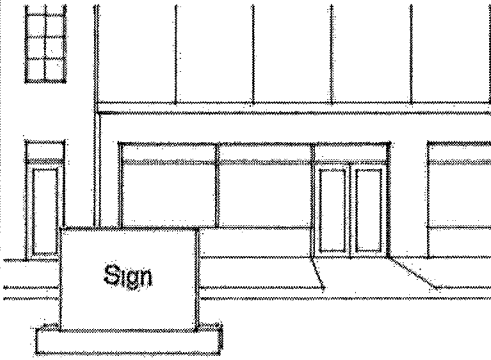
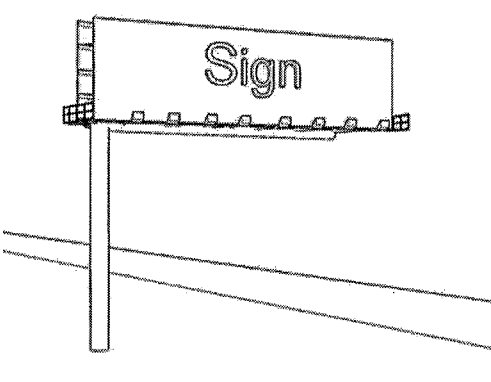
- (1) Sidewalk signs shall consist of freestanding, double-sided temporary signs placed at the entrance to a use in a primarily pedestrian environment.
- (2) Sidewalk signs shall be removed at the close of business each day.
- (3) One sidewalk sign shall be permitted for each business.
- (4) Sidewalk signs shall not exceed 42 inches in height or 26 inches in width.
- (5) Sidewalk signs shall be moved inside during high winds or other weather conditions that might pose a hazard to public safety.

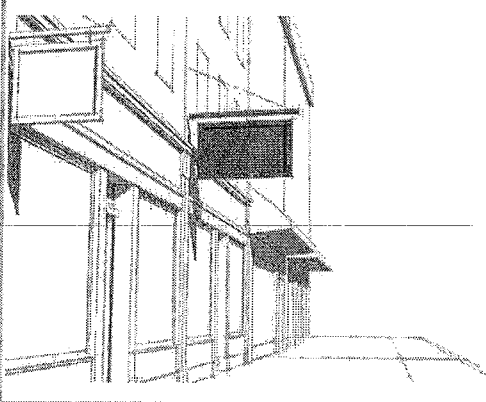
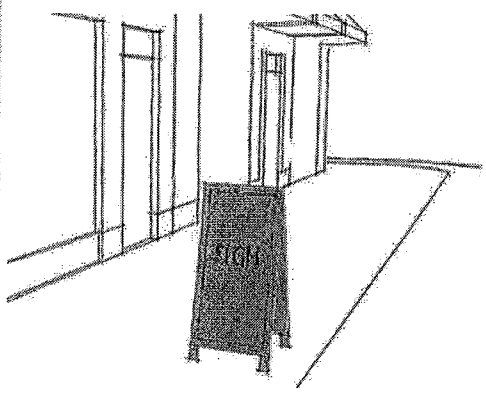
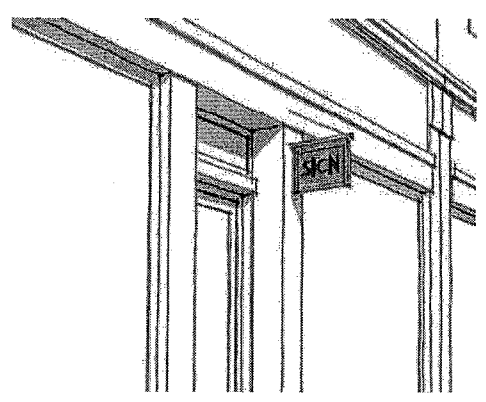
I. Shingle signs.

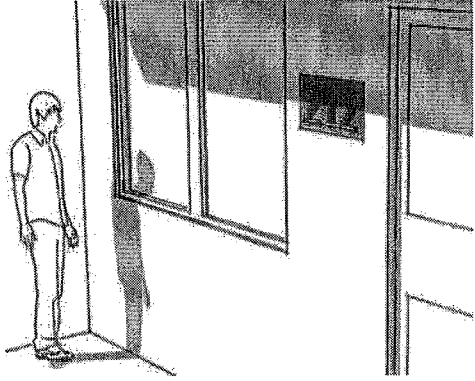

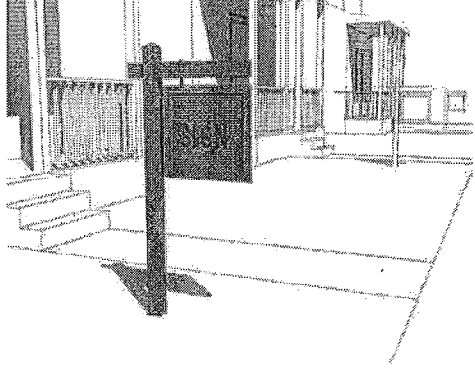
- (1) Shingle signs may be double-sided.
- (2) Shingle signs shall be permitted only for uses that have a principal entrance on the first story.
- (3) Nonresidential uses shall be permitted one shingle sign where its principal frontage line is no more than five feet from the facade. Uses that have a secondary frontage line that is no more than two feet from the facade shall be permitted one additional shingle sign on that facade.
- (4) A building may have both the prescribed number of projecting signs and the same number of shingle signs.
- (5) Shingle signs shall not encroach above the roofline nor above the bottom of the second-story window. Shingle signs may encroach into the public frontage up to two feet and shall clear the sidewalk by at least eight feet.
- (6) Mounting hardware, such as supports and brackets, may be simple and unobtrusive or highly decorative, but shall complement the design of the sign, the building, or both.
- (7) For buildings with multiple signs, mounting hardware or sign shapes, sizes, and colors shall be coordinated.

- J. Signplates.
- (1) Signplates shall consist of either a panel or individual letters applied to a building wall within 10 feet of an entrance to the building.
 - (2) One signplate shall be permitted per address.
 - (3) Signplates shall not exceed three square feet.
 - (4) Signplates shall be constructed of durable materials.
- K. Window signs.
- (1) Only the following window sign types shall be permitted:
 - (a) Vinyl applique letters applied to the window. Appliques shall consist of individual letters or graphics with no visible background.
 - (b) Letters painted directly on the window.
 - (c) Hanging signs that hang from the ceiling behind the window.
 - (d) Neon signs.
 - (e) Door signs applied to or hanging inside the glass portion of an entrance doorway.
 - (2) Window signs shall not interfere with the primary function of windows, which is to enable passersby and public safety personnel to see through windows into premises and view product displays.
 - (3) Window signs shall be no larger than 25% of the total area of the window onto which they are applied. Sign area shall be measured using the smallest rectangle that fully encompasses the entire extent of letters, logo and background.
 - (4) Letters on window signs shall be no taller than eight inches.
- L. Yard signs. One single- or double-post yard sign for each use is permitted, provided it is set back at least six feet from the frontage line, does not exceed six square feet excluding posts, and does not exceed six feet high including posts, measured from the yard at the post location.
- M. Temporary signs and banners. Temporary signs of all types may be approved by the Code Enforcement Officer for a thirty-day period only.
- N. Illustrations of sign types.

Example	Sign Type
	Band
	Canopy
	Display Case

Example	Sign Type
 A perspective drawing of a building facade. A large, dark, rectangular sign is mounted above the entrance, extending across the width of the building. The sign has the letters 'SCN' on it.	Marquee
 A perspective drawing of a building facade. A rectangular sign is mounted on a low, wide base in front of the building. The sign has the word 'Sign' written on it.	Monument
 A perspective drawing of a sign structure. A rectangular sign is mounted on a tall, thin post. The sign has the word 'Sign' written on it.	Outdoor Advertising Sign

Example	Sign Type
	Projecting
	Sandwich Board
	Shingle

Example	Sign Type
	<p>Signplate</p>
	<p>Window</p>
	<p>Yard Sign</p>
<p>Illustrations: SmartCode Signs Module, Mark Reener and Matt Wanamaker, Brown & Reener Urban Design (License: open source).</p>	

§ 550-60. Nonconforming signs.

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

- B. No structural alteration, enlargement, relocation or extension shall be made of a nonconforming sign except when the alteration will eliminate the nonconforming condition.
- C. 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, for multi-occupant land uses, 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 same premises.
- D. A nonconforming sign shall be made to conform to the requirements of this article whenever there is a change in the use of the building which the sign serves, or whenever the building or structure which the sign serves is externally expanded or remodeled.
- E. Whenever the use of a nonconforming sign, or the use which the sign serves, has been discontinued for a period of six consecutive calendar 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 which the sign serves, then the sign thereafter shall be made to conform with the provisions of this article or be removed by the City at the expense of the owner.
- F. If a nonconforming sign is damaged or destroyed by any means to the extent of 50% or more of its replacement value at the time of the damage or destruction (based on prevailing costs), then the sign thereafter shall be restored to conform to the provisions of this article. However, if the damage or destruction is less than 50% of the replacement value, then the sign may thereafter be restored to its original condition, so long as restoration or repair of the sign is completed within 90 days after the date of damage or destruction. The repaired or reconstructed sign shall be made to conform to the Uniform Construction Code in force at the time of the repair or reconstruction.

ARTICLE IX

Stormwater Management, Drainage, Grading⁹

§ 550-61. Purpose.

It is the intent of this article to set minimum standards for managing stormwater and the actions of grading and drainage of property within the City to protect life and property from loss due to poor development. The regulations herein are meant as minimum standards to safeguard persons, to protect property, to maintain the present level of ecology, and to promote the public welfare within Jeannette and its watersheds.

§ 550-62. Applicability.

- A. This chapter applies to any earth disturbance activities regulated by the City and all stormwater runoff entering into the City's storm sewer system from lands within the boundaries of the City.

9. Editor's Note: See also Ch. 450, Stormwater Management, of the Code of the City.

- B. Earth disturbance activities and associated stormwater management controls are also regulated under existing state law and implementing regulations. This article shall operate in coordination with those parallel requirements; the requirements of this article shall be no less restrictive in meeting the purposes of this article than state law.
- C. This article supersedes any other conflicting provisions which may be in effect in identified floodplain areas. However, any other ordinance provisions shall remain in full force and effect to the extent that those provisions are more restrictive. If there is any conflict between any of the provisions and this article, the more restrictive shall apply.

§ 550-63. General requirements for stormwater management.

- A. An application for any new development within the City shall be accompanied by a stormwater management plan indicating how stormwater will be collected and removed from the property. Such stormwater management plan shall be in accordance with any and all duly ordained requirements established by the Pennsylvania Storm Water Management Act (Act 167 of 1978, as amended).¹⁰
- B. All earth disturbance activities regulated by the City shall be designed, implemented, operated and maintained to meet the purposes of this article through erosion and sediment control during the earth disturbance activities (e.g., during construction) and water quality protection measures after completion of earth disturbance activities (e.g., after construction), including operations and maintenance.
- C. All best management practices used to meet the requirements of this article shall conform to the state water quality requirements and any more stringent requirements as determined by the City. The Pennsylvania Department of Environmental Protection Bureau of Watershed Management document entitled "Pennsylvania Stormwater Best Management Practices Manual" shall be used to conform to these requirements.

§ 550-64. General performance standards.

The following provisions shall be considered the overriding performance standards against which all proposed stormwater control measures shall be evaluated:

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

¹⁰. Editor's Note: See 32 P.S. § 680.1 et seq.

- B. The Stormwater Management Plan for the development site must consider all the stormwater runoff flowing over the site, including flow from areas upgradient to the site.
- C. The stormwater volume of runoff from all disturbed areas of the development site shall be 100% retained on site for all storm events up to and including the two-year storm.
- D. Where no subsurface storm drainage system is available and/or where large areas are to be covered with structures and paved surfaces, developers shall provide stormwater management facilities on their properties of sufficient capacity to hold the flow from the fifty-year storm of record (4.47 inches in 24 hours) for release at the ten-year rate (3.35 inches in 24 hours). The City Council may request assistance from the Westmoreland Conservation District in determining the need for and the adequacy of proposed stormwater management facilities.
- E. No discharge of toxic or hazardous materials shall be permitted into any stormwater management system.

§ 550-65. Stormwater control method design standards.

- A. Applicants shall select runoff control techniques or a combination of techniques which are most suitable to control stormwater runoff from the development site. All controls must be subject to approval of the City Engineer. The City Engineer may request specific information on design and/or operating features of the proposed stormwater controls in order to determine their suitability and adequacy in terms of the standards of this article.
- B. The stormwater management practices to be used in developing a stormwater management plan for a particular site shall be selected according to the following order of preference:
 - (1) On-site infiltration of runoff.
 - (2) Flow attenuation by use of open-vegetated swales and natural depressions.
 - (3) Stormwater detention/retention structures.
- C. The applicant shall consider the effect of the proposed stormwater management techniques on any special soil conditions or geological hazards which may exist on the development site. In the event that such conditions are identified on the site, the City Engineer may require in-depth studies by a registered geotechnical engineer. Not all stormwater control methods may be advisable or allowable at a particular development site.
- D. For industrial or commercial sites, where it is possible that toxic or hazardous substances may come into contact with stormwater runoff, pretreatment of the first 0.5 inch of runoff over areas where industrial and commercial operations take place shall be provided. Pretreatment shall include means for separating light and heavy nonaqueous phase liquids from the stormwater before the stormwater is conveyed to the general stormwater management facility(ies).

§ 550-66. Grading.

- A. Evidence of permit approval(s) required by all agencies having jurisdiction over earthmoving activities must be presented prior to the City issuance of any permit. Examples of such other approvals include, but are not limited to, earth disturbance permit(s) from the Pennsylvania Department of Environmental Protection and soil erosion and sedimentation control plan approval(s) from the Westmoreland Conservation District.
- B. Earth movement shall result in finished grades that do not exceed two horizontal to one vertical unless a report prepared and certified by a professional engineer licensed in the Commonwealth of Pennsylvania indicates that specific steeper slopes in a particular location will not compromise the stability of the completed slope or areas above or below it.
- C. Topsoil shall be removed and stockpiled before the start of grading. Graded slopes shall be planted with a fast-catching grass cover as soon as grading is completed.
- D. Where fill is used, it shall be placed in layers not exceeding eight inches in depth, thoroughly compacted, and keyed in to undisturbed earth at the edges of the fill. Fill shall be considered any material that has been brought to or moved on the site.
- E. For any development where site grading is proposed, the application submitted to the City Council shall include a cross-section drawing or drawings through the property to illustrate the proposed grading, indicating the steepness of the proposed and existing slopes.

ARTICLE X**General Administration and Enforcement****§ 550-67. Zoning Officer.**

The provisions of this chapter shall be administered and enforced by the Zoning Officer. The Zoning Officer shall be appointed by the City Council. It shall be the duty of the Zoning Officer, and he/she is hereby given the power and authority to:

- A. Receive and examine all applications for zoning permits.
- B. Review zoning permit applications for compliance with the provisions of this chapter, all other applicable ordinances, and with all federal, state, county and local laws and regulations which are relevant to the subject property.
- C. Process zoning permit applications for all permitted uses and issue permits only where there is compliance with the provisions of this chapter, with other City ordinances, and with the laws and regulations of the county, commonwealth and federal governments.
- D. Receive applications for conditional uses, curative amendments, and zoning amendments, and forward them to the Planning Commission, City Council, the Westmoreland County Planning Department, or other appropriate bodies.

- E. Receive applications for variances and forward these applications to the Zoning Hearing Board for action thereon.
- F. Following the refusal of a permit, receive applications for interpretation, appeals and variances and forward these applications to the Zoning Hearing Board for action thereon.
- G. Conduct investigations to determine compliance or noncompliance with the terms of this chapter. The Zoning Officer or his/her representative may enter any property within the City, provided that the property owner receives prior notification.
- H. Enforce the provisions of this chapter by the issuance of enforcement notices or by other means. Such written orders shall be served personally or by registered mail upon the persons, firms or corporations deemed by the Zoning Officer to be violating the terms of this chapter.
- I. Institute civil enforcement proceedings as a means of enforcement when acting with the approval or direction of City Council.
- J. Maintain the Official Zoning Map showing the current zoning classifications of all land in the City.
- K. Keep a permanent record of all plans and applications for permits and all permits issued, with notations as to special conditions attached thereto.
- L. Revoke any order or zoning permit issued under mistake of fact or contrary to the law or the provisions of this chapter.
- M. Enlist the assistance of other municipal agents and agencies in performing these responsibilities.
- N. Present relevant facts, records and similar information to the Planning Commission, City Council, Westmoreland County Planning Department, or City Zoning Hearing Board upon request.

§ 550-68. Zoning permits.

- A. Requirement for a zoning permit. No use shall be established or changed, no structure shall be erected, constructed, reconstructed, altered, razed or removed, and no building used or occupied or changed in use until a zoning permit has been secured from the Zoning Officer. In addition, a zoning permit shall be required prior to any of the following:
 - (1) Use of any building or other structure, or portion thereof, hereinafter erected, reconstructed, changed, improved, enlarged or otherwise altered, regardless of requirements for issuance of a building permit.
 - (2) Change in use of any building or structure, or portion thereof.
 - (3) Use of land or change in the use thereof, except that the placing of vacant land under cultivation shall not require a permit.

- (4) Change in use or expansion of a nonconforming use or structure, or portion thereof.
- B. Application requirements. All applications for zoning permits shall be made to the Zoning Officer in writing on forms furnished by the City and shall include all information necessary to enable the Zoning Officer to ascertain compliance with this chapter. Whenever the use involves a new building or structure or alterations to an existing building or structure, an application for a zoning permit shall be made prior to application for a building permit. When no construction is involved, application for a zoning permit and a certificate of occupancy, pursuant to the Pennsylvania Uniform Construction Code, as amended, may be made simultaneously at any time prior to the use or occupancy of the land, building or structure.
- (1) Applications shall be made in writing by the owner, tenant with owner's written permission, purchaser under contract of sale, or authorized agent for the owner and shall include the name and address of the applicant and contractor and the site location on which construction is proposed.
 - (2) Each application shall stipulate the proposed use of the land, building or structure. If more than one use is proposed or existing, the application shall include tabulation and description of all uses on the property and a brief description of the proposed work and the estimated cost.
 - (3) The application shall include a site layout plan indicating the location, dimensions, height and relation to property and street lines of proposed buildings or structures and all existing buildings or structures. The site layout plan shall be prepared and certified by a registered professional engineer, land surveyor, or landscape architect licensed in the Commonwealth of Pennsylvania.
- C. Permit issuance. No zoning permit shall be issued until the Zoning Officer has determined that the proposed use of land, the proposed tenant or occupant, or the existing or proposed building or structure complies with the provisions of the applicable zoning district and other provisions of this chapter. The issuance of a zoning permit does not permit construction or occupancy of a building or structure. A certificate of occupancy is also required pursuant to the Pennsylvania Uniform Construction Code, as amended. In case of refusal of the Zoning Officer to issue a permit, the applicant shall be advised in writing of the reasons for denial and of his or her rights of appeal to the Zoning Hearing Board.
- D. Application fees. All applicants shall pay to the City at the time of application a fee in the amount established in the fee schedule adopted by resolution of the City Council. In the event an application requires a request to City Council for consideration of a conditional use or to the Zoning Hearing Board for consideration of a variance or appeal of a decision of the Zoning Officer, each applicant shall pay to the City the appropriate application fee in the amount established in the fee schedule.

§ 550-69. Enforcement notice.

- A. The Zoning Officer is hereby authorized and directed, in the name of the City, to enforce the provisions of this chapter and to institute civil enforcement proceedings as provided in this chapter when acting within the scope of his or her employment.
- B. If it appears that a violation of this chapter has occurred, the Zoning Officer shall initiate enforcement proceedings by sending an enforcement notice as provided herein. The enforcement notice shall be sent to the owner of record of the parcel on which the violation has occurred.
- C. An enforcement notice shall state at least the following:
 - (1) The name of the owner of record and any other person against whom the City intends to take action.
 - (2) The location of the property in violation.
 - (3) The specific violation with a description of the requirements that have not been met, citing in each instance the applicable provisions of the ordinance.
 - (4) The date before which the steps for compliance must be commenced and the date before which the steps must be completed.
 - (5) The recipient of the notice has the right to appeal to the Zoning Hearing Board in writing within 10 calendar days.
 - (6) Failure to comply with the notice within the time specified, unless extended by appeal to the Zoning Hearing Board, constitutes a violation.

§ 550-70. Enforcement remedies.

- A. Any person, partnership or corporation who or which has violated any of the provisions of this chapter, upon being found liable therefor in a civil enforcement proceeding commenced by the City, shall pay a judgment of not less than \$200 and not more than \$500 plus all court costs plus reasonable attorneys' fees incurred by the City as a result thereof. No judgment shall commence or be imposed, levied, or payable until the date of the determination of a violation by the Magisterial District Judge. If the defendant neither pays nor timely appeals the judgment, the City may enforce the judgment pursuant to the applicable rules of civil procedure. Each day that a violation continues shall constitute a separate violation, unless the Magisterial District Judge determining that there has been a violation further determines that there was a good faith basis for the person, partnership or corporation violating this chapter to have believed that there was no such violation; in which event there shall be deemed to have been only one such violation until the fifth day following the date of the determination of a violation by the Magisterial District Judge, and thereafter each day that the violation continues shall constitute a separate violation.
- B. The Court of Common Pleas, upon petition of the defendant, may grant an order of stay, upon cause shown, tolling the per-diem judgment pending a final adjudication of the violation and judgment.

- C. Nothing contained herein shall be construed or interpreted to grant to any person or entity other than the City the right to commence any action for enforcement pursuant to this section.

ARTICLE XI
Amendments and Appeals

§ 550-71. Power of amendment.

- A. City Council may from time to time amend this chapter, including the Official Zoning Map.
- B. Proposals for amendment, supplement, change or modification or repeal may be initiated by the City Council on its own motion, the Westmoreland County Planning Department, or by petition by one or more owners of property to be affected by the proposed amendment. Any proposed amendment favorably acted upon shall be specifically found to be in accordance with the spirit and intent of the City's community development objectives.

§ 550-72. Public hearing prior to amendment.

- A. All zoning amendments shall first be submitted to the Planning Commission for review and comment at a duly advertised public meeting. **[Amended 12-26-2017 by Ord. No. 17-10]**
- B. The Planning Commission shall forward its recommendation on any zoning amendment to the City Council for action.
- C. Before voting on the enactment of any amendment, the City Council shall hold a public hearing pursuant to public notice. Public notice shall be published once for two consecutive weeks in a newspaper of general circulation in the City. Such notice shall state the time and place of hearing, the particular nature of the matter to be considered at the hearing, and the full text of the amendment or a brief summary setting forth the general provisions in reasonable detail. The first publication shall be published no more than 60 days and the second publication not less than seven days from the date of the hearing. Procedures relating to the publication, advertisement, and availability of proposed amendments shall be in accordance with Section 610 of the Pennsylvania Municipalities Planning Code, as amended. If the proposed amendment involves a Zoning Map change, notice of the public hearing shall be conspicuously posted by the City at points deemed sufficient by the City along the perimeter of the tract to notify potentially interested citizens. The affected tract or area shall be posted at least one week prior to the date of the hearing. All notification requirements of the Pennsylvania Municipalities Planning Code shall be met.
- D. If after any public hearing held upon an amendment the proposed amendment is changed substantially or is revised to include land previously not affected by it, City Council shall hold another public hearing pursuant to public notice before proceeding to vote on the amendment. In the event substantial amendments are made in the proposed ordinance or amendment before voting upon enactment, City Council shall, at least 10

days prior to enactment, readvertise in one newspaper of general circulation in the City a brief summary setting forth all the provisions in reasonable detail, together with a summary of the amendments.

§ 550-73. Submission to Westmoreland County Planning Department.

- A. In the case of an amendment other than one prepared by the Westmoreland County Planning Department, ~~City Council shall submit each such amendment to the~~ Westmoreland County Planning Department at least 30 days prior to the hearing in order to provide the Westmoreland County Planning Department an opportunity to submit recommendations.
- B. Within 30 days after enactment, a copy of the adopted amendment to the Zoning Ordinance shall be forwarded to the Westmoreland County Planning Department.

§ 550-74. Proposals by curative amendment.

- A. A landowner who desires to challenge on substantive grounds the validity of a zoning ordinance or map or any provisions thereof which prohibits or restricts the use or development of land in which he has an interest may submit a curative amendment first to the Planning Commission for review and a recommendation to the City Council, with a written request that his challenge and proposed amendment be heard and decided as provided in Sections 609.1 and 916.1 of the Municipalities Planning Code, as amended. City Council shall commence a hearing thereon within 60 days of the request, as provided in Section 609.1 of the Municipalities Planning Code, as amended. The curative amendment and challenge shall be referred to the Westmoreland County Planning Commission, and notice of the hearing thereon shall be given as provided by the Municipalities Planning Code, as amended.
- B. Procedures for the public hearing as set forth on Section 609.1 of the Municipalities Planning Code, as amended, shall be followed.
- C. If the City determines that its zoning ordinance or any portion thereof is substantially invalid, it shall follow the procedures as set forth in Section 609.2 of the Municipalities Planning Code, as amended.

§ 550-75. Private petition for amendment.

- A. Every private application for amendment to this chapter shall first be presented to the City with the required filing fee as set forth by resolution of City Council and shall set forth the following where relevant:
 - (1) The applicant's name and address and his representative and the interest of every person represented in the application.
 - (2) A plan showing the extent of the area to be rezoned, streets bounding and intersecting the area, land use and zoning classification of abutting districts, and tax parcel numbers, names of owners, and street addresses of the areas to be rezoned.

- (3) A statement of the circumstances in the proposed district and the abutting districts and any other factors on which the applicant relies as reasons for supporting the proposed rezoning.
 - (4) Information that may be needed by the City to evaluate the proposed amendment. The City may require any surveys, studies or impact assessments it deems necessary in order to evaluate the proposed zoning change, including but not limited to the following:
 - (a) Property surveys prepared by a land surveyor licensed in Pennsylvania.
 - (b) Traffic impact, addressing the pedestrian, vehicular, school bus, and truck traffic to be generated; routes to be used; access points; potential conflict points; proposed improvements, including street paving, widening, crosswalks, traffic-calming devices, signals, signs, school bus stops, delivery routes, and sidewalks or pedestrian improvements.
 - (c) Natural resources and environmental impact.
 - (d) Parking impact considering the number of new parking spaces required; their location; impact of new use on current parking supply and demand; and hours of peak demand.
 - (5) The proposed changes to the text of the Zoning Ordinance.
- B. All zoning amendments or changes shall be consistent with the adopted City community development objectives, in accordance with Section 603(j) of the Pennsylvania Municipalities Planning Code. A change shall not be enacted unless the proposed change is consistent with or until the City community development objectives are amended in a manner that resolves the inconsistency.

§ 550-76. Appeals to court.

The procedures set forth in Article X-A, Appeals to Court, of the Pennsylvania Municipalities Planning Code, as amended, shall constitute the exclusive mode for securing review of any decision rendered pursuant to this chapter or deemed to have been made under this chapter.

ARTICLE XII Conditional Uses and Special Exceptions

§ 550-77. Applicability.

- A. City Council shall have the power to approve a conditional use when this chapter specifically requires the obtaining of such approval. Only uses that are specifically identified as conditional uses in § 550-21, Permitted land uses, and included in this chapter will be eligible for conditional use approval.
- B. The Zoning Hearing Board shall have the power to approve a special exception use when this chapter specifically requires the obtaining of such approval. Only uses that

are specifically identified as special exceptions in § 550-21 and included in this chapter will be eligible for special exception approval.

§ 550-78. Criteria for approval.

A. Conditional uses and special exception uses.

- (1) In granting a conditional use or special exception use, the City Council or Zoning Hearing Board, as applicable, shall make findings of fact consistent with the provisions of this chapter. The City Council or Zoning Hearing Board shall not approve a conditional use except in conformance with the conditions and standards outlined in this chapter. In granting a conditional use, Council or the Zoning Hearing Board may attach such reasonable conditions and safeguards, in addition to those expressed in this chapter, as it may deem necessary to implement the purposes of this chapter, the City's community development objectives, and the Pennsylvania Municipalities Planning Code.
- (2) The City Council or Zoning Hearing Board, as applicable, shall grant a conditional use or special exception use only if it finds adequate evidence that any proposed use submitted will meet all of the following general requirements as well as any specific requirements and standards listed in Article IV, Supplemental Regulations. The City Council or Zoning Hearing Board, as applicable, shall require that any proposed use and location be:
 - (a) In accordance with the City's community development objectives.
 - (b) Suitable for the property, and designed, constructed, operated and maintained so as to be in harmony with and appropriate in appearance to the existing or intended character of the general vicinity. Such characteristics as the proposed hours of operation, the activities to be conducted, and the number of people to be assembled or to use the premises at any one time shall be considered.
 - (c) In conformance with all applicable requirements of this chapter and all other City ordinances, including all requirements of the County Subdivision and Land Development Ordinance.
 - (d) Able to be established with guaranteed adequate parking and access arrangements to protect people, streets and parking areas from congestion and hazard, as demonstrated by submitted studies and reports.
- (3) City Council or the Zoning Hearing Board, as applicable, may require the submission of studies identifying the impact of the proposed development on traffic, parking, environmental conditions, stormwater or aesthetics.

B. Application requirements.

- (1) The applicant shall make a written request first to the Planning Commission for a public hearing to be held on the application. The Planning Commission shall review the application and make and forward a recommendation to the City Council or Zoning Hearing Board, as applicable. The City Council or Zoning

Hearing Board shall hold a public hearing to consider the recommendation of the Planning Commission.

- (2) The application shall be accompanied by plans and other materials necessary to address the general and specific requirements of this chapter. The minimum requirements shall include the following:
 - (a) Five copies of a site layout plan drawn to scale, showing the location, dimensions and height of proposed buildings, structures or uses and any existing buildings in relation to property and street lines. The site layout plan shall be prepared by and contain the seal of a professional engineer, land surveyor, or landscape architect licensed in the Commonwealth of Pennsylvania.
 - (b) The following information shall be provided on the site layout plan with the conditional use or special exception application:
 - [1] Statement as to the proposed use of the building or land. A description of proposed residential, institutional, businesses and offices, retail, consumer uses, or other uses.
 - [2] The information regarding natural resource protection requirements as required by this chapter.
 - [3] The location, size, arrangement and capacity of all areas to be used for motor vehicles access, off-street parking, off-street loading and unloading, and provisions to be made for lighting.
 - [4] The location, dimensions and arrangements of all open spaces, yards and buffer yards, including methods to be employed for any required buffering and screening.
 - [5] The location, size and height of any proposed signs.
 - [6] The location and dimension of sidewalks and all other areas to be devoted to pedestrian use.
 - [7] Provisions to be made for treatment and disposal of wastewater, water supply and stormwater.
 - [8] The location, size, arrangement and capacity of all areas to be used for motor vehicle access, and all necessary traffic improvements for safe on-site ingress or egress, off-street parking, off-street loading and unloading, and provisions to be made for lighting such areas.
 - [9] Description of methods to be employed in controlling any noise, air pollution, smoke, fumes, water pollution, fire hazards, or other safety hazards. The environmental standards contained in this chapter and in other City ordinances shall be utilized as the reference for applicable standards.

[10] Any other data deemed necessary by the City Council to enable it to determine the compliance of the proposed development with the terms of this chapter.

C. Application procedures.

- (1) All applications for conditional use or special exception approvals shall be in writing on standard forms prescribed by the Planning Commission and accompanied by the fee established by resolution of the City Council.
- (2) The Planning Commission shall hold a hearing upon the request, commencing no later than 60 days after the request is filed, unless the applicant requests or consents in writing to an extension of time.
- (3) The Planning Commission shall conduct a public hearing and make decisions in accordance with the procedures set forth in this chapter and the Pennsylvania Municipalities Planning Code for conditional uses.
- (4) The Planning Commission may impose whatever conditions regarding layout, circulation, design, parking and other zoning controls it deems necessary to ensure that a proposed development will secure the objectives of this chapter and protect the health, safety and welfare of the City.
- (5) For conditional uses, the recommendation of the Planning Commission, including any findings of fact and conclusions of law, shall be forwarded to the City Council for a public hearing and action on the matter.
- (6) For special exceptions, the recommendation of the Planning Commission, including any findings of fact and conclusions of law, shall be forwarded to the Zoning Hearing Board for a hearing and action on the matter.

§ 550-79. Expiration of conditional uses and special exceptions.

A conditional use shall expire if the applicant fails to obtain a zoning permit within 365 days of the date of the granting of the conditional use; provided, however, that:

- A. If the subject matter of the conditional use requires either a subdivision or land development, the conditional use shall expire if the applicant fails to file the required subdivision or land development plan within 365 days of the granting of the conditional use. The applicant shall have 180 days after the final plans of the subdivision or land development are approved and recorded to obtain a zoning permit; and
- B. The City Council or Zoning Hearing Board, as applicable, may grant one extension of time for a period not to exceed 365 days if the landowner or his agent requests such an extension and if good cause for the extension is shown.

§ 550-80. Presumption as to performance standards. [Added 7-17-2018 by Ord. No. 18-13]

Various provisions of Article IV, Supplemental Regulations, require that an applicant provide a written description explaining the measures which will be implemented to ensure that

adjacent properties will be adequately protected from any negative impacts. In relation to each such provision, with respect to any matter that is addressed in § 550-25, Performance standards, including, without limitation, noise, odors, vibration and lighting, if the applicant provides plans demonstrating that its proposed use complies with the performance standards in § 550-25 applicable to such matter, then, notwithstanding any provision of this chapter to the contrary, it shall be presumed that the applicant has satisfied its obligation to explain the measures which will be implemented to ensure that adjacent properties will be adequately protected from any negative impact relating to such matter.

§ 550-81. Licenses and permits. [Added 7-17-2018 by Ord. No. 18-13]

With respect to any provision of this chapter which requires that an applicant for a conditional use approval provide to the City copies of all licenses or permits required by local, state and federal agencies, such requirement shall be deemed to mean that, as a condition to a conditional use approval, the applicant shall be required to provide to the City, as soon as available, copies of the licenses or permits required by local, state and federal agencies with respect to the proposed use.

ARTICLE XIII
Zoning Hearing Board

§ 550-82. Establishment of Board.

- A. A Zoning Hearing Board is established in order that the objectives of this chapter may be more fully and equitably achieved and to provide a means for competent interpretation of this chapter.
- B. Membership and terms of office.
- (1) The Zoning Hearing Board shall consist of three residents of the City, appointed by resolution of the City Council. The terms of office shall be three years and shall be so fixed that the term of office of one member shall expire each year. At the adoption of this chapter, Zoning Hearing Board members shall continue in office pursuant to their current terms. Board members shall hold no other City office. Any member of the Board may be removed for cause by City Council upon written notice and charges after a public hearing. Vacancies shall be filled for unexpired terms in the same manner as those for original appointments.
 - (2) The City Council may appoint, by resolution, from one to three residents to serve as alternate members of the Board for three-year terms. Alternates shall hold no other City office. Alternates may participate in any proceeding or discussion of the Board but shall not be entitled to vote or to be compensated unless designated by the Chairperson to sit on the Board in order to provide a quorum. Designation of alternates to sit on the Board shall be made case by case in rotation according to declining seniority among all alternates.

§ 550-83. Procedures.

- A. **Officers.** The Board shall elect from its own membership a Chairperson and Vice Chairperson, who shall serve annual terms as such and may succeed themselves. The Board may make, alter and rescind rules and forms for its procedures consistent with the provisions of the Pennsylvania Municipalities Planning Code, as amended, and this chapter.
- B. **Hearings.** Public notice shall be given of all hearings consistent with the Municipalities Planning Code. For the conduct of any hearing and the taking of any action, a quorum shall be not less than a majority of all the members of the Board.
- C. **Records and decisions.** The Board shall keep a record of its proceedings and official actions, which shall be filed in the City Hall and shall be a public record.
- D. **Interpretation.** Upon appeal from a decision by the Zoning Officer, the Zoning Hearing Board shall decide any questions:
- (1) Involving the interpretation of any provisions of this chapter, including determination of the exact location of any district boundary if there is uncertainty; and
 - (2) Where it is alleged there is error in any order, requirement, decision or determination in the enforcement of this chapter, including an order made by the Zoning Officer requiring an alleged violation to stop, cease and desist.

§ 550-84. Variances.

- A. The Board shall hear requests for variances where it is alleged that the provisions of the Zoning Ordinance inflict unnecessary hardship upon the applicant. Subject to the provisions of the Pennsylvania Municipalities Planning Code, the Board may prescribe the form of application and may require preliminary application to the Zoning Officer. The Board may grant a variance, provided the following findings are made, where relevant in a given case:
- (1) That there are unique physical circumstances or conditions, including irregularity, narrowness or shallowness of lot size or shape, or exceptional topographical or other physical conditions peculiar to the particular property, and that the unnecessary hardship is due to such conditions and not the circumstances or conditions generally created by the provisions of the Zoning Ordinance in the neighborhood or district in which the property is located;
 - (2) That because of such physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of the Zoning Ordinance and that the authorization of a variance is therefore necessary to enable the reasonable use of the property;
 - (3) That such unnecessary hardship has not been created by the applicant;
 - (4) That a 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; and

- (5) That the variance, if authorized, will represent the minimum variance that will afford relief and will represent the least modification possible of the regulation at issue.
- B. In granting any variance, the Board may attach reasonable conditions and safeguards as it may deem necessary to implement the purposes of this chapter.

§ 550-85. Challenge to validity of Zoning Ordinance or Map.

The Board shall hear challenges and appeals, as delineated in the Municipalities Planning Code, as amended. The Board shall take evidence and make a record of such proceedings. At the conclusion of the hearing, the Board shall decide all contested questions and shall make findings on all relevant issues of fact, which shall become part of the record for appeal to the court.

- A. Actions of the Board in exercising power. In exercising the above-mentioned powers, the Zoning Hearing Board may, in conformity with law and the provisions of this chapter, reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination. Written notice of such decision shall be given forthwith to all interested parties.
- B. General rules and procedures for appeals and applications.
- (1) Any appeal from the ruling of the Zoning Officer concerning the enforcement and interpretation of the provisions of this chapter shall be filed with the Zoning Hearing Board within 30 calendar days after the date of the Zoning Officer's adverse decision. **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]**
 - (2) All appeals and applications made to the Board shall be in writing on standard forms prescribed by the Zoning Hearing Board.
 - (3) All appeals and applications shall refer to the specific provisions of this chapter involved.
- C. Eligible appellants. Appeals to the Zoning Hearing Board may be taken by any person aggrieved or affected by any provisions of this chapter or by any decision, including any order to stop, cease and desist issued by the Zoning Officer in enforcing the provisions of this chapter.
- D. Notice of hearings. Upon the filing with the Zoning Hearing Board of an application for a variance, interpretation of this chapter or other appeal, the Board shall hold a public hearing within 60 days from the date of the applicant's request, unless the applicant has agreed in writing to an extension of time, and:
- (1) Provide public notice published each week for two successive weeks in a newspaper of general circulation in the City. Such notice shall state the time and place of the hearing and the particular nature of the matter to be considered at the

hearing. The first publication shall not be more than 30 days and the second publication shall not be less than seven days from the date of the hearing.

- (2) Give written notice to the applicant, the Zoning Officer, persons whose properties adjoin or are across public roads from the property in question or are within 100 feet of the property in question, and to any person who has made timely request for same.
 - (3) Conspicuously post a written notice of said hearing on the affected tract of land at least one week prior to the hearing.
- E. Fees. The applicant for any hearing before the Zoning Hearing Board shall, at the time of making application, pay to the Zoning Officer a fee in accordance with the fee schedule adopted by resolution of the City Council.
- F. Expiration of variances. A variance shall expire if the applicant fails to obtain a zoning permit within 365 days of the date of the granting of the variance; provided, however, that:
- (1) If the subject matter of the use constitutes either a subdivision or land development, the variance shall expire if the applicant fails to file the required subdivision or land development plan within 365 days of the granting of the variance. The applicant shall have 180 days after the final plans of the subdivision or land development are approved and recorded to obtain a zoning permit; and
 - (2) The Zoning Hearing Board may grant one extension of time for a period not to exceed 365 days if the landowner or his agent requests such an extension and if good cause for the extension is shown.

ARTICLE XIV

Definitions

§ 550-86. Word usage.

For the purposes of this chapter, the following words and phrases shall have the meanings respectively ascribed to them within this section. If not defined in this section, or within other sections of this chapter, terms used in this chapter shall have the meanings provided in any standard dictionary or American Planning Association publication, as determined by the City Council.

§ 550-87. Terms defined.

As used in this chapter, the following terms shall have the meanings indicated:

ABANDONMENT — The relinquishment of property or a cessation of the use of the property by the owner or lessee without any intention of transferring rights to the property to another owner or of resuming the nonconforming use of the property for a period of one year.

ABUTTING — Having a common border with or being separated from such a common border by a right-of-way, alley or easement.

ACCESS — The way or means by which pedestrians or vehicles approach, enter or exit property.

ACCESSORY EQUIPMENT — Any equipment serving or being used in conjunction with a wireless communications facility or wireless support structure. The term "accessory equipment" includes but is not limited to utility or transmission equipment, power supplies, generators, batteries, cables, equipment buildings, cabinets and storage sheds, shelters or similar structures. [Added 3-14-2019 by Ord. No. 19-05]

ACCESSORY STRUCTURE — See "structure, accessory."

ACCESSORY USE — See "use, accessory."

ADDITION — Any increase in the gross floor area of a structure or use, including those in which the building footprint is not enlarged.

ADJACENT — See "abutting."

ADMINISTRATIVE/BUSINESS OFFICES — See "professional offices."

ADULT BOOKSTORE — An establishment having more than 10 square feet of floor area devoted to stock-in-trade, books, magazines and other periodicals which are distinguished or characterized by their emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas, as defined in this chapter, or an establishment with a segment or section devoted to the sale or display of such material. See also "adult business."

ADULT BUSINESS — An adult bookstore, adult video store, adult motion-picture theater, or adult entertainment establishment, as defined in this chapter. Also known as a "sexually-oriented business."

ADULT ENTERTAINMENT — An establishment used for presenting persons depicting, showing or relating to specified sexual activities or specified anatomical areas, as defined in this chapter. See also "adult business."

ADULT MOTION-PICTURE THEATER — An establishment used for presenting motion-picture material distinguished or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas, as defined in this chapter, for observation by patrons thereto. See also "adult business."

ADULT VIDEO STORE — An establishment having more than 10 square feet of floor area devoted to its stock-in-trade, videotapes or compact discs which are distinguished or characterized by their emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical area, as defined in this chapter, or an establishment with a segment or section devoted to the sale or display of such material. See also "adult business."

ADVERSE IMPACT — A negative consequence for the physical, social or economic environment resulting from an action or project.

AGENT OF OWNER — Any person who can show written proof that he has authority to act on behalf of a property owner.

ALCOHOL SALES — A use that provides sales of beer and wine for off-site consumption.

ALLEY — A right-of-way dedicated to public use, other than a street, road, crosswalk or easement, designed to provide a secondary means of access for the special accommodation of the property it reaches. Also known as "service drive." An alley shall not be considered adequate as the sole access for a parcel of land. See also "street."

ALTERATION, INCIDENTAL — A change or replacement in the parts of a building or other structure, such as:

- A. Alteration of interior partitions to improve a nonconforming residential building, provided no additional dwelling units are created thereby.
- B. Alteration of interior partitions in all other types of buildings or structures.
- C. A minor addition on the exterior of a residential building to provide an uncovered porch or patio.
- D. Making windows or doors in exterior walls.
- E. Strengthening the load-bearing capacity in not more than 10% of the total floor area to permit the accommodation of a specialized unit of machinery or equipment.
- F. Replacement of, or minor changes in, the capacity of utility pipes, ducts or conduits.

ALTERATION, STRUCTURAL — A change in the supporting members of a building, such as bearing walls or partitions, columns, beams or girders, or any complete rebuilding of the roof or exterior walls.

ALTERNATIVE FINANCIAL SERVICES — Use of a site for a check-cashing business, payday advance or loan business, money transfer business, motor vehicle title loan business, or a credit access business.

AMATEUR RADIO ANTENNA — An amateur radio station licensed by the Federal Communications Commission, including equipment such as but not limited to a tower or alternative tower structure supporting a single radiating antenna platform and other equipment. Also called "ham radio antenna."

AMENDMENT, CURATIVE — An amendment to the Zoning Ordinance made to the City Council by a property owner who desires to challenge on substantive grounds the validity of this chapter which prohibits or restricts the use or development of land in which the property owner has an interest.

AMENDMENT, REZONING — An amendment to the Zoning Map to effect a change of the designated land use district on a parcel of land.

AMENDMENT, TEXT — An amendment or revision to the text of this chapter.

AMENITY — Aesthetic or other characteristics of a development that increase its desirability to a community or its marketability to the public. Amenities may differ from development to development but may include such things as a unified building design, recreational facilities (e.g., swimming pool, walking trails, bicycle trails, lakes, tennis courts, picnic areas, playgrounds), views, landscaping, etc.¹¹

11. Editor's Note: The definition of "antenna," which immediately followed this definition, was repealed 3-14-2019 by Ord. No. 19-05.

ANTENNA AND COMMUNICATIONS ANTENNA — Any system of equipment, switches, wires, cables, power sources, rods, discs, panels, flat panels, dishes, whips, shelters, cabinets or other similar devices used for the transmission or reception of wireless signals. An antenna may include an omnidirectional antenna (rod), directional antenna (panel), parabolic antenna (disc) or any other wireless antenna. An antenna shall not include tower-based wireless communications facilities as defined below. [Added 3-14-2019 by Ord. No. 19-05]

APARTMENT — See "dwelling, multifamily."

APEX — The highest point of a sign as measured from the point on the ground where its structure is located or, if no sign structure is present, from the point on the ground directly below the sign itself.

APPLICANT — A landowner or developer, as hereinafter defined, who has filed an application for development, including his heirs, successors and assigns.

AREA — The total area within the property lines of a project or lot, excluding external streets.

AREA, BUILDABLE — The area of a lot remaining after the minimum setback and open space requirements of the Zoning Ordinance have been met.

ART GALLERY — Use of a site for the display or sale of art.

ASSISTED LIVING FACILITY — A long-term residence facility exclusively for persons 60 years or older, and which shall include common dining and social and recreational features, special safety and convenience features designed for the needs of the elderly and the provision of social services for residents, which must include at least two of the following: meals, transportation, housekeeping, linen services and organized social services. Also called "retirement home" or "convalescent home."

ATTIC — The space between the ceiling beams of the top story and the roof rafters.

AUTOMOTIVE RENTALS — The rental of automobiles, noncommercial trucks, trailers or recreational vehicles, including incidental parking and servicing of vehicles.

AUTOMOTIVE REPAIR — Use of a site for the repair of automobiles, noncommercial trucks, motorcycles, motor homes, recreational vehicles or boats, including the sale, installation and servicing of equipment and parts.

AUTOMOTIVE SALES — Use of a site for the sale or rental of automobiles, noncommercial trucks, motorcycles, motor homes, recreational vehicles or boats, including incidental storage, maintenance and servicing.

AUTOMOTIVE WASHING — Use of a site for washing and cleaning of passenger vehicles, recreational vehicles, or other light-duty equipment.

AWNING — An architectural projection that provides weather protection, identity or decoration and is wholly supported by the building to which it is attached. An awning is comprised of a lightweight, rigid skeleton structure over which a covering is attached. See also "sign, canopy."

BAIL BOND SERVICES — Use of a site by a licensed bail bond surety to provide bail bond services.

BAR/LOUNGE — Premises used primarily for sale or dispensing of alcoholic beverages by the drink for on-site consumption and where food may be available for consumption on the premises as accessory to the principal use.

BASEMENT — That portion of a building that is partly or completely below grade.

BED-AND-BREAKFAST — A dwelling in which, for compensation, lodging containing not more than six guest rooms and, for no extra charge, breakfast is provided to the guests. This use does not include rooming houses or boardinghouses.

BERM, EARTHEN — A natural or man-made earthen mound in excess of two feet in vertical height, designed to shield or buffer properties from adjoining uses, highways, noise, or to control the direction of surface water flow.

BEST MANAGEMENT PRACTICE (BMP) — 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. BMPs include but are not limited to infiltration, filter strips, low-impact design, bioretention, wet ponds, permeable paving, grassed swales, forested buffers, sand filters, and detention basins.

BIKEWAY — A pathway used for bicycling, walking and other recreation.

BILLBOARD — See "sign, outdoor advertising."

BLOCK — Property having frontage on both sides of a street and lying between the two nearest intersecting or intercepting streets, or nearest intersecting and intercepting street and railroad right-of-way, waterway or other barrier (including an alley between zoned areas).

BLOOD PLASMA CENTER — A walk-in facility where the donation or sale of blood and/or plasma is taken and distributed for use in medical or other similar products. This does not include blood banks in which primarily whole blood is extracted from donors and used, transferred or sold or blood banks that are accessory to an existing medical use.

BOARDINGHOME — See "hotel/motel."

BUFFER — A strip of land, a fence, a wall or a border of trees, etc., between one land use and another, which may or may not have trees and shrubs planted for screening purposes, designed to set apart one use from another.

BUFFER STRIP — Land area used to visibly separate one use from another or to shield or block noise, light or other nuisances. A strip may be required to include fencing, berms, shrubs and/or trees. Also called a "buffer yard."

BUILD-TO LINE — An alignment established a certain distance from the front property line to a line along which the building shall be built.

BUILDABLE AREA — See "area, buildable."

BUILDING — Any structure used or intended for supporting or sheltering any use or occupancy.

BUILDING AREA — A percentage referring to that portion of a lot covered only with principal and accessory structures.

BUILDING FOOTPRINT — The outline of the total area of a lot covered by a building's perimeter.

BUILDING HEIGHT — The vertical distance of a building measured from the average grade level at the front line of the building to the highest point of the roof if the roof is flat or mansard, or to the average level between the eaves and the highest point of the roof if the roof is of any other type. Height calculation shall not include chimneys, spires, towers, elevator and mechanical penthouses, radio antennas, and similar projections.

BUILDING LINE — A line on a lot, generally parallel to property lines and located a sufficient distance from the property lines to provide the minimum setbacks required by this chapter. Building lines establish the area within which buildings are permitted and do not necessarily correspond with the location of any existing structures or other improvements.

BUILDING MAINTENANCE SERVICES — The provision of maintenance and custodial services to firms rather than individuals.

BUILDING WALL — An exterior load-bearing or non-load-bearing vertical structure that encompasses the area between the final grade elevation and eaves of the building, and is used to enclose the space within the building. A porch, balcony or stoop is part of the building structure and may be considered as a building wall.

BUILDING, ACCESSORY — See "structure, accessory."

BUILDING, DETACHED — A building having no structural connection with another building.

BUILDING, FRONT LINE OF — The line of the face of the building nearest the front lot line.

BUILDING, NONCONFORMING — See "structure, nonconforming."

BUILDING, PRINCIPAL — A building in which is conducted the main use of the lot on which the building is situated.

BULK REQUIREMENTS — Standards that control the height, density and location of structures.

BUSINESS — Engagement in the purchase, sale, barter or exchange of goods, wares, merchandise or services, the maintenance or operation of offices or recreational and amusement enterprises for profit. See also "establishment."

CANDLE — A measure of light intensity. A candle is equal to 1/60 of the luminous intensity per square centimeter of a blackbody radiating at the temperature of solidification of platinum (2,046° Kelvin).

CANOPY — An architectural projection that provides weather protection, identity or decoration and is supported by the building to which it is attached and at the outer end by not less than one stanchion. A canopy is comprised of a rigid structure over which a covering is attached. See also "sign, canopy," "awning" and "sign, awning."

CARPORT — An accessory roofed structure attached or unattached to the primary structure or building for the purpose of providing shelter for one or more motor vehicles or recreational vehicles. Includes canopies and sheds.

CEMETERY — Land used, or intended to be used, for burying the human dead and dedicated for cemetery purposes, including mausoleums and mortuaries when operated in conjunction with and within the boundaries of the cemetery.

CENTER WALK — A dedicated walking aisle, typically raised, between the cars, running the length of the parking aisle.

CHANNEL LETTERS — Removable letters that fit into channels on a sign or marquee.

CLEAR VISION TRIANGLE — An area of unobstructed vision at street intersections between 2 1/2 and eight feet above the street pavement and within a triangular area at the street corner, which area is bounded by:

- A. The street property lines of the corner lot and a line connecting points 20 feet distant from the intersection of the property lines of such lot; or
- B. The curblines of an intersection and a line connecting points 40 feet distant from the corner of the intersection, such corner determined by projecting the curblines out to a specific point, whichever is the lesser.

CLEAR-CUTTING — Removal of an entire stand of trees, shrubs and other vegetative ground covering.

CLEARANCE — The height above the walkway or other surface, if specified, of the bottom edge of an element.

CLINIC, MEDICAL OR DENTAL — An establishment providing dental, medical, chiropractic, physical therapy, psychiatric or surgical services exclusively on an outpatient basis, including but not limited to emergency treatment and diagnostic services.

CLINIC, VETERINARY — A use or structure intended or used primarily for the testing and treatment of animals on an emergency or outpatient basis. This use shall not include the boarding or training of animals, except for medical purposes, and shall not provide outdoor runs or kennels. Also referred to as "animal hospital."

CLUB OR LODGE — Provision of meeting, recreational or social facilities by a private or nonprofit association, primarily for use by members and guests.

CODE ENFORCEMENT OFFICER — The individual or firm appointed or hired by the City to administer and enforce the provisions of this chapter.

CO-LOCATION — The placement or installation of new wireless communications facilities on previously approved and constructed wireless support structures, including self-supporting or guyed monopoles and towers, electrical transmission towers, water towers or any other structure not classified as a wireless support structure that can support the placement or installation of wireless communications facilities if approved by the municipality. The term includes the placement, replacement or modification of accessory equipment within a previously approved equipment compound. [Added 3-14-2019 by Ord. No. 19-05]

COMMON AREA — Any portion of a development that is not part of a lot or tract and is designed for the common use of the development. These areas include green open spaces and may include such other uses as parking lots and pedestrian walkways. Maintenance of such areas is not the responsibility of City government and shall be set forth by the development association in the form of restrictive covenants, which shall guarantee the maintenance of these areas.¹²

COMMUNICATIONS EQUIPMENT BUILDING — An unmanned building or cabinet containing communications equipment required for the operation of communications antennas and covering an area on the ground not greater than 25 square feet.

COMMUNICATIONS SERVICES — The provision of broadcasting or information relay services through electronic and telephonic mechanisms, but excludes major utility facilities.¹³

COMMUNICATIONS TOWER, HEIGHT OF — The vertical distance measured from the ground level to the highest point on a communications tower, including antennas mounted on the tower.

COMMUNITY DEVELOPMENT OBJECTIVES — A statement provided by the governing body of a municipality with respect to land use; density of population; the need for housing, commerce and industry; the location and function of streets and other community facilities and utilities; the need for preserving agricultural land and protecting natural resources; and any other factors that the municipality believes relevant in describing the purposes and intent of the Zoning Ordinance.

COMMUNITY GARDEN — The growing or harvesting of food crops or ornamental crops on an agricultural basis by a group of individuals for personal or group use, consumption or donation.

CONSISTENCY — An agreement or correspondence between matters being compared which denotes a reasonable rational, similar connection or relationship.

CONSUMER REPAIR SERVICES — Provision of repair services to individuals or households rather than firms.

CONVENIENCE STORAGE — Storage services primarily for personal effects and household goods within enclosed storage areas having individual access.

COUNCIL — The City Council of Jeannette, Westmoreland County, Pennsylvania.

COUNTY — Westmoreland County, Pennsylvania.

COVENANT — A restriction on the use of land set forth in a written document or plat. The restriction runs with the land and is binding upon subsequent owners of the property.

DAY-CARE SERVICES, GENERAL — The provision of daytime care for more than six but not more than 20 persons. Such a facility must meet all the licensing requirements of the Pennsylvania Department of Human Services.

12. Editor's Note: The definition of "communications antenna," which immediately followed this definition, was repealed 3-14-2019 by Ord. No. 19-05.

13. Editor's Note: The definition of "communications tower," which immediately followed this definition, was repealed 3-14-2019 by Ord. No. 19-05.

DAY-CARE SERVICES, LIMITED — The provision of daytime care for six persons or less. Such a facility must meet all the licensing requirements of the Pennsylvania Department of Human Services. See also "family day-care home."

DECK — An accessory structure, without a roof, directly adjacent to a principal structure or building, which is elevated at least six inches above grade. See also "patio."

DENSITY — The total number of dwelling units situated on or to be developed on a lot divided by the total lot area. The total lot area shall be calculated by taking the gross acreage and subtracting surface water, undevelopable lands (e.g., wetlands) and the area in rights-of-way for streets and roads.

DENSITY BONUS — The granting of the allowance of additional density in a development in exchange for the provision by the developer of other desirable amenities from a public perspective (e.g., public open spaces, plazas, art, landscaping, etc.).

DETENTION — The slowing, dampening or attenuating of runoff flows entering the natural drainage pattern or storm drainage system by temporarily holding water on a surface area in a detention basin or within the drainage system.

DETENTION BASIN — A basin designed to detain stormwater runoff by having a controlled discharge system.

DETENTION FACILITY — Provision by a public agency of licensed housing and care for legally confined individuals.

DEVELOPER — Any landowner, agent of such landowner, or tenant with the permission of such landowner, who makes or causes to be made a subdivision of land or a land development.

DEVELOPMENT —

- A. Any man-made change to improved or unimproved land, including but not limited to the construction, reconstruction, conversion, structural alteration, relocation, enlargement or use of any structure or parking area;
- B. Any mining, excavation, dredging, filling, grading, drilling or any land disturbance; or
- C. Any use or extension of the use of the land.

DEVELOPMENT PLAN — The provisions for development, including a planned residential development, a plat of subdivision; all covenants relating to use; location and bulk of buildings and other structures; intensity of use or density of development; streets, ways and parking facilities, common open space and public facilities.

DISABILITY — A physical or mental impairment that substantially limits one or more major life activities.

DISCONTINUANCE — The ceasing of a nonconforming use of a structure or land. For nonresidential uses, this includes the removal of inventory and/or equipment from the premises, ceasing of all business activity, and/or the failure to renew required licenses, including business licenses. For residential uses, this includes the discontinuation of utility service, the removal of interior furnishings, and/or vacating of the premises.

DISTRIBUTED ANTENNA SYSTEMS (DAS) — Network of spatially separated antenna sites connected to a common source that provides wireless service within a geographic area or structure. [Added 3-14-2019 by Ord. No. 19-05]

DRAINAGE —

- A. Surface water runoff;
- B. The removal of surface water or groundwater from land by drains, grading or other means, which include runoff controls to minimize erosion and sedimentation during and after construction or development; or
- C. The means for preserving the water supply and the prevention or alleviation of flooding.

DRIVE-THROUGH FACILITY — Any portion of a building or structure from which business is transacted or is capable of being transacted directly with customers located in a motor vehicle during such business transactions.

DRIVEWAY — A private roadway providing access for vehicles to a parking space, loading space, garage, dwelling or other structure.

DRIVEWAY, COMMON — A driveway shared by adjacent property owners and privately owned and maintained.

DWELLING — A building that contains one or more dwelling units used, intended or designed to be used, rented, leased, let or hired out to be occupied for living purposes. See also "building."

DWELLING UNIT — A single unit providing complete, independent living facilities for a single housekeeping unit. In no case shall a motor home, trailer, hotel or motel, lodging house or boardinghouse, automobile, tent or portable building be considered a dwelling unit. Dwelling units are contained within single-family, garage apartment, multifamily residential structures, and mixed-use structures.

DWELLING, ACCESSORY — A dwelling unit added to an existing residential property or constructed entirely within the existing built envelope of an existing residential structure or existing and authorized auxiliary structure on the same lot.

DWELLING, DUPLEX — A detached building containing two dwelling units attached side by side, with separate entrances and separated by an unpierced party wall or containing two dwelling units, one above the other, each having a separate entrance.

DWELLING, MOBILE HOME — A structure that is transportable in one or more sections, built on a permanent chassis, designed for use with or without a permanent foundation when attached to the required utilities, and constructed to the federal mobile home construction and safety standards and rules and regulations promulgated by the U. S. Department of Housing and Urban Development. For the purposes of this chapter, mobile homes are classified as "dwelling, single-family."

DWELLING, MODULAR HOME — Any structure that is wholly, or in substantial part, made, fabricated, formed or assembled in manufacturing facilities for installation or assembly and installed on a building site and designed for long-term residential use and is certified as

meeting the standards contained in the Uniform Construction Code. For the purposes of this chapter, modular homes are classified as "dwelling, single-family."

DWELLING, MULTIFAMILY — A freestanding building containing more than two dwelling units, whether they have direct access to the outside or access to a common building entrance. These include:

- A. **GARDEN APARTMENT** — An apartment located within a structure containing at least four dwelling units and not exceeding four stories in height; sometimes designed around courtyards or common green spaces; often having private balconies or patios; and frequently exhibiting different facades and design features between structures in a garden apartment complex.
- B. **APARTMENT HOUSE** — A structure consisting of a series of single-story dwelling units clustered on a floor about a central elevator or corridor; each series consisting of one story being stacked one upon the other.

DWELLING, SINGLE-FAMILY — A freestanding building designed solely for occupancy by one family for residential purposes as a single housekeeping unit.

DWELLING, SINGLE-FAMILY ATTACHED — See "dwelling, duplex" and "dwelling, townhouse."

DWELLING, TOWNHOUSE — A one-family dwelling unit, with a private entrance, which is part of a structure whose dwelling units are attached horizontally in a linear arrangement, and having a totally exposed front and rear wall to be used for access, light and ventilation.

EARTH DISTURBANCE ACTIVITY — 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 the moving, depositing, stockpiling or storing of soil, rock or earth materials.

EASEMENT — A right-of-way granted by a property owner to the use of the land by the public, a corporation, or persons for such specific purposes as the construction of utilities, drainageways and roadways, passage over which is guaranteed by the property owner to the grantee.

EDUCATIONAL FACILITIES, COLLEGE/UNIVERSITY — Licensed institution of higher learning that offers a course of study designed to culminate in the issuance of a degree in accordance with Pennsylvania Department of Education standards.

EDUCATIONAL FACILITIES, PRIMARY/SECONDARY — Licensed school offering instruction at K-12 levels in accordance with Pennsylvania Department of Education standards.

EDUCATIONAL FACILITIES, VOCATIONAL — A specialized instructional establishment that provides on-site training of business, commercial and/or trade skills.

ELEVATION —

- A. A vertical distance above or below a fixed reference level; or
- B. A flat scale drawing of the front, rear or side of a building.

EMERGENCY — A condition that: 1) constitutes a clear and immediate danger to the health, welfare or safety of the public; or 2) has caused or is likely to cause facilities in the public rights-of-way to be unusable and result in loss of the services provided. **[Added 3-14-2019 by Ord. No. 19-05]**

EMPLOYEE RECREATION, LUNCH, HEALTH CARE — The provision of a recreational, health care or dining facility for use by employees of a business that is located on property reserved by the business for future expansion.

ENLARGEMENT — An addition to the floor area of an existing building, an increase in the size of any other structure or an increase in that portion of a tract of land occupied by a permitted use.

ENTERTAINMENT, INDOOR — Predominantly spectator entertainment uses conducted within an enclosed building.

ENTERTAINMENT, OUTDOOR — Predominantly spectator entertainment uses conducted in open or partially enclosed or screened facilities.

EQUIPMENT COMPOUND — An area surrounding or adjacent to a wireless support structure within which base stations, power supplies, or accessory equipment are located. **[Added 3-14-2019 by Ord. No. 19-05]**

EQUIPMENT REPAIR — Repair of trucks of one ton or greater capacity, tractors, construction equipment, agricultural implements, or similar heavy equipment.

EQUIPMENT SALES — The sale or rental of trucks of one ton or greater capacity, tractors, construction equipment, agricultural implements, mobile homes, or similar heavy equipment, including incidental storage, maintenance and servicing.

EROSION — The process by which the ground surface is worn away by the action of water, gravity, ice, or a combination thereof, or the detachment and movement of soil or rock fragments.

EROSION AND SEDIMENT CONTROL — Measures undertaken to minimize the removal by water action of soil uncovered in the process of development and the depositing of the soil in nearby streams or on adjacent roads or properties. Prior to preliminary or final plan approval of any subdivision or land development, the applicant shall prepare and submit a soil erosion and sedimentation control plan to the Westmoreland Conservation District.

ESSENTIAL SERVICES — The erection, construction, alteration or maintenance by public utilities or municipal or other governmental agencies of underground or overhead gas, electrical, steam or water transmission or distribution systems, collection, communication, supply or disposal systems and their essential buildings, excluding communications towers and communications antennas, as defined in this chapter.

ESTABLISHMENT — An economic unit, generally at a single physical location, where business is conducted or services or industrial operations are performed.

EXCAVATION — Removal or recovery by any means whatsoever of soil, rock, minerals, mineral substances, or organic substances other than vegetation, from water or land on or beneath the surface thereof, or beneath the land surface, whether exposed or submerged.

EXTENSION — An increase in the amount of floor area used for permitted use within an existing building.

FACADE — That portion of any exterior elevation on the building extending from grade to top of the parapet, wall or eaves and the entire width of the building elevation.

FACADE, PRINCIPAL — Exterior walls of a building which are adjacent to or front on a public street, park or plaza. There may be more than one principal facade on a building.

FAMILY — An individual or any group of persons living together in a dwelling unit, using common cooking facilities and bearing the generic character of a family as a relatively permanent household.

FAMILY DAY-CARE HOME — A child day-care facility located in a home in which four to six children who are not related to the caregiver receive child care. Such a facility must meet all the licensing requirements of the Pennsylvania Department of Human Services.

FCC — Federal Communications Commission. [Added 3-14-2019 by Ord. No. 19-05]

FENCE — An artificially constructed barrier erected to enclose, screen or separate areas; an accessory use.

FILL — Uncontaminated, non-water-soluble, nondecomposable, inert solid material. The term includes soil, rock, stone, dredged material, used asphalt, and brick, block or concrete from construction and demolition activities that is separated from other wastes and recognizable as such. The term does not include materials placed in or on the waters of the commonwealth unless otherwise authorized. Also called "clean fill."

FLOOD — A general and temporary condition of partial or complete inundation of normally dry land areas from the unusual and rapid accumulation of runoff of surface waters from any source.

FLOOD-FRIDGE — The portion of the one-hundred-year floodplain outside the floodway and as defined by the most recent Flood Insurance Rate Map (FIRM).

FLOODWAY — The channel of a river or other watercourse and the adjacent land area that must be reserved to discharge a one-hundred-year flood and as defined on the Flood Insurance Rate Map (FIRM).

FLOOR AREA, GROSS — The total area of a building measured by taking the outside dimensions of the building at each floor level intended for occupancy or storage.

FLOOR AREA, GROSS LEASABLE — The total floor area designed for tenant occupancy and exclusive use, including basements, mezzanines and upper floors, if any, expressed in square feet and measured from the center line of joint partitions and from outside wall faces.

FOOD PREPARATION, GENERAL — Production of prepared food for wholesale distribution.

FOOD PREPARATION, LIMITED — Production of prepared food for wholesale distribution. Excludes the on-site slaughter of animals and the commercial production of ice.

FOOD SALES — The retail sale of food or household products for home consumption.

FOOD TRUCK — A temporary food service establishment that is a vehicle-mounted food service establishment designed to be readily movable.

FOOTCANDLE — A unit of illuminance or illumination, equivalent to the illumination produced by a source of one candle at a distance of one foot and equal to one lumen incident per square foot.

FORESTRY — The management of forests and timberlands, when practiced in accordance with accepted silvicultural principles, through developing, cultivating, harvesting, transporting and selling trees for commercial purposes, which does not involve any land development. Christmas tree farms and landscaping activities associated with residential, business, industrial or commercial structures shall not be considered forestry activities.

FRONTAGE — The front lot line of a parcel that abuts a public right-of-way.

FRONTAGE, STORE —

- A. The length of a front store facade; or
- B. The length of a front building facade.

FUNERAL SERVICES — Use of a site for the preparation of human dead for burial or arranging or managing funerals.

GARAGE, PRIVATE — An accessory enclosed building for the storage of one or more vehicles. No business, occupation or service is permitted to be carried out within a private garage that is an accessory structure to a dwelling, except as may be allowed as a home occupation.

GAS STATION — See "service station."

GOVERNING BODY — The City Council of the City of Jeannette, Westmoreland County, Pennsylvania.

GOVERNMENT OFFICES — Provision of offices or administrative, clerical or public contact services, together with incidental storage and maintenance of necessary vehicles, all of which are owned, leased or operated by a unit of government.

GRADE — The average level of the finished surface of the ground adjacent to the exterior walls of a building.

GRADE, ESTABLISHED STREET — The elevation of the center line of a street.

GRADE, PERCENTAGE OF — The rise or fall of a slope in feet and tenths of a foot for each 100 feet of horizontal distance.

GRADING — The act of excavation or filling, or a combination of the two, or any leveling to a smooth horizontal or sloping surface on a property, but not including normal cultivation associated with an agricultural operation.

GROSS FLOOR AREA — See "floor area, gross."

GROSS LEASABLE FLOOR AREA — See "floor area, gross leasable."

GROUND COVER — Materials covering the ground surfaces, including but not limited to evergreen or broadleaf plants that do not attain a mature height of more than one foot, rocks and gravel, and mulch. Sod and seed shall also be considered ground cover.

GROUND FLOOR — The first floor of a building other than a basement.

GROUP HOME — Family-based facility providing twenty-four-hour care in a protected living arrangement for not more than six residents with disabilities, as defined by the Federal Fair Housing Act.

HALFWAY HOUSE — A residential facility owned or operated by an agency or an individual authorized to provide housing, food, treatment or supportive services for not more than 16 individuals on supervised release from the criminal justice system and who have been assigned by a court to a residential home in lieu of placement in a correctional institution; or for individuals who have been institutionalized and released from the criminal justice system or who have had alcohol or drug problems which make operation in society difficult and who require the protection of a supervised group setting.

HARDSHIP, UNNECESSARY — A hardship by reason of exceptional lot shape, exceptional topographic conditions, or other exceptional physical conditions of a parcel of land. Unnecessary hardship shall not include personal or financial hardship or any other hardship that is self-imposed.

HEATING UNITS — Exterior heating units that may burn coal, wood or corn and are customarily used by residential dwelling units to warm the interior of the structure; an accessory structure.

HEIGHT — See "building height."

HISTORICAL SITE/MARKER — A site, building, structure or object designated as historic on a national, state or local register. Also, the location of a significant event, a prehistoric or historic occupation or activity, or a building or structure, whether standing, ruined or vanished, where the location itself possesses historical, cultural or archaeological value regardless of the value of any existing structure, and designated as historic on a national, state or local register.

HOME-BASED BUSINESS, NO-IMPACT — A commercial activity administered or conducted as an accessory use which is clearly secondary to the use as a residential dwelling and which involves no customer, client or patient traffic, whether vehicular or pedestrian, pickup, delivery or removal functions to or from the premises in excess of those normally associated with residential use. The commercial activity must satisfy all eight of the following requirements:

- A. The activity shall be compatible with the residential use of the property and surrounding residential uses.
- B. The activity shall employ no employees other than family members residing in the dwelling.
- C. There shall be no display or sale of retail goods and no stockpiling or inventory of a substantial nature.

- D. There shall be no outside appearance of a business use, including, but not limited to, parking, signs or lights.
- E. The activity may not use any equipment or process which creates noise, vibration, glare, fumes, odors or electrical or electronic interference, including interference with radio or television reception, which is detectable in the neighborhood.
- F. The activity may not generate any solid waste or sewage discharge, in volume or type, which is not normally associated with residential use in the neighborhood.
- G. The activity shall be conducted only within the dwelling and may not occupy more than 25% of the habitable floor area.
- H. The business may not involve any illegal activity.

HOME OCCUPATION — An occupation carried on within a dwelling unit by the residents of the home which is clearly secondary to the use as a residential dwelling and is distinct from a "home-based business, no-impact."

HORTICULTURE — The growing of horticultural or floricultural specialties, including flowers, shrubs, and trees intended for ornamental or landscaping purposes, but excluding retail sales.

HOSPITAL SERVICES — Use of a site for the provision of medical, psychiatric or surgical services on an inpatient basis, and includes ancillary facilities for outpatient and emergency treatment, diagnostic services, training, research, administration and services to patients, employees and visitors.

HOTEL — An establishment providing, for a fee, sleeping accommodations and customary lodging services, including maid service, the furnishing and upkeep of furniture and bed linens, and telephone and desk service. Related ancillary uses may include but shall not be limited to conference and meeting rooms, restaurants, bars and recreational facilities.

HOUSEHOLD — A family living together in a single dwelling unit with common access to, and common use of, all living and eating areas and all areas and facilities for the preparation and storage of food within the dwelling unit. See also "family."

HVAC — Heating, venting and air conditioning unit; an accessory use.

IMPERVIOUS SURFACE — Surfaces that do not absorb water.

IMPROVEMENT — Any man-made, immovable item that becomes part of, placed on or is affixed to real estate.

INDOOR CROP PRODUCTION — The raising and harvesting indoors of tree crops, row crops, or field crops on an agricultural or commercial basis, including packing and processing.

INDUSTRIAL PARK — A planned, coordinated development of a tract of land designed to contain two or more separate industrial buildings. Such development is planned, designed, constructed and managed on an integrated and coordinated basis with special attention given to on-site vehicular circulation, parking, utility needs, building design and orientation, and open space.

INFILTRATION — The flow or movement of water through the interstices or pores of a soil or other porous medium; the absorption of liquid by the soil.

JUNK — All scrap copper, brass, lead or any other nonferrous metal; discarded rope, rags, batteries, paper, trash, rubber, debris, waste or used lumber, or salvaged wood; dismantled vehicles or parts of such vehicles; machinery or appliances; iron, steel or other scrap ferrous materials; discarded glass, tinware, plastic or discarded household goods or hardware. Neatly stacked firewood located on a side yard or a rear yard is not considered junk.

JUNK VEHICLE — Any automobile, off-road vehicle, recreational vehicle or vehicle outside of a building which is either fully enclosed or enclosed on three sides that is not licensed, registered or inspected, and where any one or more of the following conditions are found to exist:

- A. The automobile or vehicle is not in full complete and safe working condition sufficient to pass state vehicle inspection;
- B. The automobile or vehicle does not presently have a current state inspection sticker displayed in its proper location;
- C. The automobile or vehicle does not presently have a state registration plate and sticker displayed in its proper location;
- D. The automobile or vehicle is being stored for the purpose of selling parts therefrom; or
- E. The automobile or vehicle is being stored for the purpose of resale as junk and/or scrap metal or for resale of materials from within the automobile or vehicle.

JUNKYARD — See "salvage yard."

KENNELS — The boarding and care of dogs, cats or similar small animals.

LAND DEVELOPMENT — Any of the following activities:

- A. The improvement of one lot or two or more contiguous lots, tracts or parcels of land for any purpose involving:
 - (1) A group of two or more residential or nonresidential buildings, whether proposed initially or cumulatively, or a single nonresidential building on a lot or lots regardless of the number of occupants or tenure; or
 - (2) The division or allocation of land or space, whether initially or cumulatively, between or among two or more existing or prospective occupants by means of or for the purpose of streets, common areas, leaseholds, condominiums, building groups or other features.
- B. A subdivision of land. Subdivision of land requires submission to Westmoreland County for review and approval.

LANDOWNER — The legal or beneficial owner or owners of land, including the holder of an option or contract to purchase (whether or not such option or contract is subject to any condition), a lessee if he is authorized under the lease to exercise the rights of the landowner, or other person having a proprietary interest in land.

LANDSCAPED AREA — A portion of the site or property containing vegetation to exist after construction is completed. Landscaped areas include, but are not limited to, natural areas, buffers, streetscapes, lawns and plantings.

LANDSCAPED BUFFER — An area of landscaping separating two distinct land uses, or a land use and a public right-of-way, and acts to soften or mitigate the effects of one land use on the other.

LANDSCAPING — Open area devoted primarily to trees, grass, shrubs or plants to soften building lines, provide shade and generally produce a pleasing visual effect of the premises. As complementary features, fountains, pools, screens, decorative lighting, sculpture or outdoor furnishings may be placed within the area.

LAUNDRY SERVICES — The provision of laundering, dry cleaning, or dyeing services other than those classified as personal services.

LIBRARY — A public facility for the use of literary, musical, artistic or reference materials.

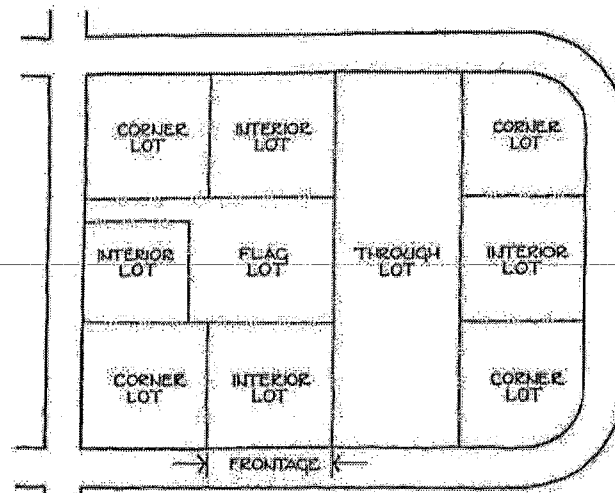
LIVE/WORK UNIT — A residential occupancy, by a single housekeeping unit, of one or more rooms or floors in a building, which includes:

- A. Cooking space and sanitary facilities in conformance with local building codes; and
- B. Adequate working space accessible from the living area reserved for, and regularly used by, one or more persons residing therein.

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 vehicle while loading or unloading merchandise, materials or persons, and which has ingress and egress upon a street, alley or other appropriate means of access.

LOGO — The graphic or pictorial presentation of a message, including, but not limited to, the use of shapes, designs, decorations, emblems, trademarks, symbols or illustrations, or the superimposition of letters or numbers, or any other use of graphics or images other than the sequential use of letters and numbers.

LOT — A designated parcel, tract or area of land established by a plat or otherwise as permitted by law and to be used, developed or built upon as a unit.



Source: A Glossary of Zoning Development and Planning Terms, Davidson and Dolnick, APA publication, 1999.

LOT AREA — The total area within the lot lines of a lot, excluding any street rights-of-way.

LOT COVERAGE — A measure of intensity of land use that represents the portion of a site that is impervious (i.e., does not absorb water). This portion includes, but is not limited to, all areas covered by buildings, parking structures, driveways, roads, sidewalks and any area of concrete or asphalt.

LOT DEPTH — The distance measured from the front lot line to the rear lot line. Where the front and rear lot lines are not parallel, the lot depth shall be measured by drawing lines from the front to rear lot lines at right angles to the front lot line every 10 feet and averaging the length of these lines.

LOT FRONT — The side of a lot that abuts a public street is the front of the lot. For corner lots, the shortest side fronting upon a street shall be considered the front of the lot. Where buildings exist on the lot, the frontage may be established by the orientation of the building or of the principal entrance, if building orientation does not clearly indicate lot frontage. Where no other method determines conclusively the front of a lot, the Code Enforcement Officer shall select one frontage on the basis of traffic flow on adjacent streets, so that the lot is considered to front on the street with the greatest traffic flow.

LOT LINE — The property line bounding a lot.

LOT LINE, FRONT — The lot line separating a lot from the street.

LOT LINE, REAR —

- A. The lot line that is opposite and most distant from the front lot line; or
- B. The rear lot line of an irregular or triangular lot shall be a line entirely within the lot at least 10 feet long and parallel to and most distant from the front lot line.

LOT LINE, SIDE — Any lot line which is not a front lot line or a rear lot line.

LOT OF RECORD — See "lot."

LOT WIDTH — The distance between the side lot lines of a lot at the building line.

LOT, BUILDING — A parcel of land that was legally existing at the time of adoption of this chapter or is legally created through subdivision thereafter, upon which a building or structure may be erected in accordance with all relevant provisions in this chapter (including variance provisions, if applicable). Parcels of land that are created in violation of any provision of the Westmoreland County Subdivision and Land Development Ordinance shall not be eligible for the issuance of permits to build any structure upon.

LOT, CORNER — A lot located at the junction of two or more intersecting streets, having an interior angle of less than 135°, with a boundary line bordering on two of the streets.

LOT, FLAG — A polygonal-shaped lot with the appearance of a frying pan or flag and staff, in which the handle is most often used as the point of access. The handle, when less than the minimum width for a building lot in the zoning district in which it is located, is not to be used in computing the minimum required lot area or delineating the minimum required building envelope.

LOT, INTERIOR — A lot other than a corner lot.

LOT, IRREGULAR — A lot of such shape or configuration that technically meets the area, frontage and width-to-depth requirements of the chapter but has unusual elongations, angles, and curvilinear lines.

LOT, NONCONFORMING — A lot the area or dimension of which was lawful prior to the adoption or amendment of a zoning ordinance, but which fails to conform to the requirements of the zoning district in which it is located by reasons of such adoption or amendment.

LOT, THROUGH — A lot other than a corner lot with frontage on more than one street. Through lots abutting two streets may be referred to as "double frontage lots."

LUMEN — A unit of measure of the quantity of light that falls on an area of one square foot, every point of which is one foot from the source of one candle. A light source of one candle emits a total of 12.57 lumens.

LUMINAIRE — A complete lighting unit consisting of a light source and all necessary mechanical, electrical and decorative parts.

MAINTENANCE AND SERVICE FACILITIES — The provision of maintenance, repair, vehicular or equipment servicing, material storage, or similar activities, and includes equipment service centers and similar uses having characteristics of commercial services, contracting or industrial activities.

MANUFACTURING, CUSTOM — The on-site production of goods by the use of hand tools, domestic mechanical equipment not exceeding five horsepower, or a single kiln not exceeding 12 kilowatts, and the incidental sale of those goods.

MANUFACTURING, HEAVY — An establishment engaged in manufacturing, assembly, fabrication, packaging or other industrial processing of products primarily from extracted or raw materials or the bulk storage and handling of such products and materials, or an industrial establishment having the potential to produce noise, dust, glare, odors or vibration beyond its property line.

MANUFACTURING, LIGHT — Manufacturing, predominantly from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment, and packaging of the products, entirely within an enclosed building. Includes incidental storage, sales, and distribution of the products.

MARQUEE — A roof-like structure that cantilevers from the wall of a building over its principal entrance, that has no vertical supports other than the wall from which it cantilevers, and that provides a wall surface at least four feet high, generally constructed for purposes of containing a sign. See also "sign, marquee."

MERCHANDISING — The offering of goods for sale or rental to the general public.

MILITARY INSTALLATIONS — The provision of military facilities by the federal or state government.

MINERAL EXTRACTION — The use of a site for on-site extraction of surface or subsurface mineral products or natural resources.

MIXED-USE STRUCTURE — A building which contains dwellings located above the ground floor of an institutional, civic or commercial use. Where a mixed-use structure is permitted by this chapter within a particular district, the ground-floor retail uses are also permitted.

MOBILE HOME PARK — A parcel or contiguous parcels of land, which has been so designated and improved that it contains two or more mobile home lots for the placement of mobile homes.

MODIFICATION OF MODIFY — The improvement, upgrade or expansion of existing wireless communications facilities or base stations on an existing wireless support structure, or the improvement, upgrade or expansion of the wireless communications facilities located within an existing equipment compound, if the improvement, upgrade, expansion or replacement does not substantially change the physical dimensions of the wireless support structure. **[Added 3-14-2019 by Ord. No. 19-05]**

MONOPOLE — Wireless communications facilities or a site that consists of a single pole structure, designed and erected on the ground or on top of a structure to support communications antennas and connecting appurtenances. **[Added 3-14-2019 by Ord. No. 19-05]**

MOTEL — A building or series of buildings in which lodging is offered for compensation, and which is distinguished from a hotel primarily by reason of providing direct independent access to, and adjoining parking for, each rental unit.

MUNICIPALITIES PLANNING CODE (MPC) — The Pennsylvania Municipalities Planning Code, Act 247 of 1968, as reenacted and amended.

MUNICIPALITY — The City of Jeannette, Westmoreland County, Pennsylvania.

MUSEUM — A building having public significance by reason of its architecture or former use or occupancy or a building serving as a repository for a collection of natural, scientific or literary curiosities or objects of interest, or works of art, and arranged, intended and designed to be used by members of the public for viewing, with or without an admission charge, and

which may include as an accessory use the sale of goods to the public as gifts or for their own use.

NONPROFIT ORGANIZATION — Any person(s), partnership, association, corporation or other group legally established under federal and state law whose activities are conducted for unselfish, civic or humanitarian motives, or for the benefit of others, and not for the gain of any private individual or group.

NON-TOWER WIRELESS COMMUNICATIONS FACILITY — Wireless communications facilities located on existing structures, such as, without limitation, buildings, water towers, electrical transmission towers, utility poles, light poles, traffic signal poles, flag poles and other similar structures that do not require the installation of a new tower. This term includes the replacement of an existing structure with a similar structure that is required to support the weight of the proposed wireless communications facilities. **[Added 3-14-2019 by Ord. No. 19-05]**

NURSING FACILITY, SKILLED — Provision of bed care and inpatient services for persons requiring regular medical attention. This use excludes the provision of surgical or emergency medical services and the provision of care for alcoholism, drug addiction, mental illness, or communicable disease. Also known as "nursing home."

OFFICIAL ZONING MAP — The Zoning Map for the City of Jeannette adopted by this chapter pursuant to the Municipalities Planning Code.

OIL AND GAS EXTRACTION — The operation of extracting or removing oil and gas from beneath the surface of the ground.

OIL CHANGE FACILITY — See "service station."

OPEN SPACE — See "recreation, open space."

ORGANIZATION, CHARITABLE/FRATERNAL/SOCIAL — A facility for administrative, meeting or social purposes for a private or nonprofit organization, primarily for use by administrative personnel, members and guests.

OUTDOOR DISPLAY ENCLOSURE, PERMANENT — A structure, container or device of a permanent nature, designed in conformance with applicable provisions of the City Building Code, and used to display merchandise for sale.

OUTDOOR DISPLAY, PERMANENT — Merchandising by display on a continuous, year-round basis.

OUTDOOR DISPLAY, TEMPORARY — Seasonal or intermittent merchandising by display on less than a continuous, year-round basis.

OUTDOOR STORAGE SHED, PRIVATE — A permanent accessory structure used for the storage of materials or equipment outside of a principal residential structure on a lot and located on the same lot as the principal residential structure.

OUTDOOR STORAGE SHED, TEMPORARY — A nonpermanent structure used for the temporary storage of materials or equipment for no more than 30 days unless otherwise approved by the City Council. Includes portable on-demand structures (PODS®).

PARAPET — The portion of a wall which extends above the roofline.

PARCEL — A single lot, or a grouping of old lots acquired by a single deed, and considered as one buildable lot for zoning purposes. Parcels that consist of a grouping of lots acquired by a single deed may be subdivided for purposes of creating more buildable parcels, provided all regulations contained within this chapter and the Westmoreland County Subdivision and Land Development Ordinance are adhered to.

PARKING AISLE — The clear space for either one- or two-way traffic movement or maneuvering between rows of parking stalls.

PARKING SPACE — A space in a garage or parking area not less than nine feet wide and 18 feet long with seven feet in clearances, reserved for the parking of only one automobile.

PARKING SPACE, HANDICAP — A space in a garage or parking area not less than 13 feet wide and 18 feet long, reserved exclusively for an automobile registered with the state with handicapped license plates or displaying an official state-issued handicapped placard. Such parking spaces are subject to all Uniform Construction Code requirements.

PARKING STRUCTURE — A structure designed to accommodate vehicular parking spaces that are fully or partially enclosed or located on the deck surface of a building. This definition includes parking garages, deck parking and underground or under-building parking areas.

PARKING, OFF-STREET — An area wholly outside any public right-of-way, constructed to accommodate the parking of vehicles as required by this chapter.

PARKING, ON-STREET — The parking storage space for a vehicle that is located within the street right-of-way.

PARKING, RESTRICTED ACCESSORY — A parking lot, whether free or for compensation, and available for private use or as an accommodation for clients or customers, that is the sole use of a parcel and provides parking accessory to a use on a separate parcel.

PATIO — An accessory structure consisting of a level surfaced area directly adjacent to a principal building or structure, without walls or a roof. A patio may be constructed of any material or combination of materials and is typically constructed at grade level or slightly higher. See also "deck" and "porch."

PAVED SURFACE AREA — Ground surface covered with cobblestones, clay-fired bricks, concrete pre-cast paver units, poured concrete with or without decorative surface materials, blacktop or other asphalt or rubber mixture, which may include sand or gravel as an ingredient and which creates a hard surface. A graded natural surface or one covered with rolled stone or overlaid with loose gravel is not considered a paved surface.

PAWNSHOP — The lending of money on the security of property pledged in the keeping of the pawnbroker and the incidental sale of the property.

PENNANT — Any lightweight plastic, fabric or other material, whether or not containing a message of any kind, which is suspended from a rope, wire, string or pole, usually in series, and which is designed to move in the wind.

PERMIT, BUILDING — A document issued by the City attesting that all requirements of the Pennsylvania Uniform Construction Code have been met, thereby allowing the approved work to commence in conformance with the permit.

PERMIT, OCCUPANCY — Authorization issued by the Code Enforcement Officer, attesting that the proposed use or reuse of a lot or structure is in accordance with this chapter and may legally occur.

PERMIT, ZONING — A document issued by the City, attesting that all requirements of this chapter have been met, thereby allowing the approved work to commence in conformance with the permit.

PERSON — An individual, heirs, executors, administrators or assigns, and also includes a firm, partnership or corporation, its or their successors or assigns, or the agent of any of the aforesaid.

PERSONAL SERVICES — Establishments primarily engaged in providing individual services generally related to personal needs or informational, instructional, personal improvement, and similar services of a nonprofessional nature.

PERVIOUS SURFACE — A surface that presents an opportunity for precipitation to infiltrate into the ground.

PLACE OF WORSHIP — A building where persons regularly assemble for religious worship and which is maintained and controlled by a religious body organized to sustain public worship, together with all accessory buildings and uses customarily associated with the primary purpose. Includes church, synagogue, temple, mosque or other such place for worship and religious activities.

PLANT NURSERY — A commercial agricultural establishment engaged in the production of ornamental plants and other nursery products, grown under cover either in containers or in the soil on the site or outdoors in containers. Also includes establishments engaged in the sale of these products (e.g., wholesale and retail nurseries) and commercial-scale greenhouses (home greenhouses are included under "structure, accessory").

PLAT — The map or plan of a subdivision or land development, whether preliminary or final.

PLAZA — An open space that may be improved, landscaped or paved, usually surrounded by buildings or streets.

PORCH — An accessory structure, typically elevated above grade, consisting of a covered projection from the main wall of a building entrance or exit that may or may not use columns or other ground supports for structural purposes.

POSTAL FACILITIES — The provision of postal services and includes post offices, bulk mail processing, and sorting centers operated by the United States Postal Service.

POSTING — The placement of a notice upon a sign on a property calling public attention to proposed changes in the zoning designation of the property or to a request for a variance, special exception permit, or conditional use permit, and indicating the date, time and place of the public hearing at which such matter will be heard.

PRESERVATION or PROTECTION — When used in connection with natural and historic resources, shall include means to conserve and safeguard these resources from wasteful or destructive use, but shall not be interpreted to authorize the unreasonable restriction of forestry, mining or other lawful uses of natural resources.

PRINTING AND PUBLISHING — The bulk reproduction, printing, cutting or binding of written or graphic material.

PROFESSIONAL OFFICES — The provision of professional or consulting services in the fields of law, medicine, architecture, design, engineering, accounting or similar professions. Includes the provision of executive, management or administrative services.

PUBLIC HEARING — A formal meeting held pursuant to public notice by the City Council, intended to inform and obtain public comment prior to taking action in accordance with this chapter.

PUBLIC IMPROVEMENT — Any improvement, facility or service, together with its associated public site or right-of-way necessary to provide transportation, drainage, public utilities, cable television, or similar essential services.

PUBLIC NOTICE — Notice published once each week for two successive weeks in a newspaper of general circulation in the municipality. Such notice shall state the time and place of the hearing and the particular nature of the matter to be considered at the hearing. The first publication shall not be more than 30 days and the second publication shall not be less than seven days from the date of the hearing.

PUBLIC SAFETY FACILITY — The provision of public safety and emergency services.

PUBLIC SPACE — Any lots, tracts or parcels of land, structures, buildings or parts thereof owned or leased by a unit of government.

RAILROAD FACILITIES — The provision of railroad yards, equipment-servicing facilities, or terminal facilities.

RECREATION, INDOOR (PRIVATE) — Recreational use conducted within an enclosed building for economic gain.

RECREATION, INDOOR (PUBLIC) — Recreational use conducted within an enclosed building for the general public and not for economic gain.

RECREATION, OPEN SPACE — Land and water areas retained for use as active or passive recreation areas or for resource protection in an essentially undeveloped state.

RECREATION, OUTDOOR (PRIVATE) — Recreational use conducted in open, partially enclosed, or screened facilities for economic gain.

RECREATION, OUTDOOR (PUBLIC) — Recreational use conducted in open, partially enclosed, or screened facilities for the general public and not for economic gain.

RECREATIONAL VEHICLE (RV) — A vehicle built on a single chassis and designed to be self-propelled or towed by another vehicle. A recreational vehicle is not designed or intended for use as a permanent dwelling, but as temporary living quarters for recreational camping, travel or seasonal use. This definition includes vehicles such as travel trailers, motor homes, boats, houseboats and campers as well as the trailer used to transport such vehicles.

RECYCLING CENTER — A building or an area where the primary activity is the separation of materials prior to shipment for remanufacture into new materials. This shall not include junkyards or wrecking yards.

REPAIR or MAINTENANCE — An activity that restores the character, scope, size or design of a serviceable area, structure or land use to its previously existing, authorized and undamaged condition. Activities that change the character, size or scope of a project beyond the original design and drain, dredge, fill, flood or otherwise alter additional regulated wetlands are not included in this definition.

REPLACEMENT — The replacement of existing wireless communications facilities on an existing wireless support structure or within an existing equipment compound due to maintenance, repair or technological advancement with equipment composed of the same wind loading and structural loading that is substantially similar in size, weight and height as the wireless communications facilities initially installed and that does not substantially change the physical dimensions of the existing wireless support structure. **[Added 3-14-2019 by Ord. No. 19-05]**

RESIDENTIAL TREATMENT — A residential facility providing twenty-four-hour supervision, counseling or treatment for residents needing regular medical attention.

RESTAURANT, GENERAL — The use of a site for the preparation and retail sale of food and beverages and includes the sale and on-premises consumption of alcoholic beverages as an accessory use.

RESTAURANT, LIMITED — The use of a site for the preparation and retail sale of food and beverages and excludes the sale of alcoholic beverages for on-premises consumption.

RETAIL SALES, CONVENIENCE — The sale or rental of commonly used goods and merchandise for personal or household use, excluding uses classified more specifically in this section.

RETAIL SALES, GENERAL — Any retail trade use characterized by the sale of bulky items, outside display or storage of merchandise or equipment. Also includes the sale of house plants or other nursery products entirely within a building.

RETAINING WALL — A wall or terraced combination of walls used to retain more than 18 vertical inches of material and not used to support, provide a foundation for, or provide a wall for a building or structure.

RETENTION SYSTEM — A stormwater facility that is designed to accept runoff from a developed site and discharge it at a limited rate when the runoff rate into the system drops below the limited rate. A specified volume is stored indefinitely (retained) until it is displaced by runoff from another storm.

REZONING — See "amendment, rezoning."

RIGHT-OF-WAY — A strip of land acquired by reservation, dedication, prescription or condemnation and intended to be occupied by a street, trail, waterline, sanitary sewer, and/or other public utilities or facilities.

RUNOFF — The portion of rainfall, melted snow, or irrigation water that flows across ground surface and is eventually returned to a water body, such as a river, stream, pond, or reservoir.

SALVAGE YARD — The storage, sale, dismantling or other processing of used or waste materials that are not intended for reuse in their original forms.

SATELLITE DISH — See "communications antenna."

SCHOOL — See "educational facilities."

SCHOOL DISTRICT — The Jeannette City School District.

SCREEN — See "berm," "buffer" or "fence."

SERVICE STATION — The provision of fuel, lubricants, parts and/or accessories, or incidental services to motor vehicles.

SETBACK — The minimum distance by which any building or structure must be separated from a property line.

SETBACK, FRONT — The minimum allowable distance from the front property line to the closest point of the foundation of a building or projection thereof.

SETBACK ON CORNER LOTS, FRONT — The front setback of a corner lot shall be measured from the side of the property designated as the front. On a corner lot, the front setback shall be designated on the same street as for the other structures fronting that street.

SETBACK, REAR — The shortest distance between the building line and the rear property line.

SETBACK, SIDE — The shortest distance between the building line and the side property line.

SHED AWNING — An awning with two short sides in addition to the main canopy.

SHRUB — A woody plant usually greater than three feet but less than 20 feet tall that generally exhibits several erect, spreading or prostrate stems and has a bushy appearance.

SIDEWALK DINING — A portion of an eating or drinking place located on a public sidewalk that provides waiter or waitress service and is either an enclosed or unenclosed sidewalk cafe, as defined. No portion of a sidewalk cafe shall be used for any purpose other than dining and circulation therein; an accessory use.

SIGN — Any device, including but not limited to letters, words, numerals, figures, emblems, pictures or any part or combination of these used for visual communication intended to attract the attention of the public and visible to the public right-of-way or other properties.

SIGN COPY — Any word, letter, number or emblem affixed to the sign surface either permanently or in removable form.

SIGN FACE — The area of a sign on which the copy is placed.

SIGN, ABANDONED — A sign and/or supporting structure which no longer identifies a bona fide business conducted or product sold on the premises. A sign shall be deemed abandoned when these conditions have been in existence for a period exceeding 90 consecutive calendar days.

SIGN, ANIMATED — A sign that uses movement or change of lighting to depict action or create a special effect or scene.

SIGN, AWNING — See "awning" and "sign, canopy."

SIGN, BACK-TO-BACK — Two or more integrally connected signs facing in opposite directions and separated by not more than two feet.

SIGN, BANNER — A temporary sign with or without characters, letters, illustrations or ornamentations applied to cloth, paper, flexible plastic, or fabric of any kind with only such material for backing.

SIGN, BUILDING — A sign attached to any part of a building.

SIGN, BUILDING MARKER — A sign indicating the name of a building and date and incidental information about its construction. Such sign typically is cut into a masonry surface or made of bronze or other permanent material, and is not regulated under this chapter.

SIGN, CANOPY — A sign that is a part of or attached to a structural protective cover over a door, entrance, window or outdoor service area. See also "canopy."

SIGN, CHANGEABLE COPY — Any sign designed so that letters or numbers attached to the sign can be periodically changed to indicate a different message.

SIGN, CONSTRUCTION — A sign bearing the names of contractors, architects, engineers and the like, or advertising promotions, price ranges and similar information, which is placed at a construction site that has received development plan approval from the City.

SIGN, DIRECTIONAL — An on-premises sign that includes information assisting in the flow of pedestrian or vehicular traffic, such as "enter," "exit:" and "one-way."

SIGN, DIRECTORY — A ground or building sign that lists tenants or occupants of a building or project with unit numbers, arrows or other directional information.

SIGN, ELECTRONIC SCROLLING MESSAGE — A sign with a fixed or changing display/message composed of a series of lights, wherein the sequence of message and the rate of change is electronically programmed and can be modified by electronic processes.

SIGN, EXTERNALLY ILLUMINATED — A sign illuminated primarily by light directed toward or across it or by backlighting from a source not within it.

SIGN, FLASHING — A sign, the illumination of which is not constant in intensity when in use, and which exhibits sudden or marked changes in lighting effects.

SIGN, FREESTANDING — A sign that is attached to, erected on, or supported by some structure (such as a post, mast, frame or other structure), or attached directly to the ground, that is not itself an integral part of or attached to a building or other structure whose principal function is something other than support.

SIGN, INTERNALLY ILLUMINATED — A sign whose light source is either located in the interior of the sign so that the rays go through the face of the sign or which is attached to the face of the sign and is perceived as a design element of the sign.

SIGN, MARQUEE — A sign attached to or mounted on a marquee. See also "marquee."

SIGN, MENU-BOARD — An accessory sign providing items and prices associated with a drive-through window and located in very close proximity to the drive-through window.

SIGN, MONUMENT — A freestanding sign supported primarily by an internal structural framework or integrated into landscaping or other solid structural features other than support poles.

SIGN, NEON — A sign containing glass tube lighting in which gas and phosphors are used in combination to create a colored light.

SIGN, NONCONFORMING — A sign lawfully erected and maintained prior to the effective date of this chapter that does not conform with the requirements of this chapter.

SIGN, OFF-PREMISES — A sign identifying or advertising a business, person, activity, goods, services or products not located on the premises where the sign is installed and maintained. Includes billboards and outdoor advertising signs.

SIGN, ON-PREMISES — A sign identifying or advertising a business, person, activity, goods, services, or products located on the premises where the sign is installed and maintained.

SIGN, OUTDOOR ADVERTISING — A permanent sign erected, maintained or used in the outdoor environment for the purpose of the display of messages not appurtenant to the use of products sold on, or the sale or lease of, the property on which it is displayed. Also known as a "billboard."

SIGN, POLE — A sign that is mounted on a freestanding pole(s) or other support so that the bottom edge of the sign face is six feet or more above the grade. Also called a "pylon sign."

SIGN, POLITICAL — A temporary sign attracting attention to political candidates or issues, expressing support for or against a candidate for public office or an issue, but bearing no commercial message.

SIGN, PORTABLE — A temporary sign not permanently attached to the ground or other permanent structure or a sign designed to be transported, including, but not limited to, signs designed to be transported by means of wheels; signs made as A-frames or T-frames; and balloons used as signs.

SIGN, POST AND PANEL — A sign consisting of one or more panels which are supported between two posts and which is permanently placed in the ground.

SIGN, PROJECTING — A sign mounted on the building facade, projecting at a 90° angle.

SIGN, REAL ESTATE — A temporary sign advertising real property for sale or for lease.

SIGN, ROOF — A sign erected, constructed, and maintained above the eaves of a building.

SIGN, SANDWICH BOARD — A two-sided sign not permanently attached to the ground or some type of permanent structure; a sign connected to or located on A- or T-frames; a two-sided sign attached to boards.

SIGN, SHINGLE — A sign suspended from and located entirely under a covered porch, covered walkway, or an awning.

SIGN, SPECIAL EVENT — A temporary sign advertising or announcing a special community-wide event or activity conducted by, or sponsored by, or on behalf of, a unit of local government, a charitable organization, or a nonprofit corporation.

SIGN, TEMPORARY — A sign that is used only for a brief period and is not permanently mounted.

SIGN, TRAFFIC — A sign indicating federal, state or city regulations for automobile, truck, bicycle or pedestrian movement.

SIGN, V-TYPE — For purposes of computing surface area, a "v-type sign" is two separate signs if the angle between the two outer surfaces is less than 60°; otherwise, the wings shall be considered one sign.

SIGN, VALANCE — The portion of an awning that hangs perpendicular to the sidewalk.

SIGN, WALL — A sign painted on or attached to and extending not more than six inches from an exterior wall in a parallel manner.

SIGN, WINDOW — A sign that is applied to the inside of glassed areas of a building.

SIGNBAND — The horizontal signage area on a valance or marquee.

SIGNPLATE, BUILDING — A sign indicating the name and address of a building, or the name of an occupant thereof, and the practice of a permitted occupation therein.

SITE — A lot, tract or parcel of land considered as one land unit for purposes of this chapter. For a single-family dwelling, the site shall be the subdivided lot on which it is located. For multifamily projects, the site shall be all land occupied by the buildings in the project and adjoining such property and under common ownership with it. For vacant land, the site shall be all of the adjoining vacant land under single ownership. For single-occupancy, nonresidential properties, the site shall be the subdivided lot that is occupied. For multiple-occupancy properties, the site shall be all land included under the original site plan or subdivision plan approval under this chapter.

SITE PLAN — A plan depicting the proposed development of a property, in terms of the location, scale and configuration of buildings and other features, containing all the required information under the site plan review section of this chapter.

SLOPE — The vertical change of an area of land divided by the horizontal change, measured as a percentage.

SMALL WIRELESS COMMUNICATIONS FACILITIES — Wireless communications facilities that: 1) are mounted on structures 50 feet or less in height including their antennas; 2) are mounted on structures no more than 10% taller than other adjacent structures; or 3) do not extend existing structures on which they are located to a height of more than 50 feet or by more than 10%, whichever is greater; where each antenna is no more than three cubic feet in volume; where all other wireless equipment associated with the facilities is no more than 28 cubic feet in volume; where the facilities do not require antenna structure registration under FCC regulations; and where the facilities do not result in human exposure to radio-frequency radiation in excess of the safety standards in applicable FCC regulations. **[Added 3-14-2019 by Ord. No. 19-05]**

SOLAR ENERGY PRODUCTION — The generation of electrical power through the utilization of photovoltaic cells, typically building-integrated, nonmechanical semiconductor devices that convert sunlight into direct-current electricity.

SPECIAL EXCEPTION — See "use, special exception."

SPECIFIED ANATOMICAL AREAS —

- A. Less than completely and opaquely covered human genitals, pubic region, buttocks, or female breast below a point immediately above the top of the areola; or
- B. Human male genitals in a discernibly turgid state, even if completely or opaquely covered.

SPECIFIED SEXUAL ACTIVITIES —

- A. Human genitals in a state of sexual stimulation or arousal;
- B. Acts of human masturbation, sexual intercourse or sodomy; or
- C. Fondling, erotic display or erotic touching of human genitals, pubic region, buttocks or breasts, even if completely and opaquely covered.

SQUARE — Open spaces that may encompass up to an entire block, located at the intersection of important streets, and set aside for civic purposes, with landscaping consisting of paved walks, lawns, trees and civic buildings.

STACKING LANE — An area for temporary queuing of motor vehicles.

STATE — The Commonwealth of Pennsylvania.

STEALTH TECHNOLOGY — Camouflaging methods applied to wireless communications facilities and accessory equipment, which render them more visually appealing or blend the proposed facility into the existing structure or visual backdrop in such a manner as to render it minimally visible to the casual observer. Such methods include, but are not limited to, architecturally screened roof-mounted antennas, building-mounted antennas painted to match the existing structure and facilities constructed to resemble trees, shrubs and light poles. **[Added 3-14-2019 by Ord. No. 19-05]**

STORAGE — The placing or depositing of equipment, materials or inventory in a storage enclosure for safekeeping, pending further use.

STORAGE, ENCLOSED — Storage that is completely screened from view by walls and a roof.

STORM FREQUENCY — The average interval, in years, over which a storm event of a given precipitation volume can be expected to occur.

STORMWATER — That portion of precipitation which runs over the land.

STORMWATER DETENTION — Any storm drainage facility that retards or detains runoff, such as a detention or retention basin, parking lot storage, rooftop storage, porous pavement, dry wells, or any combination thereof.

STORMWATER MANAGEMENT — Any stormwater management technique, apparatus or facility that controls or manages the path, storage or rate of release of stormwater runoff. Such facilities may include storm sewers, retention or detention basins, drainage channels, drainage swales, inlet or outlet structures, or other similar facilities.

STORY — That portion of a building included between the upper surface of a floor and the upper surface of the floor or roof next above. It is measured as the vertical distance from top

to top of two successive tiers of beams or finished floor surfaces and, for the topmost story, from the top of the floor finish to the top of the ceiling joists or, where there is not a ceiling, to the top of the roof rafters.

STREET — Includes street, avenue, drive, boulevard, road, highway, freeway, parkway, lane, viaduct and any other ways used or intended to be used by vehicular traffic or pedestrians, whether public or private.

STREET CENTER LINE — The center of the existing street right-of-way, or where such cannot be determined, the center of the traveled cartway.

STREET FRONTAGE — The distance for which a lot line adjoins a public or private street from one lot line intersecting said street to the furthest lot line intersecting the same street.

STREET LINE — The dividing line between the street right-of-way and the lot as shown on the records of the Recorder of Deeds for Westmoreland County, Pennsylvania.

STREET, ARTERIAL — A street designated for large volumes of traffic movement. Certain arterial streets may be classed as limited access highways to which entrances and exits are provided only at controlled intersections and access is denied to abutting properties.

STREET, COLLECTOR — A street which primarily collects traffic from local streets and feeds it to the arterial network. Collector streets provide circulation within neighborhood areas.

STREET, CUL-DE-SAC — A street with a single common ingress and egress and with a turnaround at the end.

STREET, DEAD-END — A local street open at one end only and without a special provision for vehicles turning around.

STREET, PRIVATE — Any road or street that is not publicly owned and maintained and used for access by the occupants of the development, their guests, and the general public.

STRUCTURE — Anything built, constructed or erected which requires location on the ground or attachment to something located on the ground.

STRUCTURE, ACCESSORY — A subordinate structure detached from but located on the same lot as a principal structure. The use of an accessory structure must be accessory to the use of the principal structure or building.

STRUCTURE, DETACHED — A structure with no vertical common or party wall with another structure.

STRUCTURE, NONCONFORMING — A structure or part of a structure manifestly not designed to comply with the applicable use or extent-of-use provisions in a zoning ordinance or amendment heretofore or hereafter enacted, where such structure lawfully existed prior to the enactment of such ordinance or amendment or prior to the application of such ordinance or amendment to its location by reason of annexation. Such nonconforming structures include, but are not limited to, nonconforming signs.

SUBDIVISION — The division or redivision of a lot, tract or parcel of land by any means into two or more lots, tracts, parcels or other divisions of land, including changes in existing lot lines for the purpose, whether immediate or future, of lease, partition by the court for

distribution to heirs or devisees, transfer of ownership or building or lot development; provided, however, that the subdivision by lease of land for agricultural purposes into parcels of more than 10 acres, not involving any new street or easement of access or any residential dwelling, shall be exempted. Subdivision of land requires submission to Westmoreland County for review and approval.

SUBDIVISION AND LAND DEVELOPMENT REGULATIONS — The Subdivision and Land Development Ordinance of Westmoreland County, Pennsylvania, as subsequently amended.

SUBSTANCE ABUSE TREATMENT FACILITY — An outpatient facility used for the treatment of alcohol or other substance abuse. Such a facility shall not be established or operated within 500 feet of an existing school, public playground, public park, residential housing area, child-care facility, or place of worship that has been established prior to such facility. Includes methadone treatment facilities.

SUBSTANTIAL DAMAGE — Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed 50% of the market value of the structure before the damage occurred.

SUBSTANTIAL IMPROVEMENT — Any reconstruction, rehabilitation, addition or other improvement of a structure, the cost of which equals or exceeds 50% of the market value of the structure before the start of construction of the improvement. Includes structures that have incurred "substantial damage," regardless of the actual repair work performed. The term does not, however, include either:

- A. Any project for improvement of a structure to correct existing violations of state or local health, sanitary or safety code specifications that have been identified by the local code enforcement official and that are the minimum necessary to assure safe living conditions; or
- B. Any alteration of a historic structure, provided that the alteration will not preclude the structure's continued designation as a historic structure.

SUBSTANTIALLY CHANGE OR SUBSTANTIAL CHANGE — 1) Any increase in the height of a wireless support structure by more than 10%, or by the height of one additional antenna array with separation from the nearest existing antenna not to exceed 20 feet, whichever is greater, except that the mounting of the proposed wireless communications facility may exceed the size limits set forth herein if necessary to avoid interference with existing antennas; or 2) any further increase in the height of a wireless support structure which has already been extended by more than 10% of its originally approved height or by the height of one additional antenna array. **[Added 3-14-2019 by Ord. No. 19-05]**

SWALE — An elongated, natural or man-made depression in the land surface that is at least seasonally wet, is usually heavily vegetated, and is normally without flowing water. Swales direct stormwater flows into primary drainage channels and allow some of the stormwater to infiltrate into the ground surface.

SWIMMING POOL, PRIVATE — An accessory structure consisting of a swimming pool and/or wading pool, including buildings necessary or incidental thereto, for the exclusive use by members of a single-family household and not open to the general public.

SWIMMING POOL, PUBLIC — See "recreation, indoor" and "recreation, outdoor."

TENT — Any structure, enclosure or shelter which is constructed of canvas or pliable material supported in any manner except by air or the contents it protects.

TOWER-BASED WIRELESS COMMUNICATIONS FACILITY — Any structure that is used for the primary purpose of supporting one or more antennas, including, but not limited to, self-supporting lattice towers, guy towers, and monopoles. [Added 3-14-2019 by Ord. No. 19-05]

TRANSITION LINE — A line prescribed at a certain level of a building for the major part of the width of a facade, expressed by a variation in material or by a limited projection such as a molding or balcony.

TRANSITIONAL HOUSING — Shelter provided to no more than eight individuals for a period as long as 24 months and generally integrated with other social services and counseling programs to assist in the transition to self-sufficiency through the acquisition of a stable income and permanent housing.

TRANSPORTATION TERMINAL — The provision of a facility for the loading, unloading or interchange of passengers, baggage or incidental freight or package express between modes of transportation.

UNDERSTORY TREE — Trees that grow in the shade of taller trees.

UNIFORM CONSTRUCTION CODE — Pennsylvania's statewide building code, sometimes referred to as "UCC."

USE — Any purpose for which a building or other structure on a tract of land may be maintained or occupied; or any activity, occupation, business, or operation carried on in a building or other structure or on a tract of land.

USE, ACCESSORY — A land use that is:

- A. Customary and incidental to the principal use located on the same lot;
- B. Subordinate in area, extent and purpose to the principal use;
- C. Contributes to the comfort, convenience or necessity of the principal use; and
- D. Located on the same lot and in the same zoning district as the principal use.

USE, CONDITIONAL — A land use ,which, because of special requirements or characteristics, may be permitted in a particular zoning district only upon showing that such use in a specified location will comply with and conform to all the conditions and standards for the location or operation of such use as specified in this chapter as authorized by the City Council.

USE, EXISTING — The use of a lot or structure at the time this chapter was enacted.

USE, NONCONFORMING — A use, whether of land or of structure, which does not comply with the applicable use provisions in a zoning ordinance or amendment heretofore or hereafter enacted, where such use was lawfully in existence prior to the enactment of such ordinance or amendment or prior to the application of such ordinance or amendment to its location by reason of annexation.

USE, PERMITTED — A use allowed in a zoning district and which, upon review, has been determined to comply with the provisions of this chapter.

USE, PRINCIPAL — The primary use of any lot.

USE, PUBLIC — A use by an agency or department of the City, county, state or federal government. This shall also include buildings and premises used in the operation of the public use.

~~USE, SPECIAL EXCEPTION — A permission or approval granted to use land in a zoning district for a purpose other than that generally permitted outright in the district. The permission, or special exception, is granted by the Zoning Hearing Board in accordance with the standards contained in this chapter, provided generally that the specific application of the use would not prove injurious to the public interest.~~

UTILITIES, LOCAL — The use of a site for the provision of services that are necessary to support the development in the area and involve only minor structures, including lines and poles.

UTILITIES, MAJOR — The provision of generating plants, electrical switching facilities or primary substations, refuse collection or disposal facilities, water or wastewater treatment plants, or similar facilities.

VARIANCE — A deviation from the terms of this chapter.

VIEWSHED — The area within view from a defined observation point.

WALL, EXTERIOR — A vertical structural component of a building, which encloses habitable or usable space; a parapet extending not more than 12 inches above a flat roof shall be considered part of the exterior wall for purposes of determining signage.

WAREHOUSING AND DISTRIBUTION, GENERAL — Open-air storage, distribution or handling of materials or equipment. This use includes monument or stone yards, grain elevators, and open storage yards.

WAREHOUSING AND DISTRIBUTION, LIMITED — The provision of wholesaling, storage or warehousing services within an enclosed structure.

WATERSHED — The entire region or area drained by a river or other body of water, whether natural or artificial. A designated watershed is an area delineated by the Pennsylvania DEP and approved by the Environmental Quality Board, for which counties are required to develop watershed stormwater management plans.

WBCA — Pennsylvania Wireless Broadband Collocation Act (53 P.S. § 11702.1 et seq.). **[Added 3-14-2019 by Ord. No. 19-05]**

WETLAND — Those areas that are inundated and saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions, including swamps, marshes, bogs and similar areas.

WIND ENERGY PRODUCTION — The generation of electrical power through the use of a turbine apparatus to convert the kinetic energy of wind into rotational, mechanical and electrical energy.

WIRELESS — Transmissions through the airwaves, including, but not limited to, infrared line of sight, cellular, PCS, microwave, satellite or radio signals. **[Added 3-14-2019 by Ord. No. 19-05]**

WIRELESS COMMUNICATIONS FACILITY — The set of equipment and network components, including antennas, transmitters, receivers, base stations, cabling and accessory equipment, used to provide wireless data and telecommunications services. The term shall not include the wireless support structure. **[Added 3-14-2019 by Ord. No. 19-05]**

WIRELESS COMMUNICATIONS FACILITY APPLICANT — Any person that applies for a wireless communications facility building permit, zoning approval and/or permission to use the public right-of-way or other City-owned land or property. **[Added 3-14-2019 by Ord. No. 19-05]**

WIRELESS SUPPORT STRUCTURE — A freestanding structure, such as a guyed or self-supporting monopole or tower, electrical transmission tower, water tower or other structure not classified as a wireless support structure, that could support the placement or installation of wireless communications facilities if approved by the municipality. **[Added 3-14-2019 by Ord. No. 19-05]**

YARD — An open space, other than a court, unobstructed from the ground to the sky, except where specifically provided by the Uniform Construction Code, on the lot on which a building is situated. See also "setback."

ZERO LOT LINE — The location of a building on a lot in such a manner that one or more of the building's sides rest directly on a lot line.

ZONING DISTRICT — A specifically delineated area or district within the corporate limits of the City, for which the requirements governing use, placement, spacing, size, lot dimensions, and bulk of buildings and premises are uniform.

ZONING HEARING BOARD — The Zoning Hearing Board of the City of Jeannette, Westmoreland County, Pennsylvania.

ZONING MAP — See "Official Zoning Map."

ZONING OFFICER — See "Code Enforcement Officer."

ZONING

550 Attachment 1

City of Jeannette

Table of Permitted Land Uses
 [Amended 12-26-2017 by Ord. No. 17-10; 4-12-2018 by Ord. No. 18-05;
 5-10-2018 by Ord. No. 18-08; 3-14-2019 by Ord. No. 19-05]

KEY:

P = Permitted

C = Conditional¹

A = Accessory

SE = Special Exception¹

Use	TN	MR	CT	UC	NC	CC	RC	D	IC	II	HI
TN = Traditional Neighborhood; MR = Mixed Residential; CT = Commercial Transition; NC = Neighborhood Commercial; CC = Commercial Corridor; UC = Urban Center; RC = Regional Commercial; D = Downtown; IC = Institutional Campus; II = Industrial Innovation; I = Heavy Industrial											
AGRICULTURE											
Community garden	P	P	P	A	P			SE	A	A	
Indoor crop production										P	P
CIVIC											
Cemetery	P	P	P								
Communications equipment building										C	C
Detention facility										C	P
Educational facilities, college/university				C		C	C	C	C	C	
Educational facilities, primary/secondary	C	C	C	C	C	C			C		
Educational facilities, vocational						C		C	C	C	C
Essential services	P	P	P	P	P	P	P	P	P	P	P
Government offices				P	P	P		P	C		
Hospital services				C		C	C	C	C	C	
Library		P	P		P			P	P		
Maintenance and service facilities										C	P
Museum				P				P	P		
Non-tower wireless communications facility			A	A	A	A	A	A	A	A	A
Place of worship	P	P	P	C	P	P		C	P		
Postal facilities			P			P		P	C	P	P
Public safety facility			C	C	C	P		P	C	P	P
Railroad facilities											C

JEANNETTE CODE

Use	TN	MR	CT	UC	NC	CC	RC	D	IC	II	HI
Recreation, indoor (public)				P		C		C	P	SE	
Recreation, open space	P	P	P	P	P	P	P	P	P	P	P
Recreation, outdoor (public)	P	P	P	P	P	C			SE		
Tower-based wireless communications facility										C	C
Transitional housing		P	P								
Transportation terminal						C	C	C		C	P
Utilities, major										C	P
COMMERCIAL											
Adult business											P
Alcohol sales				P	C	C	P	C			
Alternative financial services				P		P					
Art gallery			P	P	P	P		P	P		
Assisted living facility				P		C		C	P		
Automotive, rentals						P					
Automotive, repair					SE	P					P
Automotive, sales			SE			P	P				
Automotive, washing					SE	P	P				P
Bail bond services					SE	P					
Bar/lounge			SE	P	P	C	P	P			
Bed-and-breakfast	SE	SE	SE	SE				SE			
Blood plasma center						P				P	
Building maintenance services					P				P	P	
Clinic, medical or dental			P	P	P	P	P	P	P		
Clinic, veterinary				P	P	P	P	P	P		
Club or lodge				P	P	P	P		P		
Communications services							P		P		P
Consumer repair services			P	P	P	P	P	P		P	
Convenience storage			SE			P		SE		P	P
Day-care services, general			P	P	P	P	P	P	P	P	
Day-care services, limited		A	P	P	P				P	P	
Drive-through facility			A	A		A	A	SE			
Employee recreation, lunch, health care				A		A			A	A	A
Entertainment, indoor				P		P	P	P			
Entertainment, outdoor				P				SE			
Equipment repair										SE	P
Equipment sales										SE	P
Family day-care home	P	P	P								
Food preparation, general					C	C				P	P

ZONING

Use	TN	MR	CT	UC	NC	CC	RC	D	IC	II	HI
Food preparation, limited				P	P	P		SE		P	P
Food sales			P	P	P	P	P	P			
Food truck			A	A	A	A		A	A	A	A
Forestry ²	P	P	P	P	P	P	P	P	P	P	P
Funeral services			P		P	P					
Home-based business, no-impact	A	A	A	A	A	A	A	A			
Home occupation		A	A	A	A	A	A	A			
Hotel				P		P	P	P			
Kennels						SE					SE
Laundry services			P		P	P	P				
Live/work unit ³			P	P				SE		P	SE
Mixed-use structure			P	P	P		P	P			
Motel						P	P				
Nursing facility, skilled			SE	SE					SE		
Pawnshop						P					
Personal services			P	P	P	P	P	SE	SE		
Pet services			P	P	P	P		P			
Plant nursery						P				P	
Printing and publishing				P		P		P		P	P
Professional offices			P	P	P	P	P	P	P	P	P
Recreation, indoor (private)				P			P	P	SE	SE	
Recreation, outdoor (private)				SE		SE		SE			
Residential treatment						C					
Restaurant, general				P	P	P	P	P			
Restaurant, limited			P	P	P	P	P	P			
Retail sales, convenience			P	P	P	P	P	P			
Retail sales, general				P		P	P	P			
Salvage yard											P
Service station						P	C				P
Sidewalk dining				A	A		A	A			
Solar energy production	A	A	A	A	A	A	A	A	A	P	P
Substance abuse treatment facility						P				P	P
Wind energy production	A	A	A	A	A	A	A	A	A	A	A
INDUSTRIAL											
Industrial park										P	P
Manufacturing, custom				A	A			A		P	
Manufacturing, heavy				C							P
Manufacturing, light				C						P	P

JEANNETTE CODE

Use	TN	MR	CT	UC	NC	CC	RC	D	IC	II	HI
Mineral extraction											P
Oil and gas extraction											C
Warehousing and distribution, general				P							P
Warehousing and distribution, limited				P		P				P	P
RESIDENTIAL											
Dwelling, accessory	A	A	A								
Dwelling, duplex	SE	P	P		P				A ⁴		
Dwelling, multifamily		P	P	P	P	P	P ⁵	P	A ⁴		
Dwelling, single-family	P	P	P								
Dwelling, townhouse		P	P		P				A ⁴		
Garage, private	A	A	A	A	A			A	A ⁴		
Group home	P	P	P		P						
Halfway house		P	P								
Outdoor storage shed, private	A	A	A		A						
Outdoor storage shed, temporary	A	A	A	A	A	A	A	A	A	A	A
Swimming pool, private	A	A			A						

NOTES:

1. Conditional and special exception uses are subject to the regulations in Article IV, Supplemental Regulations.
2. The Pennsylvania Municipalities Planning Code requires forestry to be a permitted use in every district.
3. A "live/work unit" combines residential and commercial and/or certain industrial uses. The commercial and/or industrial component of live/work units is restricted to those uses expressly permitted in the district that the live/work unit is located. Furthermore, only the following industrial uses are permitted in live/work units: custom manufacturing and light manufacturing. All businesses must be properly licensed according to local, state and federal law.
4. These uses are permitted in the Institutional Campus District but only as an accessory to a permitted, conditional or special exception use in this district. These uses are not regulated in the same manner as "dwelling, accessory."
5. Multifamily dwellings are permitted as part of a mixed-use structure only.

Table of Permitted Sign Types and Regulations

Type	Permitted Districts	Quantity (maximum)	Area	Width	Height	Depth/Projection	Clearance	Apex	Letter Height
Band	CT, UC, NC, CC, RC, D, IC, II, HI	1 per nonresidential use 1 per multi-family development	Maximum = 15 square feet per linear feet of facade	Maximum = 90% facade width	3 feet maximum	7 inches maximum	n/a	n/a	18 inches maximum
Canopy	UC, NC, CC, RC, D, IC, II, HI	1 per window (nonresidential use); 1 per multi-family development	n/a	Maximum = facade width	n/a	4 feet minimum	8 feet minimum	n/a	5 inches minimum 10 inches maximum
Display case	CT, UC, NC, CC, RC, D, IC, II, HI	1 per nonresidential use	6 square feet maximum (9 square feet for theaters)	35 feet maximum	35 feet maximum	5 inches maximum	4 feet minimum	n/a	n/a
Marquee	UC, NC, CC, RC, D, IC, II, HI	1 per nonresidential use; 1 per multi-family development	n/a	Entrance plus 2 inches each side	Maximum = 50% story height	10 feet maximum	10 feet maximum	n/a	3 feet minimum
Monument	All	1 per front yard (nonresidential use); 1 per subdivision or multi-family development entrance	40 square feet maximum	n/a	12 feet	n/a	n/a	n/a	18 inches maximum
Outdoor advertising	RC	1 per 1,000 feet	450 square feet maximum	25 feet maximum	20 feet maximum	n/a	n/a	n/a	n/a

JEANNETTE CODE

Type	Permitted Districts	Quantity (maximum)	Area	Width	Height	Depth/Projection	Clearance	Apex	Letter Height
Projecting	CT, UC, NC, CC, RC, D, IC, II, HI	1 per nonresidential use	6 square feet maximum	4 feet maximum	4 feet maximum	4 feet maximum	8 feet minimum	n/a	8 inches maximum
Sandwich board	NC, D, UC, RC	1 per nonresidential use	8 square feet maximum	26 inches maximum	42 inches maximum	n/a	n/a	42 inches maximum	n/a
Shingle	CT, UC, NC, CC, RC, D, IC, II, HI	1 per nonresidential use	4 square feet maximum	2 feet maximum	3 feet maximum	2 feet maximum	8 feet minimum	n/a	8 inches maximum
Signplate	CT, UC, NC, CC, RC, D, IC, II, HI	1 per nonresidential use: 1 per dwelling unit	3 square feet maximum	18 inches maximum	2 feet maximum	3 inches maximum	4 feet minimum	7 feet maximum	n/a
Window	MR, CT, D, UC, RC, IC, II, HI	1 per nonresidential use	25% of glass maximum	n/a	n/a	n/a	4 feet minimum	n/a	8 inches maximum
Yard sign	TN, MR, CT	1 per lot	6 square feet maximum	3 feet maximum (not counting post)	2 feet maximum (not counting post)	n/a	3 feet minimum	6 feet maximum to top of post	8 inches maximum

ZONING

550 Attachment 3

City of Jeannette

